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AN ACCOUNT OF EPISTEMIC DEMOCRACY: IGNORANT MAJORITIES AND THE BETTER DECISION

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<u>Abstract</u>

This thesis analyses traditional and contemporary democratic theory from an epistemic, instrumental angle. It argues that these theories depend too heavily on intrinsic values, such as equality of participation, which then sacrifice good decision outcomes. Using a reverse-contractarian tool, where social contracts can be prospective rather than retrospective, it is possible to argue that a free public would form government on the basis of services it provides and ergo, instrumental reasons. As such, legitimate decisions are those that are based upon an evidential diagnosis of a problem, and use evidence to help bring about the good provision of such problem-solving services. It uses the observation of topic-specific ignorant majorities, defined as being where each citizen has both areas of expertise and areas of ignorance, to criticise both fair-proceduralist accounts and non-democratic technocratic accounts. The former overstates the contribution that every citizen can have when designing and managing those services, whereas the latter understates the broader contribution knowledgeable minorities can have in governance. Overall, a tailored democracy is called for using the name service democracy, which is a theoretical response to the above observations.

It concludes by offering epistemic policy proposals that could be implemented within the current governmental institutions and policy processes. It calls for state-funding of political parties to avoid undue influence over policy, committee oversight of ministerial appointments so that competence can be assessed and finally academic and professional crowd-sourcing to allow the wider knowledgeable minority in a given area to contribute to policy creation and development.

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Introduction

Research Question

> 'Democracy cannot succeed unless those who express their choice are prepared to do so wisely. The real safeguard of democracy therefore is education' – Franklin D Roosevelt. (Peters & Woolley, 1938)

As this quote suggests, knowledge plays a vital role in the making of decisions in both political and non-political contexts. Without it, decisions become, at best, guesses upon what an individual believes may be the case and this can then lead to very poor outcomes. The President is therefore mindful of popular ignorance and how the decision-making procedure of democracy has the potential to become a negative as much as a positive. The tool to combat this is the acquisition and application of knowledge.

The debates within democratic theory can be split into three main rivalries. The first of these is direct democracy vs representative democracy, where debates consider the remoteness of citizens to decision making and so can be termed the 'remoteness debate'. The second debate centres on deliberative democracy vs pluralism, or rational consensus vs plurality of interests, and can be termed the 'nature debate' as it considers the nature of political interaction. The final debate looks at the legitimacy of democratic decision making and considers fair procedures vs epistemic procedures, making it the 'legitimacy debate'. It is this latter debate that this thesis will contribute to in its attempt to outline how a focus on epistemic procedures and valuing good outcomes is the most pressing assessment of democracy's utility.

In an age of mass media and instant access to information, it would be assumed that citizens are the most informed that they have ever been. However, it is more likely that citizens are not due to the quality of information that they encounter (Fiskin, 1991, p. 19). With an increasing array of competing news channels, apps, websites etc. to select from, media outlets appear to be opting to 'entertain' their audience to keep them watching, rather than provide substantive analysis (Biser, 1993, p. 13). After all, news outlets are aiming to make a profit and so must attract viewers to maintain their advertising revenue. Whilst it is possible that people could do their own research and reach a balanced, reasoned conclusion, most people appear to not do this: possibly believing that the media is doing it for them. As such, we end up with an electorate who believe they understand current affairs, without actually possessing the correct facts. A survey from July 2013 conducted by Ipsos Mori for the Royal Statistics Society and Kings College London (Ipsos Mori, 2013) showed that on major public issues the electorate were way off in their belief in what was happening. For example, 58% of respondents thought that crime was going up, yet the Crime Survey for England and Wales (a survey that asks householders what their experience of crime had been like in the preceding year) showed, along with police recorded crime, that crime in 2012 was 19% lower than 2005/06 and 53% lower than 1995. With regards to social security and benefit fraud, respondents thought that 24% of the budget was claimed fraudulently, when the real estimate is 0.7%. Finally, respondents thought that 24% of the UK population were Muslims, yet the real figure from the 2011 census is 4.9%. Another survey was conducted for 2014 by Ipsos Mori (Ipsos Mori, 2014) and it showed the same gaps between reality and public perception. For example the public thought 24% of the population were immigrants when the reality is

13%, and they thought that 16% of all 15-19 year old girls get pregnant in a year when in reality it is 3%.

It is this popular ignorance that this thesis will consider, and indeed originally was a motivator for writing it, in light of democratic theory and ultimately propose an epistemic model of democracy, the service democracy, which attempts to apply the topic-specific ignorant majorities observation that I make, where the exercise of power should utilise the knowledge that people do have and focus on the objective use of evidence, experts and reason when making decisions over pubic life and the regulation of civic life. This does throw up concerns and tensions between democracy and expertise; between evidence and the public will. If representatives are required to listen to the public, yet the public's understanding of facts is so incorrect, how can it be said that democracy is practicable in this form?

This thesis will be primarily concerned with providing a normative foundation for a system where there is greater evidence-based policy, whilst maintaining an equal standing between all participants. As such, in the spirit of John Rawls in Political Liberalism (2005), this will not be a comprehensive moral conception that considers how best to live, but a political conception that considers the constitutional arrangements and institutional structure of society. After all, each individual citizen has topics that they know well and others topics not so well. Instead of ignoring such knowledge imbalances, the model will use the knowledge that is available and this will allow for popular engagement, but in a more tailored way. It does not suggest that a technocratic elite dominate society, but instead, all people are still allowed to engage with democracy but their decision-making functions should be limited to what they demonstrably know about. This is important because the decisions made affect not only the individual making them (as is the case within economic market places) but

also other people. The threshold for skill and knowledge is therefore higher when taking such wide-effecting decisions. I certainly want to know that representatives or voters have a level of competence when making decisions over my life and wellbeing.

In sum, the research question that will be answered can be reduced to: 'Is popular ignorance an issue in democratic theory and, if so, can its limitations be overcome by the service democratic model?'

Context of the Research

This research question is driven by a critique of academic democratic theoretical debates. From the perspective of theory, it will be engaging with both historical and modern discussions and will be considering the classical democratic model of Athens, the republican models of Rome, Italian city-states and France and finally will consider contemporary debates on liberal democracy and deliberative democracy. The latter will be focused upon more due to it being a contemporary theory. However, all of the above will be shown to have concerns, especially in their insistence on popular involvement and the potential expense of good decision outcomes. Most require that citizens play an active role in the decision-making and functioning of the democratic state, yet fail to explain how a productive economic life (i.e. employment) can be easily coupled with an active public life. It will be argued that many people simply do not have the time or energy to fulfil both and so, typically, involvement in public life is sacrificed over reduced time in work or with family and friends.

In such a culture, to accept, especially like deliberative democracy does, that knowledge is an important aspect of good decision-making means the model runs into

great difficulty when the realities of life are factored in. Indeed, any democratic model that accepts representative democracy acknowledges that representatives can be more productive because they have the time, through being paid, to deliberate and research many matters of state. Despite being a deliberative democrat, a great focus shall be given to David Estlund's work in Democratic Authority: A Philosophical Framework (2008) as he gives a good account of how value should come from an epistemic decision-making procedure, rather than individually assessing each outcome. In summary, democracy can suffer from the very elements that make it revolutionary i.e. that people, irrespective of their actual knowledge, are allowed to make decisions over other people's lives as well as their own. After all, this is a consequence of collective decision-making and means that an individual is effectively subjected to the will, and judgement, of the remaining citizenry.

To counter the above concerns of ignorance, the service democracy model will be considered which primarily focuses on the instrumental value of democracy and on ensuring that those who do possess more knowledge in a given area have the opportunity to exercise it. Those who do not possess knowledge on a given area, and so are not part of the specific knowledge base, are still important but in a 'consumer-like' role. This means that feedback upon the quality of a service is vital, but such individuals will not necessarily be given the power to decide how services are improved.

<u>Structure and Methodology</u>

To do this the research will consider what democracy is in light of various democratic models and will focus in on the values of democracy. These values are

generally divided into two categories: intrinsic and instrumental. This follows the typical approach of value theory, where normative ethical theories can be assessed as to their values and importance (Driver, 2007, p. 8). Intrinsic value relates to aspects of democracy that are inherently valuable and exist by virtue of democracy existing, with political equality, positive freedom and self-realisation being examples. Instrumental relates to the outcomes of democracy and the things that can be achieved by having such collective decision-making and having a variety of interests represented and considered. In other words, these actions lead to other good things. Examples of this would be, as above, purported legitimacy, protection of interests and good decisions (Swift, 2014, pp. 221-229). This will therefore be a theoretical, a priori enquiry rather than an empirical one. This is because the nature of the argument is a normative one that looks at a decision-making ideal. It is primarily a probabilistic claim in that I argue that on balance, evidence-based decisions are more likely than evidence-aware ones to accurately diagnose a problem and then actually resolve it. I too argue that a knowledgeable minority are more likely to possess that understanding of evidence.

One of the key words that will be used is 'expert' or 'experts'. As this is of such importance, it would be helpful to define this from the beginning. Steven Brint (1990) says that experts have such a title due to an assertion of trained, 'knowledge-based' authority. They are highly trained professional staff who work in the central institutional domains, such as scientific, cultural, information services, social services, medical, legal and educational organizations (Brint, 1990, p. 364). He contrasts these with 'elites' who typically occupy command posts at the top of these central institutional domains. They will have budgetary control and have the final say over changes in rules, objectives and organisation. As such, it is possible for a person to transition between the two (Brint, 1990, p. 364). Christopher Weible (2008) defines

experts as being policy analysts, scientists and researchers in government and non-governmental organisations. Such people produce expert-based information, the sources of which include natural and social sciences, policy analyses, government reports and research coming from universities and think tanks (Weible, 2008, p. 616). These definitions are useful, but as will be seen from later pages, the policy process should also include the broader concept of 'knowledgeable minorities'; that being the embodiment of academic researchers, professional elites and ordinary people who work in a profession or industry.

Structurally, Chapter one (Democratic Theory) will outline the various main models of democracy and will focus upon the purported intrinsic and instrumental values that collectively they present. This contains the sub-chapters of Classical Democracy, Republican Democracy, and Modern Democracy. These will provide a guide through the history of democratic development and will arrive at the most modern discussions that will be referred to later on in the paper. The purpose of this chapter is to set the context for the argument that follows. Chapter two (Deliberative Democracy) will consider in detail this contemporary theory and contains the sub-chapters of Overview of the Theory and Analysis and Criticism. These provide an account of the normative development of the theory from the works of Rawls and Habermas, to the modern works of writers like Guttman, Thompson, Barber and Bartlett. It then provides an analysis and criticism of the theory in line with the Service Democracy and concerns with popular knowledge imbalances. The purpose of this chapter is to give an account of an important contemporary theory and consider how this thesis will depart from it. Chapter three (Ignorant Majorities) will consider what past writers have to say on the competence of the average voter and contains the sub-chapters of Plato, John Stuart Mill, Competitive Elitism and finally Ignorant

Majorities and Knowledge Bases. These provide a chronological overview of the manner in which 'guardianship' theorists view the abilities of the common man and typically how they marginalise them in favour of more elite politicians. It will then provide an analysis of these in light of the view being developed that multiple ignorant majorities co-exist and each citizen has the potential to contribute what they know. The purpose of this chapter is to introduce departures from such guardianship theories and provide an alternative that will lead into the next chapter. Chapter four (The Service Democracy) will attempt to outline an epistemic account of democratic legitimacy. It has the sub-chapters of Instrumental Values and the Better Decision, and The Service Democracy. It begins by outlining what is meant by a 'better decision' and explains that legitimacy should stem from the design of the procedure, and not each decision on a case-by-case basis. It then argues for instrumentalism through use of a reverse-contractarian argument and ends with an account of how policy creation could look if it is accepts that instrumentalism is a primary value of democracy and if the ignorant majorities observation is correct. Chapter five (Application to Real-World Politics) will consider the present policy process and how this could be reformed epistemically. It has the sub-chapters of The Public Policy Process and Epistemic Policy Proposals. It begins by considering a theoretical view of public policy from both the normative and descriptive angles. It then looks at the present criminal justice policy process and then ends with reform proposals, such as state funding of political parties, committee oversight of ministerial appointments and finally academic and professional crowd-sourcing.

Chapter One

Democratic Theory

Where states exist and subsequently decisions need to be made, there are a variety of decision-making procedures that could be employed. For instance, a state may take the form of an absolute monarchy where one individual has the power to create law and exercise their will upon almost any aspect of life. Equally, a state may take the form of an elite group of decision-makers who are tasked with using their expertise and knowledge to further the interests of the citizenry and advance the common good. More profoundly, a state may take the form of a democracy where each citizen has the power to express their views and exercise a collective will over the direction of their nation, with each interest being given equal consideration. It is this final approach to decision-making that has, at least in modern times, seen greatest admiration and longevity and is what will be explored in this chapter.

Democracy is considered to be one of the more successful governmental decision-making models devised by humanity. This is not to say that other systems of governance have not achieved some level of domestic popularity, economic success, law and order or healthcare and education for its citizens, but rather the manner in which such decisions are taken can be considered more legitimate. The famous quote from Abraham Lincoln's Gettysburg Address in 1863 "Government of the people, by the people, for the people" can highlight that the key component is not 'government of the people' or 'for the people' but 'by the people' (Swift, 2014, p. 189). The first two can be claimed by most regimes, but it is the latter that stipulates self-rule and thus

legitimising democracy (despite definitional issues with each constitutive part of the quote) (Held, 2006, p. 1). Such legitimacy stems from the fact that democracy, as its Greek etymological origins suggest, gives all people considered to be citizens an equal say in the proposition, structure and ultimate creation of the very laws that they will be subjected to. By allowing for this, any outcomes from this democratic system can be considered 'fair' because of the manner in which they were created and the theoretical allowance to a plurality, if not all, viewpoints and opinions. Indeed, such a desire for increased legitimisation of decisions sees even quite blatantly undemocratic regimes try to declare themselves democratic and use such language (Dahl, 1989, p. 2).

Even in its more contemporary form of representative democracy, legitimacy stems from the state having to validate its claims to be advancing the common good. The action of a state is based upon its will, but such a will must not be considered 'good' per se without external evaluation from those subjected to it (Laski, 2008, p. 440). It is through elections and post-election lobbying, and so through the collective voice, that judgement is passed and actions of the state are legitimised and accounted for. As such, public opinion functions as a check on the legitimacy of the powers and actions of government, ensuring that they are operated in favour of the common good (Finlayson, 2005, p. 10).

To properly understand 'democracy' as a concept, it would be pertinent to consider its evolution in temporal terms and consider the various models and variants that have taken shape. As mentioned in the introduction, this overview will consider the purported intrinsic and instrumental values that are placed upon it. The reason for this dichotomy is that it takes the form of traditional normative analysis within the theory of value (Schroeder, 2012). Intrinsic values are good in and of themselves, whereas instrumental values are good because they lead to an intrinsic value. After

this, an account of why instrumental values are very important will be given within the framework of a social contract theory.

1.1 Classical Democracy

The dawn of democracy has its roots in the revolutionary manner in which the city-state of Athens organised itself after common domination by autocrats and tyrants around 500BC (Held, 2006, p. 11). Indeed, Athens was not the first, nor was it the only instance of democracy at the time, but it stands out as being a well-documented example of the life and operation of such an ancient democratic order (at least from the perspective of its critics at the time) (Hornblower, 1993, pp. 1-2). It was here that the generational development of democracy flourished and credit is given for the promotion of important political values, such as equality of the citizenry, liberty and justice.

1.1.1 Political Ideals and Aims

An important point to firstly make is that Athens operated a system of direct democracy and this required each citizen to be actively engaged in the affairs of the demos. With this, the public and private lives of citizens were interlinked and as Pericles puts it: "We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all" (Held, 2006, p. 14). This was seen as something natural; an activity that was simply an extension of the human condition (Dahl, 1989, p. 18).

It was believed that the best way to fully enhance oneself morally was to be involved in political affairs and community (Lee, 1974, p. 32). As such, life in the polis was the best way to educate oneself, meaning simply looking at things academically was not enough (Dahl, 1989, p. 15). Despite this seemingly being demanding, it was not considered to be limiting to their autonomy and freedom, but in fact a way of enhancing it (Farrar, 1993, p. 37). Such a position appears to be similar to a conception of positive freedom (Swift, 2014, pp. 69-73) in that each citizen, by partaking in politics, was exercising their right to decide over their lives and the collective direction of the demos. A distinction was drawn between the arbitrary subjection to another's will and the obligation to respect a legitimate and self-made law (Sabine, 1963, p. 18). Aristotle, despite disliking the Athenian democratic system and constitution, explained that one of the basic propositions of the constitution was liberty. He wrote that 'ruling and being ruled in turn is one element of liberty' based upon equality (Aristotle, 1992, p. 362). In so far as possible though, a man should live as he likes otherwise he is akin to a slave.

Linked in with the above was their conception of justice. Unlike modern day views on justice that relate to ethical moral judgements about what is fair, or what is right, the Ancient Greek perspective related to behaving in a manner that was considered symbiotic with the community and group (Guthrie, 1975, pp. 5-7). By participating in the affairs of the demos and public life, a citizen could 'fulfil his material powers and the telos (goal or objective) of the common good' (Held, 2006, p. 15). In the same light, Plato linked societal constitutions with individual internal constitutions in that both, to be just, must promote the common good (Lane, 2007, p. 26) (which further cemented the idea of an interlinked public and private life). Justice was therefore something that both an individual and a government should aim for, as

they were co-dependent. A person who pursues their own interests could not be regarded as a good citizen (Dahl, 1989, p. 15). Justice also relied upon the social attitudes and the laws of the time. Aristotle wrote that "whatever the majority decides is final and constitutes justice" (Aristotle, 1992, pp. 362-363). Justice therefore was a type of numerical equality where the multitude was sovereign (Held, 2006, p. 15). Theoretically then, such a concept of justice could alter and change; it was fluid and dynamic.

1.1.2 Citizenship and Institutions

Despite the promotion of equality among citizens as suggested above, the Ancient Greek concept of citizenship was one that was extremely exclusive and did not include many members of Athenian society. Ultimately it was a patriarchy that was open to Athenian men over the age of 20 (Held, 2006, p. 19). This meant that women, immigrants and slaves were not eligible (Dickinson, 1997, pp. 38-63) and this could possibly call into question the very labelling of it as a democracy by modern standards (Held, 2006, p. 19). Considering that the majority of actual members of Athenian society did not have any political power or influence, it was very much a 'tyranny of the minority' with the only interests represented being that of wealthier, native males. Indeed, any cynic of modern Western democratic societies may claim that not much has altered in this regard.

Structurally speaking, the most important chamber of decision making was The Assembly. This allowed for any citizen to attend up to 40 sessions per anum, but did have a quorum set at 6,000 (Held, 2006, p. 17). Issues for deliberation ranged from finance and the maintenance of order, to foreign affairs and expulsions. As would be

imagined, not everything would be agreed upon and so in the event that there was not unanimity, a vote would be taken and the majority verdict would prevail (Larsen, 1948), much as Aristotle described earlier. Naturally, such a large body could not organise the more bureaucratic elements of governance and so a Council of 500 would act as a steering group. This would create draft laws, receive proposals and prepare an agenda for each meeting (Held, 2006, p. 18). The Council was further aided by the Committee of 50 who would help to guide and make proposals to the Council, but the people comprising the Committee would only sit for one month, and it's President for one day. Such a revolving occupancy showed Athens' commitment to ensuring that as many people as possible had the chance to be involved at all levels of government.

1.1.3 Summary

As can been seen from the above, the Ancient Greek democracy starts to give a glimpse of the various values and ideals that democracy can have. It promotes political equality among its citizens, a strong sense of communal involvement, personal moral development and finally concepts of freedom and liberty. Such values will reappear in later democratic theory and in this sense they are extremely important. However, due to not recognising the now distinctive realms of public and private life, rights that protect people from the state would not have been recognised.

