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What militant democrats and technocrats share

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ABSTRACT
In their efforts to prevent democratic backsliding, militant democrats have traditionally been sympathetic to technocratic arrangements. Does this sympathy imply a logical congruence? Comparing theories of militant democracy and epistemic technocracy (aka epistocracy), I discover a common approach to basic aspects of representative democracy. Both theories see voters as fallible or ignorant instead of capable political agents; and they both understand political parties to be channels of state rule rather than democratic expression. This shared suspicion of grassroots political agency explains why they employ non-democratic means to pursue their goals. But the two theories appear to be also analytically co-extensive. Like militant democrats, epistemic technocrats polemicize antidemocrats inasmuch as the latter are proxies for epistemically foul decision-making. Conversely, militant democrats try to block 'incorrect' decisions as long as these lead to democratic subversion, thereby producing a distinct type of militant technocracy. The article ends by drawing the implications of this symbiosis of epistemic and militant democratic ideas for contemporary democratic theory.

Introduction

How can we legitimately defend democracy against far-right populists? Two strands of contemporary theory offer guidelines in this respect: militant democracy and technocracy. Militant democracy is the idea that a democratic state can legitimately restrict basic rights in order to protect itself from internal subversion (Kirshner, 2014; Loewenstein, 1937a; Müller, 2016; Rijpkema, 2018; Sajó, 2004; Tyulkina, 2015). Opponents of liberal democracy, it is claimed, are not entitled to the same rights such as free speech that a democratic state normally extends to all its citizens. Technocracy, on the other hand, is the idea that a democratic state can legitimately delegate decision-making to independent experts (Brennan, 2016a, 2016b; Rosanvallon, 2011). If decisions are to be truly in the service

of the general interest, we need rational and knowledge-based processes for reaching such decisions, or so the argument goes.

At first sight, these two normative frameworks seem to have little in common. If anything, they involve different aims. Militant democrats want to prevent the backsliding and breakdown of democracy as a result of covert antidemocratic activity by political parties. Technocrats aim at ensuring the quality of political decision-making by anchoring decisions on specialist knowledge, scientific skills and expertise. One explains why and how a democracy should act against its enemies, while the other describes why democracy itself is justified and how it works best. Besides, the two theories have a distinct temporality and scope: militant democracy aims at preventing something from happening ex ante; technocracy focuses on producing desirable outcomes in posterum. Thus, it is fair to say that militant democracy and technocracy have different points of departure. Therefore, it is not surprising that scholarly discussions around them have developed apart.

At the same time, however, a number of historical, conceptual and normative resemblances challenge this perceived gap. Not only have militant democracy and technocracy emerged in tandem as a response to the Weimar collapse; they also converge on important conceptual viewpoints that invite us to think of them as co-extensive theories. To illustrate this, let me start with a short historical note.

After WWII, due to the special political circumstances of the time, both militant and technocratic approaches to democracy received wide acclaim. Blaming the rise of Nazism on the masses naturally led to support for keeping mass political participation at bay. On one hand, this led to a constitutional endorsement of militant democratic principles for the purpose of democratic survival, for example, in Germany.[1] The main architect of this approach, Karl Loewenstein, explicitly supported banning political parties on the basis of their antidemocratic ideas. On the other hand, Loewenstein stood also firmly in favour of diffused governing institutions that checked and balanced each other and prevented a centralized accumulation of power (Greenberg, 2014, pp. 176–177). By the same token, he was in favour of the 'functionalist' logic behind the European project (Loewenstein, 1952, pp. 56–58; Norman, 2017) arguing that elite-led economic integration should precede political unification. Indeed, in the 1950s a technocratic ethos emerged as the basis for unifying and pacifying the European states.

This ethos did not co-emerge with militant democracy out of coincidence. The aim of establishing supranational and unelected institutions – including constitutional courts which would impose party bans – was precisely 'to lock in' liberal-democratic arrangements and prevent a new meltdown (Müller, 2011, p. 149). In other words, technocracy was conceived as an integral part of the militant-democratic arsenal itself, a tool that would diminish radicalism and produce political stability.

Loewenstein's elitist view of the masses (cf. Greenberg, 2014, p. 176; Malkopoulou & Norman, 2018, p. 444) is the point where his militant and technocratic thinking converge. Building on this observation, in this article I critically examine the philosophical overlap between on one hand militant democratic thinking and on the other hand technocratic ideas, specifically those grounded on epistemic standards. What emerges is a conceptual and a normative affinity. After outlining in Section I what I take to be the basic ideas of militant democracy and technocracy respectively, Section II focuses on their *conceptual* resemblance: a shared suspicion with regard to the building blocks of representative democracy: voters and parties. Section III then focuses on how each theory's *normative* logic applies on the other. Not only are they compatible, I claim, but in certain ways co-extensive. The paper ends by pointing at the implications this intellectual symbiosis has for democratic theory.

Militant democrats and technocrats today

The cartography of militant democratic theory today is a complex one. Its origins can be traced back to the constitutional theory of Carl Schmitt (Invernizzi Accetti & Zuckerman, 2017; Schupmann, 2017). For Schmitt, democracies can defend themselves against their 'enemies' by appealing to the political substance of the constitution. The constitution's core, anchored in a strong popular sovereignty, stands above positive laws that merely establish formal procedures (Schmitt, 1932/2004). It follows that, in order to defend the constitution's substance, suspending formal procedures is a legitimate move. This is militant democratic theory's central postulate.[2]

Building on Schmitt's insight and the trauma of the Weimar collapse, Karl Loewenstein argued that, to defend the continuity of a liberal democratic regime, one must be ready to restrict regular democratic procedures, decisions and rights (Loewenstein, 1937a). The restrictions he proposed included legal measures against political elites and individual citizens, such as party prohibition and the dismantling of party militias on one hand, and limitations on free association and free speech on the other (Loewenstein, 1937b). Similar positions are taken up by contemporary defenders of militant democracy. For the sake of argument, in addition to the 'classic' outline by Loewenstein, I will limit myself to discussing primarily the views of Sajó (2012), a 'neoclassic' militant democrat who adopts many of Loewenstein's ideas, as well as Kirshner (2014) and Müller (2016), who belong to a more self-critical generation of militant democrats.

