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Rule of the Knowers  
The Epistocratic Challenge to Democracy

by  
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for the degree of Doctor of Philosophy in Philosophy.

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## **Declaration**

This thesis is the outcome of the research that I carried out during my time as a PhD candidate at the University of Warwick. This work is entirely my own. It has not been submitted for any other degree, neither at the University of Warwick nor elsewhere.

## Abstract

In recent years, scepticism about democracy's ability to deliver good political decisions has resurfaced. In response, some political philosophers have argued that we should replace democracy with *epistocracy*. In this political system, the exercise of political decision-making powers – including the exercise of the right to vote – is made formally conditional on a sufficient degree of political competence.

The purpose of this thesis is to evaluate the normative justifiability of epistocracy. Whereas most political philosophers firmly reject epistocracy and support democracy, I will instead defend an uncommon middle-ground view.

More precisely, I will defend what I call the *civic argument for epistemic constraints on voting*. According to this argument, voters have a civic duty (an obligation grounded in the normativity of joint agency) to uphold the demands associated with their role in political decision-making practices and owe each other compliance with this duty. Given the distinctively epistemic dimension that characterizes their role, the civic duty of voters is to act in an epistemically responsible way by exercising a cluster of epistemic capacities. I then contend that some limited constraints on participation in voting can be normatively justified as a way to ensure, as much as possible, that voters act in an epistemically responsible way.

This view provides a novel contribution to the debate, one that can resist some standard egalitarian objections to epistocracy and yet avoid some of the most radical conclusions of standard accounts of epistocracy.

## Introduction

In 2013, I voted in the Italian general elections. I remember discussing the political situation of the country with several people in the weeks leading up to and following the vote. Among all the conversations that I had, one stood out. A few days after the election, an acquaintance told me about a peculiar experience that he had at the polling station. As he went into the voting booth, he found himself in disarray because he was given two different papers to mark. This struck him as a strange thing. He had no idea what the second paper was meant for. Confused by this fact and not knowing what to do with this second paper, he decided to mark the symbol of a political party that he had never even heard of before because he inferred, from the logo of the party, that it would represent a choice aligned with his political views.

But there was nothing strange in him being given two papers to cross. All Italian citizens over the age of 25 are given two papers to mark, the reason being that Italian citizens are supposed to elect their representatives in the Parliament, which comprises both the House of Representatives and the Senate. Even more puzzling, the party that my acquaintance voted for was not at all aligned with his political views.

I distinctively remember being baffled at such a naïve attitude towards public decision-making. What is the point, I found myself thinking, of giving people the power to contribute to the making of political decisions if this is how they use this power? Isn't democracy's value diminished or corroded by such conduct? The concerns just mentioned are part of a broader set of worries about the state of the public sphere (understood as the context in which members of a political community confront each other and their views about political issues and values) within contemporary democratic societies. The emergence of new information technologies such as social media has no doubt contributed to changes in the public sphere, and phenomena such as the so-called 'fake news' have proved that these changes have a

dark side. Some fear that the public sphere has become an increasingly epistemically vicious context prone to facilitating misinformation, biases, prejudices, outright falsities, polarization and so forth. These problems impinge also on public decision-making procedures. Democracy is a political system that is defined by the fact that ordinary citizens act as political decision-makers and contribute, on the basis of their political views, to shaping the laws of the community. But if ordinary citizens develop and discuss their political views in an epistemically vicious public sphere, how can they exercise their decision-making powers properly?

These concerns, marked by scepticism about people's capacity for self-rule, are far from new in the context of political thought. On the contrary, they are part of a suspicion that has accompanied democracy since its early developments in Ancient Greece. The suspicion is, namely, that democracy grants decision-making powers to people who do not know enough about politics to make good use of these powers.

In recent years, this scepticism has been revived and has taken the shape of a positive proposal for an alternative to democracy. Some have argued that, given the political incompetence of ordinary citizens, we should replace democracy with a different political system named *epistocracy*. Even though he opposes epistocracy, David Estlund was the first to use this term, which roughly translates as 'rule of the knowers'.<sup>1</sup> According to a more recent definition, "a political regime is epistocratic to the extent that political power is formally distributed according to competence, skill, and the good faith to act on that skill".<sup>2</sup> I will call *epistocrats* those who look favourably upon such a political arrangement.<sup>3</sup> Epistocrats endorse the idea that access to political decision-making powers should be constrained by a criterion of political competence. More precisely, we have an epistocracy whenever

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<sup>1</sup> Estlund 2003.

<sup>2</sup> Brennan 2016, 14.

<sup>3</sup> Brennan 2016, Caplan 2007, López-Guerra 2014, Mulligan 2015 & 2018.

there is a formal institutional mechanism that excludes (or reduces the impact of) the input of political decision-makers that fall below a certain desired threshold of political competence or information.

This controversial alternative to democracy is the topic of my doctoral thesis. Throughout the pages of this work, I want to provide a positive contribution to the debate about its challenge to democracy, one that does justice to the concerns of epistocrats about citizens' lack of epistemic capacities in the context of public decision-making while avoiding the pitfalls that their theories are fraught with. The result will be a middle-ground position between epistocracy and democracy.

Before explaining the details of this contribution, let me briefly make an important preliminary point. A political arrangement can constrain the exercise of political decision-making powers on grounds of political competence – and hence be an epistocracy – in several ways. For example, by delegating political decision-making powers to councils of unelected experts, or by predicting or simulating the preferences of the citizenry rather than by aggregating them via ordinary voting.<sup>4</sup> I will focus on one way of instantiating epistocracy, namely on the idea of applying competence-based constraints on participation in *voting*. I will understand epistocracy as a political system in which, even if there is some kind of voting procedure, incompetent citizens are either barred from participating, or their votes count for less than those of more competent citizens.<sup>5</sup>

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<sup>4</sup> It is nevertheless important not to confuse epistocracy with different political systems. Importantly, epistocracy is not to be confused with *political meritocracy*, a political system where leaders are selected following criteria of capacity and excellence, rather than through electoral procedures. For discussions of political meritocracy, see Bell & Li 2013.

<sup>5</sup> The choice of focusing on voting is motivated by some of the fundamental premises of standard arguments for epistocracy. Epistocrats are often accused of mistakenly connecting knowledge to a legitimate claim on political authority (Estlund 2008, 3 - 4). However, epistocrats claim that this objection rests on a misunderstanding about what epistocrats want to pursue. [...] As correctly explained by Brennan, “epistocrats need not assert that experts should be bosses. Epistocrats need only suggest that incompetent or unreasonable people should not be imposed on others as bosses”. (Brennan 2016, 17). An argument for

Epistocrats tend to support competence-based constraints on voting of this kind for instrumental reasons. In their mind, what ultimately justifies putting these constraints on participation in place is the belief that this would result in an improvement of the quality of political decisions according to the most plausible parameters of assessment. We should limit the franchise according to competence because we would thus get more justice, more prosperity and, more broadly, because we would be more likely to make the right political choices.

Contrary to this trend, I will argue that some modest epistocratic arrangements – modest in that they do not envisage any ‘testing’ of voters that might lead to their disenfranchisement – can be justified without making appeal to their instrumental contribution to the quality of political decisions. My view, which I label the *civic argument for epistemic constraints on voting*, will instead appeal to the notion of joint agency in order to argue that participants in political decision-making acquire obligations that have a distinctively epistemic content.

More precisely, I will argue that when we vote we are engaged with others in a joint practice that has an overarching shared goal: making a decision concerning what kind of policies, priorities and outcomes to pursue politically. As people who are engaged in this joint endeavour, we have a positive obligation – or as I will call it a *civic duty* – to provide a proper contribution to its underlying goal. As I will explain, this entails being *epistemically responsible* – i.e. exercising a cluster of basic epistemic capacities – in how we use our voting powers. Modest constraints on participation in voting will be justified because they ensure that voters honour this normative requirement, which is built into their role as public decision-makers. This can be accomplished, for instance, by making the access to voting procedures conditional upon undertaking, either prior to voting or as part of the registration process,

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epistocracy, hence, is best understood as an argument for the exclusion of incompetent political decision-makers. I will return on this in section [1.1].

some form of competence-enhancing training. Taking part in this training would function as a proxy for epistemic responsibility and would qualify the citizen for voting, with no further selection or assessment of competence.

Before explaining the structure and details of this argument, it is perhaps worth making a few preliminary points and to mention some voluntary omissions. First, for the purposes of this work, I will understand the notion of legitimacy in a broad fashion, as the property of a political decision, institution or arrangement of being normatively justified.<sup>6</sup> My aim will be restricted to arguing for the conclusion that certain epistemic constraints on voting procedures are legitimate in this broad sense: they are normatively justified and we have sufficient reason to endorse them. I will *not* provide a full-fledged theory of political legitimacy. This means that I will not consider several issues. I will not consider whether political decisions reached as a result of the procedures endorsed by my argument are owed obedience, nor the impact that my arguments might have on the justification of political authority more broadly. Moreover, I will not outline an explicit position on the debate between proceduralism and instrumentalism.<sup>7</sup> Although

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<sup>6</sup> Political legitimacy is commonly seen as entailing the justification of political authority (e.g. Green 1988, Raz 1986). From this standpoint, legitimacy entails the moral right of a government or institution to rule and to exercise power over others. Other interpretations focus more specifically on the justification of coercive power (e.g. Buchanan 2002, Ripstein 2004). Furthermore, while some keep the two issues separated, legitimacy is often interpreted as also entailing political obligations. Under this interpretation, if a political authority is legitimate, then those who live under its jurisdiction have a moral duty to obey its commands. Others (most notably Simmons 2000) believe that the justification of a political authority should be distinguished from its legitimacy. From this standpoint, justification establishes that a state or a government are morally defensible or preferable to alternatives on the overall balance of reasons, but it does not establish their right to rule and to be obeyed.

<sup>7</sup> For those unfamiliar with the distinction, proceduralism is a label that applies to those views according to which political decisions or arrangements draw their legitimacy from some feature of the procedures (for instance, equal distribution of decision-making powers) by which they are reached or established. Instrumentalism is a label that applies to those

my view entails some implicit commitments - a compatibility with hybrid views, the rejection of pure instrumentalism, etc. -, I will not expand on this issue within the pages of this work.

Second, in virtue of the non-instrumental nature of my argument, an important strand of potential objections to it will not be discussed. Namely, I will not engage with epistemic arguments for democracy and with their potential objections to my view. Epistemic democrats like Heléne Landemore or Robert Goodin argue that democracy is epistemically superior to alternative arrangements.<sup>8</sup> Consequently, they would probably argue that democracy has already enough epistemic quality to make the epistemic constraints on voting that my argument supports either unnecessary or perhaps even damaging, as they might have epistemically detrimental effects such as reducing the diversity of voting inputs, to give one example. The reasons behind their position are not devoid of controversy. There is no consensus on the epistemic quality of democracy within the literature. However, although I hope to be able to expand on how my views relate to this particular strand of democratic theory in the future, I will set the issue aside for the time being. The work conducted in this thesis is meant to discuss whether some competence-based restrictions on participation in voting could be justified, and I will argue that they could by appealing to non-instrumental reasons pertaining to the obligations that participation in public decision-making generates. Whether the epistemic qualities of standard democratic decision-making practices undermine this justification is an issue that is tangential to the one addressed in this thesis.

Third, I will not discuss the political implications associated with implementing the arrangements envisioned in this thesis in our societies. I will provide only a few modest remarks about the

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views according to which political decisions or arrangements draw their legitimacy from the quality of their outcomes, regardless of any feature of the decision-making procedures.

<sup>8</sup> Goodin & Spiekeramann 2018, Landemore 2012.

institutional form that epistemic constraints on voting should take. As already mentioned, the primary example of an epistemic constraint on voting that I will employ is making voting conditional upon undertaking, either prior to the voting procedure or as part of the registration process, a competence-enhancing training meant to secure an epistemically responsible agency from voters. I will also explain that disenfranchisement, understood as the loss of the right to vote, is not supported by the premises of my argument.

But even if my proposal is arguably less radical than some of those advanced by standard epistocrats, it would nevertheless raise several worries about its political implications under real-world circumstances. For instance, if implemented, an arrangement such as the one just mentioned would make voting procedures more demanding and raise the cost of participation. This might discourage demographics who are already marginalized from engaging with public decision-making procedures. Or it might grant those who design the competence-enhancing training with the power to construct it in biased ways, or use it to surreptitiously promote specific political views, pieces of information or agendas.

Many more examples of this kind can be provided. Discussing these problems falls outside the scope of this thesis. I have no doubt that this appears a puzzling choice. Why construct an argument for a contentious idea and then refuse to engage with its contentious implications? The choice of not discussing the political implications of my view is motivated by two factors, one that pertains to the framing of this work, and one that pertains to an implicit assumption about the scope and aims of political philosophy.

Regarding the first factor, the ambition of this thesis is to provide what I take to be a persuasive picture of the normativity that regulates participation in voting practices, highlight its epistemic components and explain its implications on the design of political decision-making procedures. I am obviously convinced of the plausibility of these claims,

but I also recognize that my work on these issues is far from over and that several questions will remain open. Until those questions have been fully answered, I think it is best to postpone the discussion about implementation issues and their political implications. Moreover, if my conclusions are plausible, then I doubt that their value would be diminished by their controversial implications.

This claim leads us to the second factor behind my choice, which pertains to an implicit stance on the scope and aims of political philosophy. The work conducted in these pages assumes that engaging critically with issues of political legitimacy is a valuable thing to do regardless of its implications in real-world circumstances and assumes that a normative theory can be convincing, and yield an accurate picture of what we should do even if real-world circumstances discourage or even prohibit us from acting accordingly. In other words, I have no intention of denying that some of the conclusions reached here are indeed problematic, from a political point of view. Nevertheless, I will work under the assumption that, if they are accurate, the fact that they might be politically problematic should not be taken as a reason to dismiss their philosophical and theoretical value.

Having established these preliminary points, I now present the structure of the thesis and anticipate the content of its chapters.

In chapter 1, after having framed the debate around epistocracy, I will provide a critique of the standard contemporary argument for epistocracy as formulated in recent contributions.<sup>9</sup> I will argue that, as a consequence of its radical instrumentalism, the standard argument for epistocracy is unable to provide a convincing account of the epistemic responsibilities of ordinary citizens in voting. Hence, it cannot justify the claim that incompetent citizens can be permissibly disqualified from participating in voting practices. As a response to these shortcomings, I introduce a non-instrumental alternative.

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<sup>9</sup> Most notably in Brennan 2016.

The two central chapters of the thesis will be dedicated to the discussion of this alternative theory, the civic argument for epistemic constraints on voting. Chapter 2 will provide an account of special obligations called civic duties. By employing the normativity of joint agency, I will argue that participation in an institutional practice generates individual obligations for participants, conditioned on the willingness of the participation and on the moral acceptability of the practice. More precisely, I will argue that, by engaging in an institutional practice, participants commit themselves to contributing to the overarching shared goal of the practice according to their role in it, and that this generates a duty to uphold the norms of action associated with the role.

Chapter 3, which represents the core of my doctoral thesis, will apply the normative considerations just mentioned to voting practices. I will argue that voting can be understood as a form of institutional practice to which the normativity of joint agency applies. Hence, those who participate in voting procedures commit themselves to contributing to the shared goal of the practice – i.e. determining which course of political action the community should pursue – and acquire a civic duty to uphold whatever responsibility flows from their role within it. I will then show that the civic duties<sup>10</sup> associated with the role of voters have an epistemic dimension. More precisely, since voting is an agency with distinctively epistemic features analogous to those of assertion-making and bound by similar norms, voters have a civic duty to be epistemically responsible and exercise a minimum of epistemic capacities. I will then argue that, in virtue of these considerations, although permanent disenfranchisement is excluded, modest epistemic constraints on voting are justified. These should be understood as institutional mechanisms designed for the purpose of ensuring that, as much as is feasible, voters act in an epistemically responsible way. For instance, by

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<sup>10</sup> In this thesis, I will not study other civic duties that might be associated with voting.

making voting conditional upon previous participation in competence-enhancing exercises or training.

In chapter 4, I will explain how my view can resist some objections that are commonly raised against epistocracy on grounds of political equality. I will focus, in particular, on the public disrespect objection and on the hierarchy objection. The former rejects competence-based restrictions on participation in voting because they are deemed disrespectful towards citizens' capacity for political judgement, while the latter rejects them as part of a commitment to avoiding social hierarchies between citizens. I will argue that my theory can resist both of these objections. Against the disrespect objection, I will argue that the civic argument is immune to it because it does not rely on any disrespectful comparative assessment of the political competence of citizens. Against the hierarchy objection, I will argue that the civic duties associated with voting outweigh the concerns about the reciprocal standing of citizens in society that prompt the objection in the first place.

## Chapter 1 – The Standard Argument for Epistocracy

In this first chapter, my goal will be to frame the discussion on epistocracy and prepare the ground for my own contribution to the debate. The most significant part of this preparatory work will consist in providing a reconstruction and critique of the standard contemporary argument for epistocracy. I will argue that the standard argument for epistocracy fails to provide a convincing case for excluding incompetent citizens from voting procedures and that it fails precisely because of its radical instrumentalism. The shortcomings of the standard argument pave the way for a non-instrumentalist alternative to it, one that is driven by concerns about the obligations that apply to us when we participate in political decision-making procedures rather than by concerns with the quality of political outcomes.

The chapter will be structured as follows:

In section [1.1], I reconstruct the main issues surrounding epistocracy, explaining the roots of the debate and how contemporary arguments for epistocracy are best understood as arguments about the justifiability of exclusionary mechanisms that bar incompetent citizens from participating in political decision-making procedures. In section [1.2], I reconstruct the standard argument for epistocracy and highlight its instrumentalist commitments. In section [1.3] I explain the shortcomings of the standard argument. I argue that the purely instrumentalist strategy pursued by the standard argument is untenable in light of the epistemic circumstances of political decision-making<sup>1</sup> and because it is unable to provide a convincing account of the epistemic responsibilities of ordinary citizens in voting. Without such an account, the argument cannot justify the claim that incompetent voters ought to be prohibited from participating in voting practices. I conclude the chapter with section [1.4], in which I explain how the shortcomings of

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<sup>1</sup> I borrow this expression from Peter 2016(a).

the standard argument pave the way for a non-instrumentalist alternative.

### **[1.1] Epistocracy and Voting: A Preliminary Reconstruction**

As anticipated in the introduction to this thesis, an epistocracy is a political system in which political decision-making powers are distributed according to some criterion of political competence. This may happen in either one of two ways. A first option would consist in granting political decision-making powers exclusively to people who manage to meet a certain desired threshold of political competence. Under this arrangement, those who fail to meet the desired threshold are excluded altogether from contributing to political decision-making procedures. A second option would consist in granting more political decision-making powers to more competent people. Under this second arrangement, less competent people would not be entirely excluded from decision-making procedures, but their inputs would have less influence than those of more competent decision-makers.

Both arrangements have quite authoritative forefathers. The first arrangement has its roots in Plato's *Republic*.<sup>2</sup> For Plato, philosophers should be the rulers of an ideal polis, and the justification for their ruling lies in their superior wisdom. Only philosophers have developed the kind of intellectual faculties that grant them access to the domain of the Forms (the domain of objective unchangeable truths) and, in particular, to knowledge of the Good. This exclusive access makes them uniquely positioned to exercise political decision-making powers. The second arrangement has its roots in John Stuart Mill's *Considerations on Representative Government*.<sup>3</sup> Contrary to Plato, Mill did not believe that political decision-making powers should be accessible only to an

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<sup>2</sup> Plato 2000.

<sup>3</sup> Mill 1977 [1861], Volume XIX, 473 - 478.

<https://oll.libertyfund.org/titles/mill-the-collected-works-of-john-stuart-mill-volume-xix-essays-on-politics-and-society-part-2>

elite group of philosopher kings. Yet Mill questioned the idea that all citizens should have the same degree of political decision-making powers. More precisely, Mill argued for a system of plural voting in which more educated citizens would be able to cast more votes than their less educated peers. Once again, the justification for this unequal distribution of political decision-making powers rests on the superior political competence of educated citizens. In Mill's view, this is supposed to act as a counterweight to the misinformed preferences of the uneducated masses.

These two views display the key elements that are representative of most epistocratic arguments: a concern with the substantive quality of political decisions; the idea that some people are better positioned to make high-quality political decisions than others; and the idea that this difference justifies a differential distribution of political decision-making powers. But although the theories of Plato and (especially) Mill<sup>4</sup> still represent valuable sources of inspiration for some, the contemporary discussion on epistocracy has more recent origins. Contemporary epistocrats are best understood as critics of democracy that took concerns associated with the epistemic turn in deliberative democracy<sup>5</sup> to their extreme conclusions. This development in democratic theory was chiefly characterized by a renewed attention to the truth-tracking properties of democratic decision-making as well as to the substantive quality of democratic decisions.

Let me briefly reconstruct the features of this development. Roughly speaking, the deliberative tradition in democratic theory holds that political decisions ought to be reached via fair and rational discussion of competing political arguments between citizens, prior to any voting procedure. The distinctive virtue of democratic societies and procedures lies in their ability to grant a space for deliberation within

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<sup>4</sup> Mulligan 2018.

<sup>5</sup> Landemore 2017, Peter 2016(b), Urbinati 2014.

the public sphere. Democratic decisions, from this standpoint, are legitimate because, and insofar as, they are the product of a process of deliberation that allows for the exchange of reasons and of competing arguments between citizens. However, it is important to dispel a potential source of confusion concerning this last claim. Despite this emphasis on the value of discussion and rational debate, the deliberative tradition originally adopted a largely proceduralist approach to the justification of the authority of democracy. That is, deliberative democrats remained largely reluctant to defend the epistemic value of deliberation; refrained from employing any reference to the ability of deliberative practices to facilitate correct or substantively good decisions in their defences of democracy; and remained faithful to the idea that deliberative democratic procedures draw their normative justification from their ability to reflect values such as political equality or fairness.<sup>6</sup> This core idea is well summarized by Amy Gutmann and Dennis Thompson: “democratic deliberation [...] offers a moral response to moral conflict”<sup>7</sup>, and its resolution should not be understood as having the status of a correct or true answer to the issue at stake.

Part of this reluctance in appealing to the correctness or substantive qualities of democratic decisions has its roots in Rawlsian political philosophy and in its attention to pluralism and persistent political disagreement. From this standpoint, disagreement is seen as a permanent feature of societies that are inhabited by a wide variety of comprehensive doctrines, each entailing specific and incommensurable stances on fundamental issues of value (e.g. what are the features of a morally desirable and good life, the meaning of human existence, the correct ends of society, religious issues, etc.). On these matters, even people who debate in good faith and conduct their inquiries responsibly

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<sup>6</sup> Among many, see Gutmann and Thompson 1996, Manin 1987, Waldron 1999.

<sup>7</sup> Gutmann and Thompson 1996, 41.

will very likely not find any agreement. Controversy will persist, partly due to what Rawls called the burdens of judgement. These are “the many hazards involved in the correct (and conscientious) exercise of our powers of reasons and judgement”<sup>8</sup> such as the controversial status of evidence, disagreement about how to interpret them, the presence of valid claims on both sides of a debate, etc. Political issues are not immune to this kind of persistent disagreement. On the contrary, they are one of the most fertile soils for it.

This commitment to taking persistent disagreement seriously led to an approach to debates concerning the justification of political authority and of political decisions according to which these justifications ought to be framed in a way that avoids any reference to their truth or correctness. From this standpoint, supporting democratic decisions by invoking their substantive correctness or their truth would defeat the purpose of organizing our social and political coexistence around principles and considerations that are neutral with respect to the reasonable, and yet diverging, views citizens hold about issues of value.

Epistemic theories of democracy<sup>9</sup> broke away from this reluctance in appealing to the substantive correctness of democratic decisions and to the truth-tracking properties of democratic decision-making. As Joshua Cohen defines them, epistemic conceptions of democracy are characterized by the following three assumptions: “(1) an independent standard of correct decisions – that is, an account of justice or of the common good that is independent of current consensus and the outcomes of votes; (2) a cognitive account of voting – that is, the view that voting expresses beliefs about what the correct policies are according to the independent standard, not personal preferences for

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<sup>8</sup> Rawls 1993, 56.

<sup>9</sup> Among many, see Estlund (1993, 1997, 2008), Gaus 1996, Goodin (2003 and 2008 with Kai Spiekermann), Landemore 2012, Ober 2010, Peter 2009 and Talisse 2009.

policies, and (3) an account of decision making as a process of the adjustment of beliefs, adjustments that are undertaken in part in light of the evidence about the correct answer that is provided by the beliefs of others.”<sup>10</sup>

The first of these assumptions is key. In contrast with the deliberative approaches referenced above, epistemic approaches to the justification of democracy assume that there is a procedure-independent standard of correctness.<sup>11</sup> That is, they assume that there exists a standard of correctness in politics (justice, the common good, etc.) that is valid independently of the procedures by which political decisions are made and that this standard represents a criterion by which the legitimacy of political decisions (and of political decision-making procedures) can be assessed. From this standpoint, the value of deliberation does not stem from the fact that it offers a morally justified response to conflict but it is, instead, derivative from its contribution to a correct or good decision. As David Estlund puts it, why should we value deliberation and the exchange of reasons within democratic procedures, if not because we think that they bring us some epistemic benefits, such as making the better reasons emerge?<sup>12</sup> To paraphrase Helene Landemore’s reconstruction of the issue, epistemic democrats believe that when we deliberate (and consequently vote) we must be doing so because there is something that needs to be figured out and because deliberation gets us closer to the right answer.<sup>13</sup> Epistemic accounts of the authority of

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<sup>10</sup> Cohen 1986, 34.

<sup>11</sup> The influence of Rousseau’s political philosophy and of the Condorcet Jury Theorem have both played a fundamental role in the development of the epistemic approach to democratic legitimacy. The former provided a philosophical framework for the claim that properly conducted democratic procedures are a reliable tool for meeting a procedure-independent standard of correctness such as the common good (or, in Rousseau’s terms, for making the general will of the assembly emerge). The latter provided a widely employed mathematical model in support of the claim that, when certain conditions obtain, democratic electorates are comparatively more likely to make the correct decision than a small group of experts.

<sup>12</sup> Estlund 1997.

<sup>13</sup> Landemore 2017, 285.

democracy are characterized by this assumption and, moreover, by their adherence to the idea that democratic decision-making procedures, when properly constrained, are capable of yielding decisions that meet or approach this procedure-independent standard of correctness. In other words, they believe that under proper circumstances democracy can make the right decisions, figure out the common good, yield just outcomes and so forth. This epistemic quality plays a key role in making democracy a legitimate political arrangement.

In reintroducing this concern with truth, correctness and substantive justice to the debate about the justification of democratic authority, however, epistemic theories of democracy invite an instrumentalist approach to political legitimacy. The label 'instrumentalism' identifies those theories in which the legitimacy of a political decision-making procedure or institutional order depends on the substantive quality, correctness or justice of its decisions and outcomes.<sup>14</sup> According to political instrumentalism, if a political decision-making procedure or institutional order P delivers substantively better political decisions than an alternative Q, then P holds a more justified claim to legitimate political authority than Q does. In other words, once we introduce the idea that some political decisions or outcomes are better and some others are worse, then it becomes normatively important for the justification of a political decision-making procedure or order that it can effectively deliver the better decisions.

The relationship between epistemic approaches to political legitimacy and political instrumentalism is a complicated issue. Not all epistemic democrats are instrumentalists. Some of them incorporate epistemic concerns within non-instrumentalist frameworks.<sup>15</sup> Indeed, in this thesis I will adopt a similar approach. I will defend the legitimacy

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<sup>14</sup> Arneson 2003, Raz 1995, Wall 2007.

<sup>15</sup> Estlund 2008, Peter 2009, Talisse 2009.

of constraining participation in voting on grounds of competence by resorting to a non-instrumentalist justification and through an argument that is not driven by concerns with the quality or correctness of political outcomes or decisions.

That said, epistemic democrats share the belief that meeting a threshold of epistemic quality – if not at the level of political outcomes, at least at the level of the process by which the political outcomes are determined – is one of the conditions of legitimacy for a political procedure or arrangement. It is within this context that the challenge of epistocracy re-emerged. If we admit the idea that there are objective standards of justice or correctness in political decision-making and that meeting them is important; and if it is fair to assume that some people are broadly speaking more knowledgeable about them than others, then why not grant exclusive or greater power to this subset of ‘wiser’ people, exactly in the same vein as Plato’s Republic and Mill’s plural voting? Precisely because of the connection with instrumentalism, the danger of sliding into epistocracy has always been regarded as implicit in the epistemic turn described above. As Steven Wall puts it, an instrumentalist might be indeed “prepared to recommend politically inegalitarian institutions if it can be shown that they would yield better political outcomes over time”.<sup>16</sup> Hence, if epistocracy is indeed capable of yielding better political decisions and outcomes, why not endorse it?