1.2 Republican Democracy

Republicanism is the next step in the historical overview of democracy's evolution. Like democracy, Republicanism finds itself with various strands that have emerged with time and have been applied to different regimes. Republics, as shall be

seen, share similarities with the classical account of democracy, but will also have some features that would not have been recognised by city-states such as Athens. The historical re-emergence of city-democracies, or in this instance city-republics, came in eleventh century Italy within the context of feudal Europe (Skinner, 1993, p. 59).

1.2.1 Italian City-Republics

In spite of claims by others to control over these territories, cities within Italy (such as Florence and Milan) created their own consuls who would rule over their legal and judicial matters (Skinner, 1993, p. 57). This soon evolved into having elected ruling councils who had control over executive as well as judicial matters, headed by officials appointed from members of the council. Despite this seemingly important breakthrough at a time of domination by Monarchs, the citizenry was heavily restricted like Athens. It comprised of male householders who owned taxable property and who were born or of continuous residency in the area (Held, 2006, p. 32). Equally, the top positions were occupied by noblemen and this would create animosity and even violence. It would be better to refer to such regimes as aristocratic republicanism, rather than outright democratic republicanism (Held, 2006, p. 33). These saw a role for the people, but a more limited one which comprised of simply choosing leaders who would govern day-to-day (Dahl, 1989, p. 26).

Whilst there are again important criticisms about the possibility of such regimes not really being democratic by modern accepted standards, they did help to develop further arguments in favour of self-government, self-determination and popular sovereignty (Held, 2006, p. 34). These key ideas rested upon their being no higher authority than that of the people themselves. This is the basis of liberty for all,

and allows individuals to pursue their chosen ends in a free, autonomous manner and was the mark of civic freedom (Skinner, 1989, p. 105). These values were inspired, not by Athens, but by the Roman Republic (509BC to 29BC).

1.2.2 The Roman Republic

Rome created a model of governance that equated liberty with virtue (patriotism and public spirit (Canovan, 1987, p. 434), akin to the Athenian concept of justice), civic glory and military conquest, which was considered attractive by the Italian cities. As with Athens though, freedom meant being free from the arbitrary will of tyrants, and meant citizens could be free to engage in self-governance. For Roman historian and politician Gaius Sallustius Crispus (anglicised to Sallust), once civic glory had been achieved by the Republic, citizens could then turn their attention to their own personal glories. As such, virtue lead to liberty of the individual (Crispus, 2007, p. 178).

1.2.3 Developmental and Protective Republicanism

Used by David Held (2006, p. 35), these terms can explain a distinction between the two main approaches to renaissance republicanism. Developmental republicanism focuses upon the intrinsic values of democracy and developmental benefits of popular participation for citizens, with writers including Marsilius of Padua (1275-1342), Jean-Jacque Rousseau (1712 – 1778) and Mary Wollstonecraft (1759 – 1797). Inspiration came from the writings of Greek philosophers. Protective republicanism stresses the need for people to be involved in democracy as this is the best way to protect their liberty. Writers here include Niccolo Machiavelli (1469 –

1527), Charles-Louis de Secondat, Baron de La Brède et de Montesquieu (known as Montesquieu) (1689-1755) and James Madison (1751 – 1836). Inspiration here came from the Roman Republic and its writers.

Considering that the dichotomy of intrinsic and instrumental values is discussed by these writers, it would be sensible to have a brief look at what some of them said. The earliest writer mentioned is Marsilius of Padua. For him, all laws should be made by the people or a majority if unanimity could not be sought. Importantly for the time, he advocated a secular government that was not influenced or ruled over by religious interests (Held, 2006, p. 36). For Alan Gewirth (1951), there were three major themes in his work. The first was an emphasis upon civil communities and the Government should act in the interests of the common good and not private interests. The second is that the Government should have a unitary coercive force that allows it to maintain peace and order, as well as regulating civic affairs. The final theme is that the source of legitimate political authority is to be found within the people themselves (Padua, 2001, p. 32). The people are to pass judgement and require the Government to validate its claims to be acting towards the common good. Equally, laws are better observed by the citizens if they have a hand in creating them and imposing them upon themselves. It is for this reason that any elected representatives were considered delegates (Padua, 2001, p. 45) who could only rule in accordance with the authority of the people. In line with the Athenian approach to citizenship, citizens were expected to partake in communal affairs and functions as this was the best way to achieve the common good. Such a status, though, was limited to native men (Padua, 2001, p. 46).

In light of declining city-republics, it was Niccolo Machiavelli who was able to reinvigorate the arguments in favour of republicanism, but from the protective

perspective. He was able to do this by adopting a more Roman approach by fusing civic health with civic glory (Held, 2006, p. 40). The main level of enquiry was to ask under what circumstances might people support a political order? How might the willingness to pursue the common good be instilled in the people? This, he felt, could be answered by having an enforced legal system and by having religious worship (Skinner, 1981, p. 52). He sought to explore a more appropriate balance between the power of the Government and the power of the citizenry, which allowed him to arrive at a 'mixed government' system that balanced competing social interests. It was his desire to bring together the rich and the poor to make common laws and that these laws would reflect compromises from all sides (Skinner, 1981, p. 63).

Liberty was an important value for Machiavelli and historically speaking it was those societies that possessed greater levels of liberty that appeared to flourish (such as Athens and Rome). To create and preserve such liberty, it was correct to have a mixed government to quell internal factions, but it was similarly necessary to quell external threats to liberty from competing states and governments who may wish to invade. With this he advocated the use of force at home and abroad in order to maintain freedom. As with other writers and Athens, he did not make much distinction between public and private life and the requirements of state took precedence over the rights of individuals (Held, 2006, p. 42).

A powerful restatement of developmental republicanism came from Jean-Jacques Rousseau. Like writers before him, Rousseau emphasised the importance of participation in the polis and how such self-governance was a necessary condition of liberty and freedom (Held, 2006, p. 43). Despite this, he was critical of the Athenian system structurally speaking because it failed to separate its legislative and executive functions, which lead to unrest and internal strife (Rousseau, 1968, p. 112). In his

work The Social Contract, Rousseau uses a hypothetical state of nature to explain how people moved from anarchy into governmental states with common institutions and laws. This was due to a belief that their survival, development of human nature and experience the liberty could all be maximised under such a government (Rousseau, 1968, p. 59).

Importantly for this enquiry, Rousseau saw self-rule as an end in itself, and intrinsic value that only democracy could provide. Self-imposed laws were essentially a type of autonomy and this is intrinsic to democracy. Irrespective of the outcome of the laws, the very fact they were self-created is freedom-enhancing (Swift, 2014, p. 212). Even in the event that a minority is outvoted and no longer lives under a law they chose, there still remains a freedom in that they were able to participate and their interested considered. With this, it was important for citizens to actively involve themselves in public affairs. Unlike other writers, he did not support any distinction between public and private because for him, ultimate sovereignty was with the people and any public officials were simply agents of the people and so had no independent power to make law themselves. Laws had to be ratified by the public, unlike in representative systems where the representatives had the power to make the laws on behalf of the people (Rousseau, 1968, p. 141). Despite this view, in later works Rousseau did express support for representatives where states were large (Franlin, 1978, pp. 75-76) In the event that there was disagreement, the majority verdict would prevail and this would bind all. Such a verdict, though, must consider the 'general will' i.e. voters must be considering what is best for the common good, and not what is best for their own personal interests.

Liberty was also an important value and he gave a succinct statement on the difference between true independence and true liberty. The former relate to doing

precisely what one wants, irrespective of the consequences for others. As can be imagined, if everyone did this human existence would be quite bleak and full of conflict. Whereas Liberty involved doing what one wanted to so long as it did not result in the imposition of one will over another (Rousseau, 1968, p. 46). Only through participation in politics could a person navigate this distinction and as such rules would apply to all equally, each person would enjoy the same rights and privileges. In order to achieve liberty, it was necessary to try and tackle vast inequalities in society. Those that had greater wealth and power would ultimately have a greater ability to influence and do as they wish with possibly impunity. To prevent this, he desired a society where "no citizen shall be rich enough to buy another and none so poor as to be forced to sell himself" (Rousseau, 1968, p. 96). In this state, the factions that typically would arise between rich and poor were less likely to occur, and so a judgement on the 'general will' was easier to obtain.

His vision was set within a system that had clear separation of powers between executive and legislature. The former was for officials who would enact and organise the decisions of the latter, the reserve of the people.

1.2.4 Summary

Republicanism has a very rich history and the variety tends to reflect the political circumstances at the time of writing. However, common themes and values can be deciphered. Within the developmental tradition, the intrinsic values that are argued for relate to the importance of being involved with public life so as to develop themselves and the common good. Citizenship plays a very central role in such thinking. Equally, political equality acts as an important way to preserve liberty

because of how commonly made rules can help to navigate the difficulties that independence can present and ensure there is no domination of certain wills over others. Such a view of equality, where no one is more morally qualified to govern and impose their will than any other, has been termed the 'strong principle of equality' by Dahl (1989, p. 31). Finally, freedom as self-rule is advanced by Rousseau in that the ability to create the very laws that are then imposed is a type of freedom that only democracy can give.

Within the protective tradition, Machiavelli highlights how political participation of all people, in a mixed government, is the best way to protect interests and create common laws that should both reflect such interests and reflect compromises. Again, this highlights a way in which to preserve liberty.

1.3 Modern Democracy

This section aims to consider briefly more modern conceptions of democracy that have relevance for the times in which this thesis is being written. It shall cover Liberal Democracy; a model that has shaped democracy for centuries and it shall consider very modern discussions on deliberative democracy. Again, the purpose of this is to set a context for later discussions that will refer back to these and will refer back to the values that they advocate and inspire.

1.3.1 Liberal Democracy

Along with republicanism, liberal democracy stood as an alternative vision of government to the monarchies that prevailed during the medieval period. Writers here

include aspects of Thomas Hobbes (1588-1679), John Locke (1632-1704), Jeremy Bentham (1748 – 1832) and John Stuart Mill (1806 – 1873). In brief, liberal democratic approaches sought to clearly define public and private spheres and in doing so restrict the powers of the Church and Government from excessive interference in civil society (Held, 2006, p. 59). With this, values emerged that upheld freedom of choice, toleration for others and moral reason. One concern that the liberal democratic theorists had to overcome was how to appropriately balance the power of the state (that had a complete monopoly over coercive power) and the rights of individuals to pursue their own ends, both socially and economically. Answers to such questions have been attempted, and these also split into two categories; developmental and protective. The distinction is similar to that found in republicanism in that the developmentals believe that political participation is a desirable end in itself, whereas the protectives believe that the only way to protect interests and prevent domination by others is to create strong institutions (Held, 2006, p. 60).

In terms of beginning of such thought, the work of Thomas Hobbes in The Leviathan (2008) is of importance. Here, Hobbes used the concept of the state of nature to explain how and why humans hypothetically found it necessary to leave that state and create government and states. Essentially, the reason for people to lay down their rights of self-government would be in exchange for the strong political leadership of a single authority and the security and protection that would bring (Skinner, 1989, p. 112). This did not necessarily have to be an individual monarch, as it could have also been an assembly (Hobbes, 2008, pp. 82-85). It is right here that Hobbes enters the debates on the limits of state power. His vision is liberal in that Hobbes aimed to find the best circumstances under which humans could flourish, and that this required a consensual agreement to be subjected to the authority of the

Sovereign. However, his vision clearly lacks in liberality in that the making of laws is not done by the citizens themselves, but for them by the powerful Sovereign. As such, despite liberal beginnings of free people coming together consensually, he ends up with a vision of domination and enforced wills against the citizen. This meant that the state clearly had the scales tipped in its favour (Held, 2006, p. 63).

John Locke found issue with Hobbes' Sovereign approach and felt that there were other ways of living in peace and security without completely submitting to the will of a supreme authority. This began the protective democracy tradition. For Locke, the purpose of government was to help protect the rights to life, liberty and estate of the citizens in the state (Dunn, 1969, pp. 19-26). It is clear then that government and democracy were seen as instruments to achieve an end, and not necessarily an end of itself. In common with Hobbes, Locke also accepted the 'state of nature' argument and felt that humans existed without government, but with natural rights. Unlike Hobbes who felt the state of nature would be "solitary, poor, nasty, brutish and short" (Hobbes, 2008, p. 84), Locke felt that existence in this state would have been without war and occupied by rational beings capable of respecting each other's natural rights. However, due to not everyone wishing to respect the rights of others, it would be down to the individual victims to enforce the natural law and this would see widespread impunity or inconsistent interpretations of the said laws. As such, violations of property rights would potentially be rife (Locke, 1980, p. 308).

The remedy for such inconveniences would be the creation of an agreement that would create both an independent society and a government (Locke, 1980, p. 372). Highlighting the departure from the Hobbsian view, authority is given to a government for the express purpose of pursing ends of the governed. If the people pass judgement and feel that the government cannot validate its claims to be acting in

the common good, the people can dissolve the government (Locke, 1980, p. 110). In terms of the values of democracy, political involvement is very much instrumental for Locke (Held, 2006, p. 64). Through the creation of governmental institutions, citizens are best able to secure and protect their private affairs and private property. Indeed, this does require the sacrifice of complete self-government and autonomy, but on balance such a state of affairs is more beneficial. So long as the government was satisfactorily constrained, then freedom could still exist but in a slightly more limited way (Rabe, 1994, pp. 291-311).

The next writer of interest was Montesquieu (who was also mentioned above under protective republicanism). He helped to expand upon Locke's instance upon a separation of powers and provided a more institutional framework for the operations of a liberal democratic state. Of interest here are his views on liberty and freedom. For Montesquieu, liberty meant acting as one wished within the confines of the law (Montesquieu, 2010, p. 70). However, this can be problematic because it would suggest that liberty is dependent upon what was socially acceptable, and it would suggest that the law could never be used to enhance freedom, because by definition freedom was at its maximum limit whatever the law was (Held, 2006, p. 69). In spite of this, he and Locke agreed that the best way to protect liberty was through the creation of political equality and the equal ability to express and defend their interests against a state that is tasked with protecting private rights (Held, 2006, p. 70).

Further elaboration of protective democratic thought came from the utilitarian thinker Jeremy Bentham. He rejected outright the state of nature and the social contract arguments as being fictitious and they did not account for true human desire and motivation. This, of course, came from the maximisation of pleasures and the avoidances of pain (Bentham, 2012). As such, it was for government institutions to be

sufficiently accountable to the public so as to ensure they are acting in compliance with utility maximising principles and truly aggregating public ultility. The state became, like with Locke, a means of helping people to achieve private satisfaction and played the role of an arbiter among interacting moral agents. Freedom from an overarching state was important and, as is inherent within utilitarian thinking, equality of interests was paramount for protecting liberty. When aggregating individual desires, it was not for the state to judge or censor what went into the felicific calculation; each interest would be treated equally, irrespective of how unconventional it may be. Behind this approach was a belief that from the moral point of view, each person life matters equally (Kymlicka, 2002, p. 32) and their right to pursue their own ends was important.

The final important proponent of liberal democracy came with the more developmental writings of John Stuart Mill. The establishment of boundaries between the state and the individual was important for the 'free development of individuality' (Held, 2006, p. 79) and participation in political affairs was very important for remaining informed and developing intellectual reasoning. Equally, involvement allowed for an individual to engage in moral self-development (Dunn, 1979, p. 52). He also believed passionately about the protection of freedom and liberty. His famous work On Liberty (Mill, 2005) explored and described the proper limits of legitimate power that the state could wield over the individual. In essence, this boiled down to his harm principle that allowed for free action so long as it does not 'harm' others (Mill, 2005, p. 72). Within this, Mill defended some very important liberties that should not be interfered with, such as freedom of thought, feeling, speech, publication, desires, pursuits and association (Held, 2006, pp. 80-81). It is through these freedoms that citizens can 'develop and determine the scope and direction of their own polity'

(Held, 2006, p. 81). Through the pursuit of free economic exchange and coupled with minimal state interference, individuals can best maximise the benefits of political association and importantly for Mill, engage in self-development (Held, 2006, p. 87).

1.3.2 Deliberative Democracy

Liberal democracy has helped to describe the general foundations of the modern democratic state. It focused upon the limiting of governmental action to feasible limits, so as to allow for liberty and freedom to be maximised. However, deliberative democracy, a very contemporary version of democracy, aims to discuss something different: the quality of democracy. Its proponents advocate 'informed debate, the public use of reason and the impartial pursuit of truth' (Held, 2006, p. 232).

One of the main concerns that the writers seek to address relates to the nature of the knowledge citizens possess. Should democracy be built around simply the will of the citizens, or should that 'will' be assessed to see if it is rational and reasonable? This stands in contrast to utilitarianism where interests are not to a far lesser extent assessed. For Offe and Preuss, a reasonable will is one that considers facts, the future as well as the present and finally considers other people (Offe & Preuss, 1991, p. 156). Democracies should steer political thinking beyond the everyday assumptions and notions that ordinary people will presently possess, and instead build a political will that is reasoned. Offe and Preuss argue that simply participating in political life does appear to wield any particular, measurable benefits to the participants. This appears to be an attack upon one of the intrinsic values espoused by multiple thinkers through democratic history. However, they qualify this by saying that institutions and

constitutions should actively be designed test, teach and encourage learning within public and private life (Offe & Preuss, 1991, p. 169).

Writers such as Fiskin argue that political life is increasingly media driven and devoid of ideas (Fiskin, 1991, p. 19). John Dryzek expressly criticises what he sees to be increasing instrumentalism within politics that results in power resting in the hands of experts who are isolated in their expertise and so struggle to create coherent visions and policies that give a state a complete direction (Dryzek, 1990, p. 54).

1.3.3 Summary

Liberal democracy has certainly played a very influential role in the formation of modern democracies and crucially in informing the values that they are built upon. Unlike republicanism, liberalism has insisted on defining clearly the spheres of public and private life that allows for maximum liberty and freedom, as well as ensuring that citizens can flourish through the equal participation in public life. The predominant view was that government was a means to security interests, rather than being 'good' in and of itself. Whilst this has not be challenged by deliberative democracy, deliberation does highlight very important points about the nature of individual knowledge and if it is fit for purpose when making decisions over other people's lives. It does though argue in favour of participation within a learning culture and assuming such a culture could exist, then participation would be a great way to develop as a person both intellectually and morally.

1.4 The Origin of Instrumental Values - Social Contract Theory

The operation of an instrumental-orientated democratic theory shall be accounted for in later chapters, but here I will attempt to provide my first of two arguments as to why it is the instrumental set of values that must be considered primary to intrinsic ones. This emphasis upon the instrumental must be justified in order to deflect some criticism about the potential ignoring of intrinsic values. Historically speaking, nations and political systems have been born out of violence, war, oppression and coercion. National leaders would have typically won their positions on a battle field, or occupied them due to a hereditary divine right. Any form of popular consent related simply to the choice to not rebel and fight a civil war, as opposed to having elections and taking part in decision making. However, in Western society at least, we have arrived at a position where we live in a liberal democracy and theoretically have the ability to exercise a collective autonomy not seen in past political systems. The moment that it could be said we were a free people, autonomous destiny opened up. As such we, broadly speaking, have the capacity and ability to decide collectively how we would like to live and associate with each other. We therefore enjoy choice and have the power to, say, dissolve Parliament and install a dictatorship, dissolve government all together and exist in anarcho-capitalistic association (or some other form of a state of nature) or indeed maintain some form of government and democracy. From this position of freedom, and having democratic chambers to decide, we can assess these possible future options. For me, this observation that I make is important and I would term this philosophical device a 'reverse-contractarian' position in that it looks prospectively to what we could be, instead of looking retrospectively at how we came to be. The social contract thus becomes a tool of the present, as opposed to an explanation from the past.

Traditional social contractarian theories of the State look retrospectively at how a State, hypothetically, came into being. They typically outline how, at some point in time, there was a pre-State position known as the state of nature where humans lived unsatisfactory lives (at least in the sense they felt a state would be a better proposition). From there, political authority is reasoned into existence through the creation of a social contract that governs vertical and horizontal relationships. Such political authority would bring about certain ends that would not otherwise have been achievable in the state of nature, such as property and personal security. However, a main criticism levelled at such approaches are that they do not reflect historical realities of how political authority and States actually came into existence, the various failings of humans in the state of nature may not be solved by this contract (Hampton, 1987, pp. 189-207), and hypothetical, fictitious agreements do not have the force of actual ones. However, a reverse-contractarian approach is not open to the same criticisms because the starting position reflects the historical political reality and then recognises that due to gradual constitutional reform, many publics globally possess the necessary and requisite sovereignty and autonomy to actually decide their fate and construct agreements.