Technocracy has attracted the attention of democratic theorists for a much longer time. But only recently has its tenuous relation to representative democracy and party politics been theorized (Bickerton & Invernizzi Accetti, 2017; Caramani, 2017; Urbinati, 2014). In this light, technocracy can be

described as the transfer of political decisions from the partisan sphere into the sphere of politicized expert opinions. This general definition encompasses a variety of views about *why* expert governance is important and about *how much* political power experts ought to have.[3] What interests me here is rather the 'why', and more specifically the link to democratic self-defence. Is technocracy's justification connected to the goal of staving off autocratic parties?

For the sake of close reading, I will focus on what I take to be the most principled defence of technocracy today, namely the one founded on epistemic conceptions of government. Theorists in this tradition display a commitment to the output-dimension of democracy, which is measured against an objective procedure-independent standard of correctness or truth (List & Goodin, 2001). The desirable form of government is then one that produces epistemically correct and just decisions. From here on, two strictly separated – one would even say antithetical – lines of thought follow: epistemic democracy and epistocracy. *Epistemic democrats* argue in favour of inclusive democracy as long as it is deliberative or otherwise based on enlightened views (Estlund, 2008; Landemore, 2013).[4] *Epistocrats* (aka *epistemic technocrats*) believe that epistemically correct decisions are produced by independent experts or a selection of enlightened individuals rather than by universal and inclusive procedures (Brennan, 2016a). Indeed, epistocrats ground the right to participate not on equal dignity, but on 'greater knowledge and the good faith to act on this knowledge' (Brennan, 2018, p. 1).[5] Their preferable regime is a Platonian rule of the educated, a government of experts, scientists or technocrats.[6] To clarify, compared to other types of technocrats, epistocrats support technocratic government on epistemic grounds, that is, because and inasmuch as it realizes ideals of epistemic correctness. Therefore, epistocracy is a distinct type of technocracy that can be labelled 'epistemic technocracy'.

Like militant democracy, epistocracy has captured the attention of students of democratic self-defence lately, though as mentioned the two seem to be addressing different goals: the former aims at defending liberal democracy from internal subversion; the latter wants to ground all political decisions on knowledge and episteme. Yet, as I show in the next two sections, despite their important differences, they do have important similarities and in certain ways complement each other.

Democratic versus elitist conceptions of voters and parties

First off, I argue that militant-democratic and epistemic-technocratic theories share a conceptual viewpoint with regard to two elements that are constitutive of representative democracy: voters and parties. To be precise, both theories reject a *democratic* conception of voters and parties. Voters are

regarded from a paternalistic and elitist standpoint, as individuals that are unable to navigate party landscapes in a way that protects and promotes their own and others' liberty; this makes them by necessity passive onlookers of an elite-driven game of deception. At the same time, partisanship is viewed as a source of instability, sectarianism and irrational emotionalism. Consequently, parties are conceived as elite-driven, top-down mechanisms responsible for preserving democratic ethics, rather than as grassroots-, bottom-up channels for voicing the concerns of the demos. This shared suspicion of voters and parties as inherently dangerous because they are too passive or too active respectively brings militant and technocratic theories much closer than has been hitherto acknowledged. It also calls for increased caution towards them: when representative democracy's building blocks are conceived in such elitist terms, representative democracy may collapse to some form of liberal elitism.

What then is a conception of voters that is neither paternalistic nor elitist? Put briefly, a *democratic* approach to votership relies on the recognition and activation of political agency as defining features of what 'being a voter' means. To understand this, it is worthwhile comparing voting with sortition or selection by lot, which was the archetypical method of selecting political officers in classical Athens. Not only does voting communicate consent in a way sortition does not (Manin, 1997); it also recognizes and upholds the consenting persons' political agency, i.e. their power to have an effect on political outcomes. In other words, voting is a practice whereby each voter 'does' something, i.e. performs a political activity: they bring their opinions, interests, emotions, thoughts, experiences and preferences to bear on the selection of representatives (cf. Malkopoulou, 2015, p. 119). This implies an agential, active participation in public affairs.

Being a voter involves the normative acknowledgement that (every)one is not only a political agent, but *an agent who is individually and equally capable to cast an independent political judgment* (Malkopoulou, 2014, pp. 83–84). This definition is enshrined in the basic principles of voting: universal, equal and secret voting. For example, while property qualifications imply that only few have the capacity to vote, universal suffrage signals that *every* person has such a capacity. Likewise, secret and equal voting underline the individuality, independence and equality of voting agency. These normative criteria are integral to a democratic figuration of the voter.

Parties too constitute key democratic agents and that is because of their responsiveness to voters (Mair, 2009). Their primary task is to put forward claims to represent the interests of civil society, claims that are approved or rejected, recognized or contested, and ultimately transformed into policy programmes (Saward, 2010; White & Ypi, 2016). In order to develop their representative claims, parties need to be granted a certain degree of autonomy (Urbinati, 2006, p. 46). Just like voters have by nature the

potential to cast independent political judgment, parties must be recognized as having (at least) the same potential. From this perspective, parties are key actors of democratic representation that assume and enhance the qualities of electorship; in other words, they are a collective instantiation of electorship expressing the views of voters and transforming them into legislation and policy.

Political parties must then be conceived as an enlarged version of electorship as described above: they are groups that exercise political agency and have an independent, equal and autonomous capacity to cast political judgment.[7] What is especially crucial from a distinctively democratic viewpoint is that, like voters, parties are trusted with the ability to cast an independent judgment that has a priori equal standing in comparison to other parties.[8] The implications of this view is that, regardless of their ideological commitments or political positions, parties – and I mean *all* parties – are essential for democratic politics.