Epistemic democrats have always firmly rejected epistocracy. Some propose mixed views in which other procedural considerations block the slide into epistocracy.<sup>17</sup> Others argue for democracy on the basis of the procedural epistemic values that democratic decision-making procedures represent<sup>18</sup>, and others by providing instrumental

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<sup>16</sup> Wall 2007, 416.

<sup>17</sup> Estlund 2008.

<sup>18</sup> Peter 2009, Talisse 2009.

arguments for the epistemic superiority of democratic arrangements.<sup>19</sup> Nevertheless, in recent years, arguments for epistocracy have resurfaced.<sup>20</sup> While they have kept faithful to the instrumentalism underlying the theories of their predecessors, these arguments have acquired a different and more up-to-date shape. Contemporary epistocrats do not argue for the instantiation of a platonic Republic. Most of them seem to take for granted that political decision-making procedures within contemporary societies ought to contain some kind of input from the citizenry. What they question is the idea that the right to provide such input should be granted to all citizens regardless of their political competence. Contemporary arguments for epistocracy are based on what Jason Brennan calls the *anti-authority* tenet: “when some citizens are morally unreasonable, ignorant or incompetent about politics, this justifies not permitting them to exercise political authority”.<sup>21</sup> As a result of this approach, they are best understood as arguments in support of the key claim that lack of political competence legitimately disqualifies people from the right to exercise political decision-making powers in the form of voting.

In this thesis, I will adopt a similar approach. I will understand epistocracy as a political system in which, like democracy, some kind of voting procedure takes place; but in which, unlike democracy, failure to possess or to master a sufficient level of political competence disqualifies from participation in the procedure. I will first reconstruct the standard argument for epistocracy and highlight its instrumentalist approach. I will then move on to show why this argument is defective.

### **[1.2] The Standard Argument for Epistocracy**

The standard argument for epistocracy is chiefly defined by its adherence to political instrumentalism. What justifies epistocracy, from

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<sup>19</sup> Goodin & Spiekermann 2018 and Landemore 2012 are the chief examples.

<sup>20</sup> Brennan 2016, Caplan 2007, López-Guerra 2014, Mulligan 2015, 2018.

<sup>21</sup> Brennan 2016, 17.

the standpoint of the standard argument, is the fact that epistocracy is deemed more likely to deliver good political outcomes – according to any plausible parameter such as substantive justice, the common good, economic prosperity, etc. – than alternative arrangements are. As is well put by Jason Brennan, the case for epistocratic arrangements rests on the idea that by constraining the exercise of voting powers in ways that either bar incompetent participants or enhance the power of more competent ones, political outcomes would be “better, more efficient, and more substantively just” than the ones produced through ordinary democratic voting.<sup>22</sup> The belief in its instrumental superiority over democracy is at the heart of most contemporary arguments for epistocracy, regardless of other differences.<sup>23</sup> The most structured formulation of the standard contemporary argument for epistocracy remains, however, the one provided by Jason Brennan in *Against Democracy*.<sup>24</sup> For the sake of simplicity, I concentrate on his argument, as it is representative of the standard contemporary case for epistocracy.

Brennan’s argument for epistocracy has three premises. The first premise consists in dismissing procedural justifications of democracy. The second step, the competence principle, serves the purpose of establishing that political decisions are legitimate and authoritative<sup>25</sup> only if they are produced through a decision-making procedure that meets certain criteria of competence. As a corollary, decision-making procedures that are more likely to meet these criteria are to be preferred over those who are less likely to do so. The competence principle paves the way for the third step of the argument: since democracy has a tendency to allow incompetent decision-makers to influence the

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<sup>22</sup> Brennan 2017, 53.

<sup>23</sup> See Mulligan 2018, 288 and López-Guerra 2014, 24.

<sup>24</sup> Brennan 2016.

<sup>25</sup> Brennan understands legitimacy as the moral permissibility to coerce, and authority as the moral power to create duties (Ibid., 149-150).

decision by allowing them to vote, it is likely to perform worse than epistocracy in this regard. Hence, epistocracy is to be preferred as it is more likely to avoid these downfalls and thereby yield better political outcomes.

Let me present, in more detail, the first step of the standard argument for epistocracy. The first step consists, quite straightforwardly, in dismissing the belief that there are valid procedural grounds to prefer democracy over epistocracy. Brennan dedicates a significant part of his efforts to this task and tries to rebut, one by one, the most common procedural justifications of democracy. He dismisses the idea that democratic rights are significant for any kind of personal empowerment or that they embody any sort of symbolic value such as public respect.<sup>26</sup> An individual vote has an infinitesimally small ability to effectively influence the outcome of a given political decision. For Brennan, it is hence unlikely to empower a specific individual in any way that is not purely symbolic. But concerns with symbolic values such as public respect are also misplaced, in light of the high-stake character of most political decisions.<sup>27</sup> Political decisions have a coercive dimension, and they can very easily have momentous consequences over the lives of people. What is at stake is way too important to let fairness, equality, respect and so forth get in the way of the more urgent goal of making the best possible decision.

More broadly, Brennan's rejection of proceduralism rests on the ideal of a division of socio-political labour in which citizens contribute to the common good of the community, develop their moral powers and pursue valuable life plans through other and much more efficacious means than by engaging with political decision-making.<sup>28</sup> From this standpoint, political decision-making should not be treated differently from any other instance of decision-making in which the stakes are very

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<sup>26</sup> Brennan 2016, 85 - 88 and 119 - 132.

<sup>27</sup> *Ibid.*, 122.

<sup>28</sup> *Ibid.*, 208 - 211.

high. The priority is securing good outcomes. For example, in a medical emergency the priority is the patient's health. The best way to secure the patient's health is letting healthcare professionals handle the relevant decisions. Those who are not healthcare professionals cannot reasonably feel disrespected by the fact that they are not given a voice in the decision. In a similar fashion, delivering the best political decision is the priority in the context of political decision-making. If one is not qualified to contribute to the decision in an appropriate way, being denied the right to influence the decision is no more disrespectful or disempowering than being denied the right to influence a medical decision.

The second premise of the standard argument is the competence principle. The principle states that "political decisions are presumed legitimate and authoritative only when produced by competent political bodies in a competent way and in good faith".<sup>29</sup> The competence principle serves primarily as a disqualifier of democracy. It is meant to establish that imposing on someone a decision that is the product of an epistemically flawed procedure is generally wrong. The more important the decision; the higher the stakes and severe the consequences, the more we should demand that it is reached in ways that avoid incompetence, biases, negligence and other epistemic vices. We want political decision-makers to avoid these vices as much as we want jurors in a trial to, just to give an example. Democracy grants the power to make high-stake political decisions to ordinary citizens. From the standpoint of the competence principle, this spells trouble because ordinary citizens tend to be, allegedly, epistemically mediocre decision-makers. This latter point is backed up by empirical studies about the competence of average voters in contemporary democratic societies.<sup>30</sup> This is not the place to discuss the conclusiveness and reliability of

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<sup>29</sup> Brennan 2016, 142.

<sup>30</sup> See for example Achen & Bartels 2016. For a recap of these studies, see Somin 2013, chapters 1 & 2.

these studies, but let us assume that it is indeed correct that a large part of the electorate is politically incompetent. According to the proponents of the standard argument, the upshot is that democracy violates the competence principle. Democratic decision-making procedures are at a high risk of bringing about suboptimal political decisions and, consequently, are generally illegitimate.<sup>31</sup>

Now, as Brennan himself recognizes, even if we were to successfully establish that democracy violates the competence principle, this would not necessarily imply that epistocracy is justified.<sup>32</sup> In order to reach this conclusion, we need a further premise, and this is where the instrumentalist approach of the standard argument emerges most strikingly. Brennan believes that if there are no reasons to value a certain political decision-making procedure  $P_1$  in virtue of its procedural features, then the value of  $P_1$  is purely instrumental. That is,  $P_1$  is valuable only insofar as it is a reliable tool for bringing about good political results.<sup>33</sup> But if  $P_1$ 's value is merely instrumental, then there is no reason not to employ an instrumentally superior decision-making procedure  $P_2$ , instead of  $P_1$ , whenever available.<sup>34</sup>

The implications for the debate at stake are the following. If there is reason to believe that a political decision-making procedure with epistocratic features – i.e. one in which the exercise of decision-making powers is restricted or shaped by criteria of political competence – performs better than a democratic one, then we should favour the epistocratic procedure. Assuming that a higher degree of political competence positively changes the quality of political preferences<sup>35</sup>, then there are presumptive (although not conclusive) reasons to think that an arrangement that bars incompetent citizens from participating

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<sup>31</sup> Brennan 2016, 14 and 21 - 22.

<sup>32</sup> *Ibid.*, 165 - 166.

<sup>33</sup> *Ibid.*, 204 - 207.

<sup>34</sup> *Ibid.*, 155 - 162.

<sup>35</sup> *Ibid.*, 33 - 34. In the next section, I will return on the contentious stance on political disagreement entailed by this position.

in political decision-making procedures would perform better than democracy. We should therefore favour epistocracy and, at least, implement it at an experimental level.

Having presented the standard argument for epistocracy in its key premises and claims, the rest of the chapter will be dedicated to the task of assessing the overall success of the standard argument, and whether it does provide a convincing justification for barring some members of the political community from participating in voting procedures. I will conclude that, as a result of both an untenable stance on the epistemic circumstances of political decision-making and of an implausible account of the epistemic responsibilities of ordinary citizens in voting, the standard argument for epistocracy cannot provide any plausible justification for the exclusion of incompetent citizens.

### **[1.3] The Shortcomings of the Standard Argument**

In this section, my goal will be to argue that the standard argument fails to deliver a convincing justification for epistocracy, and that it fails precisely because of its radical instrumentalism. Bearing in mind that I understand epistocracy as a political arrangement that employs competence based restrictions on participation in voting procedures, I will argue that the standard argument fails to justify these restrictions because (a) its purely instrumentalist strategy is untenable in light of the epistemic circumstances of political decision-making; (b) because it cannot provide a plausible account of the epistemic responsibilities of ordinary citizens in voting that could ground their exclusion from voting practices.

The most important premise of the standard argument for epistocracy is the competence principle, which provides a good point of departure for my analysis. The principle states that political decisions are legitimate only if they are reached in a competent way. Conversely, political decision-making procedures that fail to meet the desired criteria of competent decision-making cannot yield normatively

justified outcomes. As Brennan himself admits, the competence principle works primarily as a disqualifier.<sup>36</sup> That is, its function is to delegitimize democratic decision-making procedures, in that the competence principle establishes a necessary condition for legitimacy that democracy allegedly fails to meet. But having supposedly delegitimized democracy does not prove that epistocracy is justified. The argument for epistocracy needs one final step. It needs to move from the delegitimization of democracy to a claim in support of the legitimacy of epistocracy.

Standard epistocrats like Brennan seem to believe that this last argumentative step follows as a corollary of the previous ones. In their accounts, epistocracy (understood as an arrangement in which incompetent voters can be legitimately excluded from voting practices for failing to meet a desired threshold of political competence) is therefore justified because delivering good political outcomes is all that matters. From this standpoint, once the competence principle has disqualified democracy, it follows as a corollary to it that we should favour epistocracy in virtue of its instrumental superiority. We do not need to provide any further ground or justification for the exclusion of incompetent citizens from political decision-making practices. We only need to prove that, without their input, the resulting political decisions will be better. The move from a negative argument against democracy to a positive justification for epistocracy and for competence-based restrictions on the franchise is left entirely on the shoulders of the claim that, once these restrictions will be implemented, we will have better political outcomes.

This approach is, however, quite problematic, in light of the epistemic circumstances in which most political decision-making procedures take place. Most political decision-making and voting procedures take place under epistemic circumstances that are

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<sup>36</sup> Brennan 2016, 166.

dominated by epistemically justified disagreement. That is, they take place under circumstances in which, even if we accept that there is a procedure-independent standard of correctness by which to judge the quality of political decisions, we can make no appeal to this standard. This is because even competent decision-makers (and possibly experts) disagree on what political choice best approximates the standard or disagree on the properties of this standard itself. In other words, even if there is a truth to the matter in a political choice between A and B, its status as 'truth' might not be accessible to us when we make the choice. We might disagree on epistemically justified grounds on what range of properties qualifies the 'true' or correct choice. We might not be in the position to grasp all the possible implications of the political issue at stake. We might assess the possible implications differently depending on our moral commitments, and so forth.

This is not to say that all political disagreements are significant. For instance, political disagreements that originate from faulty reasoning or lack of information are not significant and they just show that one of the sides of the debate is wrong and has not assessed the issue correctly. But, unless we take a problematic objectivist stance according to which political disagreement is *always* the product of one side's improper assessment of the reasons that weigh in favour or against the political options at its disposal, then we will encounter epistemic circumstances like the ones just described in the context of political decision-making.

Why is this an issue for the standard argument for epistocracy? Because the epistemic limitations just described impact also our assessment of the quality of the political outcomes yielded by a political decision-making procedure and, hence, the claims of instrumental superiority on which the standard case for epistocracy rests. As soon as we go beyond a small set of self-evident claims (we want to avoid

poverty, we want social justice, etc.<sup>37</sup>), any appeal to the quality of a certain specific political outcome is bound to be controversial and subject to the epistemically justified disagreement described above. Again, we do not need to endorse political nihilism<sup>38</sup> in order to see this. It is enough to notice that human beings disagree on issues of value in virtue of all sorts of epistemic limitations that weigh on the exercise of their cognitive and moral powers, even in circumstances in which they reason in an epistemically appropriate way.<sup>39</sup> Unless standard arguments for epistocracy are capable to refute the relevance of this problem, and more generally the Rawlsian lesson about the burden of judgements that weigh on our political decision-making practices and capacities, they will face issues.

Take the following case. Suppose that the same political decision-making procedure, say a referendum, is conducted simultaneously through two different procedures: a democratic decision-making procedure D and an epistocratic procedure E in which incompetent voters are not allowed to cast their ballot. From a purely instrumentalist standpoint, E is justified only insofar as it delivers better outcomes than D would, and that is the sole reason that might justify the exclusion of incompetent citizens. Now we have already explained that, setting aside a very small set of obvious desiderata, there is widespread disagreement about what qualifies an outcome as “better”. If all of this is true, how are we supposed to make this retrospective evaluation? If we have no epistemic access to which option is the correct one nor to the range of properties that qualify it as correct and if we will not find any agreement on the matter in the near future, then, once the two procedures have been conducted, the epistocrat will not be able to justify the claim that

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<sup>37</sup> This may include Estlund’s requirement (Estlund 2008, 160 - 166) of avoiding *primary bads* such as war, famine, collapse of state infrastructures, systematic violation of human rights, and so forth. Notice that democracies tend to deliver quite well on this desideratum.

<sup>38</sup> Political nihilism denies that there is such a thing as truth or substantive justice in politics.

<sup>39</sup> Ottonelli 2012(a), 87.

the epistocratic procedure yielded a better outcome – if not at the price of scoffing aside epistemically justified political disagreement.<sup>40</sup> This is no small problem for the standard argument for epistocracy. If we take seriously the claim that the choice between democracy and epistocracy comes down *exclusively* to which one turns out to be instrumentally optimal, then the justification for competence-based restrictions on voting proposed by the standard argument will depend entirely on this retrospective, hopelessly controversial (when not profoundly ideological) assessment which is doomed to repeatedly encounter the problem of justified political disagreement.

These remarks show us that following a purely instrumentalist strategy takes us back to square one. Even if the competence principle were capable of genuinely establishing democracy's lack of legitimacy, it does not follow immediately that epistocratic arrangements are legitimate. The attempt at justifying them merely through appeal to their beneficial effects on the quality of political outcomes leaves the argument dependent on claims that are, at best, speculative.

Thus, we are still short of a justification for epistocratic restrictions on the franchise. Given that we cannot appeal only to the alleged improvements of political outcomes that these restrictions would yield, an alternative and intuitive option would be to rely on the idea that these restrictions are justified because voters have, qua political

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<sup>40</sup> The point that the epistocrat would be best positioned to make, is that the epistocratic procedure was able to deliver a decision conducted on more epistemically responsible terms, without committing to any further claim about the quality of the outcome. This, however, would reshape the argument for epistocracy significantly. More precisely, the case for epistocracy would have to acquire a shape similar to what Rawls called *imperfect proceduralism* (Rawls 1971, 74 - 75), rather than the pure instrumentalism advocated by Brennan. Imperfect proceduralism makes room for epistemic considerations without having to accept that getting it right is everything that matters for the justification of a decision-making procedure. From this standpoint, if the decision-making process by which the decision is reached has been conducted on epistemically responsible terms, then we did the best we could, and legitimacy is satisfied even with an incorrect decision. Puzzlingly enough, Brennan does not consider this possible framework, which is supported by the analogy with jury trials that he employs.

decision-makers, certain epistemic responsibilities that ought to be met. Incompetent voters ought to be excluded if and because they fail to meet these epistemic responsibilities. This option would be compatible with the competence principle, which disqualifies decision-makers not on the basis of the substantive content of their decisions, but on the basis of the epistemic processes by which they reach their decision.<sup>41</sup> It would be compatible also with the anti-authority tenet, and with the correlated idea that the argument for epistocracy calls for a justification for barring people from participation in political decision-making on grounds of incompetence.

However, such a justification would require an account of the epistemic responsibilities of ordinary citizens in voting. This account would have to sustain the claim that those who fail to meet these responsibilities should be denied political decision-making powers. As I argue now, the only plausible candidate provided by standard epistocrats in this regard – the account given by Brennan himself in a previous book titled *The Ethics of Voting*<sup>42</sup> – is unsatisfactory.

In that book, which is aimed at reconstructing the moral obligations of voters, Brennan argues that incompetent voting is wrongful. Whether it takes the form of unexcused harmful voting or the form of fortuitous voting, voting in an incompetent way is wrongful because it either harms the community or exposes the political community to unnecessary risk of harm.<sup>43</sup> Brennan attempts to establish the moral

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<sup>41</sup> See Brennan 2016, 155: “the competence principle does not disqualify jury decisions on the basis of their substantive content. It disqualifies jurors based on the kind of reasoning (or lack thereof) the jury used to arrive at its decision.”

<sup>42</sup> Brennan 2011.

<sup>43</sup> *Ibid.*, 68. In the former case, a voter casts his ballot for a candidate or choice that is very likely to cause harm to the political community with no valid epistemic justification. In the latter case, a voter casts her ballot for a good candidate or option but also with no valid epistemic justification. In both cases we have a form of negligence (*Ibid.*, 82). In the former case, we have a negligence that harms the community. In the latter case, we have a negligence that runs the risk of harming it.

wrongfulness of incompetent voting by postulating what he calls the *clean hands principle*. This states that “one has an obligation not to engage in collectively harmful activities when refraining from such activities imposes no significant personal costs”.<sup>44</sup> In other words, voting in the ways mentioned above is wrong because it runs contrary to a general moral duty not to engage in collective activities that are potentially harmful – provided that this abstention does not come at an unacceptable personal price – when one’s contribution is at risk of being detrimental. Voters who participate in a ballot without being competent enough to provide valuable input act wrongfully because they engage improperly in a high-stakes decision-making process, thereby exposing the political community to an increased risk of suboptimal political outcomes. These normative considerations yield an ethics of voting centred around a negative duty not to vote incompetently. Political decision-making procedures have high stakes. Ordinary citizens, since they are on average unlikely to be competent enough to provide a good contribution to political decision-making, ought to avoid unnecessary risk imposition by abstaining from voting and leave political decision-making in the hands of those who are capable of handling it properly.

This approach is coherent with the division of political labour that Brennan employs to dismiss procedural arguments for democracy.<sup>45</sup> Despite Brennan’s insistence that maximizing instrumental optimality is not always required<sup>46</sup>, the standard argument is likely to favour a demanding threshold of political competence as a prerequisite to the

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<sup>44</sup> Brennan 2011, 73.

<sup>45</sup> Brennan 2016, 43 - 44.

<sup>46</sup> *Ibid.*, 141. Brennan does not thoroughly justify this claim and given how he adamantly dismisses the value of any non-instrumental consideration it is not clear what could indeed block this maximizing strategy in his account.

exercise of political decision-making powers.<sup>47</sup> The epistemic threshold required to access political decision-making powers that the standard argument seems to favour would be something like the expertise possessed by social scientists: knowledge of economics, sociology, political theory, international relations, law, etc.<sup>48</sup> If the epistemic standards that are required to provide a meaningful contribution to political decision-making are *this* demanding, it goes almost without saying that it would be implausible to expect ordinary citizens to be able to meet them. From this standpoint, the epistemic responsibilities of ordinary citizens in public decision-making can be accounted for only in negative terms. Ordinary citizens have no duty to provide a valuable contribution to political decision-making practices. This is not part of what can be expected of them as functioning members of a political community.

The following issue arises from this account. An epistocracy is not a political system in which incompetence is merely socially reproached and in which incompetent citizens are invited to abstain from political decision-making procedures. An epistocracy is a political system in which incompetent citizens are actively excluded from participating in political decision-making procedures precisely because of their political incompetence. And as Brennan himself recognizes, a duty not to vote unless competent does not necessarily imply that there is such a thing as a right to exclude incompetent voters.<sup>49</sup> No matter how evidently wrong it is for someone to engage in a certain activity, it does not necessarily follow that the person should be barred from engaging in that activity. It is evidently wrong of me to cheat on my partner, but it does not follow that my deed should be fined or that I may legitimately

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<sup>47</sup> Brennan does not explicitly address this issue, but this seems to be the path most coherent with the premises of his framework. If epistocracy is good and justifiable only insofar as it is more likely than democracy to produce good political decisions, then the more likely this is to happen, the better.

<sup>48</sup> Brennan 2016, 28.

<sup>49</sup> Brennan 2011, 5 - 7 and 107 - 110.

be prohibited from cheating via coercive means. Similarly, incompetent citizens who participate in voting practices might be acting wrongfully, but it does not follow from this alone that they can be barred from participating. In other words, a negative approach to the ethics of voting can support a negative moral conclusion against incompetent participation in political decision-making procedures, but it provides no help in the context of an argument for the conclusion that incompetent citizens should be formally excluded from voting practices. Recall that we need a justification for excluding any individual voter who fails to meet the designated threshold of political competence. We need to justify an institutional procedure that assesses the prospective voter on that basis and that responds to his shortcomings in this sense with a reduction of decision-making powers. The competence principle could be employed to disqualify the political decision-makers that fail to meet their epistemic responsibilities. Yet Brennan's account of voting ethics denies altogether that there can be any such responsibility for ordinary citizens, because the property or standard necessary to access voting powers is defined as expertise, a standard that ordinary citizens cannot plausibly have any responsibility to meet. The argument's move would thus become problematic: if ordinary citizens have no epistemic responsibilities as political decision-makers, then how can they be barred from participating based on the claim that they failed to meet these responsibilities? Hence, a justification for exclusion based on the epistemic responsibilities of political decision-makers would require a very different account of these responsibilities than the one proposed by Brennan.

Of course, Brennan and other standard epistocrats could reply that none of this matter. After all, they never intended to pursue such an argumentative strategy in the first place. For them, the issue is not about the epistemic responsibilities of voters but rather about securing the best feasible outcomes. I can be legitimately excluded from performing open heart surgery even if I never had any duty to master

the skills necessary to perform well on the operating table in the first place, because there is an ideal outcome that needs to be secured and I am not qualified enough to give any contribution to it. On the contrary, I am very likely to do significant damage in this sense. This is what justifies denying me access to the operating table. For standard epistocrats, the same goes for voting.

The problem with this reply is that it leads us straight back to the problems highlighted in the previous paragraphs concerning the epistemic circumstances of political decision-making. These circumstances undermine the analogy employed just above. In the operating room, there is a clear ideal outcome that we want: the success of the operation and the restoring of the patient's health. We all agree on the desirability of this outcome and on what range of properties qualifies a successful surgery. In the context of political decision-making, alas, we do not agree.

Consequently, the fact that an argumentative strategy grounded in the epistemic responsibilities of ordinary citizens is not available to them is indeed a problem for standard epistocrats. With this path precluded to them, standard epistocrats are left with a theory driven more by the speculation that epistocracy will yield better outcomes than a democracy – something that can hardly be proved or disproved – rather than by a proper justification for it. In other words, the standard argument for epistocracy falls into a vicious circle precisely because of its commitment to a radical form of political instrumentalism. The justification for competence-based restrictions on voting that it proposes (which is exclusively based on the appeal to instrumental benefits) is untenable in light of the epistemic circumstances of political decision-making. The most plausible alternative would be to rely on the idea that incompetent voters can be legitimately excluded because they fail to meet their epistemic responsibilities. But, in this respect, the only account of the epistemic responsibilities of ordinary citizens in voting provided by standard epistocrats undermines the justification of their

exclusion, rather than supporting it. This leads the argument into a blind alley. The standard argument for epistocracy, therefore, must be rejected.

#### **[1.4] A Non-Instrumental Alternative?**

In the previous section, I argued that the standard argument for epistocracy fails to provide a plausible justification for excluding ordinary citizens from voting procedures. Should we then conclude that there is no plausible case to be made for restricting the access to voting procedures on grounds of political competence? Not necessarily. If the standard argument failed precisely because of the problems associated with its radically instrumental approach, then perhaps a non-instrumental alternative will provide a more convincing case.

This alternative will obviously have to avoid the same pitfalls that the standard argument is fraught with. If what leads the standard argument to failure is its commitment to a radical instrumentalism and its subsequent incapacity to attribute any epistemic responsibility in voting to ordinary citizens, what we are looking for is an argument that can indeed attribute positive epistemic responsibilities in voting to ordinary citizens. Furthermore, the argument should provide a convincing justification for constraining participation in voting practices on the basis of such epistemic responsibilities, all without resorting to the contentious and unverifiable claim that the quality of political outcomes will be improved as a consequence of these restrictions on the franchise.

In the rest of this thesis, my goal will be to present and discuss such an alternative. In this section, I give a broad overview of how I intend to proceed in this sense. I label the alternative to the standard argument that I propose *the civic argument for epistemic constraints on voting*. Let me reconstruct, in broad strokes, the premises that constitute it and that will be defended in the following two chapters.

I will interpret epistemic responsibility in voting as the requirement to exercise a cluster of basic epistemic capacities such as gathering knowledge of relevant political facts (and of the debate surrounding them when the facts are disputed); gaining a decent understanding of political concepts, issues, policies and institutions; being willing to engage with public affairs; acknowledging the complexity of political issues, and so forth. This requirement, I will argue, is built into the institutional role of voters and flows from the specific tasks and powers that characterize it. Moreover, this requirement represents the content of what I call *a civic duty of voters*, a positive duty that befalls voters and that is grounded in the normativity of joint agency.<sup>50</sup> On this view, epistemic responsibility in voting is a practical norm with an epistemic content that voters ought to comply with because, by participating in the practice of public decision-making, they are jointly committed to contributing to the underlying goal of the practice according to their role, thereby becoming mutually answerable for their behaviour. Based on these normative considerations, certain modest constraints on the exercise of voting powers can be justified. These arrangements will be defined as epistemic constraints on voting: institutional procedures aimed at securing epistemically responsible participation in voting through proxies such as making the exercise of voting powers conditional upon undertaking previous competence-enhancing training.

Breaking away from an instrumentalist approach will yield the following advantages. First, it will allow for a more plausible stance on the ethics of voting. More precisely, the civic argument does not ask voters to do anything that they cannot be plausibly regarded as having a duty to do. The argument will start, in this sense, from a familiar claim: a certain degree of competence is part of the demands associated with

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<sup>50</sup> As I explain in chapter 2, my main reference will be Margaret Gilbert's joint commitment theory as reconstructed in Gilbert 1989, 2000, 2006, 2013 and 2018.

the role of participants in public decision-making. A significant part of the work conducted in this thesis will be devoted to explaining what exactly gives an epistemic dimension to the role of voters (i.e. I will argue that voting consists in the performance of an epistemic agency analogous to assertion making) and on what grounds the requirement to be epistemically responsible is binding (i.e. because we owe it to each other and have a standing to demand it of each other as a collective engaged in the effort of making a decision together, as a group).

By showing epistemic responsibility as a requirement built into our public decision-making role, and by grounding the need to uphold this requirement in the normativity of joint agency, the civic argument will allow us to value things such as being informed, careful and attentive in voting without making any reference to their impact on political outcomes. From the standpoint that will be defended in this thesis, being epistemically responsible in voting is valuable because it represents a normatively appropriate response to the fact that we have a role to play in the collective endeavour of political-decision making, without having to commit to any further consideration about the contribution (or lack thereof) that this gives to the epistemic correctness of political outcomes.

This, in turn, will make it possible to construe a valid justification for epistemic constraints on voting that will not be driven by any contentious speculation about their conduciveness to better outcomes, but rather by the non-instrumental claim that, as people who share a commitment to engage in the collective endeavour of public decision-making, we have a shared right to demand a certain degree of security that the decision will be reached on proper terms. Notice how, from this standpoint, epistemic constraints on voting would remain justified as “a proxy for good epistemic conduct”<sup>51</sup>, even if we concede that the

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<sup>51</sup> Peter 2016(a), 143.

epistemic circumstances of political decision-making forbid or hinder any appeal to procedure independent standards of correctness.