From this position, the arguments in favour of the establishment of political authority and a state can properly apply. Therefore from John Locke's perspective for example, his argument that a state would be an effective arbiter between parties to resolve property disputes can still hold as a prospective argument. Indeed, this would also allow for John Rawls to rationally place his social contract negotiations within the scope of reality (albeit not necessarily in relation to the original position under a veil of ignorance, which is less so). What is important to note here is the nature of these arguments in relation to the previously mentioned intrinsic / instrumental

dichotomy of values. It will be argued here that the primary considerations made when assessing the viability of political authority are instrumental ones. As noted, Locke placed value upon the way the state can be an arbiter of property dispute and so come to reasonable decisions in such cases. Thomas Hobbes in The Leviathan believed that only through the creation of a monarch-like head of society could order and security be achieved and maintained. As noted in the first chapter, Jean Jacques Rousseau in The Social Contract believed that the people's survival, development of human nature and experience of liberty could all be maximised under a government (Rousseau, 1968, p. 59).

I would certainly though take issue with his last two offerings. I would not object to the argument that a state can inspire human social interaction as a matter of course (but this is not per se limited in a state of nature either), but arguments about educational and moral advancement are a little redundant. As argued by John Stuart Mill, participation in politics is considered to impart the intrinsic values of education due to the very fact that participation requires knowledge of the subject matter being debated. The desire to debate better and understand the issues better inspires the citizenry to research for themselves self-educate, as well as the act of debating informing people of other things they didn't know. However, the flaw with this is that the education pertains to the political sphere, yet in a state of nature such a sphere does not exist and so knowledge of one is not needed. Therefore to argue that government is better due to inspiring education does not hold because the education it inspires relates to something that is not necessary in anarchy and so this purported intrinsic value of a polity cannot be seen as an advantage. Why would a person need to know about how a Parliament works, or aspects of political philosophy, if they live in anarchism?

Further issue is taken with the assumption that government gives greater liberty and freedom than would be available in the state of nature. As seen in chapter one, Rousseau believed that self-governance was a necessary condition of liberty and freedom, and as such government was necessary in the form of democracy. The very fact that laws are self-created is automatically freedom enhancing (Swift, 2014, p. 212). Equally, liberty (which he clearly distinguished from independence) meant an ability to act so long as it did not mean an imposition of one will over another (Rousseau, 1968, p. 46). This of course shows similarity with Isiah Berlin's negative liberty (Berlin, 1969, pp. 120-125). As such, democracy offered a way to navigate this within a polity. I would accept that of the governmental systems available, democracy certainly does offer greater scope for negative liberty and freedom. When compared to monarchy or a dictatorship, democracy offers something of merit here. However, to claim that democracy and government can offer greater levels of negative liberty and freedom than within a state of nature seems a little farfetched. Indeed, I would argue that the imposition of government naturally diminishes autonomy and freedom. By its very nature, broad conformity to the processes and legal outcomes (decided by a majority) is required for the system to function. As seen in the first chapter, Rousseau outlines how part of liberty is simply the ability to take part in the decision-making process, as well as conformity to the majority verdict, or general will. This though seems quite odd. To say that you have freedom because you got a vote, yet the very decision taken would have been the will of a majority and so would be forcing you to do something you may not agree with. Does such a person have liberty or not? The protective republican tradition, alternatively, took the view that participation was needed to protect liberty. Indeed this is the position taken by liberal democracy proponents also. It does then beg the question of why a person would need to protect

their liberty within a democratic system that purportedly provides liberty. To me, it is clear that a state operating democracy can be a threat to negative liberty and so requires individuals to monitor this and intervene where necessary to protect their interests. As such, to claim that democracy is valuable because of the liberty it provides is in my view unpersuasive. It provides more negative liberty than other systems of governance, but where all types of human organisation are considered, it does not provide the maximum liberty. Therefore if we go back to our reverse-contractarian 'original position' where historically we have arrived at an ability to collectively decide our fate, I do not think it would be argued that democratic governance should be chosen because it 'gives liberty' because it does not in this sense. Liberty exists within anarchy, and is then eroded once governments of any form are implemented. May it be the requirement to pay taxation under threat of coercion, or the ability to demand behavioural submission under a common law, democratic governments are not bringers of freedom when compared to a state of nature. It is instead known to all that sacrifices have to be made in this regard for greater instrumental aims of government.

With regard to Berlin's second concept of liberty, positive liberty, it would seem this has a stronger claim. Here, liberty is realised, or self-mastery s realised, through setting a person free of the constraints nature has placed upon them. As Berlin put it: 'I wish to be a subject, not an object; to be moved by reasons, by conscious purposes, which are my own, not by causes which affect me, as it were, from outside' (Berlin, 1969, p. 125). As such, it would appear that a collective entity is necessary to bring about these conditions of positive liberty and so provide equal opportunities within a person's life. Whilst I acknowledge a state is necessary to do this, I do not accept that positive liberty is an intrinsic value of democracy. Previously discussed

intrinsic values are things that naturally occur as democracy occurs, such as education or equality of participation. However positive freedom requires steps to be taken to 'bring it about' i.e. it isn't natural through the course of events. As such I would characterise this as an instrumental value and so does not provide an obstacle to my argument.

Leading on from this, democratic governance would be argued for because of the instrumental things it brings. Again, for Locke this was the fair resolution of property disputes. In modern societies, the democratic state has the capacity to provide services, bring about social equalities (such as equality of men and women or of races) and remove discriminations, tackle crime and civil disputes, defend the realm, provide education (and in the case of the United Kingdom, health care). These are all actions of a State that are routinely delivered and from that original position they are things that a State can provide in a positive sense as opposed to eroding things that would have otherwise existed to a greater degree in anarchy. Normal normative theory in democracy finds legitimacy in the procedure treating voters equally, which is an ex post facto merit (Estlund, 2008, p. 98). As mentioned previously however, intrinsic and instrumental values do not nicely sit together and typically can hinder one another. As Landemore acknowledges, there is a trade-off between procedural fairness and epistemic competence (Landemore, 2013, p. 14). We cannot both demand the maximum equality of participation, but then also demand maximum good outcomes. As the plurality of ignorant majority shows, this does not work in practise. The only way these do sit together is if some sacrifice is made by both.

If it is accepted that the primary functions and acknowledged benefits of Government are instrumental, then the democratic decision making procedure used to run the nation must be complementary to such acknowledgments. I do believe

instrumentality is the rational basis of justifications for a state (and a democratic decision-making procedure is preferred due to the way it can tap into the natural knowledge bases within society), which leads me on in later chapters (noticeably chapter four) to a discussion of how that decision making procedure should operate in practise in light of the plurality of ignorant majorities that exist and how to harness this to maximise the quality of outcomes as is desired by that rational public in the reverse-contractarian original position.

Conclusion

Democracy has taken a variety of forms throughout its history. These forms tend to reflect the times in which the respective theories were written, and shows great resilience and an ability to evolve. Part of this evolution has been an evolution of values that shape it. As has been seen, Athens began with great emphasis upon political participation being the best and most just way to exist as a human. There could be no greater exposition of democracy having intrinsic values. Republicanism also shared in this belief and argued that freedom and liberty could be realised through active involvement in the creation of self-imposed laws.. However, the participation of mixed groups could help to realise and secure interests. Finally liberalism gave the greatest formulation of the protection of the individual and how participation could secure this.

In terms of the instrumental/intrinsic value debate, I have provided my first of two arguments that the reverse-contractarian account of how it is rational that those emerging from forms of tyranny would analyse the utility of State apparatus along the

lines of it being a service provider and as such, any decision-making procedure used to control this State must comply with the ability to best provide those services.

Chapter Two

Deliberative Democracy

'When citizens deliberate, they exchange views and debate their supporting reasons concerning public political questions. They suppose that their political opinions may be revised by discussion with others; and therefore these opinions are not simply a fixed outcome of their existing private or non-political interests' – John Rawls (1999, p. 137)

In order to map out a vision that primarily derives its foundations from instrumental thinking, it would be sensible to consider the contemporary theory of deliberative democracy that seeks to both improve decision-making, but also maintain and enhance intrinsic values and popular participation. It is important to set out the theory in brief and explain the similarities and departures that this thesis will accommodate due to the manner in which the theory does potentially conflict with the service democracy and the division of cognitive labour that is implicit there. As will be seen, both theories do accept that knowledge is necessary for better quality decision-making, but instead of pursuing this specifically, deliberative democrats wish to improve the average knowledge of all, as opposed to dividing decision-making functions between the various knowledge bases of society.

2.1 - Overview of the Theory

Deliberative Democracy is a field of enquiry that concerns itself with the right, opportunity and capacity of all to engage in collective decision-making (Dryzek &

Niemeyer, 2012). This relates itself to the principle that a legitimate government should embody the will of the people and that decision-making and laws should come from citizens after having engaged in deliberation (Elster, 1997, p. ix). People should not be seen as passive objects of legislation and governance, but active agents who govern society (Gutmann & Dennis Thompson, 2004, p. 3). The process of deliberation should involve the exercise of political autonomy of the participants and through public-tested reasoning, citizens should arrive at a rational consensus (or the judgement of a majority). As will be apparent, this approach differs from ones that prefer to aggregate individual preference, as opposed to trying to allow for the creation of convergence. It does not simply accept unchallenged individual views, but prefers to test those views and potentially change those views through a process of rationalisation and arrive at reasonable, justifiable political judgements (Held, 2006, p. 232). This is based upon the argument that to simply consider ones individual circumstances is a market-orientated approach and is not appropriate for discussion and thinking inside the political forum where issues affect all people, not just an individual (Elster, 1997, p. 11). Such deliberation should be built into constitutions and institutions that govern societies so that it is an ongoing process, and not one that occurs in smaller groups at scheduled events.

2.1.1 Habermas and Rawls

The earliest writers of the deliberative tradition are John Rawls and Jürgen Habermas. They focused on the normative justifications of deliberation and achieving rational consensus through reasoned debate and exchange of views (Elstub, 2010, p. 291). However, their approaches did differ slightly due to the way in which they

viewed and appropriated Immanuel Kant's transcendental formula of pubic law, where he said that "All actions that relate to the right of other human beings are wrong if their maxim is incompatible with publicity" (Kant, 1991, p. 126). In other words, lies, secrecy and deception are incompatible with the categorical imperative as they do not show respect for persons, and so governments should strive for openness and honesty (Scruton, 2001, pp. 126-127). This difference gave rise to Rawls-Habermas debate where Habermas believed reconciliation focused on the 'public use of reason', whereas for Rawls it was 'reconciliation by public reason' (Gledhill, 2011, p. 13).

On this point, Rawls takes a procedural view of public reason and argues that for a law to be considered right, it must pass a publicity test (Elstub, 2010, p. 293). His social contract approach to outlining this point famously does not include an actual discussion in ordinary conditions, but instead he would place people into the 'original position' and under a veil of ignorance so that private interests and biases are theoretically removed (Rawls, 1999, p. 118). In this state, it would be possible to argue rationally and truly with the public good in mind and with the purpose of agreeing principles of justice that would guide a society and its institutions. It is important that alternative conceptions of the public good are considered, but any bargaining on personal interests would be unjust (Cohen, 1997, p. 68). Society would be stable in that people would converge upon a rational account of justice.

Rawls maintains this position even when he makes alterations to his theory of justice in his 1993 work Political Liberalism (Rawls, 2005). In this work, Rawls attempts to address the challenges relating to stability given to his theory by pluralism. The pluralist position would maintain that pluralism is a permanent feature of liberal societies and disagreements over societal direction cannot be ironed out by attempts to cooperate reasonably. There are intractable 'burdens of judgement' that preclude

reasoned convergence on fundamental principles (Rawls, 2005, p. 55). In response, Rawls tries to show that it is reasonably possible for democratic citizens to morally endorse a liberal conception of justice that assigns priority to basic liberties (Freeman, 2007, p. 365). To do this he develops the 'overlapping consensus'. Here he draws a distinction between 'comprehensive conceptions' of society (which typically look at moral questions of how to live) and 'political conceptions' (which concern political questions). By creating a political conception of justice, as opposed to a moral one, he argues it is possible to have a freestanding account of justice that could be accepted by all, irrespective of their comprehensive moral views (Freeman, 2007, p. 366). As people recognise that just institutions would benefit them, they will incorporate this into their comprehensive moral doctrines and they will become part of the background culture. As such, religious, philosophical and moral conceptions of the good life will evolve doctrinally so as to endorse liberal political values (Freeman, 2007, p. 366). Stability is then achieved because all reasonable and rational citizens will recognise and comply with the liberal principles of justice for the comprehensive reasons that are specific to their own personal moral conceptions of society. Stability is not then simply a rational compromise of values, but an active first choice for everyone.

A further departure from Habermas is seen in the way that Rawls characterises deliberative democracy. For Rawls, the key chamber of such discussion would be the 'public political forum' where there are only three discourses of relevance: the writings of judges, the work of government officials / representatives and the work of political candidates (Rawls, 1999, p. 133). Any other forum would be part of the 'background culture' of civil society. This is because, in terms of public discussion, the only topics of relevance are of a constitutional and political nature. Any other deliberations involving privately held views, like religion, form part of the separate

background culture. By using this distinction, Rawls attempts to reduce the political friction that is seen in pluralistic societies (Bantas, 2010, p. 6). It is within the public political forum that the citizens who comprise the various positions of state are expected to exercise 'public reason'. The 'idea of public reason' tries to establish a commonality between citizens who hold different comprehensive moral views. It specifies "at the deepest level the basic moral and political values that are to determine constitutional government's relation to its citizens and their relation to one another" (Rawls, 1999, p. 132). Those engaging in public reason use it as a source for their judgements of others and it replaces other doctrines of truth (such as faith) when engaging in public deliberation (Bantas, 2010, p. 3).

In contrast, Habermas believed that laws must be created through public rational debate which then would test if such laws would pass the publicity requirements (Elstub, 2010, p. 294). His writings relate to a linguistic approach to the explanation of social order. He believed that human action is coordinated by language. People, if using language (or utterances) to coordinate actions, must justify those actions by giving good reasons (Finlayson, 2005, p. 25). Habermas refers to such justification as 'validity claims' and these have both moral and rational status. With this, speech has a pragmatic function in that it brings interlocutors to a shared understanding of meaning and can then create an intersubjective consensus (Habermas, 1981, p. 287). As speech creates shared understanding, actions can then ensue due to having given reason-based utterances. It is important to note that any speech-act must make three claims to validity: a validity claim to truth; a validity claim to rightness; and a validity claim to truthfulness (Finlayson, 2005, p. 35). This means that when a person provides justifications for actions, they are making implied assertions. These assertions can include having good reasons for their belief, and

could, if required, convince the hearer of their position. Equally for rightness, the interlocutor implies that there are sufficient moral reasons that could convince the hearer if presented. For one person to 'understand' another's utterance, then, Habermas feels four conditions must be present: the recognition of the literal meaning; the assessment by the hearer of the speaker's intentions; knowledge of the reasons which may be used to justify the utterance; and acceptance of those reasons (Finlayson, 2005, p. 38).

Of course, it will not always be the case that a hearer does accept the express or implied justifications for action. There could very well be an unsuccessful communicative action. This then triggers a 'discourse situation' and requires the express giving of reasons. For these purposes, discourse is not simply synonymous with language or speech, but is a technical term for a reflective form of speech that aims to achieve a rational consensus (Habermas, 1981, p. 42). Any discourse should be governed by three levels of rules: basic rules relating to logic and semantics (like being consistent and non-contradictory); procedural rules relating to sincerity and accountability; and finally rules that immunize the discourse against coercion and inequality to ensure only the force of the better argument wins (Habermas, 1990, pp. 86-89). If the hearer accepts reasons under these conditions, then consensus has been acquired.

On this view, successful political deliberation would be one where the procedures can be considered legitimate (such as giving people equal standing) and they result in a rational consensus on the public good due to the removal of normative disagreements through the application publically acceptable reasons. Political preferences should be formed during the deliberative process (or general

communication), and not prior to it. Otherwise, respective biases of the participants will exist in their arguments and they are less likely to alter a pre-conceived view.

The main task of Habermas's democratic theory is to provide a normative account of legitimate law. His model is found in his Between Facts and Norms (1996). Essentially, the argument links his discourse theory with an analysis of the demands inherent in modern legal systems, which Habermas understands in light of the history of Western modernization (Bohman, 1996, p. 7). The analysis thus begins with a functional explanation of the need for positive law in modern societies.

Societies are stable in the long run if their members generally perceive them as being legitimate: being organized in accordance with what is considered to be true, right, and good. In pre-modern Europe, legitimacy was grounded in shared religious values that penetrated all spheres of life. As modernization brought with it pluralism and functional differentiation (such as autonomous market economies, scientific research), the potentials for misunderstanding and conflict about the what constituted the good increased. (Finlayson, 2005, p. 104). Moral discourse was not therefore sufficient to regulate conflict and maintain order in heterogeneous societies. Political institutions and norms forge modern social orders too.

Sociologically, then, modern law can be understood as a functional solution to the potentials for conflict inherent in modernization. By opening up legally defined spheres of individual freedom, modern law reduces the burden of questions that require general (society-wide) discursive consensus. (Bohman & Rehg, 2014). Within these legal boundaries, individuals are free to pursue their interests. As such, modern law is mainly concerned with the 'definition, protection, and reconciliation of individual freedoms in their various institutional and organizational contexts'

(Bohman & Rehg, 2014). However, such rights to freedom are expressions of freedom only if citizens can also see themselves as the authors of the laws that interpret their rights. That is, only if the laws that protect private freedom also issue from citizens' exercise of public autonomy as lawmakers acting through their elected representatives.

The idea of public autonomy means that the legitimacy of legislation must ultimately be linked to processes of public discourse that influence decision-making in legislative branches of government. Habermas outlines this requirement in his democratic principle of legitimacy: "only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted" (Habermas, 1996, p. 110). Decisions about laws typically involve a combination of validity claims: not only truth claims about the likely consequences of different legal options, but also claims about their moral rightness (or justice), claims about the authenticity of different options in light of the polity's shared values and history, and pragmatic claims about which option is feasible or more efficient (Bohman & Rehg, 2014). Legitimate laws must pass the different discursive tests that come with each of these validity claims.

Despite these normative differences between Rawls and Habermas, there are areas of convergence. With regards to the common good, they both argue that universal public reasons will result in consensus (Elstub, 2010, p. 295). For Rawls, consensus on the procedures that will regulate society and institutions is necessary for them to be considered just. For Habermas, consensus is necessary for deliberation because without it, people would not be inclined to exchange views due to the perceived futility of arriving at a common direction going forward. Common ground is also seen when discussing the forms of communication that should be used within

the deliberative process. Both agree that the discourses used should be reason-based, meaning that tools like rhetoric are not helpful and can potentially distort the arguments presented and make them harder to properly be analysed in public (Elstub, 2010, p. 297). Habermas expressed this in his 'ideal speech situation' where all communication should be understandable and free from coercion (Weber, 2008, p. 1).

2.1.2 Recent Theory

The above normative justifications are important for the recent approaches, but are criticised for not appreciating the complexity of modern societies and certainly not appreciating the plurality of political positions that exist, nor how opinions can be deeply entrenched. This latter point questions the concept of unitary public reason and how, in practise, it would be almost utopian to imagine unanimous agreement (Elstub, 2010, p. 293). Indeed, Rawls makes an attempt to explain how agreement over basic liberties and justice could emerge within a pluralistic society, but he still relies upon people putting aside things such as religious beliefs when they engage in 'public reason', relegating such views to the background culture (Bantas, 2010, p. 2). Instead, recent writers accept the various limitations to that absolute consensus and attempt to construct a more pragmatic approach that acknowledges and appreciates the real psychological workings of individuals and groups.