Assuming that what I have just described constitutes the *democratic* ideal of parties and voters, what remains to be seen is how this ideal is twisted by the two theories under consideration? How do these bottom-up understandings compare with militant democrats' and epistemic technocrats' own conceptions of voters and parties?

Voters and parties in militant democratic theory

Loewenstein's mistrust of the masses grows out of his liberal-elitist view of representative democracy. Criticizing a proposal to increase participation, he writes: 'the democratic majority as such is an abstraction, incapable of ruling. In action, any majority becomes again an oligarchy' (Loewenstein, 1939, p. 520). He believed that most citizens did not know how to handle their political agency in a way that was not self-destructive; they were incapable of steering democracy to a sustainable path. Since anti-democrats relied on tactics of emotional manipulation, the masses, which were particularly susceptible 'to primitive emotions and irresponsible demagoguery' (cf. Greenberg, 2014, pp. 175–176), needed to be kept at arm's length (Loewenstein, 1937a). Post-war elitists continued this line of thought. Schumpeter, for example, declared that democracy should rely on elites because the masses qua people have 'a reduced power of discerning facts' (Schumpeter, 1942/2003, p. 260).

The mistrust of the people remains a common topos for militant democracy. Sajó relays it when he praises Madisonian democracy, with its checks and balances, as an attempt to resist 'the caprice of human passions' (Sajó, 2012, p. 563).[9] And Kirshner describes adult citizens as *competent* yet *imperfect* beings: they are capable of reflecting about the common good and guard their own interests, but they are also fallible, and at times short-sighted,

narcissistic and evil (Kirshner, 2014, p. 34). This pessimistic view about human fallibility makes him sceptical of voters' ability to always judge and act according to the general interest. As such, he seems to share with elitists some of their scepticism about human political capacity.[10]

In addition to their mistrust of voters' ability to keep democracy afloat, militant democrats see parties as elite-driven institutions rather than channels of grassroots democratic expression. Such an elitist understanding of parties derives precisely from their view that, if parties operate through (and for) the untrustworthy masses, they may be as damaging as direct mass participation.

Loewenstein's top-down understanding of parties came from watching how fascist party leaders mobilized the masses. As a liberal champion of Enlightenment principles, what he deplored the most was the fascists' use of emotion-inducing devices such as intimidation or agitation of national sentiment. In his own words, '[...] to arouse, to guide, and to use emotionalism in its crudest and its most refined forms is the essence of the fascist technique for which movement and emotion are not only linguistically identical' (Loewenstein, 1937a, p. 423). Similarly, Sajó sees a danger for democracy in emotional mobilization, especially through 'hatred, fear and the desire for identification with the leader', but also via identity politics and religious agitation (Sajó, 2012, p. 567). For both theorists, this emotionalist technique was a conscious, cunning choice of fascist leaders to mislead the masses and garner popular support for their projects. To counter fascist emotionalism, democratic parties should operate as an extension of constitutional government, the opposite of emotionalist government.[11] They should become elite guardians of individual liberties. This view fitted into Loewenstein's general elitist view of democratic institutions. For him 'representative democratic institutions were not designed to encourage the "people" to actively participate in politics but to help responsible elites preserve individual liberties and the separation of power' (Greenberg, 2014, p. 176).

Today's more self-critical militant democrats share this understanding of parties as top-down organizations to some extent. Müller (2016, pp. 255, 258–259) argues that political parties are agents for democratic will formation and therefore under *higher* moral obligation to conform to democratic principles than individuals. Parties' responsibility towards the state co-exists here with their responsiveness towards voters. A similar, double-sided view of parties is presented by Kirshner: parties play the *instrumental* role of maintaining a fair political system; at the same time, they have an *intrinsic* value because they enable the realization of democratic interests and political socialization (Kirshner, 2014, pp. 72–79). Kirshner argues that the normative value of a single party can switch back and forth between these two categories. The larger the party, the less it is controlled by its members (which lessens its intrinsic value) and the more it affects the life of society (which strengthens its instrumental value). Thus, states are justified to exert tight

control on elite-driven parties that bear responsibilities toward the polity at large.

From this viewpoint, representative institutions such as political parties are top-down instruments, agents of a liberal state, rather than bottom-up channels for grassroots participation. Put differently, parties should never yield to the 'untrammelled' exercise of laissez-faire pluralism; instead, they should obey the social and legal arrangements ordained by the state (Invernizzi Accetti & Zuckerman, 2019). This idea stands in sharp contrast to the *democratic* view of partisanship that places emphasis on the responsiveness of parties to the democratic will of voters, rather than on their role as agents of the state.

It seems then that militant democrats are pessimistic about political parties *and* individual voters alike: neither one nor the other can be trusted to act and make choices that are in the interest of democracy's preservation. Consequently, they reach the paradoxical conclusion that democracy needs to be insulated from majoritarian procedures. This anti-majoritarianism in the name of democratic continuity can take the form of rights restrictions and limits on free speech, imposed by courts, on certain parties. But it can also inform a technocratic organization of democratic government that grants decision-making power to experts. In what follows, I elaborate on how technocrats resemble militant democrats in adopting a similarly sceptical stance towards voters and parties.

Epistocratic views of voters and parties

What opinion do epistocrats have of voters? Is there room in their theory for a *democratic* conception of electorship, i.e. accepting that voters possess political agency with an individual, independent and equal potential to make a political judgment? As mentioned earlier, Brennan explicitly favours a libertarian type of rule of the knowers over universal suffrage (Brennan, 2016a, p. 22). His case is unequivocally built on a denigrating description of voters as either apathetic and ignorant (whom he calls 'hobbits') or biased and dogmatic (so-called 'hooligans') (pp. 4–5; similar views are held by Caplan, 2007; Somin, 2013). Pointing at empirical research on voter behaviour that documents widespread ignorance on issues of public importance, he argues that uninformed voters have a duty *not* to vote.[12] Instead, we should introduce education criteria, competence tests, competence-building exercises and various epistocratic bodies into the institutional design of good government (Brennan, 2016a, p. 15, 2011).