### *Conclusions of Chapter 1*

In this chapter, I have explained why the standard argument for epistocracy is defective and suggested that a non-instrumental alternative will provide a better justification for constraining participation in voting practices on the basis of political competence or, to use my own terminology, epistemic responsibility. This alternative argument, labelled the civic argument for epistemic constraints on voting, will be presented and defended in the following two chapters. Chapter 2 will present a general account of civic duties, whereas chapter 3 will apply the account to voting practices.

## Chapter 2 – The Civic Argument, Part I: An Account of Civic Duties

In the previous chapter, I analysed the standard argument for epistocracy and argued that it falls short of its own goals. More precisely, I argued that the standard argument is untenable in light of the epistemic circumstances of political decision-making and because it reduces the epistemic responsibilities in voting of ordinary citizens to a negative duty not to vote incompetently. As a result, it cannot justify restricting participation in voting on grounds of competence. I then suggested that these shortcomings pave the way for a different and more plausible argument, one that avoids instrumentalism and portrays epistemic responsibility in voting as a positive duty.

I will now start to reconstruct and assess this alternative argument. I will advance the following set of claims. Those who participate in the practices of a political institution are under a special type of positive obligations called *civic duties*. Civic duties require that participants in these practices comply, in a thick and substantive sense, with the responsibilities associated with their role. These obligations are grounded in the normativity of joint agency: by participating with others in a collective institutional practice, we take on a commitment to contributing to its shared practical goal on the basis of the tasks associated with our role, and this makes us answerable to one another for our conduct in this regard. In the context of voting, one of our civic duties is to vote in an epistemically responsible way. This normativity justifies the application of epistemic constraints on voting procedures. An epistemic constraint on voting should be understood as a formal mechanism meant to ensure – as much as feasible – that voters effectively discharge their civic duty of epistemic responsibility. As anticipated, I will refer to this cluster of claims as *the civic argument for epistemic constraints on voting*.

The reconstruction of the civic argument will be undertaken in two steps, which correspond to the next two chapters of the thesis. The first step, detailed in the present chapter, consists in giving an account of civic duties. My aim is to provide an account that explains the crucial and most relevant elements of a civic duty, with no presumption to be able to successfully exhaust all its possible implications and normative significance. The second step, detailed in chapter 3, consists in applying the account of civic duties to voting practices, with the purpose of explaining why it justifies epistemic constraints on participation in voting procedures.

This chapter will have the following structure:

In section [2.1], I explain the basic features of a civic duty. I argue that a civic duty is an obligation that applies to those who participate in the practices and procedures of a political institution and which requires them to abide by the responsibilities and norms of action entailed by their role. Section [2.2] expands on the content of a civic duty by providing a general framework for its identification as well as some useful examples. Sections [2.3] and [2.4] are both dedicated to the task of grounding civic duties and explaining the sources of their normative bindingness. In section [2.3], I suggest that civic duties could be grounded in moral principles such as the value of shared citizenship or the principle of fairness, but ultimately express caution with respect to this idea. In section [2.4], I will instead defend the idea that that civic duties are best understood as grounded in the normativity of joint agency. In section [2.5], I will consider some issues that my argument for civic duties might give rise to. In particular, I will discuss a few preliminary conditions for incurring a civic duty, such as willing participation and the moral acceptability of the institutional practice under consideration.

## [2.1] Civic Duties: The Basic Features

In this section, my purpose is to give a preliminary account of the basic features of civic duties. To reiterate and clarify, the claims that I present in the first two sections of the chapter are just meant to describe the structural elements of civic duties. I will not provide any argument for their normative bindingness until sections [2.3] and [2.4].

Civic duties are obligations<sup>1</sup> that apply to those who participate in the procedures and practices of the political institutions of a certain community. I will start by presenting a generic definition of what I take a civic duty to be.

Generic Form of a Civic Duty: whenever X is acting in an institutional capacity within a political institution, X ought to abide by the norms entailed by that capacity.

Let me explore the definition and clarify its key elements. Whenever we talk about a normative directive of some kind – and assuming that the arguments for its reason-giving force are effective – what needs to be determined at first is to whom it applies (its subjects) and what it demands (its content). In the case of civic duties, the key notion for determining both these elements is that of ‘acting in an institutional capacity’. I understand someone as acting in an institutional capacity insofar as their agency is authorized by – or arranged according to – some institutional set of rules that specify a *role* for that agent. Having a role can be defined as possessing or having been assigned a cluster of specific tasks and powers that applies squarely because – and only insofar as – one acts within the boundaries of an institutional practice.<sup>2</sup>

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<sup>1</sup> I do not distinguish in a significant sense between ‘duty’ and ‘obligation’. What I mean by both is a directive that has normative force and that outweighs other practical considerations as well as our desires and inclinations.

<sup>2</sup> See Appbaum 1999, 46, Hardimon 1994, 334 and Searle 2005, 22.

From here onward, I will use the terms ‘institutional capacity’ and ‘institutional role’ interchangeably.

Let me explain in some more detail the framework that I am working with. Let us assume that an *institution* is a complex social structure constituted by an articulated set of interdependent practices. This set of practices has established itself in a widely recognized way and reproduces itself over time with the purpose of fulfilling a socially relevant end.<sup>3</sup> *Political institutions* are the subset of institutions whose social end is to contribute to the governance of a community of people who live in a shared territory. For instance, police forces count as political institutions, as they contribute to governance by guaranteeing law enforcement within the boundaries of the community. Another example is the Treasury, whose function is to manage and distribute public finances. To perform such functions, political institutions need to coordinate the agency of multiple individuals into a stable pattern of behaviour. This kind of large-scale co-ordination is usually achieved through the constitution of a set of rules relative to the institution and its practices. These rules constrain what individuals within it may or may not do. Quite commonly, they also comprise a division of labour and the determination of roles for those who act in the practices of the institution. As explained above, this means that some individuals acquire certain specific tasks and powers. For instance, police forces, in order to fulfil different aspects of law enforcement, will apply to some individual agent the role of police officer and to some other the role of detective. Individuals acting in these institutional capacities will have tasks and powers that are unique to them and that apply to them only insofar as they act within the boundaries of the practices of the institution under consideration.

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<sup>3</sup> Searle 2005, 21 - 22. I am including a functionalist and teleological language that Searle is largely critical of. I do not intend to delve in any significant way into this debate. For a defence of teleological accounts of institutions, see Miller 2010.

I have stated that the notion of an institutional capacity or role is key also for what concerns the content of a civic duty. Why that is the case should be quite straightforward. In the generic definition that I have given, those acting in an institutional capacity have a civic duty to *abide by the norms entailed by the capacity in question*. In my account, those who act in an institutional capacity ought to comply with the norms of action that enable them to fulfil the responsibilities associated with their role in the institution. In the following pages, I will say more about what this means and provide normative reasons in support of this claim. What is important, for now, is that the content of a civic duty follows from the pragmatic features of an institutional role and of the political institution to which the role is associated. Any attempt at identifying it will need to take into consideration these pragmatic (and contingent) features, such as the organization of the institution, its social function, etc.

Before moving on to the task of giving more details about the content of civic duties, let me briefly clarify some important points. The norms associated with institutional roles that determine the content of a civic duty are sometimes referred to as *role obligations*. The best definition of this term is the one provided by Michael Hardimon. He defines a role obligation as “a moral requirement, which attaches to an institutional role, whose content is fixed by the function of the role, and whose normative force flows from the role.”<sup>4</sup> Although Hardimon focuses on social institutions in general rather than merely on political institutions as I do, there is an evident similarity with the account that I am attempting to articulate. In both cases, what is being described are requirements that apply to a subject X squarely because X is acting in a certain capacity.<sup>5</sup> Moreover, both Hardimon and I ultimately want to show that acting in an institutional capacity changes the reasons for

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<sup>4</sup> Hardimon 1994, 334.

<sup>5</sup> *Ibid.*, 335.

action that are normatively relevant for an agent, setting up certain binding expectations as well as giving them a specific content that would not otherwise exist. In this sense, it is perfectly adequate to interpret civic duties as a special case of role obligations, namely the role obligations that arise within institutions of governance rather than within social institutions at large.

But if this is the case, then one might ask, why not just use the notion of role obligation in the first place? I will not employ this notion because I want to avoid a potential confusion related to the normative points that I will make in the following sections. The standard view in political philosophy is sceptical regarding the normative significance of role obligations, for a number of reasons.<sup>6</sup> Institutional roles might generate certain requirements and entail certain norms of action functional to their fulfilment, but it does not necessarily follow that these requirements are normatively relevant and that there is any genuine duty to comply with them. Institutional roles might be part of oppressive institutional practices or they might require immoral actions, etc. I will return to these issues in section [2.5]. For the time being, the point is that, if we accept that the responsibilities associated with institutional roles do not always have independent normative force, as it seems reasonable to do, then any account that attributes automatic normative significance to them must justify this move and explain the sources or grounds of this normative significance. As anticipated, I will argue that joint agency provides such grounds for some role obligations. Furthermore, it is worth anticipating that I will concede that there cannot be any civic duty to comply with the norms of action associated with an institutional role if this would entail supporting morally repugnant actions.

Hardimon's position on these issues is instead more ambiguous and problematic. Rather than trying to identify the sources of the normative

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<sup>6</sup> Simmons 1979, 16 - 24.

significance of role obligations, Hardimon seems to regard them as having independent and freestanding normative force. Hardimon takes the institutional capacity in which an agent is acting to be itself the source of a duty to comply with the relative requirements, at least as long as the capacity is acceptable upon rational assessment.<sup>7</sup> For instance, he criticizes the principle of fairness exactly for failing to account for the normative independence of roles.

As it will be clear from later sections, this is not a position that I endorse. Ultimately, my aim is to defend the claim that those who act in institutional capacities within the practices of a political institution ought to uphold the requirements associated with their roles because this is what their civic duty consists in. But the reason for which such a duty subsists does not come, in my view, from the capacity itself. To avoid any confusion between my position and Hardimon's, I will not be using his terminology.

## **[2.2] The Content of Civic Duties**

In this section, I will expand on the content of civic duties. Recall that, in my definition, a civic duty requires us to abide by the norms of action entailed by the institutional capacity in which an agent is acting. As explained above, this means that the content of a civic duty follows from the kind of institutional capacity under consideration and depends upon the specific tasks and powers associated with that capacity. Again, what I am looking for is, ultimately, something normatively binding. The idea is that those who act in a certain role *ought to* honour the demands associated with it because this is what their civic duty consists in. For the time being, however, I will not yet discuss the normative grounds of civic duties and limit myself to a clarification of their content.

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<sup>7</sup> Hardimon 1994, 344 - 345.

I will proceed through a generalization. If the content of a civic duty follows from the pragmatic features of the institutional capacity under consideration and from the features of the institutional practice in which the capacity is located, proceeding through a generalization seems inevitable. Political institutions vary in their contingent features, in their organization and internal division of labour, and so does each role within them. Determining the precise content of the civic duties associated with any institutional role would require us to engage in an extensive case-by-case analysis. I will undertake such an analysis regarding voting in the next chapter. In this section, I will limit myself to presenting a general account and testing its plausibility through a couple of relevant examples.

In my interpretation, a civic duty demands that one abide by the norms associated with an institutional role in a *thick sense*. What this means is that discharging a civic duty requires more than a formal fulfilment of the tasks associated with the role. Discharging a civic duty requires that we perform the tasks and exercise the powers associated with the role in a way that is substantively satisfactory. The specifics will vary according to the role but, broadly speaking, the thought is the following: those acting in an institutional capacity ought to act in ways that are substantively coherent with the purposes and values underlying the role and the institution of which it is part.

Let me explain this thought in a more detailed fashion. Acting in an institutional capacity entails a cluster of constitutive norms of action that determine what counts as performing that role in a certain context, a cluster that cannot be forfeited without forfeiting the role itself.<sup>8</sup> This cluster, which is usually formally and legally specified, establishes what those acting in the institutional capacity are allowed or not allowed to do as occupants of their roles. For instance, the police code will specify

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<sup>8</sup> Rawls 1955 explains well how practices constitutively restrict and bind an agents' discretion.

this cluster for those who act as members of the police force, determining their assignments as well as the legal boundaries of their powers.

But while these constitutive norms of action are fundamental to determining the content of a civic duty, they do not exhaust it as they mostly pertain to the sphere of legal and political obligations. What interests us is the broader sense in which one can uphold a role and abide by its requirements. Suppose I am assigned a certain task. For instance, suppose my housemates entrust me with buying groceries for the whole household. They will of course expect that I carry out the task and bring home the groceries. But that seems to tell an incomplete story about what I am expected to do. There are ways in which I can fall short of acting properly that have nothing to do with me fulfilling or not the task. For instance, my housemates will also expect me to be careful in what I buy, that I don't overspend unnecessarily, that I try to accommodate everyone's dietary preferences as much as feasible, etc. In other words, when entrusted with a certain task, formal fulfilment of the task will not be the only relevant dimension of assessment.

Let us apply this thought to acting in an institutional capacity. We explained that X is acting in an institutional capacity when X holds a cluster of tasks and powers that apply to her insofar as she acts within the boundaries of an institutional practice. If the claims offered above are correct, an occupant of that role X will not be expected to merely 'tick the box' and fulfil the tasks formally attached to the role. X's conduct will be also assessed according to further standards. For instance, if X is assigned certain powers, *how* these powers are exercised will obviously matter. Is the exercise coherent with the underlying pretext of the position that X has been entrusted to occupy, or does it clearly clash with it? When we act in an institutional capacity, there is clearly something more at stake than formal satisfaction of the tasks associated with the role. In my view, a civic duty demands more. It demands a conduct that is coherent with the rationale of the role and

with the 'spirit' of the institution as a whole. Having a civic duty means, therefore, that one is required to act in ways that uphold the norms and requirements associated with an institutional role in a thick, substantively demanding sense that cannot be reduced to abidance by formal duties.<sup>9</sup>

This twofold account of the duties of institutional actors finds support in the literature. In a recent paper, Leslie Green seems to think about the requirements associated with the role of judges in a way that employs a similar twofold account and explicitly addresses the issue in terms of the substantive expectations that apply to judges in virtue of their station within judiciary institutions.<sup>10</sup> Green is discussing Michael S. Moore's claim that the application of the law constitutes and exhausts the responsibilities associated with acting as a judge.<sup>11</sup> Green challenges this claim. Against Moore's view, he argues that the discretion allowed to judges in the use of their powers<sup>12</sup> binds them to further substantive criteria that are not formalized by the law, but that are still part of what being a judge entails from a substantive point of view. Green identifies three families of requirements in this sense: *law-applying* obligations, *law-improving* obligations and *law-protecting* obligations.<sup>13</sup> *Law-applying* obligations correspond to what I have identified as the constitutive requirements of the role. They are what being a judge consists in. *Law-improving* and *law-protecting* obligations extend

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<sup>9</sup> Indeed, it can be the case that the substantive demands of a civic duty end up conflicting with the formal requirements of a role. Law enforcement institutions such as the police provide us with very forceful examples in this regard. It is quite easy to imagine a case where police forces receive orders - which they supposedly have a formal obligation to obey - that clearly go against the values in name of which their role exists, such as being ordered to violently repress a peaceful demonstration. In such a case, their civic duty conflicts with their formal requirements. Which one wins out is a complex matter that deserves further work which I cannot undertake here.

<sup>10</sup> Green 2016, 329 - 332. Again, as Green immediately recognizes, this does not necessarily say anything about whether these norms have genuine normative force.

<sup>11</sup> *Ibid.*, 324.

<sup>12</sup> *Ibid.*, 334.

<sup>13</sup> *Ibid.*, 335 - 336.

beyond that. They require judges to use their powers in a way that upholds the judiciary institutions in a more robust sense, by behaving in ways that improve it and safeguard its integrity.

The recent work on political corruption conducted by Emanuela Ceva and Maria Paola Ferretti explores extensively the nature of the demands associated with institutional roles and leads to a similar twofold account.<sup>14</sup> The two authors discuss the following examples. Take the case of a politician who has clientelistic relations with the electorate. Even though such behaviour is not strictly speaking unlawful, from a substantive point of view it clearly contradicts the rationale of the institutional role that the agent occupies.<sup>15</sup> Ceva and Ferretti also consider the case of doctors who work for the national health-care system in Italy.<sup>16</sup> As in other countries, they are allowed to refrain from performing abortions by appealing to their conscience. But even if they do so, they are still required to give extensive support to the patient, for instance by providing information about alternative facilities. Doctors are allowed some margin of discretion in how to fulfil the latter requirement and, quite often, they act in ways that are substantively incompatible with the rationale of their role. For instance, they manipulate information, they make themselves difficult to reach out to, etc. Ceva and Ferretti explain in good detail how, for instance, this has made it extremely difficult for women in many areas of Italy to obtain proper care in this respect.<sup>17</sup>

In both these accounts, the norms of action entailed by institutional roles are conceived in a thick way. Exactly as I did above, they are conceived as entailing the requirement to exercise whatever power is

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<sup>14</sup> Ceva & Ferretti 2014 & 2018. According to Ceva and Ferretti, political corruption occurs whenever a public official bends institutional rules with the purpose of advancing a surreptitious agenda (2018, 219). From the standpoint of this work, political corruption would be interpreted as a particularly serious instance of violation of civic duties.

<sup>15</sup> *Ibid.*, 221.

<sup>16</sup> Ceva & Ferretti 2014, 132 - 140.

<sup>17</sup> *Ibid.*, 133 - 134.

associated with the role in a way that is substantively coherent with the values and ends of the role, and of the institutional practices of which the role is part. This general twofold framework is not meant to excuse us from case-by-case work, but it will hopefully facilitate the reconstruction of the content of civic duties. Identifying the content of a civic duty will nevertheless be a complex matter, bound to be open to various disputes. There will be disagreement about what it means to act in a way that is substantively coherent with the spirit of one's institutional capacity, the correct view of the ends of an institution, the rationale of an institutional role, how to distinguish behaviours that are substantively compatible with it from those that are not, etc. But, hopefully, the examples provided suffice to show how the framework is generally plausible.

### **[2.3] Civic Duties as Moral Obligations**

Up to this point, I have just explained what I take a civic duty to be. I have argued that it should be understood as the obligation to uphold – in a thick and substantive sense – the norms of action associated with the institutional capacity in which an agent is acting. Having described civic duties does not mean, however, to have argued for them. I have yet to discuss the normative grounds of these duties. I turn to this task now.

Let me offer a methodological remark first. In this work, I defend a peculiar position with respect to the normative grounds of civic duties. I argue that civic duties are grounded in joint agency. The reason why those acting in institutional capacities ought to comply with the norms of action associated with their role in the institutional practice at stake is that participation in a collective agency jointly commits them to contributing to the overarching shared goal of the practice according to their role, and this generates mutual answerability between them. That said, I recognize that the desired conclusion – civic duties do exist and are genuinely binding – can be supported in different ways. The thought

should be acceptable and plausible even for those who will not find the specific defence that I propose to be convincing.

In this section I will explore two possible arguments for viewing civic duties as moral obligations. The first argues for civic duties as associative moral obligations. From this standpoint, civic duties draw their normative force from the moral value of the relationship with our fellow citizens. The second interprets civic duties as obligations of fairness. From this standpoint, civic duties draw their normative force from the moral principle of fair play. In this section, I will reconstruct and assess both these arguments, explaining the issues that they leave open and why we should be cautious in endorsing them.

Let us start with the interpretation of civic duties as associative moral obligations. An associative moral obligation is a moral requirement that derives its force from the existence of a special relationship between two or more agents. A moral obligation is associative if its force is derived from the sheer existence of a certain morally valuable relationship rather than from other independent considerations.<sup>18</sup> There are some implications that follow from this. First, an associative duty is a moral requirement that does not exist prior to the constitution of the relevant relationship and its practices. Second, it is owed only to those with whom the relevant relationship is present and not to people in general. Third, it is a non-voluntary duty that obtains regardless of whether the relevant relationship has been freely entered. The relationships that are commonly cited as sources of these duties are those between friends, family and members of other collectives such as organizations and, importantly for us, political communities.

Given how I characterized them, it is quite easy to see how civic duties might be interpreted as associative moral obligations. Let us momentarily set aside the issue of their anti-voluntarism, as it deserves

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<sup>18</sup> Scheffler 2001, 4 - 5. Ronald Dworkin (1986, 195) defines them as “the special responsibilities social practice attaches to membership in some biological or social group, like the responsibilities of family or friends or neighbours”.

a more thorough discussion, which will be undertaken in [2.5]. Civic duties clearly share the other two features of associative moral obligations. Like them, civic duties do not exist outside the background of a political community with institutional practices that determine the roles in which an agent might act. Furthermore, they too have normative relevance only among the subset of those who happen to be involved in those practices.

Having established these similarities, an associativist argument for civic duties would take the following shape. The first claim would be that the relationship obtaining between citizens of the same political community is a good that is worth upholding and that has moral bearing on how we ought to act.<sup>19</sup> Ronald Dworkin provides what is arguably the most influential account of the moral value of shared citizenship. According to Dworkin, genuine political communities – those in which citizens commit to a basic set of principles and values because they recognize themselves in them rather than for mere convenience – create bonds of fraternity, special concern and unique regard between its members.<sup>20</sup> Suppose a premise of this kind or a similar alternative establishes the point. Political institutions and their practices represent a significant part of the context in which this civic relationship develops itself and through which its value is sustained. If this is correct, those who act in an institutional capacity acquire particularly weighty responsibilities in this regard. Granted this, it could be argued that they have a civic duty to honour the demands attached to their institutional role because this is fundamental for the flourishing of the civic relationship<sup>21</sup> or, alternatively, because this is part of what

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<sup>19</sup> This relationship is usually valued non-instrumentally. That is, it is valued as a distinctive good, to be appreciated regardless of the contribution that it gives to other valuable goods (Mason 2000, 42 - 63).

<sup>20</sup> Dworkin 1986, 201 - 202.

<sup>21</sup> Bhikhu Parekh (1993), for instance, argues on similar lines for a moral duty to act in ways that safeguard the moral and cultural capital of a community.

honouring the relationship itself is about. For instance, Seth Lazar argues that compliance with one's associative duties is morally required because being in a morally valuable relationship is a fact that deserves a morally appropriate responsiveness from those involved.<sup>22</sup> From this standpoint, a valuable relationship commands recognition for its value and this, in turn, places those involved in it under a moral duty to act in ways that reflect such a recognition. This moral duty would take, for those who act in an institutional capacity within political institutions, the particular form of a civic duty. On this view, we ought to uphold our institutional roles in a thick and substantive sense because not doing so would show neglect and disregard for the value of the relationship that binds us to our fellow citizens.

The second possible argument for civic duties that I suggest appeals to the *moral principle of fairness*. Originally formulated by Hart and later expanded upon by Rawls, the principle of fairness is strictly connected with the notion of reciprocity. The principle establishes, roughly, that if X participates in a collective enterprise that provides her and others with certain benefits, then X has a duty to reciprocate and contribute in sharing the fatigues or burdens of the enterprise.<sup>23</sup> If, overall, I do benefit from a certain cooperative scheme, *quid pro quo* I ought to do what is necessary for properly doing my part in upholding the scheme. Otherwise, my conduct would be unfair towards others who are either directly involved in the scheme or indirectly dependent upon its functioning. As Rawls himself puts it: "we are not to gain from the cooperative labour of others without doing our fair share".<sup>24</sup>

Applied to our case, an argument for civic duties based on the principle of fairness could take the following shape. Assume that the political institution in which X is acting meets, upon assessment, a certain threshold of justice or moral acceptability. X has distinctive

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<sup>22</sup> Lazar 2016.

<sup>23</sup> Hart 1955, Rawls 1964, Klosko 1992.

<sup>24</sup> Rawls 1971, 112.

tasks and powers within the institutional practice and has acquired certain responsibilities as a result. X has a civic duty to comply with the norms of action associated with her role because not to do so would be unfair and wrong towards both other participants in the practice and other citizens in general. It would be unfair because it would represent a parasitical conduct that forces others to compensate for X's lack of effort, and it would be unfair because X would be failing to deliver on the institutional responsibilities that she has been entrusted with as an occupant of that specific institutional role, thereby betraying the legitimate expectations that other citizens have with respect to her conduct.

Grounding civic duties by appealing to either of these two moral arguments has advantages. For instance, they are both intuitively powerful and fit a certain common-sense moral psychology. We do tend to regard those who fail to honour the responsibilities associated with their institutional roles as acting in a morally questionable way, and common-sense morality tends to explain this by calling upon either the value of citizenship or fairness. Yet both arguments raise controversies that should make us cautious about them. Some of these issues (voluntarism and the morality of institutional practices) also affect the argument from joint agency that I will discuss in the next section, so they will be dealt with later. Both these arguments, however, raise more immediate and distinctive issues.

On one hand, associativist arguments depend upon the premise that a civic relationship has a moral value that commands recognition. As observed elsewhere, this appeal to the moral value of citizenship and to the mutual regard that it supposedly creates might represent an unnecessary (or unwarranted) idealization of the nature of civic bonds.<sup>25</sup> Moreover, it might raise the suspicion that what is doing all the work is some independent notion of justice or a general concern

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<sup>25</sup> Simmons 2000, 78 - 79.

with equality, making the appeal to the value of the civic relationship completely redundant and – with it – the special nature of the duties resulting from it.<sup>26</sup> A similar issue emerges from the argument from fairness. Such an argument would require an account of what fair reciprocation consists in. This, in turn, would make the argument dependent upon a thicker theory of justice that provides us with some criterion to adjudicate what a fair distribution of responsibilities and benefits is<sup>27</sup>, which is exactly the reason why Rawls himself pursued the research agenda that led to *A Theory of Justice*. In the next section I will explain how a more pragmatic argument, one in which joint agency rather than some abstract morality provides the relevant normative grounds for civic duties, can deliver on the intuitions of these moral arguments without falling prey to the same difficulties.

#### **[2.4] Civic Duties as Obligations of Joint Agency**

I concluded the previous section by highlighting the difficulties generated by the attempt to ground civic duties in moral principles. In this section, I will pursue an alternative argument, one that I take to be better equipped to support the conclusions that civic duties are normatively binding. I will first present the argument and then return to its advantages at the end of the section.

My proposal is that we should understand civic duties as obligations of joint agency. I propose that the practices that articulate a political institution should be conceived as complex cases of joint agency and, in the same way as it can be shown that participation in standard cases of non-immoral joint agency grounds at least *pro tanto* individual duties on participants, the same goes for acting in an institutional capacity. More precisely, I argue that agents acting in institutional capacities have a civic duty to uphold the norms of action entailed by their roles

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<sup>26</sup> Consequently, civic duties would become an example of what Rawls calls “natural duty of justice”, which commands support for just institutions. See Rawls 1971, 115.

<sup>27</sup> Horton 2010, 92.

because participation in a collective practice *jointly commits them* to contributing to the overarching shared goal of the practice in accordance to their role within the practice.

The idea that joint agency can ground duties for participants has been defended in various philosophical accounts.<sup>28</sup> Their common claim can be roughly summarized as follows: pursuing a common action or joint endeavour with others creates sufficient practical reasons for acting according to the constraints required by the nature of the action and, absent special circumstances, thereby mutually obligates the parties involved. The account that best helps us in understanding this normativity and how it applies pertinently to political institutions is Margaret Gilbert's joint commitment theory, which will be the main reference in what follows.

Gilbert's theory revolves around the central concept of *joint commitment*, which she understands as an everyday social phenomenon.<sup>29</sup> For Gilbert, a joint commitment is not simply the coincidence of two or more isolated wills. Rather, a joint commitment is constituted when two or more people express their readiness to act *together* and pursue *together* a common action or plan.<sup>30</sup> In other words, two people coincidentally sharing the same objective in their isolated actions are not jointly committed. They are jointly committed when there is some underlying sense in which they are pursuing an overarching practical goal together, as a collective or group, and recognize such goal to be *theirs*.

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<sup>28</sup> See Alonso 2009, Bratman 2014, Gilbert 1989, 1993, 2000, 2006, 2013 & 2018, Pettit & Schweikard 2006, Roth 2004. In the pages of this thesis, I will not be able to address all sources of scepticism concerning the normative force of joint agency. I will nevertheless indirectly address some of these issues in [2.5] and, for what concerns voting, in [3.1] and [3.4].

<sup>29</sup> Gilbert 2000, 51.

<sup>30</sup> Gilbert 2006, 134 - 136.