Those academics do though disagree about what deliberative democracy exactly entails and how to define it, but a reasonably all-encompassing definition can be given as follows:

'… a form of government in which free and equal citizens (and their representatives) justify decisions in a process in which they give one another

reasons that are mutually acceptable and generally accessible, with the aim of

reaching conclusions that are binding on all citizens but open to future

challenge' (Gutmann & Dennis Thompson, 2004, p. 7)

For Gutmann and Thompson, deliberative democracy has four distinctive

characteristics. Firstly is the requirement to give reasons. These should not be merely

procedural nor substantive, but instead they should be reasons that are acceptable to

persons who are free and equal and are looking for fair terms of cooperation

(Gutmann & Dennis Thompson, 2004, p. 3). Such reason-giving both justifies a

person's position (inversely allowing it to be challenged by others) and is also an

expression of respect by acknowledging the right of others to hear reasons. Secondly,

the reasons given should be made accessible to those listening. The most important

way of doing this is to make them public by both having discussions in the public

sphere and by actually airing them as opposed to keeping them mentally hidden away

(Gutmann & Dennis Thompson, 2004, p. 4). Thirdly, the process aims at actually

producing binding decisions, as opposed to being purely educational or entertaining.

Whilst these two experiences may very well feature, the end product and purpose of

deliberation is to impact governmental decision making (Gutmann & Dennis

Thompson, 2004, p. 5). Lastly, the process of deliberation should be dynamic. This

means that even if a decision has been made, it should not mean that the debate shuts

down. It is still possible for citizens to criticise past decisions and potentially alter

them on the basis of new arguments (Gutmann & Dennis Thompson, 2004, p. 6).

Joshua Cohen, in contrast, describes five main features of deliberative

democracy. Firstly, there is an ongoing association of members and this will continue

indefinitely (Cohen, 1997, p. 72). Secondly, they share a commitment to coordinate

their affairs according to norms that they arrive at through deliberation. Thirdly,

deliberative democracy recognises the pluralistic nature of alternative views and, whilst attempting to find common ground, there should be no compulsion to have to do so (Cohen, 1997, p. 72). Fourthly, deliberation is the source of legitimacy and so connections between deliberation and substantive outcomes must be clear (Cohen, 1997, p. 73). Finally, participants acknowledge that each persons has deliberative capacities and the right to operate in such a deliberative environment.

In his conception of the 'ideal deliberative procedure' he further explains that deliberation can be considered 'free' if participants agree to bind themselves to the conclusion and compliance occurs due to such conclusions being arrived at through a deliberative procedure (Cohen, 1997, p. 74). Deliberation can be considered 'reasoned' if the participants are required to state their reasons for accepting / rejecting a proposal. Finally, deliberation should promote formal and substantive equality. The former relates to not singling people out and allowing equal standing at all stages. The latter relates to not allowing differences in social standing to affect their ability to contribute (Cohen, 1997, p. 74)

These recent accounts approach deliberative democracy from a more realistic perspective and therefore do slightly conflict with the earlier accounts of Rawls and Habermas. As mentioned above, their approaches do not completely appreciate the sheer complexity and size of modern societies in terms of diversity of views, scale, socio-economic inequalities, globalisation etc (Elstub, 2010, p. 293). Recent writers have attempted to address these concerns and provide a more pragmatic theory. For Bohman, a realistic conception of deliberation must account for cultural pluralism and how this would impact upon the ability to arrive at a common good (Bohman, 1996, p. 34). With this, community biases could impact upon the range of problems and restrictions available for discussion. Writers also assume that people are, in reality,

motivated by their own interests and preferences. These should be reconciled through the deliberative process, but probably not resolved in a complete sense (Guttman & Thompson, 1996, pp. 72-73). Further to this, confirmation biases can hinder the conciliatory approach that deliberation employs and psychological research indicates that people are generally less responsive to reasons that are contrary to their pre-conceived views (Femia, 1996, pp. 378-381). It is also seen that people are more likely to defend already publicly stated opinions so as to avoid the embarrassment of making a public retraction or admitting to being wrong (Parkinson, 2006, p. 37). Finally, views can become solidified due to religious or ethnic backgrounds that would not respond to reasonable argumentation. That is not to say the religious are irrational or unreasonable, but certain moral values especially are not up for negotiation (Barber & Bartlett, 2005, p. 222).

In light of the above difficulties, contemporary writers are very sceptical about the possibility of consensus creation on the common good. As such, consensus is not required for legitimacy and so agreement can be reached through compromise under a deliberative framework. In other words, it is not necessary for all people to agree to the exact same line of reasoning (Guttman & Thompson, 1996, p. 93). Rather, a common direction forward can be achieved based upon a plurality of reasons. Such a decision can be made through majority-rule voting as this a realistic way to decide. The process can maintain its legitimacy is if can ensure a greater dissemination of relevant knowledge and information (Elstub, 2010, p. 296). Further scepticism comes from the restrictions placed upon the types of communication available to participants. The earlier writers believed that only reason would be justified, but the recent thinkers feel that this could actually substantively limit the deliberative process to dominant social groups who are better versed in such thinking and communication (Elstub,

2006, p. 31). They therefore accept the usage of other communicative forms like rhetoric, storytelling and humour (Bohman, 1996, p. 116), but do recognise that reason has to be the prime form.

2.2 - Analysis and Criticism

On the whole, the aims of deliberative democracy do seem noble. The earlier approaches relating to communicative rationality and achieving a rational consensus through publically discussed views do seem philosophically and logically appealing. Indeed, in a world where either all humans had extremely similar characteristics and backgrounds, or under a veil of ignorance, then one could hope that rationality alone could draw out conclusions that were so concrete and irrefutable that unanimous agreement could result. However, a criticism of the Habermasian approach would be that the members of a society, simply by virtue of understanding what one another mean, will not necessarily then adhere to the same social and moral rules (Finlayson, 2005, p. 39). Rawls too can be criticised for the way he relegates many important values that people hold to the background culture, and the way he argues for deliberation to take place only between those comprising the pubic political forums. As recognised by the contemporary writers, these normative approaches do not fare well in reality and so this brings into question its utility. The contemporary writers do a good job of exposing the practical issues that dog the normative theory and open it up to serious question. As stated at the start, deliberation is tasked with both respecting intrinsic and instrumental aims. With regards to the latter, it does seek to improve decision-making, and does recognise that knowledge is important for this task. The question for consideration is how well it actually does this and how well it

could achieve this on the mass scale required for it to comply with the intrinsic aims of involving everyone in the process and discussions.

Part of this relates to social epistemology and to the psychology of participants in deliberation and the various cognitive biases that can operate upon the minds of those tasked with coming to a decision. Indeed, it is not clear if 'wiser' judgements do result from this process (Sunstein, 2011, p. 314). For instance, there can be the creation of a consensus of falsehood that amplifies errors instead of correcting them. There can be both informational and social influences that cause people to either fail to disclose private information in the face of publicly stated information, or fail to disclose information due to fear of disapproval from more dominant members of the group (Sunstein, 2011, p. 315). In turn, this can reduce the variance of views expressed as members are more inclined to come into accord with one another, as opposed to place a full range of views on the table (Brown, 1986, p. 206). By having such convergence on views, it is found that deliberating groups are more likely to be highly confident of their conclusions, whether in fact they are right or wrong (Sunstein, 2011, p. 316). This is no problem particularly if they do come to a sensible conclusion, but very dangerous if they come to a less than sensible one. Linked to this is the problem of group polarisation where like-minded people can adopt more extreme views post-deliberation than they started with (Brown, 1986, p. 207). This can be caused by people with extreme views expressing more confidence that those 'on the fence' and where the same or similar view gets mentioned multiple times, it can make others who are unsure come round to that view.

Even where groups do have specialist members, where answers are definite, deliberating groups do not magically become as good as their specialists, but instead do little better than the average individual member would have done (Gigone &

Hastie, 1997, p. 161). As such, the actual information held by members is less effective than would be hoped and deliberating groups tend to poorly aggregate the information they hold. Indeed, many decisions on public matters are not definitive answers. Many decisions are ultimately taken based upon probability. However, a number of cognitive biases and heuristics can negatively impact a person's and group's ability to assess probability. The 'representativeness heuristic' explains that people assess probability based upon resemblance to other events of a similar nature, or "because A looks like B, A will behave like B" (Tversky & Kahneman, 1982, p. 3). A similar issues comes from the 'availability heuristic' where people assess probability based upon examples that spring to mind (Tversky & Kahneman, 1982, p. 4). Therefore when assessing the chances of a terrorist attack, they will scan their minds to think of such events in the past. The more people who can think of incidents, the higher probability the group gives to it happening again, irrespective of the true likelihood. With these heuristics operating upon the minds of most deliberators, there is no evidence that groups avoid the errors of individuals and so make better decisions.

From the perspective of this thesis, there certainly isn't any evidence that groups of lay people can become expert in any sense by applying a deliberative process to decision-making. It is clear that deliberative democracy struggles to even draw out the knowledge that participants have, making true deliberative discussion of all of the relevant views and interest difficult. It can fall into dangerous traps where groups can confidently come to erroneous or poorly judged decisions. To suggest that deliberation weeds out poor approaches in favour of good ones doesn't seem to come to fruition. All-in-all, it does not make a convincing argument that the instrumental aims of consistently making better decisions will occur.

Further practical criticism can come from the nature of attempting to 'scale-up' the rather smaller scale attempts of citizen juries and deliberative polls. Dryzek and Neimeyer admit that one of the challenges that deliberative democracy faces is applying deliberative features to politics more widely (Dryzek & Niemeyer, 2012). This does raise questions about feasibility at the larger, national scale. Firstly, the same intensity of people meeting face-to-face would presumably not occur at the wider-level. It would be very unrealistic to assume that on multiple issues, millions of people could be directly engaged with in argument and true reflection that deliberation requires. Of more concern for this thesis is that information alters and changes. A person could attend some form of deliberation group and feel knowledgeable, yet just a few years down the line new information may emerge that could alter the landscape. Therefore re-education and re-deliberation would be needed, otherwise people will be confident in the knowledge they have, which is now out-dated. In the event that a more Rawlsian approach is desired in that only political officials, candidates, judges etc can deliberate, this would leave open a number of criticisms. Firstly, this could create a monopolisation of power that then could result in corruption and lack of accountability (Young, 1999, p. 174). Secondly, to prevent citizens from participating would mean that they would not benefit from the deliberative process and so any votes they periodically cast at election times could be less informed. Thirdly, to so distinctly split the political forums from the background culture means that citizens may come to question their role in society, and this could create issues with the recognition of state authority (Sandel, 1996). As a result, citizen obligations could become too weak to sustain the communal obligations required for a modern state to sustain itself. Finally, from the perspective of this thesis, the restriction of day-to-day political and

constitutional matters to a select group does not allow for the potential contributions that each citizen could make, dependent upon their knowledge in specific areas.

The micro and macro strategies of recent writers do attempt to tackle the issues of scale. However, the micro strategies of citizens juries and deliberative polls fall foul of the very limited success as shown within social epistemology, and the macro strategies rely heavily upon media and the press, which Parkinson admits is 'flawed' and geared more towards entertainment than true substantive analysis that is required for decision-making (Parkinson, 2006, p. 102).

From an intrinsic perspective, it is not clear that emphasising the educative and general developmental aspects that a participant may receive gives much value. Jon Elster very much criticises views like this on the ground that they are incoherent, self-defeating and focus on personal development at the expense of community development (Elster, 1997, p. 19). For him, such educative outcomes are simply by-products of instrumentality, as opposed to being the thing strived for. This is because if the purpose argued for is educational, as opposed to making good decisions, then the system will not produce those educational outcomes because there would be no motivation to educate. There has to be a point to the education, which would be to produce better decisions. Deliberative democracy does comply with this in that it recognises that knowledge is necessary for good decisions. However, it needs to ensure that it doesn't, in ex ante arguments, couch by-products as actual aims. To assess institutional arrangements once they are set up and operate is acceptable as this is an assessment of by-products ex post (Elster, 1997, p. 20). This is an important distinction that deliberative democrats could easily fall foul of. From the perspective of this thesis, the service democracy would not be promoting intrinsic values above

and beyond instrumental ones. They would welcome by-products of good decision making and the promotion of knowledge specialism.

Part of the importance of deliberation is that there are procedures in place that govern the process and ensure fair discussion and the promotion of sharing ideas. However, in striving to overcome some of the psychological flaws listed above, any such procedures would need to be dominating and imposing. This then raises the risk of debate being regulated and not free, but also it risks creating a 'prison' from which it would be difficult to break, even if rational to do so (Elster, 1997, p. 19). Joshua Cohen outlines an argument that such procedure could limit freedom of expression (Cohen, 1997, pp. 82-83). As the form of the procedure would depend upon what a majority decides, it therefore places basic liberties into the hands of that majority, as opposed to respecting it as an inalienable right. However, any kind of 'expression' is technically information that could be valuable, meaning deliberation should allow for it (Cohen, 1997, p. 83). Cohen responds to this by arguing that people would have complete freedom to express themselves in the deliberations prior to forming the procedures. This could then raise an ad infinitum objection in that if deliberation requires procedures to regulate itself, what governs the deliberations that discuss the forming of the procedures?

Conclusion

Deliberative democracy is rightly of great interest to many academics due to its attempts to improve collective decision making, and with that, maintain and enhance intrinsic values of participation and education. Certainly, its aims of improving knowledge generally is of particular interest here. There would be

agreement that this is an important aspect of better decision-making. Where there is departure, however, is in how far this is taken. This thesis is arguing that knowledge is paramount for good decision-making and that when taking decisions that affect everyone, knowledge is an integral requirement. There does not appear to be much evidence that deliberation of lay people, even with experts guiding them, produces consistently better outcomes. This process, at best, marginally improves an individual's knowledge, but by no means turns participants or groups into experts. Therefore the aim of increasing knowledge through rational discussion as a means of improving decision-making isn't particularly met. It is held back by its insistence that every single person has the right to contribute on every single issue, irrespective of how much or little they know, and irrespective of how this could impact on decision outcomes. Even where deliberation takes place only among political decision-makers themselves, this then raises questions about the validity of the laws produced, whilst still claiming to be a 'democratic process'. It recognises that more knowledge is better, but isn't prepared to take the next step of truly pursuing that ideal. Indeed it can be questioned what knowledge threshold is required before we can say that citizens do have adequate knowledge for the purposes of deliberating and producing better outcomes. Who sets this threshold? How much information should the average citizen hold before we can say that the aims of deliberative democracy have been met and democracy is operating better? Therefore it is broadly moving in the right direction, but doesn't go far enough as far as this thesis is concerned.

Chapter Three

Ignorant Majorities

'There is not one who, in any matter which concerns himself, would not rather have his affairs managed by a person of greater knowledge and intelligence, than by one of less' – John Stuart Mill (2009, p. 21)

Ignorance, or the state of lacking knowledge (HarperCollins Publishers, 2009) is a label that can be ascribed to everyone. In a world of increasing technicality and specialisation, to know everything is only the preserve of Gods. In simpler times, polymaths of old may have claimed such wide-reaching knowledge, but this is not realistic today. With this in mind, can democracy function through the giving of equal participation on matters of State, despite actual knowledge being confined to limited areas within each person? The chapter will consider this most vital component of the thesis; the concern with knowledge imbalances, and how democracy, as presently conceived, does not account for them. It will consider the views of some more famous critics of either democracy itself, or of the capacity of people to engage collectively in an open democracy. These contributions are important because they help in the analysis of democracy as a decision-making procedure and provide a rarer insight into the flaws of this procedure. However, such contributions can oversimplify the concerns of ignorance and tend to provide more extreme views that can be more easily rebutted (See Democracy and Its Critics (Dahl, 1989), Chapter 5 – A Critique of Guardianship). A better account of the concerns of knowledge distribution will be

given that both acknowledges that people are ignorant in many areas, but are knowledgeable in others. Tailoring democracy to allow people to be involved in the areas they know about will be seen as a better way forward. This chapter will see me outline three theories of guardianship and then analysis and criticise them using my observation of topic-specific ignorant majorities.

3.1 – Plato

Chronologically speaking, one of the earlier recorded criticisms of democracy is found within the works of Athenian philosopher Plato. He, like his teacher Socrates, had great misgivings about the capacity of the people to make rational decisions on the running of the Athenian state, and that with time, democracy would collapse into tyranny (Held, 2006, p. 25) This in part was due to liberty and political equality leading to the indulgence of desires, which in turn would lead to disrespect for political and moral authority (Plato, 2007, p. 299). As a result, conflict would emerge between sectional interests who are all wanting the fulfilment of their desires, meaning consideration of the common good is replaced with consideration of the self (Held, 2006, p. 25).

Another aspect to the failure of democracy was the capacity of ordinary people to comprehend the common good and that democracy comprises the rule of the foolish, vicious and brutal (Dunn, 2005, p. 45). The majority are not best placed to rule over the collective due to their inability to truly see reality and to truly break free of the physical. This of course links with his Theory of the Forms and his allegory of the cave, where the perceived physical world was simply a shadow of its perfect self (Plato, 2007, p. 240). It was the philosophers, through using thought and ideas, who

could truly see reality and see the perfect forms of the imperfect physical world. In relation to democracy and society, the Theory of the Forms applied itself to both the constitution of a society and a person's soul. In both cases, order is established where reason governs indignations (desires to act upon negative impulses) and appetites (desires to act upon pleasurable impulses), as they are subordinate (Plato, 2007, p. xxiv). In the event that a person was not capable of reasoning internally, which meant most ordinary people, they then must listen externally to those within which reason does rule (Plato, 2007, p. xxvi). This highlights how Plato was primarily concerned with arriving at 'correct' judgements where reason should prevail (Sharples, 1994, p. 5). It is important to note that Plato may not have been against democracy per se. If it could demonstrate the ability to arrive at soundly based views, then it is possible he may have accepted it in some form (Sharples, 1994, p. 6). However, based upon his analysis of ancient Athens, he believed that it could not demonstrate the necessary competence to satisfy him.

To highlight his case against popular ignorance, Plato used two allegories: the ship of state (Plato, 2007, p. 210) and the keeper of a large and powerful animal (Plato, 2007, p. 215). In the former, Plato outlines a ship that has a Captain who is stronger than each member of the crew, but a bit deaf and short-sighted. He, however, is qualified in navigation. The crew, however, do not see him as being fit to captain the ship and so each member attempts to take control of the vessel. However, the crew are not skilled in the art of navigation, which comprises of studying the seasons, the sky, the stars, the winds and other aspects necessary to navigate a ship. The crew reserve praise for anyone who is able to control the Captain by force or fraud, and subsequently admire their purported skills as a seaman, even though the true navigator is the Captain himself. With this allegory, Plato argues that the Captain (like the

philosopher) is undervalued as their true abilities go unrecognised. It is the Captain who does in fact have the strongest claim to legitimately rule (Held, 2006, p. 24). The crew (like democratic citizens) act upon 'impulse, sentiment and prejudice' (Held, 2006, p. 24). They have no claims to expertise themselves, and any leaders chosen will rely upon populism to sustain their own positions and try to enact policy that caters to the previously mentioned selfish desires of voters. This means, in essence, that the blind lead the blind as non-expert voters influence the policies enacted by non-expert politicians. To further highlight this point, in Gorgias Plato draws a distinction been how a cook views food and how a doctor views food (Plato, 1998, p. 45). The cook aims to bring pleasure to the customers who will eat his food, yet the doctor is concerned with the health benefits of the food that is consumed. Therefore the cook is like the politician who aims to obtain votes by fulfilling desires, yet the doctor is like the philosopher who considers only what ideas would best benefit the health of the society. It is the marginalised philosophers who can truly claim legitimacy and that legitimacy stems from knowledge of the art of statecraft and the science of governance. The art of 'politics', like navigation and medicine, was considered to be objectively discernable through thought and rationality. It is the philosopher's rigorously acquired knowledge that justifies their suitability for power (Held, 2006, p. 26). Only the Philosopher-kings were capable of transcending sectional interests and consider the common good.