These ideas are rejected by epistemic democrats, who nevertheless share some conceptual ground with epistocrats. For Estlund, granting extra decision-making power to experts must be dismissed, even though democratic authority should be firmly grounded on epistemic values. He acknowledges

that 'there are subsets of citizens that are wiser than the group as a whole' (Estlund, 2008, p. 40), and therefore, granting them extra votes is a tempting proposal (pp. 210–214). Epistocracy must nevertheless be rejected because it cannot be justified in terms acceptable to all qualified points of view: there can be reasonable objections regarding who is an expert and whether they suffer from epistemic biases (Ibid., p. 36; p. 218). Although Estlund goes to great lengths to defend universal suffrage and reject epistocracy, he does so by appealing to an external, non-epistemic, criterion of qualified acceptability, which can be easily refuted by epistocrats (Anderson, 2008, p. 135). By contrast, his support for knowledge as a political merit and of political procedures that tend to get the 'correct' answers is powerful enough to offer philosophical ground on which epistocrats can build their case (Brennan, 2018). Admitting that some people have better political judgment than others (Estlund, 2008, p. 262) opens up space for epistemic theorists to reject the democratic conception of voters – the idea that voters are equally able to cast a sound political judgment.

In sum, epistocrats reject a democratic conception of electorship because it contradicts their epistemic ideal of the informed and knowledgeable citizen. Unless voters are trained in deliberative reasoning or unless the electoral body gets recalibrated on the basis of competence, electoral democracy leads to bad governments and decision-making that harms the society at large. In other words, it opens the door for unjust (or, if you will, anti-democratic) rulers.

What ideas do epistemic technocrats entertain about partisanship? As has been argued recently, technocracy is the opposite of party politics (Bickerton & Invernizzi Accetti, 2017; Caramani, 2017). To some extent, epistocrats' negative views on partisanship follow from their belief that voters are ignorant, misinformed and irrational. Voters support bad policies, for which parties campaign in order to win elections. In addition, partisan polarization as such, Brennan says, impedes knowledge and unbiased thinking. He calls partisans 'hooligans', who 'have strong and largely fixed worldviews. [...] They tend to seek out information that confirms their preexisting political opinions, but ignore, evade, and reject out of hand evidence that contradicts or disconfirms their preexisting opinions.' (Brennan, 2016a, p. 5) Likewise, for Estlund, partisan rhetoric is unable to deliver epistemic benefits, and even deleterious towards other epistemic procedures. One should aim instead at 'the impartial application of intelligence to the moral question at hand' (Estlund, 2008, p. 107). As a result, the political institutions favoured by epistocrats are non-partisan and exclusive. Brennan (2016a, p. 15) characteristically advocates for a selective group of citizen-experts, in combination with limited suffrage.

In sum, for these theorists, partisanship leads to incorrect decisions, decisions that – one may add – can lead democracy to founder. The more parties are driven by the polarized concerns and the irrational dispositions of voters,

in other words the more they are responsive to voters' opinions and interests, the worse.[13] By contrast, parties should be depositories of liberal values, promoting rational deliberation, educating the public, creating citizen norms. This echoes the elitist ideal of parties shared by militant democrats.

A fusion of militant and technocratic standards

As argued so far, militant democrats and epistemic technocrats present a conjoint challenge to the democratic conception of voters and parties. But even if these two theories share negative *conceptions* towards democratic norms, how far do they share each other's positive *normative* premises? Do militant democrats accept that decision-making must be conditioned by epistemic standards? And would epistocrats agree on restricting rights and freedoms to avoid democratic subversion? In what follows I explore, firstly, why an epistocrat is by default supportive of militant democracy, and secondly, how a militant democrat may come to favour epistemic standards. In the course of this, I discover sub-varieties of each theory that add further nuance to the relation between them.

Can epistemic technocrats fend off autocrats?

For epistocrats, knowledge-based decision-making is a safeguard against irrational politics that may lead to democratic backsliding. Brennan (2016b) explicitly posits his theory as a defence from Trump's populism. He describes the rise of populist parties as one of the many bad choices delivered by ignorant and irrational voters. In such a context, populist voices can be contained and sectarian conflict averted thanks to the rationality that highly educated and informed voters, experts and technocrats presumable imbue to the political system. Epistocracy bears thus a strong resemblance to the scope and ideas of militant democratic theory. Both theories offer a normative justification for rationalizing government in order to prevent populists from undermining good government.[14]

In addition, like militant democrats, epistocrats seem to care more about the quality of outcomes than about inclusive procedures. For both theories, political inclusion may be warranted, but only on the condition that it leads to acceptable outcomes. Most of the time, unmediated and equal democratic inclusion is seen with suspicion because it tends to lead to the 'wrong' outcomes. What counts as a right or wrong outcome, however, is not the same for these two schools of thought.

For epistocrats the problem is epistemic ignorance, not democratic backsliding per se. The latter is a second-order problem, likely to follow from the first. But their major enemy remains ignorance, even if it does not lead to democratic backsliding. Put differently, epistocrats are in favour of excluding

irrational ideas from decision-making, yet neither are irrational ideas a synonym of antidemocratic or illiberal ideas, nor is epistocrats' central goal to preserve democracy (certainly not democracy based on universal suffrage).[15] But, as Brennan's critique of contemporary populism shows, these are thin lines that *can* be crossed: those who challenge liberal democratic arrangements today tend to hold irrational views, that are epistemically unfounded, biased or even based on conspiracies. Trump's Presidency is the best example here: challenges to liberal democratic institutions such as the media, courts and bureaucracy (Ginsburg & Huq, 2018, pp. 1–2) are combined with conspiratorial ideas on issues such as former President Obama's birthplace, climate change and COVID-19 (Muirhead & Rosenblum, 2018). In fact, extremists and populists are the typical partisan 'hooligans' in Brennan's typology. They would merit exclusion for the sake of making more rational and just decisions, decisions that tend to the wellbeing of the whole society. In other words, since the objective for epistocrats are outputs that are just and serve the public interest, as opposed to procedural equality at the input-level, there is little in their ideas that would make them object to the exclusion of such *irrational* antidemocrats who are presumably indifferent to principles of justice. As a result, epistocrats would most likely support militant-democratic restrictions of the rights and liberties of such actors. Excluding them would help produce more rational decisions, or so the epistocrat thinks.