Gilbert's basic case of joint commitment, two people walking together<sup>31</sup>, is still one of the best ways to understand the concept and how it can ground normative claims. Suppose that two agents are walking together. This might be something they have planned to do by explicitly agreeing to it, but it need not be the case. It might be something that has just happened contingently, by chance. What matters is that, as long as agents have at least a basic understanding that they are doing this thing together, that this is *their* action, then a certain relationship or standing between them is created. Namely, by walking together, the two parties have implicitly taken it upon themselves to act in ways that contribute to this activity properly and that are coherent with its overarching shared goal.<sup>32</sup> For instance, they have taken it upon themselves to maintain the same pace. Similarly, they have taken it upon themselves not to behave in ways that are detrimental to the purpose, such as running off on their own. And the reasons for not doing this will not be merely a matter of avoiding inconsistent behaviour. The crucial point is that, if one of the parties were to start running, the other would be in the position to rebuke the action or at least demand a valid justification for it.<sup>33</sup> Given that the two parties are doing something together, they both have the standing to expect and require – all else being equal – that their actions are conforming to what they were supposed to do in the first place.

This mutual answerability, as Gilbert pertinently calls it<sup>34</sup>, sustains the rationale of the practice in which the parties are engaged. A practice that requires the joint agency of multiple individuals requires participants to be in the position to expect conforming conduct from each other. If this assurance cannot be given, the practice would be

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<sup>31</sup> Ibid., 102.

<sup>32</sup> Gilbert 2000, 16 - 18.

<sup>33</sup> Gilbert 2018, 170 - 171.

<sup>34</sup> Gilbert 2000, 158 - 159 and Gilbert 2006, 153.

constantly in danger of being undermined at the arbitrary discretion of one of the parties involved.<sup>35</sup> Under such circumstances, it would be reasonable to question why we should even engage in the practice in the first place. The constant possibility of jeopardizing its original purpose would make undertaking the relevant actions together a somehow pointless endeavour.<sup>36</sup> The normative crux of Gilbert's account of joint commitments is therefore the claim that, as long as there is a shared sense<sup>37</sup> that they have set themselves out to do P, the participants are required to contribute to, and act coherently with, the overarching shared goal of P; unless valid reasons to the contrary – such as the immoral nature of P – apply.

More precisely, Gilbert claims that when joint commitments do occur, individual agents constitute a plural subject<sup>38</sup>, whose goals and intentions are deemed to have normative priority over those of the individuals who have constituted it.<sup>39</sup> I will not delve much into the idea of a plural subject. As observed elsewhere<sup>40</sup>, this might not be necessary to cash out the main feature of this interpretation of the normativity of joint agency: in virtue of the fact that they have opted into the pursuit of a common action with its pragmatic goals and characteristics,

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<sup>35</sup> This is not to deny that there might be valid reasons to exit an instance of joint agency and hence to withdraw from the correlated commitments. As I will explain in the next section, in my account blatantly immoral practices do not generate normatively significant joint commitments.

<sup>36</sup> Similar reasoning can be found in Sanford Goldberg's account of what he calls "practice generated entitlements to expect" something of someone. See Goldberg 2018, 150 - 156.

<sup>37</sup> For Gilbert, a vague understanding that you and I are doing P together is enough to constitute a joint commitment to P. See Gilbert 2006, 120 and 140 - 141.

<sup>38</sup> *Ibid.*, 144 - 145.

<sup>39</sup> *Ibid.*, 203.

<sup>40</sup> Pettit & Schweikard (2006, 32) correctly observe that the idea of a plural subject contentiously requires consistency of judgements and intentions among the individual agents of a group and that this is not necessary to understand the mutual answerability entailed by joint agency. Michael Bratman (2014, 118 - 120 and 128 - 131) similarly argues that a group of agents can be jointly committed to a specific action without there being any plural subject underlying their actions.

participants are answerable for how they handle themselves, at least as long as they act within the boundaries of the joint agency.<sup>41</sup>

I should make clear that the expression ‘opting into’ is crucial for understanding where the normative bindingness comes from. Gilbert’s account of the normativity of joint agency has been pertinently defined as a “nonvoluntarist contract theory”<sup>42</sup> and as yielding a “quasi-contractual”<sup>43</sup> normativity. The notion of joint commitment incorporates the idea that some form of willingness to participate in a practice is necessary for normative constraints to materialize. I will return to this more extensively in section [2.5]. The important point is that the normative bindingness, in this account, comes from the fact that by willingly taking part in a joint action or practice one has – as implicitly and subtly as this might have come to happen – taken it upon oneself to contribute to the fulfilment of its overarching practical goal. It is implied in the participation that an agent has underwritten the set of behavioural rules and mutual expectations functional to the performance of the practice. These are now limits to his discretion<sup>44</sup>, and others have gained a standing to advance normatively valid demands on his agency with respect to those rules.<sup>45</sup>

Gilbert’s joint commitment theory has been developed, over the years, into a sophisticated theory of political obligation. In her account, joint commitments are the structure of all cases of joint agency.<sup>46</sup> This leads to the interpretation of political societies as plural subjects, whose members are jointly committed to upholding the institutions of the society and have political obligations in virtue of this.<sup>47</sup> Gilbert’s

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<sup>41</sup> This answerability can also be explained in terms of mutual betrayal, reciprocal trust and owing each other something. See Gilbert 2006, 149 - 156.

<sup>42</sup> Simmons 2000, 73.

<sup>43</sup> Peter 2012, 600.

<sup>44</sup> Gilbert 2006, 134 - 138 & Gilbert 2018, 236 - 237.

<sup>45</sup> Gilbert 2006, 146 and 156 - 157.

<sup>46</sup> *Ibid.*, 100 - 101.

<sup>47</sup> *Ibid.*, 14.

interpretation of political societies as plural subjects is complex, sophisticated and controversial. Again, we do not need to endorse her whole framework to support the argument for civic duties.

Even without full adherence to a plural-subject theory of political obligation, it is not uncommon to interpret political societies as cooperative joint schemes whose backbone is constituted by a network of political institutions.<sup>48</sup> Correlatedly, it seems acceptable to interpret political institutions as joint practices revolving around a set of associated rules that are in place with the purpose of coordinating the interlocking agencies of the participants. These associated rules, on the basis of certain immanent features and aims, specify a division of institutional labour that determines different institutional capacities. Acting in these capacities burdens their occupants with specific expectations, tasks and responsibilities that are meant to contribute to the shared goal of the practice. The joint commitment approach helps us to understand why there might be a civic duty to meet these responsibilities: the duty stems from the implicit commitment to contribute to the overarching shared goal of the practice that an agent takes on board through participation.

Let me explain the reasoning with more detail, as it is particularly important for my purposes. Let us call a political institution 'P'. Participation in the practices of P is participation in a collective endeavour. P is not something that an agent X does on her own. It is a practice that has immanent features, including a certain division of labour, and that requires coordination between various agents. Provided that a few conditionals – to which I will return in the next section – obtain, then, by participating, *X takes it upon herself* to concur with others in the fulfilment of the collective action; and this commits X to contribute to P's overarching shared goal (in this case the performance of an institutional function within the political body of

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<sup>48</sup> Rawls 1971 and Hart 1955 are good examples in this regard.

society). The act of participating entails, as a latent normative feature, that X underwrites the set of immanent institutional norms necessary to uphold P, including those related to specific roles. These are now norms that apply to her as well and, importantly, X is now answerable to others for how she performs her part within the dynamics of P. From this standpoint, X has placed herself in a situation where there is a collective action unfolding, shared among many parties and that contains certain overarching goals. These goals have normative bearing on her agency for, as long as X's actions take place within the boundaries of the practice, X cannot ignore that something collective is at stake in his individual agency. A normative standing, characterized by mutual answerability, is thereby instantiated between the participants in the institutional practice. This might not determine in a conclusive way what X has reason to do<sup>49</sup>, but it nonetheless weighs quite significantly and places X under certain obligations.

An example might further help in cashing out this point. During my PhD, for a couple of years, I have been one of the organizers of a cycle of seminars in my Department. This was (and still is) an institution of the Department. It is a stable set of practices with associated rules, including a division of labour with specific roles and correlated expectations. When I first became involved in this endeavour, I did not swear an oath or sign any contract. And yet by taking part in a practice that was itself part of a larger institutional dynamic, I acquired a certain role within that dynamic. I acquired a cluster of specific tasks and powers that are functional to the fulfilment of certain responsibilities and made myself answerable for how I handled myself in that situation. Others counted on me to act in ways pertinent to my role and to the function of the institution in the Department. Misbehaviour on my part would have given others the authority to at least demand justification.

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<sup>49</sup> Gilbert (2006, 257 - 260) argues that obligations of joint commitment give sufficient but not conclusive reasons for action. I return on this in section [2.5].

The reason for which I had a duty to uphold the norms relevant to my role as organizer is hence not the sheer fact that this was my job description. I had a duty to fulfil my job description because this was entailed by willingly embarking upon a collective commitment. By taking it upon myself to be a part of that commitment, I recognized a certain cluster of expectations as something relevant for my agency and became answerable on the basis of these expectations.

Now, going back to political institutions, their difference with the case of my involvement in a Departmental practice is a difference in scale and implication, not a structural one. The normative considerations that are relevant for simpler and small-scale cases of participation in collective practices are *even more relevant* for participation in the practices that underlie political institutions, given their impact on our communal lives. As citizens living together in a political community our individual actions will often be limited by collective institutional practices. These will contain certain immanent rules and expectations that alter what we may or may not do once we act within their boundaries. The quasi-contractual approach to the normativity of joint agency employed by Gilbert can give us a plausible explanation of why we have a civic duty to uphold the requirements associated with whatever institutional role we are entrusted with.<sup>50</sup> We have such a civic duty because this is what we are in the position to expect – and have a standing to demand – of each other as agents who, in concert with others, have committed ourselves to the pursuit of a certain practical goal that underlies our collective action.

Before moving on to further tasks, let me briefly conclude by making explicit what I take to be the main advantage of this line of argument compared with the associativist and fairness-based lines mentioned in the previous section. The advantage is the following: grounding civic

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<sup>50</sup> Gilbert 2006, 156 - 163.

duties in joint agency, I believe, delivers on the associativist and reciprocity-based intuitions of the moral arguments mentioned in section [2.3] in a more pragmatic and less idealized way.<sup>51</sup> The argument for civic duties that I have defended in this section locates the source of their normative bindingness in a pragmatic fact pertaining to our social interaction. We have certain institutional practices in place; these practices have goals to be accomplished. Provided that these practices are not morally repugnant, once we acquire a role within them, these goals place us under a duty to act in ways that are coherent with the spirit of the collective endeavour at stake. From this standpoint, what generates civic duties is something that we can point our fingers to: a collectively relevant practice is taking place, we are visibly involved in it as participants who have acquired specific tasks, and, because of this involvement, certain individual obligations follow. Rather than a moralistic appeal to the value of citizenship or fairness, it is the pragmatic fact that we are trying to accomplish something together, as a group of people, that generates the relevant duties.

### **[2.5] Voluntarism, Underlying Awareness & Immoral Roles**

Thus far, I have kept referring to the idea that civic duties apply – and hence that the claims advanced in the previous section are correct – only if a few conditionals are in place. I have yet to specify what these conditionals are. I will turn to this task in this section, which is also meant to address some potential issues raised by my argument and to clarify some of its most controversial aspects.

In the account defended thus far, civic duties are portrayed as obligations attached to institutional roles and grounded in joint agency. More precisely, I have argued that civic duties apply to those who act in an institutional capacity, that they require upholding the norms of action associated with the role, and that they apply because

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<sup>51</sup> Ibid., 264 - 266.

participation in an institutional practice implicitly commits the agent to contributing to its overarching practical goal.

This argument might raise a few standard worries.<sup>52</sup> The first can be defined as the *morality* worry: something like a civic duty can exist only if the institutional capacity in which an agent is acting – as well as the requirements associated with it – meets a threshold of moral justifiability.<sup>53</sup> The second can be defined as the *voluntarism* worry: something like a civic duty can subsist only if the agent has voluntarily subscribed to the institutional capacity (and practice) in which they are acting. Unless my account can satisfactorily dispel these worries, the conclusion that acting in institutional capacity entails genuine civic duties will be fragile.<sup>54</sup>

Let me start with the morality worry. As critics often point out, even if acting in an institutional capacity entails certain responsibilities as well as norms of action functional to their fulfilment, these have no normative strength – and consequently there is no such thing as a civic duty to meet them – unless both the role and the institution of which it is part meet a threshold of moral acceptability.<sup>55</sup> If the set of institutional practices in which I am involved has an immoral overarching shared goal or if my role requires me to do something morally repulsive, then how can there be anything like a civic duty to comply with those responsibilities or to contribute to that goal? There is indeed an overwhelming abundance of examples in which political

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<sup>52</sup> For noteworthy accounts of these and similar worries, see Applbaum 1999, Scheffler 2001 and Simmons 1979.

<sup>53</sup> Simmons 2000, 95 - 96.

<sup>54</sup> Simmons raises these worries against associativist positions in general (Ibid., 71) and does not make distinctions between associative moral obligations and quasi-contractual obligations of joint agency.

<sup>55</sup> Simmons 1979, 16 - 23. Despite his claim that institutional roles have freestanding normative force, Hardimon's account of role obligations shows again some ambiguity, in that it comprises also a similar requirement of acceptability, according to which the responsibilities associated with institutional roles are normatively binding only if they are acceptable upon an assessment that shows the role to be "(in some sense) meaningful, rational, or good" (Hardimon 1994, 348).

institutions ask unspeakable things of those acting in institutional capacities. Think about those who act in the institutional capacity of executioner in penal systems that employ the death penalty. Sure, they have joined the institutional collective practices that constitute the penal system and they have thereby committed to doing their part, which entails certain norms of action. But how can there be a genuinely normative and reason-giving civic duty to act faithfully to their role and to the ends of the institution as a whole, given that such rationale involves the killing of convicts, which is arguably morally repugnant?

Gilbert's position on this issue is complicated. She argues that the obligations generated by a joint commitment do not conclusively determine what an agent ought to do but that they are nevertheless genuinely binding. This entails that even if they can only be trumped by a different obligation and not by inclinations or self-interest considerations, they do not conclusively settle the question of what one morally ought to do.<sup>56</sup> I will *not* follow her. I will instead be more concessive: in my view there are no civic duties if a joint institutional practice is immoral or repugnant or if a role requires morally repugnant actions from its occupants. The normativity of joint agency fails to ground a genuine obligation to comply with the requirements associated with an institutional role in those circumstances in which this would entail supporting morally repugnant actions or practices. The present account does not need to be overambitious. I want to keep the door open to the possibility that political institutions might generate requirements that no joint commitment to pursue a shared collective goal could justify.<sup>57</sup> In these – perhaps not uncommon – cases, no civic duty to uphold these requirements occurs.

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<sup>56</sup> Gilbert 2006, 257 - 260.

<sup>57</sup> At the same time, it is important to notice how someone who is acting in an institutional capacity cannot be discharged of her civic duty for just *any* moral reason whatsoever. Whether a proposed reason is sufficiently weighty to cancel the requirement of a civic duty

Let me now turn to the second worry, voluntarism. This term identifies the idea that even if a certain practice or relationship generates special requirements or responsibilities that do not otherwise exist, this says nothing of normative relevance unless the agent has expressed some voluntary undertaking of these responsibilities.<sup>58</sup> This goes for civic duties as well. From this standpoint, X has a civic duty only insofar as X has provided a significant expression of voluntary acceptance of her particular role and of the norms associated with it.<sup>59</sup> If no such expression has occurred, then the agent has no normatively significant duty<sup>60</sup> binding her to those norms, let alone a duty to uphold them in the substantive and thick sense that I have described in my account. From this standpoint, the argument for civic duties that I have provided might be seen as quite problematic. More precisely, the argument for civic duties employs a notion (Gilbert's joint commitment) that does not make room for a robust expression of intentionality. In Gilbert's interpretation of the normativity of joint agency, an agent can opt into a shared practice in very subtle and implicit<sup>61</sup> ways, ranging "from a sort of very informal or tacit agreement to a loose, rather vague mutual understanding".<sup>62</sup>

This is a pertinent and important challenge. However, a lot of its force hangs on what we take the voluntary clause for assent or acceptance of a role to consist in. I will advance the following view.

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is something that needs to be shown case-by-case and cannot be petitioned out of principle. The burden of proof, therefore, is on the refuter of a civic duty and it is quite significant.

<sup>58</sup> Jeske 2002.

<sup>59</sup> I discuss the conditional of a significant understanding of the responsibilities associated with a role right below.

<sup>60</sup> Simmons maintains (2000, 95) that we might have institutional obligations also because acting in an institutional capacity might help us discharge an independently justified natural duty of justice.

<sup>61</sup> See Gilbert 2018, 198 - 200 and 215 - 216. For instance, according to Gilbert the recognition that one is indeed part of a large-scale joint commitment, such as that of a political institution, can be expressed through means as subtle and implicit as referring to the institution as being 'ours'. See also Gilbert 2006, 242 - 245.

<sup>62</sup> Simmons 2000, 74.

While participation in a practice needs to be willing in some modest sense for a civic duty to be incurred, voluntary acceptance of the role through an explicit pledge or act of consent is not necessary. Suppose that X is acting in the institutional capacity of tax collector within the institution of the Treasury. I have argued that X ought to act in ways that are faithful to her role and to the ends of the institution of the Treasury as a whole because she has a civic duty to do so grounded in her joint commitment to contribute to the overarching goal of a shared practice. Voluntarist critics would claim that this is true only if X has voluntarily assented to act as a tax collector. My take is that whether this is a valid point depends on how we flesh out the notion of ‘voluntarily’.

On a restrictive interpretation, the notion entails some kind of contract or promise. This would lead to the claim that X has the civic duty mentioned above only if X has “freely promised or contracted”<sup>63</sup> to act in the capacity of tax collector. This seems an excessively strong and simplistic position. Simmons himself discards it while discussing Hardimon’s account of role obligations. He agrees with Hardimon at least on the fact that not all institutional duties are acquired through direct promissory or contractual acts and even acceptance of the correlated responsibilities need not be explicit.<sup>64</sup> So let us assume that voluntariness should not be taken in its strongest form and interpreted in an excessively narrow sense, as necessarily entailing an oath or some kind of explicit pledge.

Even if this is true, the challenge still has some force to it. While an explicit contractual or promissory act might not be necessary, something like a civic duty cannot simply befall us. If X acting as tax collector is just the result of the role being imposed on her through threats of violence, then it is hard to see how X can have any genuine

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<sup>63</sup> Simmons 2000, 94.

<sup>64</sup> *Ibidem*. See also Hardimon 1994, 356 - 357.

duty to comply with the responsibilities associated with her role, let alone to do so in a thick sense.<sup>65</sup> We must therefore find some middle ground or compromise between the plausible intuition that institutional roles cannot generate civic duties if they are simply imposed on us, and the equally plausible intuition that accepting a role does not require an explicit contractual pledge.

My proposal is to introduce a *willingness* clause.<sup>66</sup> I use ‘willingly’ as a term that stands for anything that gets X in the role as a result of the exercise of X’s conscious agency. X does not need to explicitly assent to taking on a certain role nor does he need to accept all its norms in order to satisfy this clause. It is enough, from this standpoint, that X perform an act that results in X becoming a participant in the practice. In other words, X is exempt from his civic duty only if it can be shown that he did not perform any such action.

If we accept this weaker formulation of the voluntariness clause, then the voluntarist challenge takes the following form: agent X is bound to a civic duty only if X has incurred it as a result of a willingly performed act that pushes his agency into the boundaries of an institutional role and practice. What will count as an act that meets this clause will depend on the role under consideration and, in the next chapter, I will explain how to meet it in voting. Notice, for the time being, that in the case of most institutional roles there are easily identifiable ways to satisfy the clause. Depending on how an institutional practice is structured, there are many relatively clear ways in which one signals willingness to participate. We enter the boundaries of institutional capacities usually through easily identifiable actions. We enlist in the army, we apply for a job at the Treasury, etc.

If we take this willingness clause as plausible, then grounding civic duties in joint agency does not seem to pose that much of a problem.

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<sup>65</sup> As well put in Scheffler 2001, 54: “one cannot simply find oneself with such responsibilities without having done anything at all to acquire them”.

<sup>66</sup> I thank David Estlund for suggesting the use of this terminology.

The need for some kind of willingness in ‘joining’ or ‘opting into’ a role is explicitly recognized by the argument, and this seems to provide that balanced middle-ground solution that we were looking for. On the one hand, the argument recognizes that participants in a collective endeavour are not bound to their civic duties without some form of commitment on their part. On the other hand, it allows for thinner and more implicit ways of expressing such commitment. In this sense, the fact that an account of civic duties based on a Gilbertian interpretation of the normativity of joint agency incorporates both contractual and associative elements seems to be a virtue rather than an inconsistency. It allows us to resist the difficult thought that we might incur a civic duty to uphold an institutional role regardless of any willingness or expression of commitment on our part. But it allows us to resist the equally difficult idea that such willingness needs to be somehow explicitly stated in the form of an agreement to participate in the institutional practice and to all its immanent norms.

Supporters of a more robust form of voluntarism might still argue that willingness is not enough, as it can give us only thin acquiescence rather than anything definable as an actual engagement to do our part. In other words, willingness to go along is neither agreement nor consent.<sup>67</sup> But this does not seem a valid reply when pitted against my argument. Recall that I am borrowing elements from Gilbert’s account with the intention of making a point about the normativity of participation in institutional practices rather than about political obligations at large. In this sense, recall the example that I gave above, the one about my role as organizer of a cycle of seminars. Suppose that, halfway through the academic year, I had started to deny that I had any obligation to fulfil my responsibilities by saying that my acts should not have been understood as anything more than mere acquiescence, and that I did not express any explicit intention to acquire the role and the

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<sup>67</sup> Simmons 2000, 75. For Gilbert’s own replies to this point, see Gilbert 2006, 266 - 274.

responsibilities associated with it. I cannot see how that could have counted as a normatively robust excuse not to fulfil my responsibilities.

To recap, the analysis conducted in this section should lead us to the following conclusion. An agent acquires a civic duty to abide by the norms entailed by the institutional capacity in which they are acting only if the following conditions obtain:

- The practical goal of the joint practice must not be morally repugnant. Call this the *morality* condition.
- The parties to the joint practice must have willingly expressed some readiness to participate. Call this the *willingness* condition.

In the next chapter, I will focus on how these conditions are satisfied in the context of voting and explain how voting is a practice that grounds civic duties on participants. But, before moving on, there is one final issue that my account of civic duties needs to deal with. Some might argue that even if you willingly acquire a role R, it is not straightforward that this results in your incurring the responsibilities associated with it if you had no way to know that R came with these responsibilities. In other words, one cannot be said to have incurred a civic duty to  $\phi$  unless, upon participation or acquisition of the role, it was clear to them that  $\phi$ -ing would be among the norms of action that would follow. Call this the *underlying awareness* worry. Hence, it might be argued that an agent is bound to her civic duties only if a further condition applies. Namely, only if the parties to the joint practice are aware of the fact that they are taking on a role in a collective institutional practice with a shared practical goal and are aware of the norms that follow from this.

This worry is going to be particularly important in the context of voting, but it is nevertheless worth spending some words on the issue now. I am willing to concede that underlying awareness is necessary to incurring a civic duty. But we should be clear that only the first of the layers of awareness mentioned above is truly necessary. Awareness of having the role – of having been assigned a cluster of institutionally defined tasks and powers – is indeed necessary before one can incur a civic duty. If I do not know that I have entered an institutional practice with a shared practical goal with a role to play, then I have no civic duty. I cannot be obligated to fulfil responsibilities that I had no idea that I had in the first place. But once this first layer of awareness is in place, this is enough to commit us to what follows from it.

The reason is the following. A civic duty is a normative constraint that is meant to regulate the performance of the tasks and powers associated with an institutional role. As explained above, a civic duty entails more than mere formal compliance. A civic duty requires honouring the role, so to speak, and taking seriously the tasks and powers that come with it (at least, again, assuming that the practice of which the role is part is not an immoral practice). Consequently, it seems quite clear that being aware of the norms of action and responsibilities entailed by the role is not a condition without which a civic duty fails to apply; it is part of the content of the civic duty itself.

To be more precise, unless it is unreasonable to expect some degree of underlying awareness concerning what the institutional role consists in, failure to understand the norms of action that follow from it is not exculpating. It represents, rather, a further normative shortcoming: in exercising an institutional role without awareness of the responsibilities that flow from it, one is already falling short of one's civic duty. If I am aware of having incurred the role – or if this is a fact that is easily accessible to me and of which I should be aware – then I cannot claim ignorance of my responsibilities, or of what it would take to fulfil them, as an excuse. Doing so would signal that I failed to take the role

seriously in the first place, and that I hence already violated my civic duty. This thought seems to capture our intuitions about the norms that regulate the performance of institutional roles. After all, even if it were to be the result of ignorance, we would never justify or excuse the conduct of a member of the police force that abused their powers or that employed them arbitrarily, just to make a rather poignant example.

### *Conclusions of Chapter 2*

In this chapter, I have provided an account of civic duties. I have argued that a civic duty is an individual obligation that applies to those acting in institutional capacities within the practices of a political institution. A civic duty requires its subjects to abide by the norms of action associated with their role in the practice, and to do so in a thick sense, by acting in ways that are substantively coherent with the goals, values and ends of the role and of the institution as a whole.

I have then explained that civic duties are grounded in the normativity of joint agency, understood in Gilbertian terms. According to this view, participation in a collective institutional practice generates a joint commitment to contributing to its overarching shared goal according to the specific requirements associated with one's role, and this creates a relationship of mutual answerability between the participants in the practice.

In the next chapter, I show how the account of civic duties applies to voting and what follows from this application. I will argue, in particular, that voters have a civic duty to be epistemically responsible and that this, in turn, justifies modest epistemic constraints on participation in voting procedures.

### **Chapter 3 – The Civic Argument, Part II: Epistemic Responsibility & Epistemic Constraints on Voting**

In the previous chapter, I argued that acting in an institutional capacity generates special obligations called civic duties. They demand that an agent uphold, in a thick sense, the norms of action entailed by the institutional role she is occupying. Civic duties are a particular instance of obligations of joint agency. X ought to uphold the civic duties that apply to her because, upon joining a collective institutional practice, X takes it upon herself to contribute to the overarching shared goal of the practice. As long as the practice is not morally repugnant, its goal weighs normatively on how X ought to act, and X becomes committed to contributing to this goal in accordance with her role, becoming answerable to the other participants for her behaviour.

In this chapter, my purpose will be twofold. First, I will show the epistemic dimension of the civic duties associated with voting. More precisely, I will argue that, as part of their civic duties<sup>1</sup>, voters have an obligation to be epistemically responsible. Epistemic responsibility in voting is best understood as the requirement to exercise of a cluster of basic epistemic capacities. These will comprise gathering knowledge of relevant political facts (and of the debates surrounding them when the facts are disputed); gaining a decent understanding of political concepts, issues, policies and institutions; being willing to engage with public affairs; acknowledging the complexity of political issues, and so forth. Secondly (but no less importantly), I will argue that, once applied to voting, the normativity of joint agency on which civic duties are grounded justifies what I call *epistemic constraints on voting*: institutional mechanisms designed for the purpose of ensuring as much as feasible that voters act in an epistemically responsible way. I will explain in more detail what kind of institutional mechanisms count as

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<sup>1</sup> In this thesis, I will not explore other civic duties that might be associated with voting.

epistemic constraints on voting, but one straightforward example would be making voting conditional upon participation, either prior to voting or as part of the registration process, in competence-enhancing exercises or training.

The chapter is structured as follows:

In section [3.1], I will explain how and why the normativity of joint agency applies to voting practices and, hence, why voting is a practice that generates civic duties. I will defend the idea that voting is a practice whereby the members of a political community concur in upholding a shared practical goal, namely determining which course of political action the community will pursue. In section [3.2], I will turn to the specific role of voters within such a practice. I will defend the view that acting in the institutional capacity of voter is to perform an activity with distinctively epistemic features. More precisely, I will suggest that the role of voters is to perform an act of political advocacy.<sup>2</sup> An act of political advocacy is best understood as being analogous to the uttering of assertions: it consists in adjudicating what course of political action the community should pursue through the affirmation of one's beliefs on the matter. In section [3.3], I will argue that, in light of the considerations mentioned thus far, acting in the institutional capacity of voter entails a norm of epistemic responsibility, which subsequently shapes the content of a voter's civic duty. More precisely, I will argue that, as much as ordinary assertions are regulated by epistemic norms, so are acts of political advocacy such as voting. Any plausible account of these norms will feature epistemic responsibility, defined as the requirement to exercise the cluster of basic epistemic capacities mentioned above. In section [3.4], I will focus on explaining a few details concerning the civic duty of epistemic responsibility. In particular, I will focus on explaining how the conditions for incurring a civic duty that I presented in the previous chapter are met in the context of voting

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<sup>2</sup> The account is, as we shall see, in debt to the work conducted in Estlund 1990.

practices. In section [3.5], I will defend the conclusive and crucial claim of the civic argument. I will argue that the normative considerations put forward throughout the work provide normative support to epistemic constraints on participation in voting procedures. After having introduced the notion and explained what kind of arrangements fall within this category, I shall argue that such arrangements are justifiable because the civic duty of epistemic responsibility is, at least to a certain degree, enforceable.