In his second allegory, Plato argues that public opinion is not a personification of 'wisdom' (as the sophists would argue), but instead, it would lead society and leaders down a negative path of listening to desire, as opposed to what is objectively right or wrong (Plato, 2007, p. 215). He illustrates this with a discussion on how the keeper of a large and powerful animal may study the animal's behaviours and wants.

He may come to know of what noises it likes, what food it wishes to eat and when it likes to sleep. However, he would not really know which of these behaviours was truly good or bad, desirable or undesirable. He may believe that he knows (in that things the animal liked are good, and things it doesn't like are bad) but this is a rather utilitarian account of morality, which does not allow for objectivity. As such, any politician who studies public opinion to decipher what policies to put forward will err in thinking that public opinion can uncover good and bad. The philosopher, however, would be see beyond this and be able to use reasoned argument to avoid the pitfalls of rhetoric and majority opinion (Sharples, 1994, p. 2).

3.2 – John Stuart Mill

A more surprising contributor to this discussion on popular ignorance is John Stuart Mill. He is of course famous for his contributions to liberal democracy and the defence of individual liberty, as seen in his book On Liberty (Mill, 2005). With this, participation in public affairs was a vital way for people to protect their interests and in doing so, enhance their political and moral knowledge. Politics was therefore a mechanism of moral development of the individual (Dunn, 1979, p. 52). His position was grounded upon his fear of an overly powerful state apparatus that could begin to infringe upon the liberties of individuals as it attempted to control society (Held, 2006, p. 81). In Considerations on Representative Government (Mill, 2008), he argued that for anyone to be denied the ability to have a voice over the direction of their life would have had their human dignity violated (Held, 2006, p. 82). This would certainly be the case where absolute power is wielded by a State, meaning the ability to participate and defend one's rights is reduced (Mill, 2008, p. 38).

However, despite the sentiments expressed above, Mill did express reservations about the ability of ordinary people to take political decisions. He aimed criticism at the unfeasibility of direct democracy on the grounds that the wisest could be drowned out by unwise majority (Held, 2006, p. 85), and was not any more optimistic about the operation of unchecked representative democracy. Despite being a proponent of universal suffrage, he feared that the masses could infect the political system with ignorance (Mill, 2008, p. 157). He feared that the 'operative classes' would dominate political opinion and that minority groups would go unrepresented and unheard.

His response to such majority tyranny was to design a system of plural voting that would enhance the representation of the educated minority (Beilhante & Rocha, 2013, p. 54). The main outline of this system came in his 1859 work Thoughts on Parliamentary Reform (Mill, 2009), where he advocated the weighting of the number of votes an elector had depending upon their level of education. Controversially still, Mill also proposed that those who failed basic literacy and numeracy tests should not be given the vote at all (Mill, 2009, p. 24), a view he had previously mentioned in Rationale of Representation (Mill, 1977, p. 30). He felt that all should have a choice in who runs the country, but that not everyone should have an equal say (Beilhante & Rocha, 2013, p. 55). He said that:

> 'The perfection, then, of an electoral system would be, that every person would have one vote, but that the very well educated person in the community should have more than one, on a scale corresponding as far as is practicable to their amount of education' (Mill, 2009, p. 21).

This was because political decision -making inherently meant an exercise of power over others, and so the educated and knowledgeable should be the ones trusted with this task (Mill, 2009, p. 25). In keeping with his earlier writings, he felt that this would promote participation, and this in turn would improve the popular mind both morally and intellectually. A further advantage would be to create more competent government.

In terms of the practicalities of his plural voting system, he argued that the weight of a person's vote should be commensurate with their level of education:

'If every ordinary unskilled labourer had one vote, a skilled labourer, whose occupation requires an exercised mind and a knowledge of some of the laws of external nature, ought to have two. A foreman, or superintendent of labour, whose occupation requires something more of general culture, and some moral as well as intellectual qualities, should perhaps have three. A farmer, manufacturer, or trader, who requires a still larger range of ideas and knowledge, and the power of guiding and attending to a great number of various operations at once, should have three or four. A member of any profession requiring a long, accurate, and systematic mental cultivation,—a lawyer, a physician or surgeon, a clergyman of any denomination, a literary man, an artist, a public functionary (or, at all events, a member of every intellectual profession at the threshold of which there is a satisfactory examination test) ought to have five or six. A graduate of any university, or a person freely elected a member of any learned society, is entitled to at least as many' (Mill, 2009, p. 20).

This clearly linked voting power with education, and certainly implied that the ordinary uneducated person had a low capacity to comprehend political matters (Beilhante & Rocha, 2013, p. 55). He said that the uneducated were 'eager to clutch at what others have and they have not' and were 'incapable of clearly conceiving the rights of others' (Mill, 2009, p. 24). It was this popular ignorance that his new voting system was designed to combat by balancing the number of voters without an education and the ones with one. He even went as far as saying that this system would be more democratic as it was otherwise possible that the ideas and contributions of the educated could be overshadowed and outvoted (Mill, 2009, p. 25). Plural voting should then promote the wellbeing of society by having the competent in charge and more input from the educated (which hints at his utilitarian line of thought). It could allow representative democracy to combine accountability with professionalism and expertise (Held, 2006, p. 87)

For the extremely uneducated, he proposed that they should have to pass a basic educational test to determine even their basic competence to cast a vote (Mill, 2009, pp. 23-24). This would mean being 'required to copy a sentence of English in the presence of the registering officer, and to perform a common sum in the rule of three' (Mill, 2009, p. 24). Rather bizarrely, he makes the suggestion that had the French implemented this requirement, the nation would not have had the disastrous Louis Napoleon Bonaparte as their President. His argument here wasn't simply that being unable to read or do arithmetic meant you had a low IQ, but rather it meant that a person could not keep up-to-date with current affairs as divulged in newspapers and literature (Mill, 1977, p. 30). Allowing such people, who had a very small understanding of political matters, to vote appeared dangerous and allowing them power over others was plain wrong (Beilhante & Rocha, 2013, p. 61).

3.3 – Competitive Elitism

A further, more comprehensive account of purported shortcomings of the masses comes from elite theory, or competitive elitism. This theory is an attempted restatement of the more classical accounts of democracy that require an active and informed citizenry who are represented in decision-making (Walker, 1966, p. 285). Such participation is necessary for the democratic system to be stable as it is traditionally assumed that broad agreement between the politically active is how decisions can be made (Walker, 1966, p. 286). In the event that political leaders veered from the views of the politically active, they would face reprisal at the ballot box. Furthermore, democracy is judged also on the intrinsic values of participation whereby it would give citizens an increased understanding and awareness of social responsibility and therefore aid in human development. Importantly, each individual's judgement on the general direction of policy is afforded equal consideration and weight with all others (Bachrach, 1969, p. 3). However, for elite theorists, these accounts are not realistic as they offer a utopian view of human nature and an inadequate account of the true operation of society. In its place, they attempt to restate the more utopian normative values of democracy and replace it with a realistic proceduralistic account of how decision-making occurs and aims to describe the real machinery of how the system operates (Hartz, 1960, p. 26). For writers like Joseph Schumpeter, the desire was to create an empirically based model of democracy (Held, 2006, p. 141). Part of this is to argue that stability comes not from mass participation, but from the direct opposite. Stability 'depends upon the ability of the gifted to command the deference of the many for the well-being of all' (Bachrach, 1969, p. 2)

Joseph Schumpeter gave a succinct overview of elite theory when he wrote that elitism is: 'that institutional arrangement for arriving at political decisions in

which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (Schumpeter, 1942, p. 269). It therefore provides a procedural account of democracy that sees it squarely as being a method of decision making that enhances efficiency of the policy process and stability of society (Walker, 1966, p. 286). Indeed, Walker goes on to state at page 293 that elitist theorists are concerned primarily with three things: the maintenance of stability in the political system, the preservation of existing democratic procedures and finally the preservation of the machinery for efficient administration of the state.

At its core are two assumptions about the average citizen: firstly that the masses are inherently incompetent, and secondly that they are at best easily influenced, or at worst unruly creatures that show distain towards culture and liberty (Bachrach, 1969, p. 2). As such, they must rely upon the wisdom of the political elite. As will be noted, this is normatively similar to Plato where he argues that those without the capacity to see true reality should allow themselves to be guided by those (the philosopher-kings) who can. What this then does is create two intellectual classes in society: the political entrepreneur (or the elite) who are well-educated and able to keep abreast of matters of government, and the citizens at large who are deemed to have little knowledge and interest in public affairs (Dahl, 1974, pp. 225-227). If Max Weber is considered, he characterises the political entrepreneur as being skilled in the art of persuasion and coalition building. They are passionate, have a sense of responsibility and can act in accordance with proportionality (Weber, 1946, p. 115). The citizens at large are characterised as being primarily concerned with their private lives, such as their jobs and families, and so politics is of marginal concern to them. He generally has a low estimation of the bulk of the electorate whose primary analytical tool of policy is emotion (Held, 2006, p. 135). He believes that they are

incapable of rationally choosing between competing policy positions, and so their only real use is selecting possible leaders. For Schumpeter, he too had a very low estimation of the political and intellectual capacities of the average citizen (Schumpeter, 1942, pp. 256-264). He felt that they were generally weak, operated upon emotional impulses and were easily influenced by illogical arguments (Schumpeter, 1942, p. 257). This was also coupled with the concern that most domestic and foreign policy was very remote from people's lives and so they lacked a sense of reality. (Schumpeter, 1942, p. 262). Such an apathetic common man arises due to a number of reasons, namely feelings of personal inadequacy, lack of interest in the issues, institutional weaknesses, suppression of opposition within the political system, or even the role of mass media in managing perceptions (Walker, 1966, p. 290). For Weber, the increasing rationalisation and bureaucracy meant that ordinary people had little opportunity to be involved with the policy process (Weber, 1946, p. 113)

The theories of Plato and Mill would see such an apathetic, passive view of ordinary people as concerning and something to be addressed. However, as mentioned above, this apathy is seen by elite theory to be a positive thing for stability because it ensures that political disagreements only take place during campaigns and elections, as opposed to involving demonstrations, riots and even civil war (Walker, 1966, p. 289). This system then supresses and controls internal conflict, which allows for stability even if there lacks a wider consensus. Stable democracy, for them, would come simply from agreement between the elites, and not between all those who are politically active at large (Key, 1961, p. 558). For Weber, democracy essentially becomes a testing ground to weed out the weaker leaders and allow the strong to show their potential (Weber, 1946, p. 113) If the uninformed masses were to participate,

systemic self-restraint would break down and the competition between elites would then be impossible. Seymour Lipset went further and argued that only the elites could protect freedom and liberty because research showed that the 'lower strata' of society were more prone to authoritarian values (Lipset, 1960, p. 101).

In spite of this desire for minimal mass involvement, there is a recognition of the indirect input that the citizens at large have over policy. Due to this being a competition between elites, there needs to be some responsiveness to public opinion in order to win the periodical elections that take place (Dahl, 1974, p. 164). The political entrepreneurs are in a constant battle and are regularly challenged by rivals for the affection of the masses. For Schumpeter, democracy then allows for the registration of the broad desires of the public, while leaving the actual public policy making to the few who are sufficiently experienced and qualified to make it. Due to this rivalry, the citizens at large receive conflicting messages from these alternate sources which, on the one hand, makes the manufacture of consent difficult (Lipset, 1962, p. 33), but on the other hand it doesn't particularly aid in their understanding of political affairs when then come to vote.

3.4 - Ignorant Majorities and Knowledge Bases

What all of the above accounts of the common person have in common is their purported observation that the average voter is quite ignorant of matters of state and policy. They paint a picture of individuals who are unintelligent and incapable of considering and analysing various issues that occur in local and national life. With this, there appears to be a risk of not just a tyrannical majority, but an ignorant majority. They fear that the masses could use their numerical advantage to demand

policies that are irrational and unworkable. However, this thesis will argue that such a view of the common person is inaccurate and wrongly writes off the potential political contributions of most, if not all citizens.

It is indeed the case that an important intrinsic argument for democracy is the manner in which it treats all citizens equally. This is not simply equal treatment of all being subjected the law (such as valuing the rule of law), but allowing 'each individual's judgement on the general direction and character of political policies to be given equal weight with all others' (Bachrach, 1969, p. 3). Democracy should not impose a hierarchical ordering of citizens as this does not lead to the greatest utilization of the capabilities of individuals. In my view, what this does, however, is ignore the knowledge imbalances that exist with respect to each policy area. As said in the introduction to this chapter, the world is becoming increasingly technical and specialised (which is of course a natural progression of the division of labour) and this makes the ability to know a policy area in any great detail quite time consuming and difficult. Yet democracy gives no account of this and allows any authorised citizen the opportunity to vote and have their view considered, irrespective of the technical contribution it makes to the debate.

This becomes particularly important when politicians consider and react to public opinion when forming their manifestos and when introducing legislation during their term of office. As Plato outlined, political leaders may be inclined to rely upon populist policies to maintain their own positions of power. By relying upon the thoughts of the public, the politician does not perform an analysis of why they think what they do and if such views are based upon rational enquiry and evidence, but rather enacts what is most politically beneficial at the time. Opinion polls then become of paramount importance. This may be a satisfactory state of affairs in that the

politicians are responding to public desires and this is what representative democracy is all about. However, a previously mentioned, non-expert politicians respond to the thoughts of a majority non-expert public.

3.4.1 Ignorant Majorities

Despite this, to dismiss the 'common man' is quite unnecessary and it would not reflect the potential contribution that each person can offer. To dismiss them in a complete way as Plato does, or in a partial way as Mill and the elitist theorists do, leads to more extreme theories that can face easier rebuttal and logical attack. It is at this point I must make a departure from the theorists set out previously and give an account of how I believe democracy should be viewed from an epistemic perspective.
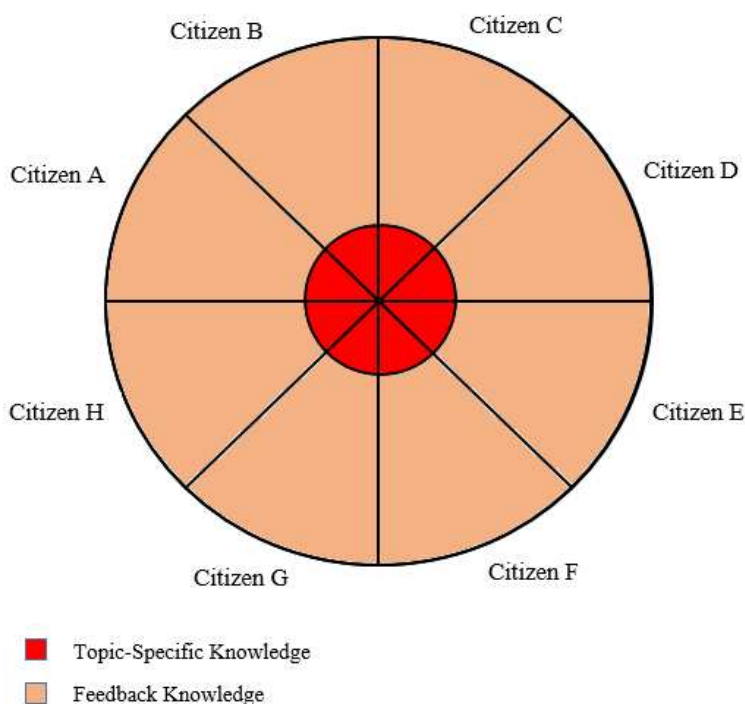
Figure 1: The Knowledge Wheel

Each person, by virtue of their education and profession, operate under knowledge imbalances. Knowledge imbalances imply that an individual has specialist knowledge over few areas of policy, but not particularly over many others. For instance, a builder working in the construction industry may have a working professional knowledge of house building, the construction industry generally and more broadly the micro-economics of

business. However, they could not claim to have a professional or specialist knowledge of defence matters, or energy policy. As this applies to each person within society, what is created is not simply a two tier system of the 'elite' and the 'citizens at large', but a more complex system of revolving ignorant majorities and knowledgeable minorities. In other words, who falls into the ignorant majority or knowledgeable minority categories revolves and alters depending on the specific issue and person. Figure 1 above gives a pictorial view of this observation. Each citizen possesses both topic-specific knowledge (placing them in the knowledgable minority) and feedback knowledge (that would place them in the ignorant majority). The optimal government, from an epistemic view, is where power is concentrated in the red circle of knowledge, and ignorance is dispersed away from that. Where a citizen does find themselves in the ignorant majority on a given topic, they can still play a more limited role as part of a feedback mechanism. Therefore the builder may very well fall into the category of knowledgeable minority with regards to his areas of professionalism (or 'knowledge base' as it shall be referred to from hereon in), yet would fall into the ignorant majority on other matters of policy. He could though provide user feedback of say the NHS, transport, or education services etc. Thus, a broad classification of elite and common man is too simplistic and does a great disservice to the genuine potential contributions of everyone. Therefore a more theoretically accurate dichotomy would be topic-specific in nature and would divide people between knowledgable minorities and ignorant majorities.

Hélène Landemore, in her work Democratic Reason: Politics, Collective Intelligence and the Rule of the Many (Landemore, 2013), makes an attempt to recognise cognitive imbalances through her work on 'cognitive diversity' (the existence of different ways of viewing the world (Landemore, 2013, p. 5)), yet she

does not quite make the leap to acknowledging the pitfalls of the very diversity she outlines. She explains that democracy gives the greatest chance of arriving at good decisions because of the range of skills that people will have within a large society. Surely someone somewhere will have a good idea on how to tackle a problem. However, in reality, many people like to give views and not just those most competent to do so. Especially on more contentious issues like criminal justice, many people like to give their views on the length of sentences or prison conditions for example. Her recognition of cognitive diversity is helpful, but in her quest to outline the positives of democracy she ignores the down-side of a topic-specific ignorant majority giving their views and potentially having the ability to exercise power over others.

In recognising the topic-specific plurality of ignorant majorities, it is possible to criticise the approaches taken by the previous theorists. In his account of the perfect society, Plato gives great credence to the idea that the philosopher kings would be best placed to wield the absolute power to govern. With this though, he places too much trust in their abilities and expertise. How can a narrow select group of individuals come to possess the necessary expertise to govern over a variety of areas of policy? It is certainly the case that one individual cannot possess the knowledge alone due to the shear amount of it and the limited time available to acquire it. Yet if we accept that maybe there would be a division of knowledge within the philosopher-kings, each specialising in policy areas, it would be sensible to then wonder why the citizenry at large could not also be required to specialise and then trusted to help govern. Equally, as soon as it is argued that specialisation would occur, it then defeats the concept of the philosopher king who is endowed with the ability to see true reality. Such specialisation would admit that they individually don't possess such abilities otherwise they would be able to work out the true reality for any given topic. In

summary, he does not see the potential in the very people he casts aside. Similar charges can be made against John Stuart Mill and his plural voting system. He places a value on education in that a person would need basic numeracy and literacy skills to vote, but he doesn't explain why a Clergyman should get 5-6 votes. What do they know outside of the Church and theology to warrant such a weighting? They are as limited in their specialisms as would be the farmer who gets 3-4 votes, or the skilled labourer who gets 2. Each person has something to offer in their area of professionalism, yet they are not treated as such. Mill assumes that an educated Clergyman has the requisite intellect to think about and discuss matters of defence, education, criminal justice, the environment, transport, health etc. yet his actual education and professional life would indicate non-specialism in many of those areas of policy. Indeed, what is most concerning with Mill's work here is the way in which he appears to depart from his assertions that being denied the vote and the ability to exercise ones autonomy would constitute a violation of human dignity. Finally, similar comments can be made with regard to elitism. As with Plato, theorists here place great emphasis on the purported abilities of the political entrepreneur. This elite should be entrusted with policy creation (albeit guided by expert civil servants), allowing only an indirect impact for the views of the citizens at large. Again, the question has to be raised about the purported specialisms of those elites. As a group of individuals, they cannot all each possess the requisite expertise of all policy areas. Indeed, if one were to follow Weber's account of the political entrepreneur, their main skills lie in persuasion, coalition building and acting with a sense of proportion. It would have to be the case that each politician specialises and then this again opens the question as to why ordinary people cannot have their own specialisms recognised, or indeed why they are considered an elite at all.