On the other hand, since the epistocrat's priority is not democracy per se, nothing would stop them from supporting enlightened, knowledgeable, *rational* antidemocrats. As long as democratic principles such as equal inclusion and self-government are not among their priorities, they have no reason to uphold such principles, especially if these compete with their own leading norms of true knowledge and rational thinking. This is why Brennan (2016a) does not shy away from admitting that his epistemic variant of technocracy is an antagonistic concept to democracy. After all, Plato's ideal rule of philosopher-kings, on which epistocracy draws, was a monarchical rule (Plato, 1997). Since everyone could pursue well only one craft, Plato argued, the natural disposition for expertise in the craft of ruling could be found only in a small minority or even one individual. Only these few experts in statesmanship should have the right to rule. From this perspective, democracies were deplorable because, by granting the right to rule to the many, they disregarded the importance of competence in matters of governance.

In this light, it is not difficult to imagine how epistemic technocracy may actually undermine democracy. In the epistocratic mind-set, the goal of government is justice (Brennan, 2016a, p. 141); justice can be comprehended and exercised competently only by skilled and properly trained individuals. The idea that only experts are competent to rule is a straightforward negation of self-government. It rejects the belief that each person is the best judge of

her own interests and preferences. It also denies the possibility of personal freedom as a result of self-rule, the idea that to be free one must be free from arbitrary rule including rule exercised by a wise and benevolent dictator (Skinner, 2012). Hence, without a place for either participation or freedom, epistocracy seems to negate republican and even constitutional forms of democracy. How then can we conceive of epistocracy as a method that can protect us from antidemocratic rule, when it actually constitutes a form of tyranny itself? And what are we to make of Brennan's claims that epistocracy will save us from populism? Does its resemblance with militant democracy entirely collapse?

Not quite. A crucial distinction is to be made here between *non*-democratic and *anti*-democratic dispositions. Epistocrats may well argue that they are non-democrats. But they cannot be qualified as opposed to democracy in principle.[16] Their overall goal is *just* government, understood as government that does not expose people to undue risk; one that makes decisions in 'morally reasonable' ways (Brennan, 2011, p. 705). This might be taken to mean that epistocratic government must benefit all persons, not only the few. Thus, epistocrats would identify neither with fascist parties that oppress the many and benefit the few nor with populists, who systematically demonize a part of the population. They are also hardly matched by religious fundamentalists, who support spiritual (rather than rational) approaches to justice and absolute authority. This type of parties and movements are usually designated as the enemies of the democratic state and, as such, are the usual targets of militant democracy (Müller, 2016). Epistocrats are far removed from such cases and, to the extent that fascists, populists, religious fundamentalists and the like represent irrational forces, epistocrats have a fair point in claiming to be fighting them.

Hence, epistocracy involves the use of non-democratic means to block the emergence of unjust rule. But, does this definition not suit militant democracy just as well? Militant democrats also use non-democratic means to pursue their goal, namely rights restrictions and party bans. And they, too, aim at stalling political forces that support unjust rule. Hence, despite appearing to be guided by different values (democracy v. knowledge) and having different corresponding targets (anti-democrats v. irrational politicians), this boundary can be easily bridged. Seeing irrational politics as a proxy for unjust, anti-democratic and authoritarian rule does the match.

Still, epistocrats' commitment to preventing democratic backsliding can be rightfully doubted as long as democracy is not high on their agenda. But this is not the case for *epistemic democrats*, who are committed to democracy rather than technocracy. These champions of epistemic decision-making may be much closer to militant democrats than epistemic technocrats. At the minimum, both epistemic-democratic and militant-democratic solutions are conceived as means toward the goal of strengthening democracy. In

addition, epistemic principles may be suggestive of militant democratic arrangements. For example, for Estlund, an ideal style of deliberation is based on the principle of 'civility'; this, he argues, must be even more imposing in the formal political sphere than it is in the informal stage of politics (Estlund, 2008, pp. 201–204). For the sake of civility, then, epistemic democrats would welcome restrictions on political parties' behaviour and actions, but not necessarily on their ideas and programs. For civility here refers more to procedures than to the actual content of decisions, i.e. to *how* decisions are made than to *whether* they are correct.

It is noteworthy that Estlund's epistemic proceduralism is distinguishable from the more substantive logic of militant democracy. In his case, actors and decisions are not rejected because they oppose a moral value, such as the state's secular character or the free democratic basic order. Their aim is to validate procedures that lead to epistemically correct outcomes, for example, procedures that require justifying decisions with rational arguments. Conversely, defending epistemic democracy would require insulating such procedures from abuse, manipulation and corruption regardless of the political and ideological aims of the attacker. In that sense, epistemic democracy may correspond better to an alternative model of democratic self-defence that is procedural, not militant. That model does not punish opposition to certain fundamental values; neither does it operate by imposing restrictions on basic liberties. It defends democracy by protecting the correct functioning of procedures, disallowing their corruption and misuse (Malkopoulou & Norman, 2018, pp. 448–449).