### **[3.1] Voting as a Joint Practice**

In the previous chapter, I argued – using Margaret Gilbert’s joint commitment theory as my main reference – that civic duties draw their normative force from the normativity of joint agency. In my account, what grounds a civic duty is the fact that, by engaging with others in an institutional activity that has a certain pre-existing practical goal, we take on a commitment to contribute to such goal and to uphold, in a thick sense, the norms of action entailed by our role in the practice.

In section [2.5] I argued that acting within a joint institutional practice would generate such an obligation only if a few preliminary conditions obtain. These pertain to issues such as the moral acceptability of the practice, as well as the degree to which the participant’s engagement is willing and aware. The discussion of these conditions requires reference to the content of the civic duties that voters incur. Hence, I postpone it until section [3.4].

There is, however, another preliminary condition that needs to be discussed, which I call the *shared goal* condition. This states that, in order to incur civic duties, the parties to the practice must be pursuing, at least to a certain degree, a common goal or objective. This condition is even more important for the present discussion. Without it, the very idea that the normativity of joint agency applies to voting, and hence grounds civic duties for those who take part in voting practices, cannot be sustained.

The normativity of joint agency, at least in its Gilbertian form, establishes that certain obligations incur as a result of participation in a joint agency because, by opting into a collective practice, agents implicitly commit to contributing to its overarching shared goal. For this to happen, however, it is not enough that many agents perform the same set of actions coincidentally and simultaneously. Nor is mere strategic coordination enough. The normativity of joint agency requires something more. It requires the presence of a shared practical goal, of a common objective that justifies the thought that participants in an institutional practice are doing something together.<sup>3</sup> The same applies to voting. Participation in voting generates civic duties only insofar as there is some shared objective that voters are pursuing together as a group of people, to which they are implicitly committing to contributing by participating, and that places certain demands on each of them.

In the context of voting, the presence of a shared objective of this sort is far from straightforward. Many might see voting as a practice that has no clear overarching goal that all participants share. It might be argued that, when we vote, there is no practical goal that we are pursuing together as a group because each participant might see the practice as serving a different purpose even if they are performing the same set of actions. Furthermore, people participate in voting with all sorts of personal intentions, ranging from protection of their personal or group interests to the desire of tackling a specific political issue. This makes it difficult to attribute to voters any shared intention or a

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<sup>3</sup> Gilbert 2013, 34: “each one is acting in a way appropriate to the achievement of that goal, where each one is doing this in light of the fact that the goal is their collective goal”. As already explained in Chapter 2, Gilbert’s account of the normativity of joint agency relies on the idea that participants in a joint practice constitute a plural subject, a new entity with unity of intentions and consistency of judgement. As anticipated, I shall not expand on this controversial aspect of Gilbert’s account.

common practical goal to which they can all be said to become committed by participating.

I believe that this challenge, although serious, can be overcome.<sup>4</sup> More precisely, I will suggest that if we postulate a minimalistic account of its practical goals, then it is quite difficult to deny that voting is an instance of a joint practice that grounds civic duties, pace the previous criticism. My proposal, in this sense, is the following. We should conceive the overarching practical goal of voting – and hence the shared objective to which voters become committed by participating – as the determination of which *course of political action* the polity should pursue. A course of political action is a set of political proposals, priorities and desired political outcomes, usually unified in a coherent way within a political project or agenda, and usually attached to a party or candidate. What we are doing together, when we vote, is deciding which, among the various possible courses of political action available, will be pursued by the governing bodies of the political community.<sup>5</sup> Modern societies are characterized by the presence, among people living in them, of a wide variety of beliefs and political interests. Such plurality leads to disagreements and genuine conflicts. Some people think that certain political priorities should be pursued, some others will think differently. Various political projects and agendas, with different ideas and priorities concerning how to live together, stem from these disagreements. This conflict needs to be settled through some political decision-making procedure. The shared practical goal underlying voting practices is nothing more than exiting the situation

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<sup>4</sup> Anna Stilz, in her account of democracy as collective action, deals with a similar objection, which she calls the “no clear goal objection” (Stilz 2009, 192 - 195). She overcomes it by portraying political decision-making in a broadly Rousseauian fashion, as the attempt of a community to collectively determine a set of just laws.

<sup>5</sup> Even though I will not consider this option, it is worth noting that an even more narrow and minimalistic conception of the practical goal of voting could be postulated, for instance by resorting to a Schumpeterian view according to which voting is just a tool for the selection of political leaders.

of conflict so that one of these agendas – with the goals, priorities, policies and outcomes that it involves– can be said to have obtained some form of collective endorsement.

Let me illustrate this view with an example. The next general elections in Italy are supposed to take place in 2023. As things stand right now (and with some significant degree of oversimplification), they will likely see two coalitions opposed. One led by the League, a souverainist right-wing party. The other led by the Democratic Party, a standard centre-left party. According to my account of the practical goals of voting, even if Italian voters might be going to the ballots for all sorts of different reasons, there is indeed a clear sense in which they are pursuing a common practical goal and doing something together. Namely, the Italian voters are engaged in settling which course of political action the government of their country should follow. The Italian voters are determining together whether it should pursue the agenda of the League, and hence a set of nationalist and conservative policies or, instead, pursue the agenda of the Democratic Party and hence a set of more progressive policies. In making this decision, they are choosing to steer the community towards certain prospective outcomes rather than others. For instance, choosing the course of political action associated with the League is very likely to lead to restrictive policies concerning migration, to a less progressive taxation policy and to a far more tense relationship with the EU than the alternative option.

This understanding of the practical goals of voting applies to both referenda and representative elections. This might not be evident at first glance. While it is clear how the account applies to direct voting procedures – a referendum is meant to settle a specific issue – the case of elections is slightly more complicated. It might be argued that the practical goal of voting, in the case of regular elections, is not to choose what course of political action to pursue, but rather to select who should make that choice on behalf of the collective. Now, while I am

happy to concede that the present account applies more intuitively to direct decision-making procedures<sup>6</sup>, I do not think this is a major problem for my argument. Electoral choices take place against a background of different projects, proposals and desired outcomes, even in representative political systems. Unless it can be shown that the choice of a representative can be disconnected from the choice of the proposed course of action in name of which the representative supposedly stands – an idea that I frankly cannot see how to plausibly support – my remarks concerning the practical goal of voting practices are left unscathed.

Let me now explain why I believe that portraying the practical goal of voting in this way helps us to resolve the issues mentioned above. The idea is that the account makes the nature of voting as a joint institutional practice emerge without committing us to excessively controversial implications. Conceiving the overarching practical goal of voting as the determination of which course of political action to pursue does not require us to believe anything particularly substantive about the purposes of voting, besides the simple fact that voting is a decision-making practice aimed at settling a collective political issue. Nor does it imply a specific view concerning what kind of interests – personal or communal – should motivate voters into making the choices that they make. The argument only requires us to accept something that should be easily accessible upon reflection. Namely, that voting consists in providing a contribution to a decision that is not merely the decision of a single person, but rather a decision that concerns what kind of things the government of a certain political community will do. Whatever motivates us to join the procedure and provide our input to it, that

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<sup>6</sup> A potential implication is that the epistemic requirements that voters ought to meet might be more burdensome in direct decision-making procedures rather than in a regular election. The thought would be that, in referenda, voters are making a direct contribution to the determination of which course of political action the community should pursue. Consequently, since they act as “direct signatories” of coercive laws, their civic duties become more stringent. For an interesting exploration of the topic, see Serota & Leib 2013.

input is part of a *collective* decision-making practice, which generates a decision concerning policies, political priorities and prospective outcomes that is (at least *de facto*) binding for the whole community.

Any political community needs an institutional mechanism for making decisions on behalf of the collective, and voting is one of them. That is the whole story about the shared goal underlying the practice of voting: contributing to a paradigmatic case of collective decision-making. This need not imply any contentious collectivism. The point is rather, as is well put by both Christopher Kutz and Eric Beerbohm, that voting is a practice in which my individual intention to act within it can be made sense of only insofar as we assume that others will have a similar intention. When I participate in an election, “I intend to cast my vote as my part of our election”<sup>7</sup>, and my action is simply not intelligible if not “against the background commitment to a shared enterprise”.<sup>8</sup>

As long as its practical goal is not portrayed in an excessively controversial way, this is all the shared commitment that voting requires. The fact that a voter joined the practice for a personal reason cannot override the fact that her actions are contributing to an overarching and pre-existing goal, essentially understood as steering the political community towards one political agenda rather than another. If this is correct, this practical goal bears on how individual voters ought to behave as participants. Therefore, participation in voting grounds civic duties.

### **[3.2] The Role of Voters: Voting as an Act of Political Advocacy**

In the previous section, I have clarified why voting is an instance of joint institutional practice that grounds civic duties. Voters, who are acting in an institutional capacity, ought to abide by the norms of action entailed by their role in the practice. I will now concentrate my efforts

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<sup>7</sup> Kutz 2002, 487.

<sup>8</sup> Beerbohm 2012, 47.

on arguing for the conclusion that being epistemically responsible is among the civic duties associated with voting. In other words, I shall argue that doing certain epistemically valuable things (being informed, being competent, considering evidence, listening to opposite views, etc.) is among the norms that voters ought to abide by in order to uphold their role and properly contribute to the overarching shared goal of the practice of voting.

The argument will be reconstructed over the next two sections of the chapter. In this section, I shall focus on defending the claim that the role of voters within the practice of voting has a distinctively epistemic dimension. More precisely, I shall argue that the role of voters has distinctively epistemic features because to vote is to perform *an act of political advocacy*. An act of political advocacy consists in adjudicating what course of political action the community should undertake through the affirmation of one's beliefs on the matter, and it should be understood as being analogous to the uttering of epistemic assertions.

Recall that I defined a role as a cluster of specific tasks and correlated powers that applies to an agent squarely because – and only insofar as – she acts within the boundaries of an institutional practice. Our inquiry must hence start with an account that explains what specific tasks and powers are associated with the institutional capacity of voter. Now, this might look like a trivial issue. The natural thought is, in fact, that the role of voters is that of acting as public decision-makers. This is almost tautological. The specific cluster of tasks and powers associated with being a voter is that of contributing to a political decision-making procedure by providing a personal input that will be later aggregated to the one provided by other voters.

Although correct, this thought is underdetermined and does not explain in detail what it means to act as a political decision-maker, let alone its epistemic dimension. In order to proceed, we need an account that explains, with additional details, the nature of the personal input that each voter provides to the collective decision-making procedure.

In other words, we need to explain exactly what kind of action a voter performs when she provides her individual input to a voting procedure. For the sake of clarity, such an explanation is meant to be plausible from a theoretical and normative point of view, rather than from an empirical one. That is, what I am after is not a description of what actual voters take themselves to be doing when they cast their ballot, but rather a description of what their votes amount to or of how they are best understood from a theoretical point of view.

Before presenting what I take to be a valid option in this sense, let me briefly discuss and dismiss a possible alternative. Among social choice theorists and political scientists, it has been quite common to interpret voting as the expression of an individual preference.<sup>9</sup> According to this interpretation, a voter fulfils her responsibility as public decision-maker through the expression of her preference between various political options. I believe this interpretation of voting to be unsatisfactory. There are several reasons for this scepticism. Here I shall mention the one that I take to be the most relevant. Namely, an interpretation of voting as merely the expression of a preference entails a profoundly reductive view of the political agency of voters, one that ignores its potential variety and depth. The analysis of preferences provided by social choice theory is, in fact, heavily reliant on welfarist and utilitarian assumptions. As a result, self-interested choices aimed at maximizing personal utility are taken as being the standard model of any choice, including social ones.<sup>10</sup> However, acting as a political decision-maker is something that touches upon, involves or is motivated by a wider array of normative reasons and values, ranging from moral principles to considerations about rights. Conceiving the exercise of this agency as merely the expression of a personal and self-interested inclination towards a certain political option seems to whittle

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<sup>9</sup> The roots of this approach to voting can be traced back to Arrow 1963.

<sup>10</sup> For a useful reconstruction of this critique, first outlined by Sen, see Peter 2009, 25 - 27.

this variety down to what is merely one of its many components. As correctly observed by H el ene Landemore, this portrays the political decision-making role of voters in a very impoverished way. From this standpoint, voters would be, at best, mere conveyors of an individual interest and, at worst, consumers who approach politics in the same way as they do their groceries.<sup>11</sup>

So much for the interpretation of voting as the expression of individual preferences. Given its inadequacy, we need to move in a different direction. And the key idea here is that if voters are faced with the task of settling a specific public issue, their inputs on the matter must be thought of as expressing something stronger than a mere preference towards the issue. On the contrary, by going to the polling station and casting their ballot, voters address the public issue at stake and take a position with respect to it.

This point is captured well by what David Estlund calls the *advocative force* of votes.<sup>12</sup> If voters are indeed faced with a public decision-making task with a specific objective at stake – which I argued is the determination of what course of political action the community should

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<sup>11</sup> Landemore 2012, 186.

<sup>12</sup> Estlund 1990, 398. Estlund argues that a plausible interpretation of voting needs to meet two further conditions, aggregability and activity. The *aggregability condition* requires an interpretation of voting to be able to explain how a set of different inputs such as votes can be aggregated into a single output or final decision. For this condition to be met, Estlund argues, we must conceive individual votes as addressing a common object and as expressing something about a common issue in a sufficiently similar way (Ibid., 403). Without this assumption in place, it would not be clear what the aggregation of votes represents, making it impossible to identify what it is that the procedure has effectively selected. The *activity condition* requires a theory of voting to conceive a vote as an action performed by an individual (Ibid., 406 - 407). If democracy is defined as rule by the people, the procedure that brings the exercise of political authority about cannot be one in which citizens are passive. As Estlund explains, an imaginary method for political decision-making that gathers the political choices of the people without them performing any action is not democratic, and the final output of the procedure could hardly be defined as the decision of that group of people. This, for instance, seems to disqualify political decision-making procedures that simulate the choices of the electorate on the basis of surveys or projections about what their judgement would be under conditions of optimal information, such as Jason Brennan's proposal of a government by simulated oracle (Brennan 2016, 220 - 222).

pursue –, then their inputs must be thought of as expressing, at the very least, some kind of support or opposition towards the options that they are faced with. With this, I mean that a vote for P entails that the agent supports P and calls for P rather than Q to be the course of action that should be implemented.<sup>13</sup> Now, this support or opposition need not be conceived as one of complete endorsement or alignment with the option. Quite clearly, voters often have to choose between options that don't have their full support or endorsement. But if we think that a voter's role is contributing to settle the issue of what course of political action should be implemented, then the decision of the voter to vote for P rather than Q must be thought of as an action that entails 'taking a stance' on the public issue at stake. We must think of the voter's action as entailing that she takes P to represent, overall, the option that is worthier of being pursued among the existing ones.

Estlund correctly claims that if votes did not possess at least a certain degree of advocative force, then the outcome of a voting procedure would be devoid of any indication about what to do next. In other words, it would not signal anything about what should follow from its result. Without recognizing an advocative force to votes, even unanimous outcomes would leave the electorate's decisions undetermined, leading to the paradox of a procedure of political decision-making that is not indicative of any underlying collective political choice.<sup>14</sup> In other words, if votes for P were taken to be devoid of some degree of support for P and if they were taken not to entail the idea that P has been called for by those who voted for it, then it becomes unclear why we should take P as being any more representative of the public's decision than Q. This would greatly call into question, if not undermine, the very rationale of having something like a collective decision-making procedure in the first place.

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<sup>13</sup> Estlund 1990, 419.

<sup>14</sup> *Ibid.*, 404.

The fact that votes have advocative force is a key step towards understanding the epistemic dimension of the role of voters, because it makes visible the analogy between voting and asserting. Acting in the institutional capacity of a voter, I suggest, is to contribute to the goal of settling what course of political action the community should pursue by performing what can be defined as an *act of political advocacy*. An act of political advocacy is best understood as being analogous to an assertion in that the individual input provided by each voter equates to a statement or affirmation of their stance and their beliefs about the public issue at stake.

Before I explain this thought in more detail, it is important to make two preliminary clarifications. When I state that the act of voting is analogous to the uttering of an assertion, my intention is indeed to construct an imperfect analogy. I am *not* defending the claim that votes and ordinary assertive utterances – such as a public statement of the likes of “we should do P” – are the exact same act. My claim is only that the two acts are sufficiently analogous to justify treating them as exercises of a similar epistemic agency and, as we shall see, as being bounded by similar norms. Secondly, it is important to clear the floor from a potential confusion that might stem from using the term ‘political advocacy’. The term advocacy alludes to making the case for something. It could be argued that this makes it a rather inadequate term for an apt depiction of the act of voting because, when they cast their ballot in a public procedure, voters are no longer making the case for the option that they vote for. What voters do at the ballot box is, instead, give voice to their decision. At this stage, the process of making the case for the chosen option is already over, so to speak.<sup>15</sup>

In response to this concern, we should keep in mind the following point. In using the term ‘political advocacy’, my intent is just to highlight a specific aspect of votes that, as I will soon explain, prompts

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<sup>15</sup> I thank Robert Goodin for pressing me on this problem and for very useful comments.

in a particularly evident fashion their affinity with assertions and their epistemic dimension. When I say that voting should be understood as performing an act of political advocacy, my point is not that advocacy captures all that voting is about. My point is, rather, that whatever else voting is, it is *also* an act with a distinctive advocative force to it. This thought is compatible with what I said above. Even if it is correct that, in voting for P, V is not strictly speaking ‘making the case’ for P, the vote does nevertheless *give voice* to V’s choice or decision concerning the public issue at stake. The vote is nevertheless a tool through which V does something similar to communicating or making explicit the fact that she supports P over Q or R. What matters for my purposes is just the fact that V’s act has this aspect of expressing some support for P built into it and, consequently, that it embodies a position or stance towards the public issue at stake in the voting procedure.

With these clarifications in place, let me provide some more details to the thought. Suppose a certain political constituency must decide between two political representatives, P and Q. These stand for two different courses of political action. The voting procedure is meant to settle whether the community should pursue the political course of action associated with P or the one associated with Q. The role of a voter in the procedure is that of contributing, with her individual input, to this collective decision. I have argued that if this is correct, then by providing her input in the form of a vote for P rather than Q, the voter is performing an act that has advocative force. Her action entails at least a certain degree of support towards the set of policies, priorities and outcomes that are associated with P.

This is where the analogy between voting and assertion-making – and hence where the epistemic dimension of the role of voters – emerges. Take the case of an ordinary assertion uttered as a response to a question such as “should we do P or Q?” The act of asserting “we should do P” is commonly regarded as entailing that the asserter believes the content of her assertion to hold. The same applies to votes.

Voters are faced with the task of contributing to settle a public issue. If this is what they are expected to do, and the thoughts concerning the advocative force of votes mentioned above are correct, then their contribution to this collective decision – whether they realize it or not, as I explain in section [3.4] – entails something thicker than a mere expression of a preference for P rather than Q. Their contribution is best understood as an answer to a question concerning public decision-making. When a voter votes for P, she performs an action that entails, at least to a certain degree, that she takes it to be the case (or to be true) that, all in all, the course of political action associated with P is the one that ought to be pursued or enacted (given the options available). Her action, subsequently, contains an implicit affirmation of her belief concerning the public issue at stake in the political decision-making procedure.<sup>16</sup>

I will further support this point with an example. Consider the 2016 Brexit referendum. In that context, British voters were called upon to settle a specific public issue: whether or not the United Kingdom should remain a member of the European Union. By participating in the referendum, voter *V*'s specific task is to contribute to settling this collective issue. Suppose *V* votes to leave the European Union. The thought is that although she is doing so in a weaker and less explicit way than in ordinary assertion-making, voter *V* is indeed affirming something about the option that she has chosen and, more generally, about the public issue at stake. Her vote entails at least a basic normative support for a certain course of political action, namely the

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<sup>16</sup> It might be argued (Christiano 1995, 406 - 410) that strategic voting is an example to the contrary: someone might vote for P not because she judges that P represents the course of political action to be followed, but only in order to hinder Q's victory. I will not be able to address the matter extensively. I will limit myself to observe how, even a strategic vote for P entails a statement of belief about the communal issue at stake, namely the belief that the course of political action Q should not unfold under any circumstance. The vote, in this case, might be read as a statement expressing the belief that "we should do anything other than Q".

United Kingdom ceasing to be a member state of the European Union.<sup>17</sup> Through her vote, V is calling for this outcome to obtain. Faced with the task of ‘providing an answer’ to a certain issue that pertains the governance of her community, V is exercising the powers associated with her role to fulfil this task. And the action she is performing entails an implicit affirmation of her belief. Faced with the question concerning the membership of the UK within the EU, she performs an action that entails that she takes it to be the case that the UK should leave the EU. She might not be doing exactly the same thing as publicly asserting the proposition “the UK should no longer be a member of the European Union”. But she is performing an act that is sufficiently analogous to warrant treating it as the exercise of a similar epistemic agency.

We now have a more precise picture of what it means to exercise the specific tasks and powers associated with the role of voter. Acting in the institutional capacity of voter is to act as a public decision-maker. But if the role is fulfilled by performing an act of political advocacy as I have suggested, then we cannot ignore how the role has an epistemic component built into it. In other words, the role of voters within decision-making practices has an epistemic dimension because fulfilling the specific tasks associated with it requires the exercise of an agency that has distinctively epistemic features. As members of a community involved in the endeavour of trying to settle a certain public matter, we contribute to this goal by ‘declaring’ what we believe to be the solution to the matter, or, at least, the option worthier of support among the existing ones.

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<sup>17</sup> The task of determining what it means to leave the EU has notoriously proved to be problematic and has spawned a huge debate in the United Kingdom. It could be reasonably argued that there is something illegitimate in putting to the electorate a ‘social question’ that contains ambiguities of this type. Here, I will not be able to do anything beyond flagging the issue.

### **[3.3] The Civic Duty of Voters: Political Advocacy, Norms of Assertion & Epistemic Responsibility**

In the previous section I have discussed the epistemic dimension associated with the tasks and powers that attach to the role of voters. I have argued that, if votes have an advocative force, and if they constitutively express a stance on the political courses of action at hand, then voters perform their role by means of an act of political advocacy analogous to the uttering of an assertion. Voting for P is an action that equates to an implicit affirmation of the voter's belief concerning the public issue at stake, namely the belief that P rather than Q is the course of political action that should be pursued.

In this section, I will build upon this interpretation of voting to support the conclusion that voters have a civic duty to be epistemically responsible. I will do so through the following argument. If voters, as part of their role as public decision-makers, are called upon to perform a distinctively epistemic agency, this agency will be performed in a substantively satisfactory manner only by complying with some epistemic norms. And any plausible account of these norms will entail at least something along the lines of what I define as epistemic responsibility. Being epistemically responsible in voting, I propose, should be understood as the requirement to exercise a cluster of basic epistemic capacities. These will most likely comprise gathering knowledge of relevant political facts (and of the debate surrounding them when the facts are disputed), gaining a decent understanding of political concepts, issues, policies and institutions, being willing to engage with public affairs, acknowledging the complexity of political issues, and so forth. Being epistemically responsible, therefore, is a substantive requirement that follows from the role of voters within political decision-making practices. Hence, it constitutes the content of a voter's civic duty.

Let me start with the first point, the idea that certain epistemic norms apply to the act of voting. This point can be cashed out, again,

by recalling the analogy between acts of political advocacy such as voting, and assertions. I have previously argued that civic duties entail a substantive dimension. X discharges her civic duties by performing the tasks and using the powers associated with her institutional role in a substantively satisfactory manner. If the task that X is called upon to perform in her role as voter is that of contributing to a public decision by means of an act of political advocacy, and if an act of political advocacy is indeed an agency with epistemic features analogous to the uttering of assertions, then the task will be performed in a substantively satisfactory manner only if X meets certain epistemic norms similar to those that apply to assertions.<sup>18</sup>

The epistemic normativity that regulates acts like the uttering of assertions is the object of a significant debate. The aim of such debate is to identify both the epistemic features that qualify an utterance as an assertion and the grounds on which assertions are warranted. The latter is the issue with most significance for our purposes because it yields criteria for an epistemic evaluation of asserters. Some epistemologists argue that only knowledge warrants assertion: you can assert P only if you know that P.<sup>19</sup> Some others have contested this norm and argued that it should be replaced with a norm of justifiability: an assertion is warranted only if the agent uttering it can provide some form of justified belief or epistemic support for it.<sup>20</sup> Some others have argued for a norm of safety: an assertion is warranted only if the agent utters it

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<sup>18</sup> The present account benefitted from Fabienne Peter's work on the relevance of the literature on practical reasoning for political normativity. On this, see Peter 2019.

<sup>19</sup> Timothy Williamson is the most notable proponent of this theory. He claims that it finds compelling evidence in conversational practices. When someone asserts P, partners involved in the conversation can ask for validation of the claim by enquiring how that person knows that P, showing that knowledge acts as the standard enabling factor of an assertion. See Williamson 1996, 505 - 506.

<sup>20</sup> Jennifer Lackey defends this position (Lackey 2007, 610 - 611). Jonathan Kvanvig similarly believes that justifiability provides a more plausible criterion, as it allows for frequent revisions of epistemic appraisal. See Kvanvig 2011, 242 - 243.

on an epistemic basis that could not have easily lead to a false assertion.<sup>21</sup>

Let us set aside, for the time being, who is right in this debate and approach the issue ecumenically. The crucial point is that the uttering of assertions is something that is the object of epistemic evaluation and that there is consensus on the idea that some assertions are unwarranted and have insufficient grounds to be uttered. If voting, as argued above, is an act with analogous epistemic features, whereby we contribute to a public decision through the affirmation of our beliefs, then a similar point applies: there will be conditions that, if not met, would make voting for P an epistemically unwarranted act.<sup>22</sup>

If I have been indeed correct thus far in suggesting that voting for P is an act analogous – but not identical – to uttering an epistemic assertion such as “P is what should be done”, then voting is likely to trigger epistemic norms that are similar to the ones triggered by ordinary assertions, only weaker. Some of these norms, such as an equivalent of the knowledge norm, will probably be overdemanding, given the epistemic circumstances of political decision-making, where uncertainty and deep disagreements are rampant.<sup>23</sup> However, less stringent conditions such as some equivalent of justifiability or safety seem *prima facie* more promising. From this standpoint, a vote for P would be epistemically warranted only if it has sufficient epistemic

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<sup>21</sup> Pritchard 2014.

<sup>22</sup> I am taking for granted a metaethical assumption about the status of normative statements, namely that they admit distinction along the lines of truth or falseness. Although some metaethical positions - most notably emotivism - deny this, I will nevertheless proceed without discussing this issue. Notice only that my position does not require moral realism either. My argument goes through as long as normative statements can be regarded as more than judgements of taste. This need not imply that they are indeed judgements about “moral facts”. I thank David Estlund for pointing out this problem to me.

<sup>23</sup> No voter will ever be warranted in making her advocative statement under such a stringent condition. After all, when we vote we make a prediction about the future of a political community, about how things will turn out to be, etc. Knowledge - at least in an epistemic meaning of the term - is not available to us. We might be extremely likely to be right, but we cannot know that P is the right course of action in the same way in which we know that  $2 + 2 = 4$ . I thank Jacob Hinze for an important discussion on this point.

support. In the case of a justifiability norm, the epistemic support mustered would have to be strong enough to give the voter good reason to believe that P is the right political choice. In the case of a safety norm, the epistemic support mustered would have to be strong enough to allow the voter to avoid the risk of being completely misguided in her affirmation.

In any case, what I defined as epistemic responsibility in voting will be part of the conditions under which such epistemic support could be mustered, and hence of the conditions under which voting for P could be warranted. Recall that epistemic responsibility in voting requires knowledge of relevant political facts and of the disputes concerning their interpretation. Furthermore, it requires the tools necessary to make a comparative evaluation of political options, such as a certain degree of understanding of what these political options entail and of their likely impact on the community. Finally, and more complexly, epistemic responsibility in voting requires some degree of receptiveness to the issues that the communal life faces, as well as some degree of engagement and reflection concerning what is at stake in them and how they relate to previous states of affairs.

The reasons in support of this last set of claims are quite straightforward. Ordinary assertion-making is the exercise of an epistemic agency. Regardless of what specific epistemic normativity we employ, it seems quite clear that such agency will be properly conducted only if the subject performing it acts within a range of minimal agential capacities or competences. For what concerns assertion-making, any plausible epistemic theory would consider an utterance concerning what ought to be done that has been formulated without knowledge of the relevant facts, or without weighing the options available, as an utterance that falls below conditions of

sufficient epistemic support and hence of warranty, perhaps to the point of making the asserter epistemically negligent.<sup>24</sup>

If this is true for epistemic agency in general, and if voting is indeed the exercise of an agency with epistemic features analogous to assertion-making, then any conception of the epistemic support that voters ought to muster in order to perform this agency properly will entail at least something along the lines of what I defined as epistemic responsibility. This is not to say that this requirement constitutes everything that is relevant for a substantively satisfactory performance of the role of voter. The point is just that it will nevertheless quite plausibly be part of any account of this kind.