In essence, a theory that discounts the contributions of vast swathes of society is ignoring the reality of what each person, operating within their knowledge base, can achieve and the potential they have. In contrast, a theory that overstates the abilities of each person to meaningfully contribute on a wide range of policy areas is also doing a disservice. A middle-ground, sort of third way theory would need to tailor the exercise of power / influence over those exercising power based upon an individual's knowledge base. It would be correct to think that this is then limiting a person's ability to participate in the policy process. However, it would limit everyone. It would not be the case that power is being limited to one group of individuals in favour of another group, but that each person is limited in the policy creation process to the extent of what they know. Ultimately, whatever version of democracy a person wishes to support and argue for, what has just been outlined must be included. It is factually the case that the plurality of ignorant majorities exists and it must at least be recognised and then either argued away or catered to.

3.4.2 The Threshold of Knowledge in a Polity

Why is a limitation based upon knowledge important? For me, this is primarily due to the fact that an exercise of power in the public sphere does not just have an impact over the individual exercising that power, but over many other citizens. In the private sphere, however, a consumer engages in a more individual exercise when they wish to purchase a product. The consumer, themselves, decides what products they require and they then enter the market place to find a product that meets their needs. It could almost be described as a self-centred process. The consumer is thinking of themselves and the businesses they interact with are trying to attract them based upon

the selfish requirements of the consumer. Businesses are therefore mindful and react to consumer preferences, trends and general feedback. The knowledge required from the perspective of the consumer is essentially determined by the consumer themselves. They are solely the ones who will be affected by the decision to purchase, and so are completely responsible for the effects of that purchase. Whether it be a good or bad purchase, the level of knowledge and research the consumer does is up to them and the consequences only affect them. The businesses themselves play no particular role in assessing the quality of research the consumer does, aside from issuing their own forms of propaganda in favour of their own product, otherwise known as advertisements. They certainly don't help the consumer properly assess the market place and find the objectively best product.

However, normatively speaking, is such an individualistic approach to conducting affairs suitable for a polity? The argument here is that it certainly is not. Electors, unlike consumers, are voting upon matters that affected everyone. As such pluralist arguments, whilst accurately describing the present political process, cannot satisfactorily represent a normative position too. To think only of oneself when operating in this public environment completely detracts from the purpose of that environment: collective decision-making over common laws. Whilst it is possible that a voter may be irrationally thinking only of themselves when casting their vote, that does not detract from the fact that their votes, in culmination with other like-minded people, affect others too. As such, the threshold of knowledge has to be higher than the more objective indifference that is shown by consumers. When an individual or group is given the power to decide policy that will affect all others, there has to be a clear, demonstrable competence that they know what they are doing (in so far as contemporary evidence within that field allows). Due to this threshold being higher in

the polity, it is not enough to then overstate the abilities of everyone in making and having the power to influence policy. There has to be a more realistic assessment and a recognition of the occurrence of revolving ignorant majorities is just that.

<u>Conclusion</u>

The theories put formed by Plato, John Stuart Mill and the Competitive Elitists are of great importance, especially in the way they allow for consideration of a more extreme approach to democratic knowledge and ignorance. As can be seen, they do not give full credit to the capabilities and potential of all citizens within a polity and so they are not convincing. With this, the more classical accounts of democracy have an ability to overstate the capabilities of each citizens, primarily as they chase the intrinsic dreams of participatory equality and individual autonomy within a polity. A sensible middle-ground is required that respects the requirements of higher knowledge thresholds in the public sphere and respects that each person has various sufficiency and deficiencies in knowledge. However those who do fall into the ignorant majority on a specific area outside of their knowledge base still do have an important role to play in that area as feedback providers. The next chapter will take a theoretical look at how this could operate.

Chapter Four

The Service Democracy and the Better Decision

'Thus rather than supposing that the legitimacy of an outcome depends upon its correctness, I suggest that it derives, partly from epistemic value, even though it is imperfect, of the procedure than produced it' – David Estlund (2008, p. 98)

The observation of topic-specific ignorant majorities requires an epistemic model of democracy that acknowledges this consideration and on some level attempts to reconcile the tensions between equality of participation and the desire for outcomes in compliance with contemporary evidence. This would theoretically be resolved if all citizens possessed all knowledge, but in reality this is far from the case and indeed an impossible state of affairs. Democracy of course can take many forms, but one of the foundational tenants common to all is the egalitarian requirement that all people are given an equal standing to defend their interests and given equal decision-making power on all matters of public life. When votes are cast in a representative democracy, the public is both passing judgement and transferring sovereignty to representatives to act in all areas of public life and pass laws to govern aspects of private life. The model of democracy proposed here, the service democracy, will challenge the traditional participation assumptions and outline subtle alterations to reflect the knowledge imbalances identified.

4.1 Epistemic Proceduralism

The service democracy is a procedural account of how a society can increase the probability of accurate diagnosis and workable solutions to problems it faces by integrating knowledgeable minorities and ignorant majority feedback mechanisms into policy-making processes. As such, there is no need for discussions of a 'procedure independent standard of correctness', or political truth (Landemore, 2013, p. 210) because of general agreement with the approach taken by David Estlund with his theory of epistemic proceduralism in Democratic Authority (2008). He outlines how traditional theories of democratic legitimacy stem from fair procedures that respect the equality of participation of citizens. He accepts that some form of proceduralism is better than standards of correctness assessed after a decision has been finalised and that epistemic criteria are compatible with such procedures (Estlund, 2008, p. 98). This is because it is possible to reject both purely procedural accounts and purely epistemic ones do not hold on their own. As such, a hybrid of the two is preferable and he calls this 'epistemic proceduralism'. Estlund defines this as being 'procedural impartiality among individual's opinions, but with a tendency to be correct; the impartial application of intelligence to the moral question at hand' (Estlund, 2008, p. 107). He further says that 'Democratic legitimacy requires that the procedure can be held, in terms acceptable to all qualified points of view, to be epistemically the best (or close to it) among those that are better than random' (Estlund, 2008, p. 98). For him, the moral challenge for an epistemic conception of political authority is to let truth be the guide without privileging the opinions of experts, and his argument satisfies this better than a purely epistemic account of correctness (Estlund, 2008, p. 102). Equally it is not as overbearing as fair procedural accounts like Rousseau who felt minorities should cede to the majority view as the latter was by definition correct.

Epistemic proceduralism would allow a minority to reject the decision whilst accepting the legitimacy of the procedure used. As such, the outcome can still be considered legitimate, despite personal opposition to it, owing to the epistemic nature of the procedure being acceptable (Estlund, 2008, p. 105).

As was clear from the definition he gives, it is not enough simply that procedures used have some, albeit, modest epistemic value, but that they conform to the 'general acceptability requirement' (Estlund, 2008, p. 40). This, he claims explains how experts do not have an automatic right to rule. He writes:

> 'Truth is held to be neither necessary nor sufficient for a doctrine's admissibility. The moral idea behind this principle is that 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' (Estlund, 2008, p. 43).

Therefore with western liberal democracies, consent to authority is of primacy and so any governmental form must be acceptable to all who live under it. As such, rule by experts would only occur if it was accepted by everyone, for which claims to truth would likely not be. However, democracy operating under epistemic procedures should be acceptable because of the moral authority adherence to knowledge can command, without minority acceptance that the decisions reached are always right.

If Estlund's work is considered alongside my argument for greater instrumentality and an acceptance of knowledge imbalances, I would agree that the aim is not to define some concept of political truth, but to ensure an epistemic model of democracy that, procedurally speaking, requires problems and solutions are framed

within contemporary evidence as known and researched by topic-specific experts and professionals. In so doing, we give ourselves the best chance of arriving at outcomes that have properly diagnosed a problem and created a workable solution. The legitimacy of those decisions, and indeed any concept of a 'good' decision, then comes from the design of the procedure more so than the actual individual assessment of policy outcomes. To base legitimacy on the latter would wreak havoc with political certainty and stability that are required for a political system to operate. It would, for example, be chaotic if each and every political decision could be scrutinised and potentially struck down due to being not fully compliant with contemporary evidence. The only way to balance the demands of instrumentality and political certainty would be to focus upon the procedure used and try to ensure decisions produced following that procedure are in compliance with evidence.

4.2 Instrumental Values and the Better Decision

The main arguments made so far in this paper relate to the desire for a greater account to be given to instrumental values of democracy, namely the ability to arrive at 'better' decisions than alternative political structures. For these purposes, a 'better' decision is one where a problem or improvement has been accurately identified (which could be factual or moral, and relying on evidence and citizen feedback) and known contemporary evidence (or a consensus among experts and professions as to what is accepted as being) is relied upon to provide a solution that is most likely to yield the results aimed at. Imagine there was a scenario that was considered unjust. We can diagnose the injustice using moral reasoning, and then use evidence to identify and implement a corrective solution. Where questions are of a more factual

nature, like poor cancer detection rates, evidence can be both used to identify the problem and then correct it. Moral problems, by their nature, cannot be ascertained by evidence alone and so evidence can only confirm events and inform the debate, but classifying them as moral problem requires wider consideration, such as cultural and historical values. For instance, if a society is debating gay adoption it would be pertinent to include statistics on if children thrive or are harmed by being in such an arrangement as compared to others. Lay people can help to provide feedback and lay out base moral values upon which experts attempt to achieve and resolve. However those base values must be informed by what is physically possible and so evidence informs the base values and we can demand the base values are rational (or publically testable like with Kant's transcendental formula). Also, political decision making is probabilistic and is based upon estimates of likely future outcomes. We cannot say with certainty that if we do A, then B will definitely occur, but only if we do A, then B is likely to occur. Assessing success is a retrospective activity in that analysis can be done to see if the decision produced the desired outcomes.

As mentioned in the introduction to this chapter, this definition of a better decision relates to the procedure that brought it about as opposed to a standard of correctness or political truth relating to the outcome. So long as we can be satisfied that evidence has been used and decisions have been taken upon the basis of relevant knowledge, we can accept its legitimacy and we can do no more as a society. Whatever the actual outcome, we must accept it as legitimate if it meets these procedural standards. As Estlund put it: "All it claims is that the democratic process has certain epistemic value…it can have that modest value even when it is mistaken" (Estlund, 2008, p. 106). To assess each outcome individually as to its 'correctness' would not only be difficult in practise, but would weaken the stability of the political

order. Certainty would be too weakened because a decision taken could be classified as being incorrect and citizen compliance with it could be challenged. Thus a 'better' decision relates to the quality of the procedure producing outcomes that, probabilistically speaking, will be based upon accurate understandings of reality, which in turn, gives a greater chance of achieving progress. The definition could be described as 'strong' political cognitivism where a procedure should be designed to bring about positive results (such as pareto optimality where at least one person benefits and no one is harmed), as opposed to simply the avoidance of harm as with 'weak' political cognitivism (Landemore, 2013, pp. 212-213).

4.3   The Service Democracy

If it is accepted that instrumentality is the main aim and function of a state (including a democratic one), and it is further acknowledged that the observation of topic-specific ignorant majorities and knowledge minorities is accurate, we must then consider how best to structure decision-making within a polity. The service democracy is a theoretical account of how a society could be structured under these conditions and must be approached as such. Chapter 5 will deal with more realistic proposals that could be implemented into the present policy-making and constitutional arrangements. Indeed, just because a state and democracy have been arrived at in principle does not preclude a serious debate upon the nature of decision-making within democracy. The aim here is to outline a normative epistemic account of legitimate state authority and how we can make best use of existing knowledge bases and yet retain some recognisable form of democracy. It will not attempt to debate the specific scope of the State, but that where the State is judged to have power over an

area of life, it should be done with care and attention to knowledge. If we were to place this upon a scale, with direct democracy at one end and technocratic forms on the other, it would certainly be closer to technocracy than deliberative democracy would be (which would likely be in the middle of the scale), but it would not be quite of that character. It does not pursue instrumentality at the expense of all. It will fully recognise the plurality of knowledge bases and allows for each citizen to play a role in the decision making areas that they specialise in, and provide feedback roles in areas they don't. To do this, the government will be primarily characterised as a service provider or administrator (hence the name service democracy) and citizens will be considered as service users who have the ability to provide feedback. This is built upon the notion that secular democratic governments don't tend to make many moral proclamations (Sandel, 2012, p. 15), but instead try to respect the plurality of views and values as they neutrally provide necessary services.

The question of most interest to me here is 'who should have the power to decide?' Who is it that makes that final call, and indeed who are the people who are involved in the decision-making process and what influence do they have and should they have? Democracy endows a public with great power, not only to express their own private interests but to take collective decisions affecting everyone within that jurisdiction. However, despite inheriting this great power from various previous political systems, can it be said that it is exercised well, or indeed, as a collective, that know what we are doing to the highest standards of human ability? Indeed, it can be certainly said that endowment does not automatically bring with it an understanding of what to do and how to exercise that power.

To consider these questions, democratic life needs to be assessed and reconfigured. As argued by the developmental republicans, participatory democrats

and deliberative democrats, public life is enhanced though mass participation in the political process. These visions require ordinary people to become involved, engaged and informed. The main point of contention is the plausibility of the expectation that most people do have the time, energy or desire to do this. This is definitely exemplified by the requirements of deliberation because this process is highly educational and therefore demanding. If we consider the operation of deliberative polls for example, these took place over many hours and days. For these to be rolled out on a larger scale would possibly be met with greater ill feeling than jury service in the manner it would randomly disrupt lives. I would argue that, realistically, such mass participation will not come to fruition due to the demands of life itself and in many cases a lack of interest outright. Such a participatory views operates upon a delusion that good decision making can be achieved with less than satisfactory attention to the education required to bring it about. More realistically is the view that people pay their taxes and then expect, either rightly or wrongly, for a paid official to do the tasks of governance for them; to do the research and take decisions upon their behalf. This is almost the essence of representative democracy and the recognition that political business is best left to an elected minority who can, of a fashion, do research and debate the contents of laws and bills etc. As such, I think that a desire for greater participation outside of elections would simply not come to fruition, irrespective of the philosophical arguments and desires for it to happen.

This then leads me on to argue that all citizens expect their taxes to be spent wisely on the provision on quality public services. The government's role has become akin to a service provider (which can include being a limited moral arbiter over various issues like social equality and justice). When we consider the departments of government, they typically cover service provisions like health, education, police,

criminal justice and prisons, defence, subsidising transport, investing in secure energy

sources, organising agriculture, immigration, helping businesses, organising local

government (which then provide local services), organise social security, etc. You

then have various quasi-autonomous non-governmental organisations (or quangos)

overlooking and monitoring various parts of the public and private sectors. It could be

said that most areas of human organisation have either government provision or

government supervision. With this, the government could easily be seen as a huge

corporation, with the public and taxpayers as shareholders who get to vote

periodically at the 5 year AGM. I would personally embrace this view of

governmental work and function. As hinted at above, the state can make moral

interventions to ensure equality and fairness, but this is more limited due to pluralism

and it being very difficult to find consensus on moral issues in diverse societies.

Indeed, Isiah Berlin criticises a strong account of positive freedom on this point. He

accepts that maximising individual freedom is not the only aim of social action

(Berlin, 1969, p. 147) and that we do educate children to allow them the chance to do

what they would like in the future, but the creation of authoritative structures to

implement positive self-mastery by classes or people that will typically override the

non-commensurate views and values of many others in a pluralistic polity is not a

human ideal (Berlin, 1969, p. 148).

As with any company, shareholders, as owners, hold the ultimate power to

select their board of directors who then run the company day to day. This sounds and

feels like a democratic state, but the difference is that the focus is upon competence to

do the tasks necessary to keep the company running and turning over a profit, a task

the shareholders may not have realised on their own. However within a democracy,

such a focus on competence isn't as primary in the same way. The focus instead is

upon getting people elected, as representatives, who will then run the country as the electors want. The main point of reference is therefore what the people (which on any specific topic operate with be dominated by an ignorant majority) desire as opposed to the main point of reference being the technical best management possible. These two points of reference don't though have to be separate. It could be possible to have a system where both representation and technical management could co-exist.

For this, it is necessary to consider the role of the Member of Parliament as presently stands in British politics. It would be true to say that they have a dual role: that of representing their constituent's interests (and any other party and private interests they wish) and being the solution providers for the problems represented to them. As presently constructed, representative democracy offers the public the power to decide over their polity at periodic elections. Despite possible lobbying of the elected, the power to decide shifts in between elections to those chosen to make decisions on behalf of the electorate. The service democracy would not alter this power shift. It would though take issue with the dual role of MPs and argue that those occupying the knowledgeable minorities of various topic areas should have a greater role in the provision of solutions to the problems identified by the electorate. As such, there is a clear line to be drawn between the power to decide and the representation of opinions / right of consultation.

If the language of the pluralities of ignorant majorities is used, it could be argued that the knowledgeable minorities should have the power to decide, whilst the ignorant majorities should perform a user feedback function to the knowledgeable. Indeed, such feedback is vital in knowing if the actions taken are working as, after all, the whole aim of any policy-makers is to produce quality services that address human needs. Further to this, the right to be consulted is an integral part to the legitimation of

coercively taking taxation, as both the occupants of the knowledgeable minority and ignorant majority both have to pay for services. This is underpinned by a similar idea to that of deliberative democracy, where an opinion is not of itself valid by virtue of being an opinion. There is a further qualification to the ability to decide over other people's lives; that the opinion is informed by contemporary evidence and uses rational moral arguments. It is surmised that the opinions of the knowledgeable do comply with this in their area of expertise, whereas the ignorant do not. The latter's opinions do matter for feedback purposes as these will be based upon actual experience of the services provided. The role of an MP, then, would be to almost be like a Union representative who focuses more upon the accurate representation of human wants as found in consultation and less so on the technical aspects of service deliverance. MPs and a Prime Minister may though play a more limited role in the latter as departmental mediators who help to facilitate discussion between different departments and help to bring together, say, the Ministry of Justice and the Department of Health in treating drug addicts in prisons etc. The Prime Minister may very well be considered the Chief Negotiator, who tries to synthesise the departments and bring people around the figurative table. It is quite possible that an MP will possess knowledge in some areas and such MPs would work well in mediation and contributing to the debates they have expertise in. The knowledgeable minority, by its very nature, only has competence in one area and so it may take generalists to suggest points of possible convergence.

The policy process itself would have to alter to cater to the more research-based environment. Gather new data and evidence does take time, as does the peer-reviewed nature of its analysis. The question that has to be asked of modern policy creation is 'What is the rush?' The answer of course lies within the current electoral

cycles. Being statutorily five years, the onus is on very short-termist policies that typically cater to that five years. However, gathering evidence takes time and if we are to allow appropriate gathering and analysis, we need longer terms to operate within.

Overall here, the important question that this tries to address is how a society, given the observation of topic-specific ignorant majorities, can tap into the expertise of the rest of the population who have not chosen to go into a policy-making job, either a civil servant, lobbyist or elected official. In my view the service democratic conception does attempt to provide some justification of how those not in political roles, but possessing policy-relevant knowledge, should be brought into policy making and how those who do not possess such knowledge should not be in a position to take decisions affecting everyone. It is not enough to simply argue that better general education, as with deliberative democracy, would produce the best democracy possible. I would agree that if just one person was more informed and no one else was less informed, then democracy would be better than at present. However, this would not likely improve outcomes in any measurable way. The argument for better general education of voters does not particularly hold for these purposes. Voters are endowed with the authority to make judgments on all policy areas, despite having only professional / expert knowledge in a few. As such, any education would only provide a glossing over of many issues and so it would not produce super-human entities that are experts in all fields. Of course, if it did produce such entities then the observation of ignorant majorities would not exist.