However, procedural conceptions of democracy do not usually assume that procedures are democratic insofar as they lead to epistemically correct decisions. Procedural democracy considers democratic those procedures that uphold equal liberty, defined as the equal participation of all citizens in law-making (Saffon & Urbinati, 2013, p. 442). By contrast, epistemic correctness and normative truth are values external to this logic. Epistocrats' preference for epistemic correctness *over* democratic participation itself shows that the harmonious relation between truth and democracy is questionable, and that the credibility of truth as a criterion of *democratic* proceduralism is dubious. The epistemic democrat then faces a paradox that is commensurate with the militant democratic paradox: pursuing epistemic correctness may clash with the principle of equal participation, just like the aim of preserving democracy may clash with that same principle.

Despite these points of convergence, however, one must conclude that epistemic democrats, as well as epistocrats, are not by default militant democrats. Certain preconditions apply. Their compatibility requires as a minimum a correlation between irrationality and authoritarianism, and conversely between rationality and democracy. Considering that rationality is not a self-evident feature of democracy or democratic self-defence for that

matter, to what extent can we expect militant democrats to adopt similar views?

Do militant democrats care about episteme?

For once, militant democrats share with epistocrats the belief that political agents can make incorrect decisions. According to militant democrats, when somebody undermines or abolishes democracy, then they have erred. This belief erects *democratic preservation* as a golden standard of 'correctness', against which political actors and decisions are measured. Democratic preservation surely differs from epistemic correctness. Before explaining this difference, however, let us compare some peripheral aspects of the two theories.

One may immediately note that militant democrats are not interested as epistocrats are in devising a system that *produces* correct decisions (even if we take 'democratic preservation' as the standard of correctness), as much as they are invested in *blocking out* incorrect decisions. In that sense, militant democrats are not offering constitutive norms of political behaviour. Their goals are more realistic, aimed at damage control and geared towards preserving an existing regime, however imperfect. Likewise, it is often argued that militant democracy is a recipe for 'exceptional' times and the means it uses have a temporary duration.[17] By contrast, epistocracy is a long-term project that is as permanent as it gets. But to think of militant democracy as a non-constitutive theory of short-term policies is deeply misleading. For, the laws and measures that it justifies have an effect in structuring the institutional and political landscape permanently. To illustrate, a party ban law may be used very sparsely, but all parties are continuously adapting themselves to the requirements of that law; it has a permanent capacity of deterrence. Hence, distinguishing between epistocracy and militant democracy in terms of their temporal scope and capacity to induce norms is superficial.

At the same time, it is worthwhile pausing to reflect about which type of regime militant democracy exactly aims to preserve. What does 'democracy' in the compound term 'militant democracy' stand for? This is not always clearly specified. Surely, it is some type of liberal or constitutional democracy. But one could also argue that, in Loewenstein's case, it was a 'cold-war type' of liberal democracy (Greenberg, 2014), or even some kind of authoritarian or 'decisionist liberalism' (Invernizzi Accetti & Zuckerman, 2019). Similarly, critics today argue that contemporary militant democrats defend a neoliberal type of democracy, or even liberalism simpliciter (Wagrandl, 2018). In this case, it is not unreasonable to see here another similarity with technocracy: neither of them is about democracy as such, as much as about a certain conception of a just regime.

This explains also why both epistocrats and militant democrats are willing to use non-democratic means to pursue their goals, most often restrictions on political participation. In addition, like epistocrats, militant democrats also favour some decision-making by experts. The task of judging if political decisions, parties or individuals are correct i.e. not democracy-threatening is usually delegated to specialist bodies, such as constitutional courts, staffed by independent experts. These are considered as having the required knowledge and competence to evaluate if democracy is under threat and to decide how to defend it. In this sense, militant democrats do seem inclined to support delegating extra power to those who know how best to defend democracy. In these cases, rule of the knowers (of democratic self-defence) should override rule by the people.

However, not only is the role of constitutional or other courts in militant democracies limited as opposed to the role of experts in epistocracies, but the logic of their decision-making is also quite distinct. Technocratic arrangements favoured by militant democrats exclude not any irrational and non-epistemic behaviour, but irrational (as well as rational) ideas, actions and decisions *inasmuch they seek to undermine democracy*.

In other words, militant democrats are not by default committed to an epistemic version of technocracy. Despite the shared presumptions of militant democracy and epistocracy, the type of technocracy that results from militant democratic principles is not based on epistemic standards; it is a special form of technocracy with a different objective and scope: that of preserving democracy against internal subversion. In other words, the 'correctness' of decisions is judged by criteria that may be procedure-independent and value-based, but not epistemic. For militant democrats, it is not normative truth that political acts and decisions must approximate. Rather, to be legitimate, political decisions and actors should adhere to the goal of democratic preservation. The goal here is to restrict majority rule not because it fails on epistemic grounds, but because the many are (supposedly) incompetent to act democratically. Hence, the defence of democracy from internal subversion may offer grounds for a distinct normative justification of technocratic rule. In other words, justifying technocratic arrangements on the grounds that they defend democracy leads to a special type of 'militant (democratic) technocracy'.

What special features can we find in this militant democratic justification of technocracy? Like epistocrats, 'militant technocrats' would like to move power away from the citizenry to independent agencies staffed with experts. But unlike epistocrats, this move is not justified because citizens are ignorant, misinformed and otherwise unable to make epistemically correct decisions. The reason for restricting majoritarian rule, for militant technocrats, is that citizens are disloyal to the democratic project; i.e. they fail on moral grounds as agents entrusted to make choices that guarantee the stability of

democratic government. This moral failure may be due to a number of reasons: egotistic drives, weak character, susceptibility to demagogues, an instinctive longing for security, agonistic excess, indignation against the status quo, even a rational rejection of democracy as the best or most just regime. Regardless of the causes for citizens' failure to defend democracy, they must assume full responsibility for democracy's decline. This blame attribution to the people maps well onto the conception of the many as an untrustworthy lot, a common topos in militant-democratic thought as described earlier.