This is all that is needed for our present purposes, which is to define the content of one of the civic duties associated with voting. If votes are indeed acts of political advocacy, acting in the institutional capacity of voter has an epistemic dimension. It requires us to contribute to settling a publicly relevant issue through the affirmation of our beliefs on the matter. And in order to affirm our beliefs on a certain issue in an epistemically warranted way, epistemic responsibility is necessary. If this dimension is structurally part of this institutional role, an agent will perform the specific tasks and powers that characterize the role – and contribute satisfactorily to the shared practical goal of voting procedures – only by taking this dimension seriously and by meeting the epistemic requirements that follow from it.

Let me conclude this section with a couple of clarifications that are necessary to dispel some potential misunderstandings. First, it is important to safeguard the argument from any confusion concerning the sources of normativity within the civic argument. In the civic argument, joint agency is the sole source of normativity. The requirement to be epistemically responsible befalls voters because they

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<sup>24</sup> The idea that those who perform an epistemic act without taking care to have the appropriate agential capacities are negligent is well explained in Sosa 2015, 69 - 73.

are jointly committed to a shared practical goal, and because the requirement flows from their role within the practice. What carries the load of the argument is the fact that voters are engaged in a common endeavour and, hence, owe each other conforming actions. Even if the requirement to be epistemically responsible consists in meeting a minimum of epistemic demands, it is binding because it represents the content of a non-epistemic civic duty.

This is also important for understanding the relationship between practical and epistemic normativity within the civic argument. The civic argument is, primarily, an argument about the *practical* normativity of voting. This is what is at stake in it. At least for the purposes of this work, epistemic responsibility in voting is not conceived as a self-standing epistemic norm. In other words, epistemic responsibility in voting is a practical normative requirement with an epistemic content. Recall, in this sense, that the parallel between epistemic responsibility in voting and the epistemic normativity of assertions is meant to be just that: a parallel and not an equivalence.

Both these points highlight the difference between the civic argument and other contributions in the literature on the ethics of voting and on epistocracy. In my view, what gives value to being informed, careful, competent and attentive in voting is primarily the fact that it represents a normatively appropriate response to the fact that we are trying to accomplish something together. This is a non-instrumental point. Whether and how much being epistemically responsible also contributes instrumentally to the quality of political outcomes is of secondary importance. Obviously, this is not to deny that epistemic responsibility in voting can also be valuable from this point of view. This is just to say that, unlike other contributions in the literature, the civic argument does not need to take up the contentious instrumental commitments already criticized in chapter 1. I shall say more about the advantages of this approach in [4.1].

### [3.4] Epistemic Responsibility in Voting: Morality, Willingness and Underlying Awareness

Before spelling out why I believe that the civic argument justifies epistemic constraints on voting, let me say a few words on some important details of the argument. In particular, I have yet to discuss how the account of voting presented thus far satisfies the conditions, mentioned in the previous chapter, that are preliminary to incurring civic duties.

As anticipated in section [3.1], since civic duties are obligations grounded in joint agency, they are incurred only if a few preliminary conditions obtain. The same applies to the civic duty of epistemic responsibility in voting. I have already discussed how the *shared goal* condition is met --i.e. the practice of voting generates civic duties only if there is a common objective or shared practical goal to which voters become committed upon participation. However, I have not yet discussed how the other conditions are met in the context of voting. Let me briefly mention them again. Civic duties are incurred only on the following conditions:

- The practical goal of the joint practice must not be morally repugnant. Call this the *morality* condition.
- The parties to the joint practice must have willingly expressed some readiness to participate. Call this the *willingness* condition.
- The parties to the joint practice must be aware of the fact that they are taking on a role in a collective institutional practice with a shared practical goal. Call this the *underlying awareness* condition.

Let me start with the *morality* condition. Recall the position defended in the previous chapter. In my view, there are no civic duties if a joint practice is immoral or repugnant. I have already granted that the normativity of joint agency is trumped by moral considerations in those circumstances in which the collective practice ends up supporting morally repugnant actions. The same applies to voting. Even though, in fact, the practical goal of the practice of voting – the determination of which course of political action the community will pursue – is not *per se* morally repugnant, there might be conditions under which engaging in this collective practice might represent a morally repugnant action. For instance, voting practices might end up lending support to morally repugnant courses of political action. Or there might be circumstances under which phenomena such as political corruption or collusion with organized crime might make engaging in collective political decision-making practices a morally repugnant thing in the first place. I have little to add to the remarks offered in the previous chapter. I am happy to concede that, under the circumstances just mentioned, there are no civic duties and no obligation to be epistemically responsible voters.

The second condition to be discussed is *willingness*. Applied to voting, willingness states that voters incur a civic duty to be epistemically responsible only if they willingly express readiness to participate in the practice of voting. As above, my intention is to offer a straightforward claim. The willingness condition is met because it is possible for voters to perform certain actions – such as registration to vote or going to the ballot – that clearly entail their willingness to participate in the decision-making practice. In other words, the claim is that performing actions such as registering to vote or going to the ballot count as signalling willingness to participate.

This claim might look simplistic to some. Even if voting is mostly a voluntarily performed action<sup>25</sup>, choosing to participate in a specific

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<sup>25</sup> I am assuming a non-compulsory voting system.

instance of voting need not entail any acceptance of the practice of voting as a whole, including all its structural features, characteristics and, indeed, roles and demands.

This perplexity can be overcome. Recall that, as argued in the previous chapter, the willingness condition is the result of the attempt to accommodate one of the staples of the voluntarist critique of role-based normativity – the idea that institutional roles and the correlated civic duties cannot be simply imposed on an agent regardless of their will – without having to endorse an excessively strict interpretation of voluntarism. *Willingness* does not require consent and it is weaker than standard voluntarist requirements. In virtue of this middle-ground approach, the willingness condition requires only that an agent become a participant in the practice as a result of a willing exercise of their agency. In the case of voting, insofar as V becomes a ‘voter’ as a result of a willingly performed action, V is bound to her civic duties and hence ought to be epistemically responsible. If we bear in mind that *willingness* does not require an explicit contractual pledge nor an act of consent, then the actions mentioned above – registering to vote, showing up at the polling station, etc. – seem to satisfy this condition. By performing them, it seems quite clear that V is signalling that she is ready to ‘opt-in’ to the practice, thereby entering the boundaries of an institutional role. Again, it might be argued that these actions signal only acquiescence, rather than an actual commitment to participating in the political decision-making practice and to contribute to it. However, a reply to this kind of worry has already been offered in [2.5]. Suppose an agent performs an action that effectively results in becoming involved in an institutionally defined practice – with its dynamics and set of rules – and then denies having become obligated by claiming that he was merely ‘going along’. We would rarely exculpate such an agent.

The third and last condition, *underlying awareness*, is the one that deserves the most attentive discussion. It states that those acting in an

institutional capacity can incur a civic duty only if they are aware of the fact that they are becoming obligated. This can entail two layers of awareness. The first layer consists in being aware of the fact that they are taking on a role in a collective institutional practice with a shared practical goal. The second layer consists in being aware of the obligations that are placed on them because of their role. Applied to voting, this would mean that the civic duty to be epistemically responsible applies to voters only insofar as they are aware of both the fact that they are incurring a role within a collective practice with an underlying goal and of the fact that such a role entails certain epistemic requirements.

In the previous chapter, I argued that this condition applies only in a limited sense. More precisely, only the first layer of awareness is truly necessary for incurring a civic duty; the second layer is not, for the following reason. Civic duties regulate the performance of institutional roles. They require agents acting in an institutional capacity to uphold their roles in a thick sense. They require taking the role seriously and upholding the norms of action flowing from it in a way that is substantively faithful to the purposes of the role and of the institution of which the role is part. Hence I argued that, while awareness of having the role – of having been assigned a cluster of institutionally defined tasks and powers – is indeed necessary before one can incur a civic duty, once this first layer of awareness is in place, civic duties already apply. Having the first layer of awareness is enough to commit us to what follows from it. Being aware of the norms of action entailed by the role is *not* a condition without which a civic duty fails to apply. It is, instead, part of the civic duty itself.

This led to the conclusion that, unless it is unreasonable to expect some degree of underlying awareness concerning what the institutional role consists in, failure to understand the norms of action that follow from it is not exculpating. It represents, rather, a further normative shortcoming. In exercising an institutional role without awareness of

the requirements that flow from it, one is already falling short of one's civic duty. In the case of voting, the claim would be that unless we cannot reasonably expect voters to understand the fact that they have a certain role within a collective practice, failure to understand that they ought to be epistemically responsible is not exculpating.

Admittedly, this line of argument creates an obvious issue. Whereas most institutional roles are clearly defined (they have clear tasks and powers associated with them, making the expectation of awareness straightforwardly reasonable), many might claim that being a voter is different. Being a voter lacks a clear definition as a role and, hence, the expectation of awareness is not straightforwardly reasonable or, at least, can appear controversial. In other words, we need to explain why it is indeed reasonable to expect voters to be aware of their role in a collective practice.

I do not think that the issue is as weighty and controversial as it might appear at first glance.<sup>26</sup> The normativity of joint agency requires voters to be aware of the fact that they are engaging in a collective practice, whereby they are committed to upholding a shared practical goal, and that they acquire a role to play in this sense. Now, I believe that this would be problematic only if we were to ask a very detailed and philosophically informed understanding of the practice of voting and of the role of voters. The account offered thus far has the advantage of relying on a rather minimalistic understanding of the practice of voting and of its purposes, according to which voting is nothing more than a joint decision-making endeavour whose overarching shared goal is determining what course of political action the community should pursue. From this standpoint, voters need only to be aware of the fact that they are engaged in making a political decision on behalf of the

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<sup>26</sup> It might be worth pointing out how the implementation of epistemic constraints on voting, by making voting conditional upon undertaking competence-enhancing training, would make explicit that the role of voter comes with a requirement of epistemic responsibility attached to it.

whole community – a decision that will determine the pursuit of one political agenda rather than another – and that their role is to provide an input to the decision. The idea that a voter can *justifiably* fail to understand even the simple fact that she is acting as a political decision-maker whose choice will support certain projects or agendas and contribute to determining a collective and (*de facto*) binding outcome seems implausible.<sup>27</sup> Rather than exonerating the voter from their civic duties, it would count, again, as an instance of failure to meet them.

Again, recall that we are not asking that voters understand, precisely in all its philosophical facets, that their role is to perform an act of political advocacy analogous to the uttering of epistemic assertions, and therefore warranted only upon meeting certain epistemic requirements. That would make it impossible to satisfy the conditional. We are asking that they are broadly aware of the fact that their role is to provide an input to a collective decision concerning what to do politically. Once this first layer of awareness is in place, voters are already under a duty to inform themselves and think carefully about their choice, regardless of whether they realize this latter fact or not. Let it be clear, in this sense, that I am not relying on the idea that voters in contemporary societies do have this level of understanding or awareness. That is an empirical claim that does not concern me. The claim is, rather, that voters *should* be generally aware of their responsibilities, because they are easily accessible upon reflection and because this is part of what it means to take their role seriously in the first place.

### **[3.5] The Justification of Epistemic Constraints on Voting**

Let us recap the civic argument as I have argued for it thus far. I have put forward and defended the following premises:

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<sup>27</sup> For instance, it might be argued that this would count as an instance of a negligent exercise of our rational agency. On this see Raz 2011, 231 - 242.

(A) When acting in an institutional capacity, an agent has a civic duty to uphold the norms of action entailed by the capacity in question.

(a\*) The duty is grounded in a quasi-contractual interpretation of the normativity of joint agency;

(a\*\*) The duty consists in abiding by the norms associated with an institutional role in a thick sense.

(B) The role of 'voter' consists in providing an input to a procedure of collective decision-making aimed at settling the political course of action that the community should pursue.

(b\*) These inputs are best understood as acts of political advocacy;

(b\*\*) Acts of political advocacy are structurally similar to the uttering of epistemic assertions and are hence warranted only if certain epistemic requirements are met. Call this *being epistemically responsible*.

(C) Acting as 'voter', as an instance of participation in a collective practice, is bound by the normativity of joint agency. Voters have civic duties associated with their role and ought to abide by the norms of action entailed by it.

(c\*) In accordance with (b\*\*), being epistemically responsible is part of the norms of action entailed by the institutional capacity of voter.

From these three premises, we have concluded that:

*Voters have a civic duty to be epistemically responsible when they cast their ballot.*

In this section, I will turn my attention to defending the last component of the civic argument, namely the justification of *epistemic constraints on voting* procedures. Recall that, in my account, the term ‘epistemic constraint’ identifies any institutional mechanism designed to ensure that voters uphold an epistemically responsible agency. These constraints on participation in voting will be modest, for reasons that will be made explicit below. I do not intend to commit to one specific institutional arrangement. The contingent social features of a political community – such as its economic development, literacy rate, etc. – might give us reason to prefer certain arrangements rather than others. What works best or is more desirable in Norway might not do in Italy and vice versa, for example.

However, for clarity’s sake, I shall use the following as a standard example of epistemic constraint on voting. Suppose that citizens, prior to voting or as part of the registration process, are compelled to participate in mandatory competence-enhancing training delivered through means such as local public debates, information classes or deliberative exercises. Participation in these competence-enhancing training will serve as a proxy for compliance with the civic duty of epistemic responsibility in voting. Importantly, no further testing, selection or assessment of voters will be undertaken after that. By including in the decision-making practice each citizen who is willing to undertake the cost of going through a more demanding procedure without submitting them to further selection, this institutional arrangement would constrain participation in voting without going all

the way towards the exclusionary arrangements proposed by standard epistocrats.<sup>28</sup>

But even if the constraints on voting supported by the civic argument are modest, their introduction into a public institutional procedure is something that, nevertheless, requires justification. The fact that voters have a civic duty to be epistemically responsible does not make them straightforwardly justified. Making participation in competence-enhancing exercises part of the process of registration for voting means imposing these exercises on all the members of the political community. It is a form of compulsion. And, as much as moving from a mere *obligation to  $\phi$*  to being *compelled to  $\phi$*  is a move that needs to be defended, the same applies here.

I shall proceed as follows. I will defend the claim that, within the normative framework defended thus far, it is generally legitimate to demand compliance with civic duties. The reason is that participants in an institutional practice have, in virtue of the relationship of mutual answerability that they enjoy as people who are jointly committed to an overarching shared goal, the standing or right to put pressure on each other's agency and demand compliance with their civic duties. Limited mechanisms for the enforcement of civic duties can be thus generally justified. Once the general features of this argument have been laid out, I shall apply them to voting and explain what kind of institutional mechanisms this justifies.

The core of this argument is the idea that participants in an institutional practice enjoy a shared right to advance forceful demands on each other. This is a further implication of the normativity of joint agency inspired by Gilbert and presented in chapter 2. Recall that, at its core, there is the idea that parties who are involved in the undertaking of an institutional practice – provided that the conditionals explained

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<sup>28</sup> Even some institutional arrangements commonly regarded as epistocratic are compatible with this approach, most notably the enfranchisement lottery proposed in López-Guerra 2014.

in [2.5] apply – become jointly committed to the pursuit of the overarching shared goal of the practice. Consequently, they ought to uphold the norms of action entailed by the specific roles that they occupy. As previously argued, this creates a relationship of *mutual answerability* between the participants. As a collective that is engaged in a certain endeavour, we are answerable to one another for how we behave within the boundaries of the joint practice and for how we perform our roles. This mutual answerability, I shall now suggest, entails already a certain degree of forcefulness and peremptoriness.

The reason is that civic duties give rise to corresponding rights. If someone has a duty to  $\phi$ , it is usually thought that others have a right to advance claims on the performance of that action and to call upon the relevant agent to  $\phi$ .<sup>29</sup> Duties that derive from occupying a role within a practice governed by certain internal norms, such as civic duties, are not different in this sense. They too seem to give rise to a corresponding right, enjoyed by those who are involved in the same system of norms, to demand the performance of the relevant actions.<sup>30</sup> In Gilbert's account, this corresponding right is defined as a *demand right*.<sup>31</sup> Gilbert's idea is that if R<sub>1</sub> has an obligation of joint commitment to  $\phi$ , the implication is that R<sub>2</sub> has a right, qua joint participant to the same practice, to demand that R<sub>1</sub> does indeed  $\phi$ . Having the right to demand something from someone means to have the standing, if not to compel, at least to *insist* on a certain performance and to exercise some forceful pressure to this effect.

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<sup>29</sup> The correlation between rights and duties is a common topic in normative philosophy. The classical reference is Hohfeld 1919.

<sup>30</sup> See also Wenar 2005, 229 (“for every claim in A there is some B who has a duty to A. Your right that I not strike you correlates to my duty not to strike you”) and Wenar 2013, 210.

<sup>31</sup> Gilbert conceives demand rights as being stronger than Hohfeldian claim rights (Gilbert 2018, 22 - 23). For Gilbert, demand rights represent a distinctive category of rights generated by joint commitments, and they cannot be understood as moral or legal rights. I shall not pursue these distinctions in my argument.

To rephrase this thought in the language of the civic argument,  $R_1$  having a civic duty to  $\phi$  entails further normative implications beside  $R_1$  being obligated to  $\phi$ . It also entails that, when it comes to actions that are relevant to the success of the practice such as  $\phi$ -ing, the other participants have as much normative authority over  $R_1$ 's agency as  $R_1$  herself. All the agents involved in the practice are in the position to legitimately insist that  $R_1$  perform  $\phi$ , and so does  $R_1$  with respect to the duties of other participants. In other words, according to the normative considerations presented and defended in chapter 2, willing participation in an institutional practice entails *that one is no longer immune* from being called upon to perform the demands associated with one's role. Complete authority over oneself has been, at least in what concerns actions performed within the boundaries of the role and of the practice, surrendered to other participants, who will now be in the position to advance peremptory requests concerning our agency and call for compliance with our civic duties.

I shall further illustrate this point through an analogy. Take the example of a joint cooperative endeavour. Suppose, for instance, that a certain group of people constitutes a rowing team.<sup>32</sup> This is an example of a practice where multiple agents are committed to the undertaking of a common goal – rowing the boat towards a certain direction, perhaps with the purpose of winning a competition – with a division of roles. The extent to which participants pertinently perform their part does matter for the success of the practice. All the rowers have a degree of responsibility that bears directly on the quality of the practice and all of them are jointly committed to contributing in the ways specified by their role. Consequently, they owe each other conforming actions – compliance with their civic duties – and are answerable to one another for how they behave.

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<sup>32</sup> I thank Sameer Bajaj, Mathew Coakley, David Estlund and Gen Fukushima for suggesting this and similar analogies to me.

The reason for which this mutual answerability entails reciprocal rights to demand a conforming behaviour lies in the *interdependence* that characterizes the rowers' commitments to the practice.<sup>33</sup> At least as long as they are acting within the boundaries of the joint practice, R<sub>1</sub>'s commitment to rowing is not isolated from the commitment of R<sub>2</sub>, R<sub>3</sub> and R<sub>4</sub> to do the same. On the contrary, it depends on a certain degree of reciprocation by them. Now, suppose that R<sub>1</sub> joined the team willingly and is aware of the shared goal of the practice, but is now rowing lazily and is thereby jeopardizing a successful undertaking of the practice. If the interdependence characterizing joint commitments is true, it has a precise implication in this case. Namely, that the other participants (R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, etc.) have the authority to call R<sub>1</sub> to answer and do something about it. If R<sub>1</sub> is rowing lazily, he cannot claim any immunity from being reproached by other participants. If R<sub>1</sub> entered the practice willingly and in understanding of his role, R<sub>1</sub> took it upon himself to properly contribute to the rowing of the boat. The fact that he is now defaulting on his commitment jeopardizes the practical goal to which the other rowers were originally committed. In other words, R<sub>1</sub>'s defaulting affects R<sub>2</sub>'s ability and reason to uphold the commitment. Subsequently, R<sub>2</sub> can legitimately do things such as calling attention to the suboptimal quality of the performance or insist on R<sub>1</sub> doing his bit, for instance by asking him to undertake further training.

Now, suppose that this correlation between civic duties and a parallel right to demand compliance with them is correct, as both Gilbert and I believe it to be. Is this a consideration strong enough to support institutional mechanisms aimed at securing such compliance? I believe that the answer is yes, at least as long as we correctly frame what type and degree of compulsion can be justified through this normativity.

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<sup>33</sup> Gilbert explains this point through the notion of interdependent performance rights (Gilbert 2018, 191 - 192). Supposing that an agreement or commitment between Q and R is in place, defaulting by Q can nullify the obligations of R and vice versa.

What is key, in this sense, is understanding the boundaries of the reciprocal authority that joint participation generates in a certain institutional practice. My suggestion is that such reciprocal authority has clear limits. We can see this point by going back to the analogy with the rowing team and to the example of R<sub>1</sub>, the lazy rower. Even if we have established that R<sub>1</sub> is answerable to his boat mates for his misconduct, there are clear limits to what the other rowers are entitled to do in response to such misconduct. We have argued that they can legitimately insist on performance and apply a certain degree of pressure. This grants them the authority to do things such as requesting R<sub>1</sub> to undertake further training. However, it does not necessarily give them the authority to threaten him with punishment or expel him from the team if he does not row fast enough.<sup>34</sup> For the sake of clarity, I am not excluding that there might be circumstances under which this would be justified. The point is rather that it does not seem to be the most straightforward solution and I doubt that the mutual answerability generated by joint participation could suffice, without any further premise or consideration, to justify responses of this kind.<sup>35</sup>

This has clear implications for our inquiry. Namely, it limits the type of institutional arrangements that the argument can support as well as their demandingness. But the fact that these institutional arrangements should be properly limited and avoid excessive demandingness does not mean that *no* institutional arrangement of the like can be justified. As we have argued, joining a certain institutional practice entails an implicit commitment to act in conformity with the goals of the

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<sup>34</sup> Gilbert seems, at times, to entertain the thought that, unless there are sufficiently strong reasons to the contrary, the mutual authority of participants extends to the point of being in the position to legitimately exercise some punitive pressure (Gilbert 2018, 62 - 63). Differently from her, I will not rely on such a strong claim. I shall work instead under the reverse assumption, namely that threats of punishment should be avoided unless there are decisive reasons in their support.

<sup>35</sup> I thank the audience of the CELPA Seminar at the University of Warwick for an interesting discussion about this issue.

institution according to the tasks associated with one's role and generates civic duties. The thought, at this point, is that this normative situation, even if it is not strong enough to support an excessive degree of compulsion into compliance, is nevertheless strong enough to support procedures aimed at giving *a certain degree of security* that occupants of institutional roles will take the demands associated with them seriously and comply with their civic duties.

Any framework of rights and duties creates constraints on what individuals within it may or may not do as well as on what they may or may not demand of each other. But if such a framework does indeed establish that individuals within it may demand each other to  $\phi$ , then the framework can subsist only insofar as there can be a baseline of assurance that such demands – as much as any other demand entailed by the framework – will be met. Subsequently, I suggest that the argument presented thus far is strong enough to provide a normative justification for setting up mechanisms of incentive or pressure aimed at providing a sort of institutional guarantee that those acting in an institutional capacity will fulfil the requirements associated with their role properly, and comply with the civic duties that apply to them.

Recall that the mutual answerability that characterizes the relationship of joint participants in an institutional practice has an element of interdependence. If, as we have argued, the institutional practice depends on a certain degree of reciprocity between participants, some exercise of pressure so that reciprocity is ensured or made more likely is legitimate. Given that the normative considerations we have worked with thus far are supposedly quasi-contractual, it is perhaps opportune to go back to this analogy to support this point further. Those who are jointly committed in the pursuit of a collective endeavour are in a situation that is analogous to the one enjoyed by the contractors of a pact. They are in a position where they enjoy a relationship regulated by certain immanent terms, which grants each of them a degree of control and authority over each other's agency. As

contractor of a pact, as long as my actions affect the terms of the pact, I cannot claim complete authority and discretion over what I do. The other contractors have an interest in my behaving coherently with the terms of the pact and enjoy the standing to call me to answer upon violation.

Now, contractors of a pact do not obtain any right to obtain compliance with the pact *at all costs*. But they are in the position to ask for some *guarantee* or *assurance* that the pact will be effective. Think of the case of a pact where nothing provides any degree of security that contractors will comply. The thought is that this is hardly a pact at all.<sup>36</sup> None of its contractors would be able to safely assume that certain standards of conduct will be upheld, a situation which would undermine the rationale of subscribing to the pact in the first place.

*Mutatis mutandis*, an analogous situation characterizes the normativity of joint agency and the practices to which it applies. A large scale and complex joint commitment such as that underlying institutions and their practices holds together only insofar as participants can have a certain degree of assurance that the terms of the commitment will be guaranteed, and that those occupying key roles within it will do their bit. Whether or not these people will comply with the obligations that follow from this – their civic duties – is not something that can be dependent entirely on their virtue or good faith; it is instead something about which other participants are entitled to be sure.<sup>37</sup> If this is correct, then backing up the practice with an institutional mechanism that safeguards compliance with civic duties is perfectly consistent with the considerations provided thus far.

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<sup>36</sup> This echoes the famous quote from Hobbes: “Covenants, without the Swords are but Words.” (Hobbes 1996, 117)

<sup>37</sup> This point - which entails the Kantian idea that a normative framework of rights and duties can subsist only insofar as there can be a baseline of assurance that the demands entailed by it are met - is well explained in Stilz 2009, 51; I have followed her own phrasing here. See also O’Neill 1996, 129 - 132 and Wenar 2013, 208 - 210.

Let us now look at how this whole argument applies to voting. The thought is the following. Epistemic constraints on voting are justified because participants in political decision-making have, in virtue of the mutual answerability that they enjoy as people who are jointly committed to the common practical goal of reaching a political decision, the standing to demand that they comply with their civic duty to act in an epistemically responsible way.

We have argued that the mutual authority that they enjoy over each other as joint participants is limited, and that this excludes setting up excessively demanding institutional arrangements. The implication for voting is, I believe, quite clear. The civic argument can support only modest constraints on participation and cannot support any mechanism of full-fledged disenfranchisement. The premises of the civic argument support the thought that is legitimate to demand compliance with the civic duty of epistemic responsibility and to introduce institutional ‘guarantees’ to this end. But, from a prudential standpoint, these premises alone do not explain why a permanent exclusion from the decision-making practice or the loss of the right to vote should be the appropriate response to non-compliance. As explained above, the normativity supported thus far does not seem strong enough to support this. As voters, we might be mutually answerable to one another for how we vote, and we might have the right to make demands on each other in this sense. But exactly like in the case of the rowers, this mutual answerability does not necessarily entail that anyone has a right to permanently exclude someone else from the practice. Again, this might not always be unjustified, but it does not seem immediately supported by the normativity presented in my argument.<sup>38</sup>

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<sup>38</sup> Although I will not pursue this line of argument here, it could be argued that it is implicit within the normativity of joint agency, which appeals to the value of voting as a joint practice, that there should be a *presumptive* (although not unconditional) right to participate in the practice.

That said, the fact that excessively demanding arrangements are excluded does not entail that we cannot do anything in order to ensure an epistemically responsible agency from voters. If, as argued in [3.1] and [3.4], voting is a practice that meets the conditions for generating civic duties, and if the considerations about their enforceability mentioned in this section are correct, then as a community engaged in deciding which course of political action to pursue, we can permissibly call each other to answer and advance demands concerning how we behave in the procedure that brings this decision about. This normative consideration might not be strong enough to support fully epistocratic decision-making procedures, but it seems strong enough to support arrangements that put a certain degree of pressure on voters, with the goal of ensuring an epistemically responsible agency on their part.

In order to reach a decision over what course of action the polity should pursue, we entrust ourselves to the practice of voting. Participation entails an implicit commitment to contribute to the decision according to the prerogative tasks and powers that characterize our role in it. As a result, we incur a civic duty. Given the distinctively epistemic dimension of the role of voter, the content of this duty is given by epistemic responsibility. This obligation is interdependent with that of other participants and correlates to their right to demand that it is honoured. As much as the rationale of committing to the terms of a pact rests on having a certain degree of security that others will reciprocate, the rationale of the practice of voting rests upon having a certain degree of guarantee that voters will do their part properly and comply with their civic duty of epistemic responsibility.