By attempting to tap into the vast knowledge that exists within the population (or cognitive diversity, something I would accept up to a point from Hélène Landemore's work), decision-making can be improved and better comply with the account of 'better decisions' given earlier in this chapter. The people still retain all

sovereignty, but the exercise of power will not be held by all of the people, all of the time. In the same way that representative democracy, with elected minorities who debate and take decisions, is still considered democracy, this further refinement can be also. There is still an element of voting and feedback, but this is balanced with objective evidence. It could be argued that on this view democracy almost becomes the establishment of a consensus within a given policy area, factoring in the evidence-based expert views of professionals and academics, with the feedback mechanism of the ignorant majority. It is almost like a tailored wisdom of crowds, but for the knowledgeable minority. It could be termed 'wisdom of the specialised crowd'. This then operates better because general wisdom of crowds accounts only work on more simple tasks and judgements. Once things become more specialised and technical, say by asking lay people to work out a complex mathematical problem, the crowd loses any ability to make good judgements due to not individually possessing the requisite specialism, and collective thinking doesn't magic up such a specialism.

It is important at this point to address any claims of utilitarianism and consequentialism generally. With regards to the former, there may appear to be similarity in that both aim for the ends of maximisation of human happiness, yet the means are different. Utilitarianism is populist in nature and classically does not pass too much judgement on the preferences that are ultimately aggregated in the felicific calculus. Whatever is then arrived at is considered the correct political decision (and indeed even morality itself). However, the service democracy does question preferences to a large degree and requires that they be in compliance with contemporary evidence. As such, the procedure that is used to arrive at decisions places an epistemic value upon the contributions. A knowledgeable minority has greater sway over a policy area than the ignorant majority would under utilitarianism.

Estlund would take this further and argue that epistemic procedures, and an introduction of instrumentalism into normative justifications of democracy (Landemore, 2013, p. 47), are not consequentialist either. In Democratic Authority, he posits that consequentialism is a slippery label due to some arguing that the normative content of any moral theory can be labelled consequentialist (Estlund, 2008, p. 164). His theory does not support the idea of Government doing anything to avoid primary bads, and so Governments must operate within an independent moral framework by which to judge actions (Estlund, 2008, p. 164) i.e. as per their compliance with reasonableness and evidence. I would add that with regards to the broader label of consequentialism, epistemic procedures do not quite fit into that category, but nor does it fit into a deontological category either. Certainly the aim is to bring about good outcomes, yet the process, and so the means, is heavily scrutinised too. We are requiring evidence and rationality is used in the decision-making process, mindful of the theoretical improvement to outcomes. As such, we are focused upon the means and ends

Conclusion

In trying to provide for an instrumental normative account of democracy, it has been necessary to try to give an outline of how such instrumentality could be justified and produce legitimate decisions. The first and third chapters have provided two arguments for democratic legitimacy being based upon the quality of decisions reached, or the 'better decision' as outlined above. The main argument has been the reverse-contractarian account of how it is rational that those emerging from forms of tyranny would analyse the utility of State apparatus along the lines of it being a

service provider and as such, any decision-making procedure used to control this State must comply with the ability to best provide those services. Democracy is the best such procedure because it allows for the full talents of human ability, through the observation of ignorant majorities, to part-take in such decision-making, and allow for a feedback mechanism on performance. The second argument is less ambitious and holds that even under more conventional thought on democratic theory, when citizens take decisions in the polity, this has impact on other people as well as themselves, meaning that the threshold of knowledge demanded has to be higher than in the consumer market-place. It almost becomes a civic duty to ensure a good level of knowledge, which is maximised by a knowledgeable minority having a greater impact on policy than at present.

These then lay the theoretical foundation of the 'service democracy' account of how policy-making should be viewed from an epistemic perspective to achieve outcomes that work. In doing so it has assessed the roles of MPs under the present system and how the dual role that they perform could be split to allow for a functioning service democracy. This then leads on to discussions of how the present political system could be reformed to achieve some semblance to the theoretical.

Chapter Five

Application to Real-World Politics

'When we ask politicians to take responsibility for policy areas and for making and sanctioning decisions in areas that they may not have much prior experience in, we, at least in theory, create the potential for poor decision making' - Adrian Barton and Nick Johns (2013, p. 55)

As with any theoretical account, true merit comes from its real world application. In other words, a plausible democratic theory must concern itself with both theoretical and practical applications; with philosophical and institutional questions (Held, 2006, p. 266). Whilst Plato gives a fascinating account of the philosopher-kings, and Rawls in A Theory of Justice gives a compelling account of political rational consensus, they do not appeal to the realities of human capability and organisation. The preceding chapter on the service democracy was my own brief theoretical response to the observation of topic-specific ignorant majorities and an epistemic account of democratic legitimacy. This final chapter will look at ways that we can at least pay homage to that observation in real-world politics as exists today and so try to get more professionals, academics and experts involved in policy creation, or at least less lay-people (ignorant majority members) in positions of power. With this, the aim is to inject greater objectivity and an appreciation of evidence to arrive at evidence-based policy and not simply evidence-aware policy that is accepted or rejected upon ideological grounds. This will involve adding weight to existing

ideas, such as state funding of political parties and having parliamentary committee oversight of ministerial appointments, as well toying with newer ones like using technology to crowdsource academic and professional circles to help create policy and legislation.

5.1 The Public Policy Process

To begin an exploration of how the observation of topic-specific ignorant majorities could impact policy debates, a theoretical and practical consideration of how policy is presently made in the United Kingdom would be helpful. Instead of a broad overview, this shall focus on the policy process within the Ministry of Justice as this is where my own specialisms lie and so this would conform to the thesis of policy creation being decided primarily by those within the knowledgeable minority of a given area. Despite debate on its definition, 'public policy' will be taken as being a label for a field of activity; an expression of intent; specific proposals; decisions of government and the formal authorisation of decisions; a programme or package of legislation, staffing and funding; intermediate and ultimate outputs; outcomes of what is actually achieved and finally a process, not a single decision (Hogwood & Gunn, 1984, pp. 13-19).

5.1.1 Theoretical Accounts of Policy Making

Contrary to the natural desire for clarity, there is no single unifying theory of public policy making (Cairney, 2012, p. 2). This disunity can partly relate to the descriptive and normative differences that study of such processes can take. The former relates to the actual breakdown of the policy process and the key factors that

operate upon the actors within policy systems, whereas the latter focuses on more idealist accounts of what the process should be like.

The key classical descriptive theory is called incrementalism and was espoused by Charles Lindblom in his work The Science of Muddling Through (1959). This offered a very conservative account of how policy was made by claiming that evidence showed that policy makers did not look too far for solutions because existing policy was the result of past negotiations between government and private interests (Cairney, 2012, p. 6). As such, radical change was inappropriate as it would go against the grain of what was previously developed and arrived at by relevant parties. When policymakers locate values to begin the policy process, they tend to be the result of a negotiation process and trade-offs, rather than outright being the policymaker's own personal values (Cairney, 2012, pp. 99-100). Yehezkel Dror in Muddling Through – Science or Inertia? (1964, p. 154) argues that incrementalism only holds if: the existing policy is broadly satisfactory; the nature of the policy problems have not changed significantly; and there have been not advances in the means of solving a problem. In the case of either developing nations trying to shake of colonial pasts, or generally in advanced societies trying to pursue technology-based solutions and evidence-based policy (as this thesis argues for), incrementalism does not satisfy these criteria and so does not offer much in terms of a descriptive account or indeed a normative one. It wrongly tries to legitimise conservatism and discourage new thinking (Dror, 1964, p. 155).

Another account of policy making that would better be described as both a descriptive and normative account for the modern process is policy cycles (Hogwood & Gunn, 1984, pp. 42-43). This is the idea of breaking the policy process up into stages, such as identifying policymaker aims, identify policies to achieve those aims,

select a policy measure, legitimise the selection through public / legislative support, identify necessary resources, implement and then evaluate the policy outcomes (Cairney, 2012, p. 6). The process therefore begins with aims, or ideas. Ideas can be norms which relate to what is considered to be normal behaviour, or they can represent an ideological position that forms part of a more complex, coherent policy structure of a Government (Cairney, 2012, p. 220). It is only through understanding the source and motivations behind the ideas that a true appreciation of the policy process can emerge. From the perspective of this thesis, ideas should evolve from an evidential foundation as well as from any moral ideals. Other important stages of this process would be legitimation and evaluation. The former generally centres upon how the legislative bodies respond to the policy as it will be here where the policy becomes law, however it can also relate to how interest groups respond to the policy. As such, it is my view that knowledgeable minority crowdsourcing should also take place to receive views from across the academic and professional fields involved. The evaluation stage relates to performing assessments of the policy and if it achieved the desired outcomes posited at the beginning of the process. This relates to the concept of the 'good decision' as discussed in chapter 4 in that the definition of a good decision relates directly to its ability to perform the desired aims. There I defined it as being:

> '…where a problem or improvement has been accurately identified (which could be factual or moral, and relying on evidence and citizen feedback) and known contemporary evidence (or a consensus among experts and professions as to what is accepted as being) is relied upon to provide a solution that is most likely to yield the results aimed at'

Indeed, such evaluation of itself will produce knowledge of what does or does not work, and in that sense can feed back into the policy process.

The main normative theory against which others judge themselves is comprehensive rationality. This provides a theoretically ideal policy-making process where policymakers have conducted wide-ranging research (or are aided by organisations) into all options before formulating their aims and ideals (that would presumably begin the policy cycle) in a logical, reasoned and neutral manner (John, 1998, p. 33). As such it assumes that the aims and ideals of the policymakers without having done this are unusable. It further assumes that policymakers are able to separate values from facts and that it is possible to consistently rank policy preferences based upon the result of research (Cairney, 2012, p. 96). An alternative to this is offered from bounded rationality which claims to be a more realistic model of policymaking. This factors in uncertain aims and limited information when analysing the policy process and therefore finds comprehensive rationality to be too unrealistic. Herbert Simon in Administrative Behaviour (1976, p. xxviii) explains that policymakers simply seek a course of action that is satisfactory or 'good enough', as well as not having the ability to consider all facts comprehensively. Indeed, incrementalism also critiques comprehensive rationality by arguing that it is descriptively inaccurate as an account of policy-making, and normatively unrealistic as an ideal (Cairney, 2012, p. 98). Instead, Lindblom finds bounded rationality to be more acceptable as people operating within bounded rationality should only incrementally alter policy so as to respect past policy consensus.

In principle to conform completely to comprehensive rationality model would be difficult, but to suggest this difficulty offers a way of ignoring evidence or justifies allowing ideological values to override evidence is not convincing at all. The collection of evidence is time-consuming, but time pressure tends to, in a political sense, come from the limited Parliamentary time available to work on and pass

legislation, which is not aided by the short terms of office for a Government. As such, if it were possible for a political system to give that time for proper research and peer review of results, society would benefit.

5.1.2 The Criminal Justice Policy Process

Criminal Justice policy is primarily of concern to the government and so the state (both national and local) is central to its creation and administration through enforcement institutions like the police and courts (Barton & Johns, 2013, p. 8). As such, it is a public good paid for through general taxation and is intended to be non-excludable in its scope. At its heart, criminal justice policy is orchestrated around the 'crime problem' that all societies face and there is a three pronged strategy for managing this: legal regulation of behaviour; use of fiscal policy to redistribute money and to tax problem items like alcohol and; the promotion of normative cultural change (Barton & Johns, 2013, p. 17).

In terms of the models of public policy considered above, the most accurate description, and one that will be used here, would be the policy cycle. To begin this cycle, a policy proposal will contain a principled stance on an issue (such as wanting to reduce the number of youths hanging around on streets), a stated set of aims (such as reducing their ability to congregate in large numbers) and finally a course of action (such as introducing dispersal order powers to the police) (Barton & Johns, 2013, p. 25). What is important to note here then is the importance of 'the principled stance' in informing the aims and courses of action. Unfortunately for the purposes of this thesis, this is less informed by evidence and more so informed by the prevailing political ideology of the governing party. If we accept the definition of political ideology as

contained in the Penguin Dictionary of Sociology as being 'a tightly knit body of beliefs organised around a few central values' (Abercrombie, et al., 1984), the beginning of the policy process is value allocation according to ideology. An obvious concern with this is the manner in which different governments can have different ideologies and after an election there can be considerable policy shifts as priorities shift. However, if policy was more evidence-based, such shifts wouldn't occur to this extent as the evidence does not alter upon who wins an election. A further concern with ideology-based policy is the manner in which proposals are marketed as being 'common sense' (Morley & Chen, 1996, p. 7). By doing this, they make any opposition to their polices appear to be counter to common sense and so irrational. However underpinning the policy will be a discernible ideological value that can very much conceal hidden agendas. For instance, the present Conservative Justice Secretary Chris Grayling introduced restrictions on prisoners receiving books and reading material through the mail (BBC News UK, 2014). The 'common sense' reason given was that this was part of a reform to the Incentives and Earned Privileges scheme where the earning of privileges was made harder and receiving outside items could undermine this tougher stance (NOMS Agency Board, 2015, p. 3). However, underpinning this is a deeper ideological view of criminality. Conservatives tend to view behaviour moralistically and place a focus upon personal responsibility (Lakoff, 2002, p. 24). Within this context, criminality is seen as a lack of morals and discipline and so considerations of any socio-economic factors seem of less importance. Ideology therefore trumps evidence in this regard.

The above example leads into how ideological values are used to diagnose a problem. In other words, it can inform how policy is decided upon and how agendas are chosen. In this sense there is a social event, which is perceived as a social problem

and so a policy is needed to tackle it (Barton & Johns, 2013, p. 39). When values are informed by ideology, it can lead to a divergence of opinion on what is causing a problem. In terms of the book ban policy, those of a conservative ideology may decide that a tougher prison environment is needed to provide a deterrent and so reduce both reoffending and original offending, whereas a liberal (in the contemporary sense) may decide that a rehabilitative prison environment is needed to help offenders move away from criminality. We therefore have a social event (criminal offending) and we have policy responses. For conservatives, this is a book ban as part of a tough regime and for liberals it would be keeping and expanding book availability as part of rehabilitation and education.

Murray Edelman in his book The Politics of Misinformation (2001) takes a different, more sinister view. He argues that political elites deliberately misdiagnose problems in order to satisfy a more hidden ideological agenda. Therefore a conservative may very well know criminality is caused more by socio-economic factors, but to properly tackle this would require huge social programmes, which would expand the state and increase taxes. As a conservative, this would be counter to their free-market neo-liberal thinking and so it is better to misdirect the public into thinking crime is a failure of discipline and that tougher sentences and more police powers are needed.

Similar to the above is the denial of problems and non-decision making. As politicians aim to get elected, tougher decisions or 'truths' that do not conform to the ideological views of politicians or society can be ignored. In a time of multiculturalism (as accepted by both the Conservative and Labour), there were appalling failures by government agencies in response to grooming gangs in Rotherham (Buchanan, 2015). The independent inquiry by Alexis Jay (2014) that

looked into the abuse claims argued that the local council, Police and social services feared that tackling this issue could either been seen as racism or could threaten public acceptance of multiculturalism as the perpetrators were predominately Pakistani Muslim males targeting white girls. The report states:

> "Several councillors interviewed believed that by opening up these issues they could be 'giving oxygen' to racist perspectives that might in turn attract extremist political groups and threaten community cohesion" (Jay, 2014, p. 93)

By taking such positions, sickening crimes were not investigated and stopped. This displays how ardently ideology can be followed, even to the extent of allowing criminal activity to foster and fester.

Quite how accurate the above theories of 'common sense' labelling, misinformation and non-decision may be unknown, but they do try to provide explanations for how policy decisions can conceal hidden ideological agendas. In each case, evidence is either not used or is manipulated to achieve typically private goals. If evidence was the primary driver of policy decisions and a knowledgeable minority could help to analyse and propose policy, then fears of hidden agendas would not be as pronounced.

The discussion of values and ideology is important in understanding the policy process in terms of the theoretical debates between comprehensive rationality and incrementalism. Of the two, the criminal justice policy process is more like the latter. Change comes very incrementally and it could be argued that the overarching criminal justice system comprising of organised police forces (formed in 1829), the courts to administer fair justice (the fusion of common law and equity being in 1973 with the Judicature Acts) and the penal system to carry out punishment and reform (the modern

conception coming from the Prisons Act 1878) has not particularly altered much. With this, policy can be quite symbolic (Barton & Johns, 2013, pp. 48-49) and give an impression of 'doing things', whether or not they actually genuinely resolve problems. Tough on crime policy tends to fit into this category due to language like 'tackling crime' which gives an impression of eradicating delinquency, when in reality 'risk management' is a more apt description. The policy of Police and Crime Commissioners is an excellent example of this. Its purpose was to make the police more democratic and accountable to the people living within the constabulary area (Home Affairs Committee, 2014, p. 3). In this sense, it was designed to give an impression of 'doing things' because official explanations for the policy do not particularly focus on any perceived failings of the old tri-partite system of Home Office, Chief Constable and Police Authority other than needing publically recognisable figures. The Home Affairs Committee concluded that it was too early to properly tell if the policy was having any impact (in spite of them considering 18 months of evidence), but felt they were offering greater clarity of leadership (Home Affairs Committee, 2014, pp. 19-20). With no proven effects on crime rates, this policy seems more of a symbolic reorganisation rather than an evidence-based proposal to genuinely improve the quality of leadership and subsequent safer communities. Indeed Lord Stevens in the Independent Police Commission's report Policing for a Better Britain (2013) described it as being 'riddled with failures' (Stevens, 2013, p. 13) and outlined new proposals that would be 'superior to PCCs' (Stevens, 2013, p. 85).

This symbolism helps to cover for what is typically political and institutional constraints on the range of policy proposals that are realistically available to the decision-maker. A person has to work within the existing legal framework,

institutional designs, civil service practices, as well as considering the political reality of their proposals and if they will receive legislative support and ultimate public support. This is a valid point within a democracy where parties are aiming to be elected and therefore dare not go against the grain too much. Even within a world of evidence-based policy, the ultimate sovereignty comes down to the public (who formed the social contract and could leave it if they wished) and so some form of consent must exist. However, even within the existing institutional and legal frameworks, evidence can play a legitimate role and does not necessarily lead to completely radical outcomes. If there were more work opportunities within prisons (Neilson, 2012, p. 294), more drug treatment programmes (Andrews & Bonta, 2010, p. 286) and educational programmes (Education and Skills Committee, 2005, p. 14) then true evidence-based rehabilitation could occur without being too farfetched and unpalatable. Certainly once the crime reduction effects are felt and seen, the public would most likely come further on board.

Finally, it would be worth noting the groups and individuals who have influence and input into criminal justice policy in the United Kingdom. At the international level, supranational bodies such as the United Nations and the Council of Europe can influence domestic policy through the treaties they create and, in the case of the European Convention on Human Rights, subsequent ratification into law. Closer to home, the vast majority of policy is made by the United Kingdom Government. The head of this is the Prime Minister (PM) and they will have influence for two key reasons: crime is a key electoral concern and so it will be important to ensure the public's needs are met and secondly the Prime Minister is responsible for hiring and firing the Home Secretary and Justice Secretary. Pleasing their 'boss' will be an operating concern on the minds of key Secretaries of State (Barton & Johns,

2013, pp. 58-59). Below the PM is the Cabinet and whilst other Cabinet Ministers will not have direct influence, matters will be debated at Cabinet meetings and in the event of good arguments, policy could be changed. The most important of these other Cabinet members is the Chancellor of the Exchequer who sets the departmental budgets and could easily impact the number of police officers, prison guards etc. Below this are the Cabinet Committees where some Cabinet business is dealt with by smaller groups to relive the burden on the Cabinet. The main policy-makers, though, come from the departments themselves, with the Home Secretary and Justice Secretary at the helm in criminal justice policy. It is though debatable how much of policy is actually made by the specific individuals (in this case Teresa May and Chris Grayling) and how much is made by senior civil servant, also known as 'mandarins' (Barton & Johns, 2013, p. 65). These are people with considerable expertise in their fields of work and can provide advice to the typically generalist politicians who occupy office. Naturally though, these people are not authorised directly to make policy and so do not face public scrutiny.