In this light, technocracy as a method of preventing democratic subversion rather than producing epistemic outcomes provides the ground for a different set of technocratic institutions and practices compared to the ones favoured by epistemic technocrats. To be precise, militant technocrats must be somehow immune to the moral failures of citizens. Instead of better informed and trained in statesmanship or in a specific subject-matter, what matters here is for them to be sworn, die-hard democrats. This entails being able to resist the risks and temptations of autocracy, demagoguery and other antidemocratic sirens. Competence in defending democracy may require being a rational agent, able to control the passions that an autocratic dema- gogue may rouse. But it may also require some degree of *emotional* attach- ment to the cause of democracy, in order to resist rational arguments in favour of nondemocratic regimes. Above all, a militant technocrat must dis- play *ethical* commitments: democracy is for her a moral value – that draws for example, on the belief in equal liberty – not a regulating principle. Holding on to this value counts as a criterion qualifying her as a militant technocrat, as well as a yardstick for evaluating decisions and political actors as antidemo- cratic. In short, the technocratic skills required here are not epistemic but moral, specifically the ability to recognize democracy's enemies and act in a manner that prevents them from harming the democratic polity.

One could further speculate about the existence of two separate strands within militant democratic theory, which mirror the internal division between epistocrats and epistemic democrats. It would comprise on one hand *militant technocrats*, and on the other *militant democrats* (as illustrated in Table 1.)

In this classification, 'militant technocrats' reflect some of the methodo- logical dispositions of epistocrats. They assume that defending democracy is realistically not possible through democratic practices such as universal and equal participation. In order to avoid exposing democracy to undue

Table 1.

	Democratic	Technocratic
Militant (democratic) theories	Militant Democracy	Militant Technocracy
Epistemic theories	Epistemic Democracy	Epistocracy
		(Epistemic Technocracy)

risk, democracy must be restricted in advance of the occurrence of any risk. This may involve limiting suffrage and delegating decisions to select individuals or independent agencies. The rationale here is to secure a minimum of democratic government. For fear of losing a regime that is maximally democratic, one must reject such a regime *a priori* and opt for one that is minimally democratic. Such a restricted democracy may be prepared to resist autocratic pressures better than a full-scale democracy. As absurd and self-defeating the idea of permanently restricting democracy for the sake of democracy may sound, it has played a solid part in designing post-war democracies.

Militant democrats then differ from militant technocrats. Like epistemic democrats who assume that democracy is justified *because* it leads to epistemically superior outcomes, militant democrats believe that democracy – in its maximal version – exists and thrives *because* it is ready to defend itself by imposing restrictions to its enemies. In other words, militant democrats assume that their set of principles explains *why* democracy is a superior regime to others. Compared to autocracies that limit participation permanently or permissive procedural democracies that never limit participation even in the face of extreme danger, militant democracies are stronger because they have an in-built mechanism of self-defence. Both epistemic and militant democrats seem then to accept an instrumental justification of democracy – as a regime that is superior *because* it is more epistemic or more self-defensible than others. As a result, both have to face the paradox generated by their view: that the logic and means of pursuing epistemic correctness or self-defence respectively may contradict and undermine the very logic of democratic government.

To sum up, militant democrats have clear reasons to support technocratic arrangements, yet none of them is synonymous to the quest for epistemic correctness. For them, a 'correct' decision is one that does not threaten democracy as a moral value. As a result, 'militant technocracy' is based on a different justification than epistemic technocracy and may therefore take a different form.

Conclusions

The arguments presented in this paper have several implications for contemporary democratic theory. They underline important gaps in contemporary theorizing around questions of democratic self-defence, conceptions of political agency, and the relationship between democratic subversion and irrationality.

Theories that favour technocratic arrangements over popular rule, whether on epistemic or militant-democratic grounds, share certain conceptual premises. They adopt an elitist view of parties and voters. These

conceptions reflect a pessimistic view of human nature and its possibility to carry political agency. Citizens are imperfect beings, incapable of acting as rational or moral agents. The state should step in and save them from themselves, including by co-opting their political associations and using them as vehicles for state action.

An important commonality between epistocratic and militant democratic theories is that they are both prepared to sacrifice equal participation for the sake of a higher good. And what brings them even closer is that their higher good is one that democrats themselves may value: namely a just society or democratic preservation respectively. In both cases, resort to nondemocratic means is justified as a means to preserve these goods that are adjacent to democracy.

Epistocrats and epistemic democrats claim, explicitly or implicitly, that knowledge, competence and cognitive ability are the best safeguards against autocratic government. But this claim contains two seldom explored presuppositions. One concerns the unverifiable assumption that autocrats are bad epistemic actors; they act and decide irrationally. Only if this hypothesis works does the use of epistemic standards protect against autocrats. But suppose that an autocrat happens to be the wisest man on earth or surrounds herself with the country's best experts and grounds all her decisions on their advice. In this case, epistocrats would be hard pressed to opt for the philosopher-king. Hence – and this is the second unverified assumption, their scheme of democratic defence is very contingent. If autocrats offer a decision-making mechanism that is epistemically superior to democracy, epistemic theorists would have to surrender to such autocrats in order to be consistent with their values.

Militant democrats may be sympathetic to epistemic accounts to the extent that the hypothesis about the overlap between epistemic correctness and democracy holds. However, their support for technocracy may be substantially different than the one based on epistemic standards. Equal participation is not rejected because voters are ignorant, but because they are unfaithful to the moral principle of democracy, and in this sense ethically corrupt. This not only represents a different justification of technocracy but may also invite a different set of arrangements and qualifications for experts. Depending on where a militant theorist is situated on a technocracy-democracy spectrum, they may end up supporting a permanent suspension of equal participation for the sake of democratic preservation or claim that the capacity for self-defence is democracy's founding principle, the reason for its superiority vis-à-vis other regimes.