The civic argument might not be strong enough to support arrangements that deprive people of their right to vote. But it does seem able to justify less invasive procedures that go some way towards providing a better and stronger baseline of security that voters will comply with their civic duty of epistemic responsibility, and limit

participation accordingly. Recall what I take to be the standard example of an epistemic constraint on voting: either prior to voting or as part of the registration for voting procedures, the citizen is compelled to participate in competence-enhancing training delivered through means such as local public debates, information classes, etc. The practical goal of this arrangement would not be to test compliance or enforce it through threats of punishment. Its goal would be to act as a social guarantee that tries to make compliance more likely than in ordinary circumstances. This is still a layer of demandingness, but one that the civic argument seems strong enough to bear. As much as any other complex collective endeavour, deciding together which course of political action to pursue is a practice that holds together only insofar as participants behave appropriately. If we are to be jointly committed to this specific way of making political decisions, we must be able to expect – with a certain degree of assurance – that the terms of the commitment will be guaranteed, and that voters will be epistemically responsible. Compelling people to participate in competence-enhancing training prior to voting would provide such a guarantee through a legitimate institutionalized arrangement.

Let me conclude by pointing out how the introduction of institutional mechanisms and arrangements of this kind is far from uncommon. Again, recall that what we are trying to justify is building, around the exercise of the requirements associated with institutional roles, mechanisms of incentive or pressure that secure a proper behaviour from their occupants. We do concoct mechanisms of this kind quite often, through professional organizations, government agencies and so forth.

I will illustrate this through an example that I believe to be particularly fitting. Recall Ceva and Ferretti's paper mentioned in chapter 2.<sup>39</sup> The case presented there focused on Italian doctors

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<sup>39</sup> Ceva & Ferretti 2014 & 2018.

working for the SSN, the Italian national health-care system. The issue, recall, is that Italian doctors tend to abuse the discretionary powers granted to them by their role in order to sabotage the right of women to obtain an abortion. To put it in the language of civic duties, even if doctor D is allowed by Italian law to refrain from performing an abortion, this does not absolve D from his civic duty to act in ways compatible with the spirit of his role as provider of public health care. This civic duty demands, for instance, that he provide adequate information about different facilities. If, because of his religious or moral beliefs, D behaves manipulatively or cryptically in fulfilling this task, he is substantively violating his civic duty by acting contrarily to the rationale and practical goal in name of which his role exists.

This example is helpful for our purposes. We have an institutional role that is part of an institutional set of practices with a clear collective goal (public health care). The agency of the doctors in the SSN is bound by a joint commitment to uphold that goal, which informs the responsibilities that doctors have a civic duty to fulfil. As explained, D violates one component of his civic duty. Now, doctor D has willingly opted into a practice with a non-repugnant collective goal, understanding that this places him under a duty to uphold the norms of action associated with his role (whose content he should understand as well). In virtue of his participation and role, a relationship of mutual answerability has been created between him and other participants in the institutional practice. This means that others have some degree of authority over his agency and are legitimately able to call him to answer and to demand that he performs his civic duties.

Now, what we are looking for is a justification for moving from the claim that the doctor has certain civic duties, to the claim that there should be institutional mechanisms that ensure compliance with these duties. Let us take for granted that ‘examining’ the extent to which doctors act faithfully to the rationale of their role might be difficult and invasive. Suppose, however, that a law is introduced that compels

doctors to participate in further debates about applied ethics or that sets up mandatory courses on abortion and the rights of women. This is still a way to demand compliance but in a much weaker sense. What this arrangement would do is apply some ‘institutional pressure’ so that doctors do what they are supposed to do in the first place.

This can indeed be justified by the idea that a complex and large-scale joint commitment, such as upholding public health care, can hold up only insofar as there is a baseline of security that those who hold key responsibilities within it will do their bit, and contribute properly to the overarching shared goal of the collective practice as they are supposed to. If all participants in the commitment are entitled to have this baseline of security, then this quite clearly seems to override the potential burden endured by doctors – namely having to go through further institutional compulsive arrangements in the exercise of their role.

### *Conclusions of Chapter 3*

In this chapter, I have defended the second part of the civic argument. First, I have applied the normativity of joint agency (in its Gilbertian interpretation) to the practice of voting. After having made clear how voting is a practice with an identifiable overarching shared goal that grounds civic duties for those who have a role in it, I have focused on explaining how the role of voters consists in contributing to public decision-making through the performance of an act of political advocacy. I then argued that, since performing an act of political advocacy is an action analogous to the uttering of an epistemic assertion, whereby the agent gives voice to their beliefs about the public issues at stake, it is bound by similar epistemic norms. I then concluded that voters are under a civic duty to exercise their decision-making powers in an epistemically responsible way (i.e. by exercising a cluster of basic epistemic capacities).

I then moved on to argue that the civic argument justifies epistemic constraints on voting, institutional arrangements designed for ensuring that voters uphold an epistemically responsible agency. This justification is rooted in the normative standing enjoyed by participants in political decision-making practices. In virtue of the mutual answerability that they enjoy as people who are jointly committed to the shared practical goal of reaching a political decision together, they have the standing to demand an epistemically responsible agency from each other.

This concludes the reconstruction of my positive theory. The next and final chapter will discuss a specific set of potential objections. More precisely, I will discuss how the civic argument responds satisfactorily to some egalitarian concerns (i.e. public respect and relational equality) that are commonly raised against standard epistocratic theories.

## Chapter 4 - Egalitarian Objections to the Civic Argument

In the previous two chapters, I have presented what I called the civic argument for epistemic constraints on voting. We can summarize it, roughly, as follows:

1. Acting in an institutional capacity generates special obligations called civic duties, grounded in the normativity of joint agency. Civic duties require agents to uphold – in a thick sense – the norms of action entailed by their institutional role.
2. The civic duties associated with voting have an epistemic dimension. Namely, since acting in the institutional capacity of voter consists in performing an act of political advocacy analogous to the uttering of an assertion, the role of voters is bound by a norm of *epistemic responsibility*.
3. Since civic duties, including the ones associated with voting, generate a shared right to demand a certain degree of compliance between the participants in institutional practices, they are at least to a certain degree enforceable.

Conclusion from (1 – 3): the civic argument justifies modest *epistemic constraints on voting*, institutional mechanisms aimed at ensuring that voters act in an epistemically responsible way.

In this final chapter, I will explain how the civic argument deals with a specific set of objections that are typically voiced against other epistocratic theories. I group them under the common label of *egalitarian objections*. According to these objections, political equality forbids us from giving any normative weight to differences in political competence among citizens and, since epistocratic arrangements use these differences to justify themselves, they are inherently<sup>1</sup> incompatible with this principle and ought to be rejected.

My purpose, in this chapter, will be to analyse whether these objections apply to the civic argument and to its conclusions in favour of epistemic constraints on voting. Recall that the chief example of an epistemic constraint on voting is making the exercise of the right to vote conditional upon participating, either prior to voting or as part of the registration process, in additional competence-enhancing training. Even if epistemic constraints on voting of this kind are arguably more modest arrangements than those proposed by standard epistocratic theories, they are still an exclusionary mechanism potentially susceptible to egalitarian objections.

Nevertheless, I will argue that egalitarian objections fail to undermine the case for epistemic constraints on voting. Once again, differently from standard arguments for epistocracy, I will pursue an argumentative strategy that makes no resort to instrumental considerations.

Before entering the discussion, let me offer a methodological remark. Egalitarian objections to epistocracy stem from parallel justifications of democratic authority grounded, either entirely or partially, in a commitment to political equality and to the idea that democracy is the

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<sup>1</sup> From this standpoint, the anti-egalitarian nature of epistocracy does not stem from its contingent implications. Rather, epistocracy is to be rejected because it *embodies* anti-egalitarian values. In this chapter, I will offer some reasons to believe that this is not the case. Moreover, from an egalitarian standpoint, epistocratic arrangements are to be rejected even if they were to turn out to be demonstrably superior to democracy from an instrumentalist perspective (Estlund 2008, 42).

only political order compatible with it. Since this set of claims has been justified in countless different ways, there are countless different rejections of epistocracy that are motivated by egalitarian considerations. Dealing with all of them in detail would be impossible. I will hence focus on two mainstream ways of formulating the egalitarian objection – the *disrespect objection* and the *hierarchy objection* – and discuss how the civic argument can resist both.

The chapter will be structured as follows:

I will begin with a preliminary section, [4.1], that will reconstruct the main differences between the civic argument and the standard argument for epistocracy. The purpose of this section is to remind the reader of the distinctive features of the civic argument, and hence facilitate the discussion of the egalitarian objections to it. Section [4.2] will present and discuss the *disrespect objection*. From this standpoint, epistemic constraints on voting would embody the idea that the political judgements of those who do not undertake a previous competence-enhancing training are not worth paying attention to, thereby expressing disrespect towards these people and their capacity for political judgement. In response to it, I will argue that since my view does not rely on comparisons of political competence between citizens, the objection loses much of its bite when pitted against the conclusions of the civic argument. Section [4.3] will present and discuss the *hierarchy objection*. From this standpoint, the conclusions of the civic argument are to be rejected because epistemic constraints on voting would subjugate the people who do not undertake the training to the power of those who do, thereby instantiating a hierarchical relationship in which the former group of people stands as rule-takers, permanently subjugated to the power of the latter group. In response to it, I will argue that civic duties counterweigh the considerations about the standing of citizens in society that prompt the objection in the first place and that, consequently, a commitment to avoid hierarchical social relations does not necessarily outweigh these additional obligations.

#### **[4.1] The Civic Argument & the Standard Argument for Epistocracy: a Recap**

In this section, I will recap the main differences between the civic argument and the standard argument for epistocracy.<sup>2</sup> The substantive work that underpins the content of this section has already been conducted throughout the previous chapters. Nevertheless, there are two rationales for going over these issues again. The first is to remind the reader of some implications of the work conducted thus far. The second is to facilitate the work of the following sections, as these implications will play a significant role in explaining how the civic argument deals with the egalitarian objections commonly raised against epistocracy.

The work conducted in chapter 1 led me to the conclusion that a plausible argument for constraining participation in voting practices on grounds of competence has to satisfy some key desiderata. More precisely, a theory with epistocratic ambitions needs to provide an account of the epistemic responsibilities of ordinary citizens in voting and to explain why failure to meet these responsibilities might legitimately result in excluding the prospective voter from participating in the ballot. I also argued that the standard argument for epistocracy is defective on both accounts, precisely in virtue of its commitment to a radical instrumentalism. More precisely, I have argued that the standard argument cannot attribute any positive epistemic responsibility in voting to ordinary citizens and, hence, that it cannot provide any justification for excluding incompetent decision-makers from participating in voting practices.

I anticipated that the civic argument's ambition is to serve as a non-instrumental alternative to the standard argument for epistocracy. After the work conducted in chapters 2 and 3, we have the elements necessary to reconstruct with more precision what this means and why this

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<sup>2</sup> Brennan 2016, Caplan 2007, López-Guerra 2014, Mulligan 2015 and 2018.

strategy, which avoids any reference to political outcomes, pays off. The distinctiveness of the civic argument comes from how the normativity of joint agency – which provides the grounds for civic duties – applies to voting. The normativity of joint agency instantiates mutual answerability between voters. What gives us reason to uphold the civic duties associated with voting is the fact that we are engaged with others in the endeavour to make a collective decision concerning what to do politically and we are hence mutually answerable for how we perform our role within such a practice.<sup>3</sup> Being epistemically responsible voters is a positive requirement that we took upon ourselves to honour as agents who play a part within a collective practice that has a specific practical goal. If we fail in this respect, we fail to live up to what we owe each other as people who are jointly committed to that goal. The need to secure this mutual answerability is also what drives the justification of epistemic constraints on voting. As argued in [3.5], people who are jointly committed to the practical goal of political decision-making have the authority to demand from each other a conduct that serves the goal appropriately. As much as in the case of any other joint

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<sup>3</sup> Notice how this equips the civic argument with better responses to some epistemic and instrumentalist objections to epistocracy as well. From the standpoint of the standard argument for epistocracy, voting in an epistemically irresponsible way is wrong because of the detrimental impact that it has on the quality of political outcomes and because of the risk of harm that it thereby imposes on others. Those who criticize epistocracy on epistemic grounds often argue that mechanisms of collective intelligence as well as various heuristics compensate for the risks associated with the epistemic shortcomings of individual voters. (Among many, see Christiano 2015, Goodin 2003, Goodin and Spiekermann 2018, Landemore 2012). Now, whereas the claims of standard epistocrats effectively depend on how we answer all sorts of questions about the impact of individual votes and about the risks associated with it, the civic argument can bypass these problems. The civic argument interprets lack of epistemic responsibility in voting as a violation of a positive duty to live up to the requirements that flow from acting in an institutional capacity. Hence, it does not need to concentrate itself on the impact of individual conduct on political outcomes or on the risks associated with it. What matters is the non-instrumental fact that an epistemically irresponsible voter fails to give a normatively appropriate response to the fact that she is involved in a common endeavour. This applies even when his vote has clearly no detrimental impact on the outcome nor any other risk associated with it, and even if it were true that his epistemic shortcoming is compensated by mechanisms of collective intelligence.

commitment that underlies complex institutional practices, the one underlying voting can stand only insofar as the participants can have a certain degree of security that others will do their part by complying with their civic duties. Epistemic constraints on voting provide an institutional guarantee in this sense.

This approach allows us to effectively provide a justification for constraining the exercise of voting powers on the basis of some criterion of political competence without having to appeal to the contentious and hardly verifiable claim that political outcomes will effectively be improved as a result of these constraints. From this standpoint, constraints on voting procedures are not justified because (and only insofar as) they maximize the quality of outcomes, but rather because (and insofar as) they safeguard the commitment to decide responsibly that voters take it upon themselves to honour by joining the practice. Epistemic constraints on voting have normative support because they provide the insurance of appropriate conduct upon which the joint commitment between people who share the goal of making a collective political decision depends, and that each participant is entitled to have.

These differences will play an important role in defending the civic argument against the most common egalitarian objections that are usually raised against epistocratic theories. Whereas standard epistocrats respond to these challenges by insisting on the priority of political outcomes, the civic argument tries to respond to them on non-instrumental terms, by explaining how the civic duties associated with voting counterweigh other non-instrumental concerns such as political equality.

Before I move on to the discussion, let me reiterate a point that I anticipated in the introduction to this chapter. The egalitarian objections to epistocracy that will be considered in this chapter are part of broader theories aimed at justifying democratic authority. Their rejections of epistocracy are complementary to their support for democracy. Here, I will restrict the scope of my work to an analysis of

how the civic argument deals with the criticisms of epistocracy that these theories propose, without any ambition of providing a comprehensive assessment of their arguments in favour of democracy.

#### [4.2] The Disrespect Objection

Having reminded the reader of the main differences between the civic argument and the standard argument for epistocracy, I will now discuss how the civic argument deals with egalitarian objections to it. Recall that I use this term in a broad sense, grouping together a few objections that share a common concern, namely that epistocracy is inherently at odds with political equality.

I will start by focusing on a first strand of objections, which I group under the label of *disrespect objection*. From this standpoint, epistocratic arrangements ought to be rejected because discriminating between the political judgements of citizens because of considerations of political competence violates a commitment to treat all citizens with proper respect. This objection rests on the idea that, in light of their moral equality, all people are owed a minimum of respect. In other words, given that persons should be regarded as having an equal moral status, the fact that X is a person determines that X ought to be treated with respect.<sup>4</sup> Public institutions ought to be arranged in a way that reflects this commitment to equality and, hence, they ought to grant people the respect that is owed to them as a result of their equal moral status. This generally commands an equalization of rights and powers and, barring special considerations, it excludes any differential treatment. In the context of public decision-making practices, this leads to the idea that people are truly given the respect due to them (and they

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<sup>4</sup> The idea of respect for persons has its forefather in Kant 1785 and it has since then played a significant role in several normative theories. For significant explorations of the topic see, among many, Darwall 2006, Frankena 1986, Hill 2000, Korsgaard 1996, Larmore 1987 and Rawls 1971.

are hence truly treated as equals) only if they are all given equal decision-making powers in the form of a vote.

This latter claim is justified in various ways, but what seems to be key is the idea that people are paid proper respect only if their political judgements are taken seriously. Since all human beings share at least a basic capacity for moral reasoning and to advance normative claims or ideas, respecting them requires that we recognize the value of this common capacity for moral reasoning by heeding their judgements concerning issues of value.<sup>5</sup> Judgements concerning how to shape the terms of our social and political coexistence are no exception. Treating other people as equals requires respect and respect requires that we take seriously their judgements in the context of public decision-making. Now, in order to live up to this desideratum, we ought to start from an assumption of equal competence. Public decision-making institutions cannot truly reflect a commitment to equality if they start discriminating between the political judgements of people. Consequently, we ought to refrain from making any assessment of political decision-making capacities and act as if all citizens were equally competent.<sup>6</sup>

This objection to epistocracy figures prominently in the accounts of democratic authority of several democratic theorists. Thomas Christiano, for instance, grounds the right to have an equal say over political decisions in a principle of publicity. This principle requires people to be able to see that public institutions treat them as equals. In the context of public decision-making institutions, this implies that people ought to be able to see that their judgements are given proper consideration, which in turn makes it impermissible to use differences

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<sup>5</sup> Christiano 2008, 18 - 27.

<sup>6</sup> This is well put by Valeria Ottonelli: "the reason why all citizens have equal political rights [...] is not that each of them has an [...] equally worthy political view, but rather that all of them have a right to be portrayed as capable of having one". (Ottonelli 2012(a), 177)

in competence as a valid basis for justifying differential political power.<sup>7</sup> Allen Buchanan makes a similar point: “if the political system should express a fundamental commitment to equal consideration of persons, why shouldn’t this commitment be reflected in the processes by which laws are made and in the selection of persons to adjudicate and enforce the laws [...]?”<sup>8</sup> Jeremy Waldron also argues that excluding someone from a decision in which they have a stake is an offense to that person that effectively denigrates her sense of justice and that denies her status as our equal.<sup>9</sup>

A similar commitment to refrain from giving any weight to considerations of differential competence motivates the rejection of epistocracy by public reason theorists. For instance, David Estlund<sup>10</sup> rejects epistocratic arrangements because they rely on ‘invidious comparisons’, a term under which Estlund groups any comparison between citizens that involves an assessment of their differential moral or political competence. These comparisons – which serve as the basis for a differential distribution of political power in most epistocratic

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<sup>7</sup> Christiano 2008, 51.

<sup>8</sup> Buchanan 2002, 712.

<sup>9</sup> Waldron 1999, 238 - 239.

<sup>10</sup> Estlund’s framework - epistemic proceduralism - is meant to enrich traditional proceduralist views with an epistemic element. The starting point of the project is the idea that it is not possible to ground the authority of democracy merely on procedural values, such as the intrinsic fairness of one person-one vote. As Estlund famously puts it, if political decisions were to draw their legitimacy only from the fairness of the procedures through which they are determined, then democratic voting would hold no advantage over flipping a coin (Estlund 1997 and 2008, 82 - 84). Contrary to the worries of proceduralists, Estlund argues that admitting epistemic considerations in debates about the justification of political authority does not represent a danger for democracy. On the contrary, democracy has legitimacy precisely because it displays significant epistemic qualities alongside procedural virtues. More precisely, according to epistemic proceduralism “democratically produced laws are legitimate and authoritative because they are produced by a procedure with a tendency to make correct decisions. It is not an infallible procedure, and there might be even more accurate procedures. But democracy is better than random and is epistemically the best among those that are generally acceptable” (Estlund 2008, 8). As anticipated in the introduction of the thesis, I will not discuss instrumentalist arguments in favour of democracy. Hence, I will not discuss this facet of Estlund’s epistemic proceduralism.

theories – are excluded by a criterion of qualified acceptability, Estlund’s own elaboration of a principle of liberal legitimacy common in the tradition of political liberalism.<sup>11</sup> At the core of this acceptability claim there’s the idea that considerations about the exercise of political authority have to meet a special burden of justification.<sup>12</sup> Namely, any claim that concerns the justification of coercive political institutions or exercises of power – such as the claim that a certain procedure yields a decision that is owed obedience – must be acceptable to all reasonable citizens.

Charles Larmore explains how the notion of respect plays a key role in these remarks.<sup>13</sup> If we impose a rule over someone without any form of consideration for their judgement about that rule, we disrespect that person because we act as if their distinctive capacity for reason has no value at all. Hence “to respect others as persons in their own right when coercion is at stake is to require that political principles be as justifiable to them as they presumably are to us.”<sup>14</sup> What follows is, again, that in the context of procedures that shape coercive laws we should act on an assumption of equality among political agents and decision-makers. Political decision-making procedures are justified only if they are arranged in a way that treats each citizen as being as entitled and as capable of engaging in the exchange of valid political claims and in formulating valid political judgements as anyone else.

It is quite clear that epistocratic arrangements, in virtue of their attempt to distribute political power according to competence, go against this commitment. From the standpoint of these objections, the

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<sup>11</sup> Its most authoritative formulation is Rawls 1993, 137: “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”.

<sup>12</sup> Some (like Gaus 1996, 252) argue that any political arrangement that departs from equality needs to be conclusively justified.

<sup>13</sup> Larmore 1999 and 2008.

<sup>14</sup> Larmore 2008, 148 - 149.

very idea that comparisons of competence between people could count as legitimate normative considerations is inherently problematic. A political arrangement that imposes coercive political decisions through a procedure that is insensitive to the views and judgements of some people on grounds of their alleged incompetence would be an arrangement that fails to show proper consideration for the capacity for judgement of these people and, with this, for their status as rational human beings worthy of consideration and respect. Epistocratic arrangements are unacceptable because any such arrangement would *inherently* embody the idea that some people are not sources of valid judgements concerning how to administer our social and political coexistence, and hence would violate a commitment to treat these people respectfully. In setting up this discrimination between people who exercise their political agency properly and people who do not, an epistocratic arrangement would express the idea that only the former are worthy of being listened to, whereas the latter are not, thereby failing to treat the two groups with the same degree of respect.<sup>15</sup>

In what remains of this section, I will argue that the disrespect objection to epistocracy does not convincingly apply to the conclusions of the civic argument. The civic argument does not rely on disrespectful assumptions of differential competence nor on invidious comparisons, at least not according to the more plausible interpretation of these notions. More precisely, I argue that the civic argument cannot be accused of relying on any impermissible disrespectful or invidious comparison because it does not resort to any consideration about competence that would not be acceptable also to proponents of the objection.

Let me explain this claim. What ultimately decides whether a certain decision-making procedure P is objectionable on grounds of respect is the kind of justification that is offered in its support. If, at any point of

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<sup>15</sup> Christiano 2008, 92 - 93.

the justification or argument for P, we resort to competence-based comparisons between citizens then we are making an impermissible move from the standpoint of public respect. Most arguments for epistocracy do indeed grant normative significance to the fact that people differ in their capacity for political judgement. In making this move – calling upon differential political or moral competence as a legitimate ground for justifying a discrimination between rulers and non-rulers – they violate a demand of respect. The same goes for the epistemic constraints on voting argued for in this thesis. If the civic argument resorts, at any point of its justification for them, to competence-based comparisons between citizens, then the civic argument is to be rejected on grounds of disrespect.

Thus, the question is indeed whether the civic argument makes this impermissible move. My sense is that it does not, at least if we frame what counts as a disrespectful consideration in a plausible way.<sup>16</sup> It is crucial, in this regard, to define the scope of impermissible comparisons and to specify the considerations of competence that cannot be appealed to on grounds of disrespect. There are two possibilities in this sense. A first, more restrictive option, would be to count considerations of competence as disrespectful only if they are formulated in relative terms. That is, only if they involve explicit comparative assessments of the political competence of citizens, assessments that are meant to inform a differential distribution of voting powers. A second, broader option, would be to count as disrespectful even considerations of competence that are formulated in absolute terms. From this

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<sup>16</sup> I will not pursue this issue here, but it is perhaps worth noticing that the disrespect objection seems to rest - at least in some accounts - on a specific interpretation of voting powers, according to which they represent a personal resource rather than a public responsibility (Christiano 1995). As it is probably obvious, from the standpoint defended throughout this thesis such a view is reductive and fails to take into account the fact that voting represents an individual contribution to a collective endeavour and the normative considerations that follow from this fact. For critical discussions of the interpretation of votes as personal resources, see Gaus 1996, 248 - 251 and Wall 2007, 418 - 420.

standpoint, the very fact of employing the notion of political competence in the first place – or at least the idea of recognizing normative significance to it or to similar concepts – would be problematic.

Let me start with the first interpretation. From this standpoint, the considerations of competence that count as disrespectful, invidious and unacceptable are only those that are formulated in relative terms. This interpretation rules out as disrespectful any attempt at measuring, singling-out or assessing which members of the political community qualify as politically competent and to differentiate between them on such basis. These considerations are widely employed in standard arguments for epistocracy. Standard epistocrats believe that it is a discernible fact that people display wide differences of political competence. Moreover, they believe that this fact has normative relevance in the context of political decision-making practices. From their standpoint, we should employ whatever reliable proxy is available to us – empirical studies, scholarly education, literacy, etc. – to assess how citizens fare in terms of political competence relatively to one another and differentiate the distribution of political decision-making power on this basis. For instance, empirical studies about the competence of average voters are a key driver in Jason Brennan’s argument for epistocracy.<sup>17</sup> His conclusions rest on the idea that, in light of this evidence, it would be reckless to grant ordinary citizens with political decision-making powers. Going back to more classical contributions, Plato assumed that only philosophers have the right kind of intellectual and moral virtues that determine a wise ruler<sup>18</sup> and John Stuart Mill assumed that people with no scholarly education would be far less prepared and capable of contributing to public decision-making than more educated ones.<sup>19</sup> All these arguments display an attempt at

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<sup>17</sup> Brennan 2016, 23 - 53.

<sup>18</sup> Plato 2000.

<sup>19</sup> Mill 1977.

distinguishing which subset of the citizenry is more competent on the basis of some proxy that is regarded as a reliable indicator in this sense. This attempt at ‘measuring’ competence through some form of comparative assessment of citizens plays a key role in driving the conclusions in favour of epistocracy of these arguments and it is perceived by most critics as contemptuous. The reason being that it submits people to a scrutiny of their capacities as political decision-makers (and consequently of their capacities for reason) with the purpose of singling out those who fall short of the desired criteria, thereby allocating people along some imaginary ranking of competence. This makes the theories vulnerable to the disrespect objection.

Suppose we take this first interpretation and accept that resorting to considerations about differences in competence among the citizenry formulated in relative terms is an impermissible move on grounds of disrespect. My response is quite straightforward: if we employ this first interpretation, then the civic argument is immune to the disrespect objection. The civic argument *does not* make such a move, in that it does not rely on any disrespectful consideration of this kind. The civic argument does not involve any attempt at assessing and comparing the political competence of people. The core of the argument is the idea that when people engage together in making a collective political decision, they owe each other and have a standing to demand of each other that they act in a way that conforms to their civic duty of epistemic responsibility. Advancing this claim does not entail that those citizens who happen to be less competent should be singled out as such and placed on the lower tiers of some imaginary competence ranking. Whether people are currently competent, who amongst them is more likely to be competent, what are the differences between them in this respect are all tangential issues in the context of the civic argument. Whatever the answers to these questions might be, the point remains the same: we must ensure, through a viable proxy, that all those who do

choose to participate in political decision-making practices meet at least a certain threshold of epistemic responsibility. Beyond this, any further difference or consideration of relative political competence is not pertinent to our purposes and plays no relevant justificatory role at any stage of the argument.

This point emerges more strikingly if we look at the specific institutional arrangements that the civic argument is meant to justify, epistemic constraints on voting. These are meant to ensure an epistemically responsible agency in voting. Making voting conditional upon undertaking a competence-enhancing training serves as a proxy for epistemic responsibility, and not as a proxy to assess or test the competence of voters. Under an arrangement of this kind, once a voter displays a commitment to acquire and cultivate the minimum of epistemic capacities required by their civic duty, they are included in the decision-making process. There is no further selection, assessment, or comparison of their judgements nor any attempt at distinguishing who is more competent than whom. In my view there is no attempt at placing voters on some kind of competence ranking either. Voting under the epistemic constraints envisioned by my theory would be a political decision-making procedure that effectively constraints the exercise of political authority on epistemic grounds without resorting to any comparative assessment of the political competence displayed by ordinary citizens. If these are the considerations that are impermissible on grounds of respect, it is not clear why the disrespect objection should apply to the civic argument in the first place.

So much then for the first interpretation. But what about the second? Under this second interpretation, considerations of political competence are disrespectful even if they are formulated in absolute terms. From this standpoint, public respect requires not only that we don't make a comparative assessment of the political competence of citizens. It requires, at least in the context of debates about legitimacy and authority, that we deny any place or normative significance to the

notion of political competence in the first place, no matter how the notion is fleshed out. If we accept this interpretation, the civic argument is indeed in trouble. Even though it makes no use of relative comparisons about competence in justifying epistemic constraints on voting, the civic argument nevertheless calls upon the requirement of a minimum of epistemic responsibility by voters. In doing so, it incorporates and gives normative significance to some notion analogous to political competence. More precisely, the civic argument is committed to the idea that the justifiability of a practice like voting rests upon a certain degree of security that voters will comply with their civic duty to be epistemically responsible. This implies that there are indeed epistemic conditions or qualifications on the commitment to take seriously the judgement of a voter. Not everything goes. Namely, the judgement of a voter should not be recognized as a valid contribution to the political decision at stake unless it meets the requirement of epistemic responsibility in voting, understood as the requirement to exercise a cluster of basic epistemic capacities. The civic argument might not be resorting to the same considerations of competence of standard epistocratic accounts, but some considerations of competence do matter, and they still play a role in justifying some constraints on participation in voting. These constraints exclude some people, namely those who do not make an attempt at acquiring the minimum of epistemic capacities required by their institutional role.<sup>20</sup> Under this second interpretation, the civic argument would effectively be vulnerable to the disrespect objection.