A final important aspect of the policy process is the consultation and influence of experts. To have any hope of policy working, there must be some interaction with people who possess expert knowledge in their field and can give an assessment and advice. When it comes to criminologists, their influence is debatable. Garland and Sparks argue that their influence on decision-making has been 'faltering' (2000, p. 191). More broadly speaking, evidence to the Justice Committee in their Crime Reduction Policies: A Co-ordinated Approach (First Report of Session 2014-2015) (2014), indicates that the academics they interviewed wanted research to be higher on the policy-making agenda (Justice Committee, 2014, p. 50). Professor Gloria Laycock though stated that research was one of a number of factors operating upon the mind of

an elected policy-maker, and so it was understandable that research wasn't the only consideration (Justice Committee, 2014, pp. 49-50). This though likely reflects the ideological dominance that pervades criminal justice policy and this is a key barrier to true rational empiricism in the field (Nutley & Davies , 2004, p. 105). Such concerns will be addressed in the following sub-chapter where I argue for greater roles of experts in the policy process through the use of technology, amongst other proposals.

5.2   Epistemic Policy Proposals

As stated in the introduction to this chapter, the manner in which theoretical principles interact with the real world can help to validate them and allow us to derive practical utility from them. In this section I shall outline some ways in which the present political system could be realistically reformed to allow for more epistemic proceedings and reconciliation with the ignorant majorities principle. The reforms I consider are firstly the state funding of political parties, secondly committee oversight of Ministerial appointments, and finally the use of crowd-sourcing technology to allow whole professions to debate and construct policy

5.2.1 State Funding of Political Parties

At present in the United Kingdom there is a small dependence upon public funding in the form of Policy Development Grants, Short Money for Opposition expenses in the House of Commons and Cranborne Money for Opposition in the House of Lords (Electoral Commission, 2015). Overall though, political parties get their funding from private donations which can take the form of either multiple small

individual donations, or a few larger ones (Fisher, 2011, p. 20). It is the latter of which can attract most attention and can be view suspiciously.

As outlined in the introduction to this thesis, I am interested in the 'legitimacy debate' between fair-procedures and epistemic procedures. Traditional arguments in favour of reducing or eliminating private funding relate to 'fair procedures' and centre upon removing any undue influence from 'big money' and private corporate interests (Fisher, 2011, p. 22). Where there is seen to be the involvement of powerful private interests in political parties, the public can view this very negatively and perceive a distortion of the democratic process through corruption (Nassmacher, 1993). Indeed, just the perception of corruption (absence of real corruption) can cause a support for state funding of parties to rise (Losche, 1993). In this sense, the legitimacy of the system can improve with the belief in a fair process where each citizen gets their say and is listened to with equal weight.

In principle I can agree with the above. There is a dominance of the corporate interest (as outlined in neo-pluralist thinking) and this can certainly overshadow other legitimate considerations in the democratic process. However for the purposes of this thesis the analysis relates to epistemic procedures and so it is argued that state funding can reduce the 'corruption of evidence' and ensuring it will be interpreted in an unbiased manner. On the 'servants of power' view of expert involvement in the policy process, expert views are on the sidelines in the main. However, in times of difficulty, experts can be used by political elites to justify their ideological positions (Brint, 1990, p. 366). Edward Banfield (1961) described them as 'hired guns' and 'window dressing' to provide support for policies made on ideological grounds. As such, evidence and expert opinion is not used as genuine bases for policy, but as a political football to try to give an air of intellectual respectability. If we do accept the 'fair

procedures' criticisms of dominant corporate interests in the policy process, then we can assume that the policy positions of the political elites correspond with that corporate interest. As such, evidence is corrupted by money when it is used as a football to provide support for a private interest.

The value of state funded parties, then, is that it removes the need for reliance on private donations, and so policy-makers do not need to consider the interests of those private donors. Ergo, they do not need to selectively use evidence and expert opinion to achieve this private end. Simply put then, if you are a politician whose party is backed by 'big money' you will be mindful of making policy that pleases the donors in order to maintain electioneering funds. However if the donor is removed from the equation, then theoretically, there is less of an incentive to manipulate evidence to suit the needs of the donor and thus yourself. As such, evidence can be considered more objectively which is of prime epistemic importance.

Another epistemic argument here is that by freeing up political parties from having to fundraise perpetually, more staff and party members can think about and research more objective ideas (Fisher, 2011, p. 23). The more time that is spent on properly thinking through ideas, researching evidence that is free from donors influence and finally debating among members, the better the policy proposals can be. This does not necessarily mean knowledgeable minorities play the main role in party policy creation, but at least it moves members away from other tasks and focuses them on policy thought and formulation.

5.2.2 Committee Oversight of Ministerial Appointments

At present, it is the prerogative of the Prime Minister to appoint whomever they wish to be a Cabinet Secretary, Minister or Junior Minister. This of course makes sense from the perspective that they should form an executive made up of people they believe will support their vision for the country and are presumably loosely competent. However, it leads to an intuitively odd position where many Secretaries of State and Ministers do not possess any academic or professional experience in the areas they take decisions over. If the present Cabinet is looked at, Chancellor of the Exchequer George Osborne holds no economic qualifications nor has ever worked within economics, finance, banking etc. Interestingly former Economic Secretary to the Treasury Chloe Smith was appointed because David Cameron wrongly thought she had been an accountant (Watt, 2012). She had in fact simply been a management consultant at Deloitte LLP, a firm that performs auditing and tax services amongst other things. The Home Secretary Theresa May has never studied or worked professionally in areas relating to immigration control or policing. Foreign Secretary Phillip Hammond has never been a diplomat, nor has the Justice Secretary Chris Grayling ever studied Law or worked in a legal / criminal justice field. The Secretary of State for Defence Michael Fallon has never served in the military or in the defence industry more broadly. He is likely more aptly termed a 'career politician' as he has never worked outside of politics from leaving university and during his political career, he has only interacted formally with defence matter when he was appointed to be Minister of State for Portsmouth in March 2013 (Fallon, 2015). Health Secretary Jeremy Hunt has never studied medicine, nor has he worked in the medical field as a manager or practitioner. Former corporate lawyer and now Education Secretary Nicky Morgan has never been a teacher nor worked in a school in any form, and the same

can be said for her predecessor Michael Gove. Finally, the Energy and Climate Change Secretary Edward Davey has no qualifications in science, meteorology or climatology (presumably due to him being a management consultant), and nor has he ever worked in the energy sector. If there were an Executive Expertise Index, then this present Cabinet would score very low indeed.

To try and alter this lack of experience at the highest levels, a constitutional change is required. Whilst the British constitution is uncodified, the prerogatives of the Prime Minister are contained within The Cabinet Manuel (O'Donnell, 2011), a published guide for members of Cabinet, other Ministers and civil servants in the carrying out of government business. One of these prerogatives is 'recommending the appointment of ministers and determining the membership of Cabinet and Cabinet Committees' (O'Donnell, 2011, p. 21). It goes on further to state that

> 'It is for the Prime Minister to advise the Sovereign on the exercise of the Royal Prerogative powers in relation to government, such as the appointment, dismissal and acceptance of resignation of other ministers...'

He is therefore responsible for the overall organisation of the Executive and the allocation of functions between Ministers in charge of departments. However, the exercise of this prerogative is unchecked by any other component of the State. The only possible roadblock could be the Sovereign who formally appoints the Ministers, yet for them to refuse an appointment could create a constitutional crisis.

I believe that there should be some oversight and scrutiny of such recommendations to the Sovereign in the form of an ad hoc parliamentary committee. Like with the Senate in the United States of America (Craig, 2013, pp. 900-901), there should be another body beyond simply the Head of Government, who can ask

questions and make recommendations to the Prime Minister on who, epistemically speaking, is qualified for the role put forward. It would require a PM to have to defend appointments objectively and on its merits whilst requiring the prospective appointees to explain why they can do it. This would certainly prevent errors of judgement as with Chloe Smith outlined above, it would bring media focus on the competence and expertise of appointees and it would subsequently make a Prime Minister think about who is best placed, as opposed to who is politically convenient. It would still be the Prime Minister's decision who they would like to see around the Cabinet table, but oversight of this and a sort of 'job interview' style committee meeting could offer something presently lacking and allow the public to see who is taking decisions on their behalf. If the prospective appointee was judged to be a poor match for their position, the committee can recommend to the PM that they rethink their decision.

5.2.3 Academic and Professional Crowd-Sourcing

Unlike the previous two proposals, it is this one that adds a new dimension to the policy cycle and truly harnesses the untapped potential of the wider professional and academic communities of a topic area. As is the theme of this thesis, enhancing the participation and exercise of power of the knowledgeable minorities is an important step in producing an epistemic democratic government.

Crowd-sourcing can be defined as being an online, distributed problem-solving and production model by which an undefined group of people – the crowd – is invited to participate in an online task and help complete it by submitting knowledge, information or talent (Landemore, 2014, p. 10). A famous example of its use would be

the rewriting of the Icelandic constitution, beginning in June 2010 (Landemore, 2014, p. 4). This was the first time in history that a constitutional draft was aided and guided by popular input. It saw the creation of a Constitutional Council to formally write the drafts, the use of the internet and social media to help shape the contents of drafts and referenda to approve them.

The purpose of using this technology is to improve outcomes beyond that capable by a narrower band of people. In other words, it is to draw on distributed knowledge and expertise the crowd has beyond the confines and cramped optics of bureaucratic organisations (Moss & Coleman, 2014, p. 11). At present, the policy cycle is primarily open to Ministers, with civil servants advising and carrying out the implementation and evaluation. Interest groups may have a limited input through consultations and it has already been seen that academics feel that research is undervalued. As such, the policy cycle is very narrow in scope and policy is incremental in development. Crowd-sourcing, however, would allow an entire profession to play a part and have access to government proposals and make comments and suggestions. In the case of commons-based peer production, defined as being a 'socio-economic system of production' (Benkler & Nissenbaum, 2006, p. 394), a crowd can actually construct proposals themselves using internal proposal, amendment and voting tools. Successful examples of this are strong in the software development market where GNU/Linux operating systems and Wikipedia have been collectively designed and built without formal managerial hierarchies or markets (Benkler & Nissenbaum, 2006, p. 400). In all, I believe that this would truly be an epistemic policy revolution that would see evidence used as the foundation of policy proposals, and it would satisfy the objections that topic-specific ignorant majorities creates. Indeed, however, the final approval would have to be given by a Minister,

who should be one appointed on merit and knowledge if the above proposals are also implemented with this.

It may be noted that the initial definition of crowd-sourcing specifies an 'undefined group of people'. However, this proposal would very much limit popular participation down to topic-specific professionals and academics due to the technical knowledge needed to produce detailed policy proposals. As has been noted with wider crowd-sourcing attempts, the more complex the problem, the less the 'crowd' can produce useful outcomes (Anderson, 2006, pp. 10-12). As such, a 'specialised crowd' is more apt for the role I would like them to perform.

Conclusion

It has been seen that the policy process is one based primarily upon values and ideology, be they influenced by donors, the public or one's own sense of intellect. When the theoretical approach taken by this thesis is considered alongside this reality, the reality seems wholly unsuited to the instrumental tasks and demanded placed upon those policy-makers. It is accepted that some areas like immigration can be primarily based upon value-judgements of what is appropriate culturally and economically. Evidence can inform the debate, but certainly not decide it outright. However within the criminal justice field, the task of reducing and managing crime is more commonly accepted by all and so evidence can be used prominently to get on with that job. As such, to nonetheless still have an ideologically-driven policy area is unfortunate from an epistemic perspective.

Presented here are three realistic measures to help make adjustment toward an epistemic policy future. When working alongside each other, we could have an

executive and departments that are expert-led (with checks and balances on the PM's appointments), primarily work with experts and professionals to develop policy (through an internet-based crowd-sourcing system) and are free from any undue influence from private money and donors who could operate upon the minds of decision makers, corrupting their decisions to invoke or ignore evidence at will (with state-funding of political parties). Whilst this package of measures does not fully realise the service democracy, it would help to create epistemic democratic procedures that can result in a rational, objective, evidence-based policy process.

Conclusion

The concluding remarks that I shall give shall follow a 'three move' structure of review, evaluate implications and consider future research. In terms of the first, I shall review the democratic literature, my arguments as to why it has shortcomings and my findings in relation to applying the topic-specific ignorant majorities observation to democratic theory. In terms of the second, I shall evaluate the importance of these findings and consider what impact these findings could have upon democratic theory. This will also include consideration of the short-comings of the thesis. Finally, I will outline what scope there is for future research in this area, especially with regards to experimentation with academic-crowdsourcing.

Review of the Argument

The thesis began by considering how democracy has development over time. This helped me to define democracy, consider what makes it valuable as a decision-making procedure and set the context of my contributions. It was clear from this that the definition of democracy is linked to how one values it. For those like Rousseau who valued complete and absolute involvement of all citizens, democracy becomes a way of life that is intrinsically valuable. It is very much 'people power' in a complete sense. However for deliberative democrats who begin to value instrumental outcomes, democracy can be defined not simply as something 'we do', but as something that 'does something for us'. After this consideration, I was able to provide my first of two arguments as to why I thought instrumental values were most important based   on social contract theory and the reasons why we would consider creating a state in the first place. To do this I used my own philosophical device that I termed the 'reverse-

contractarian' view to explain how a social contract can be forward-looking. In doing so, I was able to think about how the primary reasons for creating a state would be because of the outcomes and services that we would expect. Indeed these instrumental outcomes are contained in the writings of Hobbes and Locke.

After this, it was important to engage with a contemporary theory and certainly one that was more instrumental looking. Deliberative democracy provided me with that and was seen to have some merit, yet didn't quite go far enough. With regards to the former, the earlier theoretical work of Habermas and Rawls did provide a compelling account of rational beings converging upon rational points of view. The general institutional and procedural arguments of the deliberative democrats to help to educate citizens to allow them to have more informed view does seem sensible. However, Rawls and Habermas fail to recognise the impact pluralism can have on decision-making by individuals, and the more recent deliberative democrats fail to give explanation of practical ways to achieving this mass education, or even if the social epistemological arguments work. In all, my view was that they were on the right track, but in trying to get the entire citizen-body to be better decision-makers, they made it too impracticable.

Once the context had been set, I provided my main theoretical thoughts on the nature of democracy and the decision-making capacities of each person. To do this I outlined famous 'guardianship' theories that split the population up into 'experts' and effectively 'rabble'. These were the writings of Plato in The Republic, John Stuart Mill in Thoughts on Parliamentary Reform and the writings on competitive elitism. However these all underestimate the specific specialism each person has by virtue of their professions and/or education. It is not enough to simply say expert vs rabble as the capacity for knowledge exists within each citizen depending upon the topic at

hand. Here I introduced my observation of topic-specific ignorant majorities. This does acknowledge knowledge difference, but explains how ignorance and knowledge revolves depending upon the topic at hand. A person may have an expertise in defence, but will not have one in health or education. As such, they can be in the knowledgeable minority or the ignorant majority depending upon issues being debated. For those who are in the ignorant majority, they can still provide a feedback function. In all, a polity can still function, but in a more tailored way. I was then able to provide my second argument as to why instrumental values are important and legitimate. When citizens take decisions in the polity, this has impact on other people as well as themselves, meaning that the threshold of knowledge demanded has to be higher than in the consumer market-place. It almost becomes a civic duty to ensure a good level of knowledge, which is maximised by a knowledgeable minority having a greater impact on policy than at present.

With these arguments in place, it was then important to outline how democracy could look if it was taken to its theoretical limits. This required consideration of how best to implement epistemic analysis: was it best to assess each individual outcomes, or simply design a procedure that was most likely to produce good outcomes? I felt the latter was most feasible and considered David Estlund's work in Democratic Authority on epistemic procedures. This led me into considering a definition of 'better decision' where I defined it as being:

> 'One where a problem or improvement has been accurately identified (which could be factual or moral, and relying on evidence and citizen feedback) and known contemporary evidence (or a consensus among experts and professions as to what is accepted as being) is relied upon to provide a solution that is most likely to yield the results aimed at'

Once this was established, the Service Democracy was introduced which was my own theoretical outline of how a society could look under an adherence to epistemic procedures and rectification of knowledge imbalances. This vision entails expert-led departments, a reduction in the traditional role of an MP and reclassifying the Prime Minister as a Chief Negotiator who helps to facilitate action between departments and experts. It too located flaws within participatory democratic theories and how their insistence of constant popular involvement was not realistic in the busy modern world.

Finally, I looked at policy making within criminal justice from a theoretical and practical perspective and proposed three epistemic reforms that could result in a greater appreciation of instrumentality and expertise. These were: state-funding of political parties, committee oversight of ministerial appointments and finally academic and professional outsourcing as a means of analysing policy and proposing new ones.

Implications

Firstly, I would like to outline theoretical implications of this thesis. Democratic theory has seen a prime focus on intrinsic values for most of its history. Where democracy has succeeded tyrannical regimes, it is understandable that people find great solace in the fairness and equality of participation that democracy gives. An implication of this thesis is to try to provide an alternative view of democracy and give strength to epistemic arguments that see a future in specialisation. As an alternative to the norm, these kinds of arguments need to be taken seriously and either accepted or disproved. As I say in Chapter Three, any conception of democracy must interact and account in some way for topic-specific ignorant majorities. It is true though that the main difficulty of evidence-based approaches is the tension created

between public will on the one hand, and evidence on the other. One would hope they are synthesised, but as polling evidence has shown, they are not. As such, this thesis sympathises with deliberative democracy in its attempts to synthesis them, but concludes that realistically they will not be to any meaningful degree due to the observation of topic-specific ignorant majorities and the realities of busy lives. Therefore my observation of knowledge imbalances can help to be a foundation for arguments of greater specialisation on the basis of knowledgeable minorities.

Secondly, there would be implications for policy creation in the real world. If the arguments given here were to be considered important, then an implication would be how they could manifest themselves in the policy process. As I discuss in Chapter Five, the present policy process in the criminal justice is highly ideological and value-driven, with less concern for evidence and research. However, if we began to think more epistemologically and locate and engage knowledgeable minorities, then we can move away from the political grandstanding that takes place and move towards genuine efforts to reduce crime and administer fair justice. The proposals I outline could see more objective (as in not influence by donor interest) expert cabinet members who create policy with entire academic and professional communities using crowd-sourcing technologies.

In terms of short-comings of the thesis and methodology, it has not been easy to outline the contrast between values and evidence with respect to how policy is generated. Evidence can inform policy choices, but it cannot ultimately decide policy choice is many areas, like immigration. Members of knowledgeable minorities would still have to make a call based upon something beyond simply the evidence before them. As with criminal justice, there is a tension between a demand for justice on the one hand (which may manifest itself in tough sentencing) and a demand for

rehabilitation and compassion on the other. An expert can have studies which say programme X will reduce reoffending, but if it helps to perpetuate a 'justice deficit' due to being seen as a 'soft' response to criminality, then there could be public disillusionment. As with pluralistic objections to rational consensus positions, you cannot reason away an emotive feeling. However, that is not to say that new forms of crime responses cannot be pioneered, like restorative justice, which sees lower reoffending rates coupled with victim satisfaction.

Another short-coming would be a lack of empirical basis for the real-world policy reforms. Whilst in theory it would make sense that each reform can contribute to the creation of an epistemic policy system, there has not yet been studies to assess such propositions. This though can lead me on to the final part of the conclusion.

Looking to the Future

In terms of future research in this area, there could be further theoretical development of the topic-specific ignorant majorities observation, such as considering the practicalities of defining the knowledgeable minorities and who would fit into them. As with Mill's work on plural voting, it is hard to specifically define who should or should not fall into such a classification, and there would be crossovers. Equally, discerning a specific threshold of knowledge is necessary. Therefore questions such as 'How many years in a profession qualifies? 3, 5, 10?' or 'What level of education would suffice? GCSE? A-level? Foundation degree?' Naturally the higher the better, but there would need to be a line drawn.

Further research could be done in the form of quantitative studies on the practical usage of crowd-sourcing as a policy-making tool. There have been success

stories in terms of Iceland's constitutional writing experiment, and great success in the

creation of software, but as a specific policy-creation method could be an exciting

development. This is an emerging technology and so any research on this would be

considered very contemporary and original. Equally, research on other epistemic

measures to build an epistemic policy-making procedures would be useful. This could

involve comparative studies of other country's governments that are considered more

epistemic.

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