Acknowledging that militant democrats and epistemic technocrats share conceptual assumptions and normative closeness opens new possibilities for democratic theory to articulate a more robust defence of representative (party-electoral) democracy in the face of antidemocratic challenges. One

issue that this paper has underlined is that theories of democratic self-defence need first and foremost a clear indication of what ideal type of democracy they purport to defend. Militant theories of democratic self-defence, more specifically, in suggesting party bans and voting restrictions need to furnish well-justified conceptions of parties and voters, grounded on empirical but also normative understandings of these key aspects of representative democracy. My suggestion has been indeed to focus on representative, that is, party-electoral democracy, and adopt a grassroots conception of parties and voters. At the very least, increased awareness of these terms may urge scholars concerned with these questions to resist the pull of introducing elitist standards in their analyses of how to thwart popular threats.

Furthermore, my paper invites reflection on whether proposals to combat antidemocratic actors collapse democracy and reason into one composite value despite their reference to distinct ethical commitments. The assumption that rational political agents will defend democracy and, vice-versa, that democracy is threatened by irrational political forces is not self-evident. Epistemic theorists that pose as guardians of democracy should critically examine this assumption or admit that their aim is not to defend democracy per se but to fight an enemy that sometimes happens to be common. In any case, to be credible epistemic theories ought to be more transparent about the criteria by which they prioritize their commitment to reason, justice and democracy respectively, and about how they intend to solve contradictions and tensions between these values. Here again, studying the normative (not just empirical) link between voting, partisanship and democratic representation on one hand and rationality on the other, will yield more nuanced ideas about if and how epistemic theories can help defend democracy against its internal enemies.

Notes

1. I refer primarily to the German Basic Law of 1949 that allowed the restriction of basic rights, party bans and similar measures for those who tried to abolish the 'free democratic basic order' (Art.21: 2).
2. In my view, all militant democracies are based on substantive conceptions of democracy. This understanding differs from Fox and Nolte (1995) empirical distinction between *substantive* and *procedural* militant democracies. In their scheme, the former include in their constitution a substantive, non-negotiable element of political nature (e.g., the republican or secular character of the state), whereas the latter do not. But, as I see it, all types of militant democracy are substantive because they require political activity to conform to *democratic* values, whether these are explicitly mentioned in the constitution or not.
3. For example, some would argue for a limited involvement of experts in suggesting the *means* through which political goals are best achieved (e.g.,

Christiano, 2012), while others would advocate a decisive role for experts also in setting political *goals* (e.g., J. Brennan, 2016a).

4. For a systematic critique of epistemic aka 'unpolitical' theories of democracy, see Urbinati (2014, pp. 81–127).

5. Presumably, this refers to both 'general' political knowledge (e.g., objective information about electoral candidates) and subject-specific 'expert' knowledge (e.g., epidemiologists' knowledge about how to promote public health). Furthermore, 'expert' knowledge includes two ideas that are not synonymous: 'rule of knowers' and 'rule of artisans'. The former alludes more to knowledge acquired through scientific or rational thinking and the latter to artistry, i.e. knowledge that could in theory be based only on practical layman experience. Epistocrats seem to be favourable to any of these types of knowledge influencing the best part of government.

6. Epistocrats are not the perfect opposites of democrats. True, they reject equality as a key principle of good government. But they do support regimes that produce the best and just decisions *for all* (J. Brennan, 2016a, 2016b); this focus on *just outcomes* is compatible with democratic aspirations. Indeed, a closer look at the institutions supported by epistocrats underlines a less radical departure from the democratic ideal than is commonly attributed to them (or claimed by themselves). For example, Mulligan (2017) and J. Brennan (2016a) support *plural voting*, which albeit not equal, is still more democratic than not voting at all. On these grounds, it would not be entirely mistaken to refer to epistocrats as democracy-friendly epistemic technocrats.

7. To be sure, there are important differences between voters and parties. One regards the type of judgment cast by each of them: while voters decide on candidates and party programmes, parties decide on formulating such programmes and presenting policy positions. Secrecy is another difference: voters cast their judgment secretly to protect their individuality, but parties always operate in the public domain.

8. Equal standing is understood in constitutional, not political terms. It does not imply equal power or equal say in legislative issues, where electoral results determine the relative political power of each party.

9. Kirshner seems to accept that 'evil' is a potential characteristic of both (militant) democrats and antidemocrats, and therefore none should be granted unlimited powers. I have trouble determining whether his view of the citizen is *republican* – i.e. recognizing that, because citizens are corruptible, they should not have full control of government – or democratic in the Athenian sense – i.e. recognizing that all political power should be limited by law (Ober, 2017, pp. 29–33).

10. To be sure, not all militant democrats subscribe to all of Loewenstein's or Sajó's points regarding participation restrictions. For example, Müller (2016) actively opposes the permanent disenfranchisement of individuals, and Kirshner (2014) goes to great lengths to defend the *right to participate* even of anti-democrats.

11. I am grateful to Carlo Invernizzi Accetti for urging me to clarify that militant democrats do not have a unified conception of parties but perceive of fascist and democratic parties differently.

12. J. Brennan (2012) argues that voting carries a duty to vote *responsibly*, from where he draws the conclusion that voters who do not vote responsibly (in

whatever way that is defined) should refrain from voting or be disenfranchised altogether.

13. To be sure, epistocrats could *in theory* support the role of parties inasmuch the latter serve to increase the epistemic value of political deliberation. For Brennan, for example, parties could perhaps fit an epistemic-governance framework if they served as a cognitive shortcut that facilitates the distribution of reliable information and political knowledge.

14. For a critique of applying militant democracy on populism, see Rovira Kaltwasser (2019).

15. But the type of democracy favoured by militant democrats is also ambiguous – I comment on it below.

16. Notice that in the new preface to his book's paperback edition, Brennan interestingly adds: 'I'm a critic of democracy, but I'm also a fan' (Brennan, 2017, p. ix).

17. Kirshner, for example, argues explicitly for applying prohibitions only *as long as they are needed* and taking steps towards *reincorporating* those affected by prohibitions as full members of the community (Kirshner, 2014, p. 58).

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