However, the interpretation according to which even considerations of competence formulated in absolute terms should be rejected as

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<sup>20</sup> In other words, even if it does not take on the radical instrumentalist commitments of standard epistocratic views, the civic argument nevertheless endorses the key claim of epistocratic theories, the anti-authority tenet (Brennan 2016, 17): failure to meet the desired threshold of competence legitimately disqualifies from the exercise of political authority.

disrespectful is implausible, as it extends the range of what counts as impermissible considerations in an overinclusive way. If it were to be adopted, it would require that we ban *any notion* of political competence, no matter how it is fleshed out, from discussions about political authority. But this would spell trouble also for the proponents of the disrespect objection, as their own theories do make room for some analogous requirement of modest political competence.

For instance, David Estlund's argument against epistocracy rests on the qualified acceptability criterion, according to which coercive rules and political arrangements have to be acceptable to those who hold qualified points of view.<sup>21</sup> Without any presumption of being able to discuss this criterion nor the public reason liberalism from which it stems thoroughly, it is perhaps worth noting that the idea of 'qualified acceptability' has a certain ambiguity to it. Namely, the idea that political acceptability is 'qualified' does seem to imply that there is a range of properties that gives 'qualification' to the views that citizens have concerning the terms, norms and rules of our social and political coexistence. If we say that political arrangements and coercive norms ought to be acceptable to those who hold qualified views, we are saying that they ought to be acceptable to those who indeed possess the relevant range of properties. Conversely, we are conceding that there might be some perspectives on how we ought to live together that fail to meet the range of properties that would make them worthy of engaging with. In other words, the qualified acceptability criterion seems to implicitly build into its structure, at least formally, the same idea put forward by the civic argument: below certain conditions, some political judgements may not have what it takes to be worthy of being admitted in public deliberation and decision-making. Now, a lot obviously hangs on determining the content of the notion of 'qualified'.

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<sup>21</sup> As Estlund himself puts it: "no person can legitimately be coerced to abide by legal rules and arrangements unless sufficient reasons can be given that do not violate that person's reasonable moral and philosophical convictions, true or false, right or wrong." (2008, 43)

Depending on how we describe the range of relevant properties that a view ought to meet to be regarded as a qualified view, our conclusions may change. But my sense is that the account of epistemic responsibility in voting proposed in this thesis could very well be part of such a description, or at least be a criterion to which Estlund should be sympathetic. For one thing, the account follows from Estlund's own idea that votes have advocative force and that they lend support to the political option for which they are cast, as I have argued in [3.2] and [3.3]. It's this advocative aspect of votes, identified by Estlund, that drives the idea that acting as a voter requires the exercise of an epistemic agency analogous to the uttering of assertions. If Estlund is committed to an advocative interpretation of voting, he should be sympathetic to the idea that some epistemic requirements are inbuilt in the exercise of voting powers and to the idea that they might be part of the range of properties that define qualified points of view.

Even democratic theorists who rest their case for democracy on stronger egalitarian commitments do employ some notion of political competence and end up making room for some modest requirements of this sort. For instance, Thomas Christiano limits the application of his principles of publicity – and hence the application of an equal respect for judgement – only to “minimally morally competent persons”.<sup>22</sup> Curiously, in discussing how this criterion excludes children and insane adults from voting, Christiano admits that even though this might impact their standing as citizens, these considerations about their political competence entail no denial of their moral equality.<sup>23</sup>

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<sup>22</sup> Christiano 2008, 128 - 129. The idea, more precisely, is that only once individuals are capable of “elaborating, reflecting on, and revising ideas about justice [...] there is a basis for respect for the judgement of that person”.

<sup>23</sup> In this passage he claims that those who are excluded from participation “do have inferior status as citizens. But this in no way reflects a lesser moral status. They have an equal moral status with adults. Their interests are worthy of consideration and advancement as much as anyone else's. It is just that they are not able, through participation, to advance those interests. Hence they do not have rights of participation”. (Ibid., 129, note 33)

These people are legitimately excluded from participation in the political decision-making procedure without any disrespect entailed. This seems to amount to a concession of the point that some sacrifices in terms of equality are acceptable on the basis of a modest requirement of political decision-making competence.

Claims like these are not dissimilar from those that figure in the civic argument. Theorists like Estlund and Christiano argue that unqualified points of view are not owed political justifications and that human agents who lack the capacity to elaborate ideas of justice are not owed a political say. I argue that prospective voters who are not willing to do what it takes to be in the position to discharge their civic duties, for instance by undertaking a competence-building training, are not owed a say. The only relevant difference at stake is in terms of demandingness. Democratic theorists like Estlund and Christiano seem to conceive of the epistemic qualifications for an efficacious participation in political decision-making in a less demanding way than I do. Consequently, they conceive the group of the potentially excluded as being much more restricted. But the normative point we make is not that different as it might have appeared at first glance. If some agents cannot – or are not willing to – make an effort to exercise the minimum of epistemic capacities necessary for a meaningful exercise of political decision-making powers, there is no disrespect involved in not granting them a say.<sup>24</sup>

To recap, the only precondition for taking seriously the political judgement of citizens envisioned by the civic argument consists in this commitment to at least make an attempt at exercising certain epistemic capacities before voting. Epistemic constraints on voting should be seen as an institutional device that is meant to provide some guarantee in

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<sup>24</sup> This is especially true considering that the epistemic constraints on voting supported by the civic argument would not effectively deprive people of an equal opportunity to influence the outcomes of a political decision. See also the remarks offered here at pages 141 - 144.

this regard, with no further assessment or selection of voters. Their justification rests on the idea that the joint commitment underlying collective political decision-making cannot hold without a certain degree of security that people who take it upon themselves to contribute to it will comply with the civic duties that apply to them, such as epistemic responsibility. None of these premises involves assuming, from the get-go, that some people are incapable of valid political judgements. If this is true, then the only way in which we can legitimately accuse the civic argument of making disrespectful argumentative moves would require us to include, in the latter category, considerations about the competence of voters that do not involve comparative assessments of their political competence, including a modest requirement such as that of attempting to master a minimum of epistemic capacities. This, however, would make the notion too broad and implausibly overinclusive, spelling troubles also for the proponents of the disrespect objection. Although much more work needs to be conducted, these claims suggest that the civic argument can muster some defence against the disrespect objection and that the gap between its conclusions and those of some democratic theorists is not as wide as it appeared at first glance.

#### **[4.3] The Hierarchy Objection**

I will now turn to a second strand of egalitarian objections to epistocracy. I group them under the common label of *hierarchy objection*. According to this view, the problem with any arrangement that denies some citizens a say over political decisions on grounds of political incompetence is not so much that this would be disrespectful towards them but, rather, that this would instantiate an inequality in power between them and other citizens and, with it, a hierarchical relationship in which they are subjugated to the authority of others.

The hierarchy objection starts<sup>25</sup> from a relational interpretation of the commitment to political equality. From a relational standpoint, equality is a concept that regulates how we should relate to one another, rather than who should get what.<sup>26</sup> The key to uphold the ideal of equality, from this standpoint, is conducting human relationships on equal terms. Certain normative considerations follow quite straightforwardly. A relational interpretation of equality commands that we display an equal concern for one another, that we take each other's interests into equal consideration and that we relate to one another on the basis of the same scheme of rights and duties.<sup>27</sup>

These elements, however, are not enough to make a relationship equal. Think of the following case, proposed by Daniel Viehoff.<sup>28</sup> Suppose X and Y are in a spousal relationship in which all the relevant decisions are taken by X. Even if X weighs Y's interests properly in any of these decisions and even if the two interact on the same scheme of rights and duties, the relationship would still be unequal in an important sense. Namely, since X has disproportionate control and authority over the relevant decisions, it would be a relationship marked

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<sup>25</sup> The hierarchy objection can also be grounded in the notion of freedom as non-domination, as interpreted in the neo-republican tradition inaugurated by Philip Pettit (Pettit 1996 and 2012). In this tradition, we see the same commitment to guarantee equality of decision-making powers and the same commitment to secure an equal social standing between citizens. These commitments stem, however, not from a relational interpretation of equality, but rather from the idea that freedom requires someone's agency to be protected from the arbitrary power of others. I will not deal with this tradition in the present thesis. Let me briefly point out two things, however. First, even though much more work is required to give full justice to the neo-republican view, the anti-hierarchical conclusions that it reaches are tentatively vulnerable to the same responses I will offer here (as evidence of the similarities between the republican view and the hierarchy objection to epistocracy criticized here, see Kolodny 2019). Second, republicanism's attention to the duties of citizens is compatible with my account of civic duties. This could potentially represent a basis for conciliating our diverging conclusions. On the ambiguous relationship between republicanism and democracy, see Urbinati 2019.

<sup>26</sup> The most authoritative example of this interpretation of equality can be found in Anderson 1999.

<sup>27</sup> Viehoff 2014, 353 - 354.

<sup>28</sup> *Ibid.*, 359 - 361.

by imbalance of powers. This leads us to the key premise of the hierarchy objection. Namely, relational equality commands that the parties to the relationship have equal powers in shaping and determining how the relationship ought to be conducted. If this does not happen, a hierarchy – a relationship that makes one party subjugated to the ruling of the other – is created.<sup>29</sup> From this standpoint, what makes it impermissible that X has more power than Y in regulating the relationship between them is not so much the idea that this would be disrespectful towards Y. What is crucial is that this would result in a relationship in which X acts as ruler whereas Y acts as a mere subject to X's authority.<sup>30</sup>

This commitment to avoid hierarchical relations, in which one party stands in a position of superior power to others, is particularly important for what concerns the relationship between citizens or members of the same political community. This relationship has, in fact, a very peculiar and distinctive feature: its terms, expectations and rules are for the most part coercive. How we relate to one another as members of the same society is determined by political institutions to which we owe de-facto obedience. Whereas we can revise at will the terms of a friendship, the same is not true of the terms that regulate our social and political coexistence. The need to secure relational equality and avoid the instantiation of hierarchies is hence particularly poignant in this context.<sup>31</sup>

The implications on political decision-making practices such as voting are quite clear. If we are to uphold relational equality and avoid hierarchy, we ought to have equal powers in all those processes by which we determine, shape and discuss the fundamental terms of our social and political coexistence.<sup>32</sup> No one ought to enjoy a superior

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<sup>29</sup> Viehoff 2014, 352.

<sup>30</sup> Kolodny 2014(b), 292 - 295.

<sup>31</sup> *Ibid.*, 304 - 307.

<sup>32</sup> Viehoff 2014, 364 - 365.

authority over these decisions. From this standpoint, epistocratic arrangements are to be rejected. But, again, they are to be rejected not so much because they would be disrespectful towards the people who would be excluded. The reason would be, rather, that epistocratic arrangements would submit people who end up excluded from voting to a relationship of subjugation to their ‘wiser’ or ‘more competent’ fellow citizens. A society that makes political decisions through an epistocratic procedure would be a society that is effectively split between rule-givers and rule-takers. Similar to a spousal relationship in which one of the partners takes exclusive control over all the relevant decisions, the social relationship between members of such a political community would be hierarchical, in that the citizens who are denied a say in voting practices would relate to those who were allowed to vote as their rule-givers and, ultimately, as their social superiors.<sup>33</sup>

As I anticipated in the introduction to the chapter, I believe that this kind of egalitarian objection to epistocracy is also unsuccessful when pitted against the civic argument. I will offer a two-pronged response to the hierarchy objection. First, I will argue that the sacrifices in terms of equality imposed by the civic argument’s conclusions rest on justified grounds. The civic duties illustrated in chapter 2 represent additional obligations that supervene egalitarian considerations. In the context of voting, the implication is that the civic duty to be epistemically responsible supervenes relational equality and, hence, that the conclusions of the civic argument are not decisively undermined by the hierarchy objection. Second, I will argue that the civic argument and its conclusions impose a very modest burden on the commitment to secure an equal relationship or standing between citizens anyway, given that epistemic constraints on voting do not deprive citizens of the opportunity to vote and do not entail any form of permanent

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<sup>33</sup> Kolodny 2014(b), 294 - 295.

disenfranchisement. Consequently, the objection that they would imply social hierarchies loses much of its strength.

Before getting into the details of my response, let me briefly comment on the general argumentative strategy that I want to pursue. I will not deny that there is value in relating to one another as equal citizens. I will argue that, in the context of voting, this value conflicts with another important normative consideration – the civic duty to be epistemically responsible – and that, on this basis, we might consequently call into question whether we are always and unconditionally owed a say over political decisions. In terms of structure, my reply to the hierarchy objection is therefore not dissimilar to the one offered by the standard argument for epistocracy. The aim, in both cases, is to show that there are other things that matter beside political equality and that we cannot assume that, when they come in tension, equality wins out. What is significantly different – and what I believe makes for a more convincing reply – is how this argumentative structure is articulated in terms of content. Differently from standard epistocratic accounts, I am not contrasting the value of equality with the value of political outcomes and arguing that the latter dimension makes the former meaningless. I am contrasting it with another set of non-instrumental norms that are meant to regulate our interaction as citizens. In my view, egalitarian considerations about how we should relate to one another as citizens in general come in tension with other non-instrumental considerations about how we should relate to one another as citizens who are engaged in a very specific activity and common endeavour. Both pertain to important dimensions of our interactions as citizens and it is not clear why the former should be given overriding priority over the latter.

With these specifics in place, let me explain the details of the response. The hierarchy objection to epistocracy rests on the idea that relational equality is the central norm according to which our coexistence as members of the same political community should be

regulated. But a great part of this coexistence takes place in the context of participation in institutional practices. As soon as our actions take place within the boundaries of these practices, other normative considerations pertaining to joint agency supervene. In general, the normativity of joint agency pertains to the normative considerations based on which people can hold each other accountable, advance demands, attribute responsibilities, etc. when they are acting together towards a shared goal. It establishes that, as people who are jointly committed to this goal, they owe each other and have a standing to demand of each other actions that are conforming to it. In the specific case of institutional practices, it establishes that we have civic duties: provided that the institutional practice is not utterly immoral, we owe each other and have a standing to demand of each other to contribute to the shared goal of the practice in compliance with the requirements associated with our role. In other words, as a result of the normativity of joint agency, additional obligations emerge and we become answerable to each other for how we fulfil whatever specific responsibility we have been entrusted with, at least as long as we act within the boundaries of the practice.

Now, no one denies that equality matters in the context of our social and political coexistence. But if the claims just mentioned are correct, and the normativity of joint agency does apply to participation in institutional practices, then we cannot reduce the normative considerations that apply to this coexistence to relational equality. If participation in institutional practices does generate the additional obligations that I defined as civic duties – and I have provided plenty of reasons to believe that it does – then these additional obligations are as much part of the norms that should regulate our social and political coexistence as relational equality is.

Think about it in terms of the following analogy.<sup>34</sup> Think about the case of housemates that share the same household. It might be true that, as members of the same household, they should relate to one another as equals. But living together as a household entails further considerations beside the ones pertaining to our standing to one another. For instance, it entails having to make common decisions and having, sometimes, to engage in common endeavours. If this does indeed generate further reciprocal duties, why should the considerations of standing prevail over these duties in case of conflict? A similar reasoning applies in the context of our communal coexistence as citizens or members of the same political community.<sup>35</sup> It might be true that, as citizens, we should enjoy an equal standing to one another. But if our social and political coexistence involves and creates further duties, such as the ones that stem from acting within institutional practices, it is by no means clear why – in case of conflict – considerations of equality should cancel these additional duties and their implications.

In the case of voting the implications of these two sets of norms, both pertaining to important dimensions of our political coexistence, come indeed in tension with one another. A norm of equality commands an equal standing and equal powers over political decisions. But once we step in the context of the specific practice by which political decisions are reached, another set of normative considerations supervenes. These considerations command ensuring that participants act in an epistemically responsible way through epistemic constraints. In other words, this latter normativity commands something that requires some sacrifice in terms of equality. It is far from clear why this should imply that its conclusions ought to be rejected. Perhaps it is unfortunate that the commitment to secure an epistemically responsible agency in

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<sup>34</sup> I thank Carline Klijnman for a helpful discussion on this point.

<sup>35</sup> In this thesis, I do not distinguish between citizenship and membership in any significant way.

voting comes at a price in terms of political equality. But this price is not imposed because of whimsical considerations. It stems from norms that are part and parcel of a very important dimension of our communal life as citizens. It stems from the fact that, as a collective engaged in making a decision, we are entitled to a certain degree of security that this endeavour will be conducted in ways that are conforming to its practical goal. Rejecting the weight of these normative considerations because we deem any compromise or risk in terms of equality to be beyond the pale would amount to a rather crude restatement of egalitarian commitments that simply pushes aside the significance of these additional obligations that voting generates. This seems somewhat implausible even for relational egalitarians like Viehoff, who claims explicitly that certain usages of voting powers undermine the authority of egalitarian procedures and that this entails “a demanding account of the duties that citizens, and their representatives, have to exercise their vote conscientiously”.<sup>36</sup>

Now, proponents of the hierarchy objection might be reluctant to accept these conclusions. They might concede that some sacrifice in terms of equality is acceptable if alternative normative considerations emerge. Yet they could maintain that the price in terms of equality that *my view* asks us to pay is still too steep. Not all sacrifices in terms of equality are unacceptable. It is *my specific view* that goes too far because, in the context of voting, the normativity of civic duties might be seen as undermining equality altogether rather than merely conflicting with it. My conclusions still entail differences in power over political decisions and some people being subjected to political decisions over which they had no say and this is enough to put the case for epistemic constraints on voting to rest.<sup>37</sup> Any normative

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<sup>36</sup> Viehoff 2014, 374.

<sup>37</sup> Proponents of the hierarchy objection could also use the coerciveness of the decisions reached through voting as a reason to treat the case of voting differently. My understanding

consideration that is at risk of completely undermining the commitment to secure an equal standing among citizens ought to be side-lined or, at least, we should refrain from giving it any priority. In other words, proponents of the hierarchy objection might argue that even if the normative considerations that supervene on equality would otherwise be valid, their implications ought to be resisted if they represent an existential threat to our standing as equals.<sup>38</sup>

This claim, however, does not seem convincing and leads us to the second prong of my reply. We have to keep in mind that the civic argument is, in this regard, quite different from standard arguments for epistocracy and it supports different arrangements. My point here is simple: the epistemic constraints on voting supported by the civic argument, since they do not imply any permanent exclusion from participation in political decision-making practices, impose only a very limited burden on the equal standing of citizens and this burden does not imply any social hierarchy.

Let us go back to the analogy between living together as citizens and living together as housemates. Suppose that we have to decide the energy provider for our household. Suppose that we organize a few meetings to go over the various options. Suppose that one of my housemates refuses to take part in the meetings and I, in response, insist that if he wants to have a say over the final decision, he ought to take part in the meetings. My justification for this insistence rests on the idea that it is part of his responsibilities as a member of the household to put some effort into contributing to a responsible choice. Now there is no denying that my insistence might end up with my housemate not getting a say over the final decision. But to say that this would

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is that this would represent a weak reply: it could be argued that, precisely because the decisions we reach through voting are coercive, priority should be given to the civic duties associated with voting.

<sup>38</sup> Daniel Viehoff, for instance, argues that valuing a relationship calls for excluding normative considerations that do not sustain the relationship and that might undermine it (2014, 359 - 361). For a similar point, see also Darwall 2006, 256 - 257.

completely undermine his standing as an equal member of the household, represent an existential threat to reciprocal equality, or submit him to a hierarchical relationship would be to stretch things. After all, he is given the opportunity and the power to contribute to the decision. What is demanded of him in return for this power is just to live up to the responsibility that he has, as a member of the household, to take seriously our collective endeavour and to properly contribute to it. Given that what we are dealing with is an important issue which will impact how we will live together, and given that I am not threatening him with a permanent exclusion from any collective decision that we will make in the future, it is not clear what exactly would imply that he is now my subject or that our relation is now hierarchical.

With this analogy in mind, let us now look at voting. Niko Kolodny, one of the most important proponents of the hierarchy objection, argues that someone enjoys influence over a decision “to the extent that the decision is reached by a process that is positively sensitive to one’s choice or judgement”.<sup>39</sup> If this is correct, then to say that the epistemic constraints on voting supported by the civic argument would deprive citizens of the power to influence the outcome of a political decision would be to stretch things. As already specified in chapter 3, I agree that ensuring an epistemically responsible behaviour in voting does not represent a reason weighty enough to justify the permanent disenfranchisement of people. But forcing citizens to undertake a training as part of the voting procedure does not effectively result in taking away their right to vote and hence their opportunity to influence the outcome of a voting procedure. It merely raises the cost of this opportunity. The price for accessing decision-making powers is a commitment to live up to a responsibility that is inbuilt in the role of public decision-makers that we are taking it upon ourselves to perform upon participation. But if the only conditional that the civic argument

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<sup>39</sup> Kolodny 2014(b), 309.

places on the exercise of voting powers is the willingness to prepare for the task of influencing that decision or outcome in a way that is conforming to our civic duty<sup>40</sup>, there seems to be no hierarchical consideration at stake, at least in line of principle. As Kolodny himself admits, “if I have the same opportunity as you have to influence a decision, but choose not to take it, then there is no hierarchy or subordination between us, at least with respect to the making of that decision”.<sup>41</sup>

#### *Conclusions of Chapter 4*

This analysis, although limited for reasons of space, has hopefully shown that there is a plausible case to be made for restrictions to participation in voting that, once faced with egalitarian concerns, can resort to more than merely insisting on the value or priority of political outcomes.

Precisely because of its non-instrumental nature, the view defended in this thesis also represents a novel challenge for proceduralists of all kinds. Proceduralists accuse epistemic approaches to issues of political legitimacy of misinterpreting fundamental values such as political equality. Some of them, like Nadia Urbinati, go as far as to say that any epistemic consideration, no matter how it is framed, disfigures the procedural and participatory nature of democracy.<sup>42</sup> From such a standpoint, the substantive values associated with political participation allegedly make the lack of epistemic competence of individual citizens something normatively marginal and that is not particularly significant for the legitimacy of political decision-making procedures such as voting.

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<sup>40</sup> If anything, if properly instantiated, epistemic constraints on voting would make the epistemic resources that are necessary for a meaningful exercise of voting powers accessible to anyone who wishes to use them.

<sup>41</sup> Kolodny 2014(b), 309 - 310.

<sup>42</sup> Urbinati 2014.

But the view offered in this thesis, precisely because it is not an instrumentalist view, has the resources to show how this would be a hasty conclusion. It is precisely because of a non-instrumental commitment to the value of proper political participation that epistemic responsibility in voting matters. Once properly framed, competence in political decision-making acquires a value that extends beyond its impact on the outcomes of the decision-making process. Competent participation has a value that stems from the fact that is part of the civic duties that we have as people who are trying to make a decision together. If my argument in this section is correct, this is a normative consideration that weighs on our interaction as citizens as much as political equality. On these grounds, I hope to have provided a normative justification for epistemic constraints on participation in voting practices and on the exercise of voting powers that can resist the typical egalitarian objections against epistocracy and to have shown that arrangements alternative to democratic voting are not inherently unjustifiable from a normative standpoint.

That said, and as I explicitly recognized in the introduction, egalitarian concerns about disrespect and subjugation might remain very much alive in the context of actual states and in real-world circumstances. Just to make an example, if epistemic constraints on voting were to be applied here and now, they would likely discourage demographics who are already politically vulnerable from participating in voting procedures. Whether the epistemic constraints on voting envisioned in this thesis can be successfully implemented in a way that does not cause social and political inequalities to worsen remains to be seen and it is an issue that might represent, for many, a powerful source of concern. I will not deal with this problem here. While this reluctance in considering the political implications of the view defended thus far might disappoint many, as I explained in the introduction, I doubt that it counts as a reason to undermine the conclusions of this work. The fact that many downstream questions about the political implications

and possible implementations of my theory remain open does not imply that my conclusions ought to be rejected. It just implies that more work needs to be done in this regard.

## **Conclusions: an Epistemic Civism?**

In this thesis, I have assessed the epistocratic challenge to democracy. Epistocrats look favourably upon the idea of formally restricting access to political decision-making powers on grounds of political competence. In contemporary accounts, this core idea takes the shape of an argument in favour of restricting participation in voting practices.

After rejecting the standard argument for epistocracy as untenable in light of the radical and implausible instrumentalism that underlies it, I have reconstructed and defended a non-instrumental alternative: the civic argument for epistemic constraints on voting. The civic argument relies on the normativity of joint agency and on the idea that voting is an agency with distinctive epistemic features analogous to assertion-making.

The former shows that, as participants in a joint practice, voters incur a civic duty to contribute to the overarching goal of the practice in accordance with the requirements associated with their role within it. They are mutually answerable with respect to this normativity and have a shared right to demand compliance with it. The latter shows that, among the civic duties associated with the role of voters, there is a requirement of epistemic responsibility, understood as the requirement to exercise a cluster of basic epistemic capacities.

On these bases, I have constructed a justification for modest constraints on participation in voting practices. If an epistemically responsible agency in voting is part of the normative considerations that should regulate our interaction as members of a political community whenever we are engaged in shared institutional practices, this framework of mutual obligations and shared rights justifies a modest attempt at ensuring epistemic responsibility in voting, for instance by making voting conditional upon participation in a competence-enhancing training. This approach resists the most common egalitarian objections raised against standard epistocratic

accounts, because it does not rely on disrespectful comparative assessments of the political competence of citizens and because it counterweighs concerns about equal standing in society with other non-instrumental considerations.

The view defended in this thesis is best understood as a middle-ground position between epistocracy and democracy. On one hand, the view does not entail some of the standard components of epistocratic arguments: it does not entail political instrumentalism, nor the disenfranchisement of incompetent citizens and it requires only a modest degree of political competence. On the other, the view is clearly in tension with certain democratic values, as it does nevertheless lend support to institutional arrangements that limit access to participation in voting on the basis of an epistemic criterion. Even though this approach might invite criticisms on both sides of the debate, it nevertheless represents a novel contribution to it, as the arguments in support of the conclusions reached here usually do not take a non-instrumentalist shape.

Obviously, I do not presume to have settled all issues that I have touched upon conclusively. What I nevertheless hope to have shown is that the concerns of epistocrats about epistemically responsible political decision-making can be accommodated without having to accept some of the more disingenuous remarks commonly associated with their theories. There is a way to take seriously the epistocratic challenge to democracy without having to accept the idea that granting political decision-making powers only to a small subset of educated elites or experts would solve all the issues that afflict liberal democracies and their public spheres. In this sense, the pitfalls of standard arguments for epistocracy leave the work conducted here unscathed. The idea that experts or intellectual elites will save the day and that all the problems of democracy can be traced back to the contemptuous claim that people are not able to make sensible political decisions has a certain disingenuousness to it. But this does not change the fact that

anyone who does choose to participate in political decision-making ought to do so according to the requirements that are immanent to the practice in which they are engaged, including the requirement of epistemic responsibility, and that this should be secured as much as feasible.

As anticipated in the introduction, how my conclusions fit in the broader context of the debate around political legitimacy is an issue that I have not dealt with explicitly. In this regard however, certain implicit commitments emerge from my view. The conclusions of this work entail a hybrid stance on legitimacy, according to which considerations of epistemic quality matter for political legitimacy but these considerations apply to the procedures by which political decisions are reached rather to the correctness of the decisions themselves. More precisely, the conclusions reached in this thesis support the idea that only political decisions reached in an epistemically responsible way are legitimate and normatively justified, even in those circumstances in which they may lead to incorrect or unjust outcomes.

In this sense, the work conducted here suggests a new research agenda. In particular, it suggests the possibility of developing a framework for political legitimacy that incorporates its core ideas: reject political instrumentalism, give proper recognition to the value of civic participation in the shaping of political decisions and yet maintain that this participation can have the value that it is meant to have only if certain conditions of epistemic responsibility are maintained and secured. This approach to legitimacy, which we can tentatively label *epistemic civism*, would incorporate requirements commonly associated with epistemic approaches within a non-instrumentalist framework centred on the pragmatic normative requirements generated by participation in institutional practices.

Developing this rough idea, however, is a task that falls outside the scope of this work. For the time being, it is enough to keep in mind the upshot of the research conducted here. The upshot of this work is *not*

that we need to be ruled by a small group of knowers. Rather, the upshot is that having the people ruling over themselves is a valuable thing only insofar as we can ensure that they do so *as knowers* and on epistemically responsible terms, even if this requires some sacrifices in terms of political equality.

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