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## Individual Article

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the Demographic Objection  
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## Brennan and Forms of Epistocracy vs. the Demographic Objection

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This paper focuses on James Brennan's response to the Demographic Objection against epistocracy. As a proponent of epistocracy, Brennan believes that those that are knowledgeable should rule, though the exact form of government may vary.<sup>2</sup> Since this will nearly always involve restricting some people from being able to influence their government, a frequently raised objection is that the interest of certain demographics will be neglected, largely due to systemic bias.<sup>2</sup> This is known as the Demographic Objection. I will be addressing Brennan's arguments in response to the objection. I disagree with Brennan that objection requires both tenets that he names. This will lead me to a revised form of the objection. I will evaluate each form of epistocracy that he proposes to see if it is possible for it to avoid a revised Demographic Objection and thus perform better than democracy. I will argue that the revised objection can be used to show that most forms of epistocracy will lead to a similar level of bias as democracy does today. Ultimately it seems that only one form of epistocracy, the simulated oracle, has the potential to avoid a revised Demographic Objection, giving it a possibility of performing better than democracy.

### I. Introduction

I will begin by providing necessary background information on these arguments. James Brennan makes his argument for epistocracy in his influential book, *Against Democracy*. In this book, he formulates his argument for epistocracy by presenting it as a solution for the failures of democracy. His main critiques of democracy are plentiful. First, Brennan says that the general public fails to sufficiently educate themselves to weigh in on policy decisions. Second, he argues deliberative democracy is not productive, and that the individual vote matters so little that it negates any empowerment gained in the political process. Third, he argues that democracy does not symbolize respect for all people. All of this results in an incompetent democracy. Brennan's main argument is that democracy is clearly failing on account of discriminatory legislation being passed, statistically low education levels for the average voter, and that the conditions needed for wisdom to be produced by

the collective are not being met. Brennan's arguments against democracy are designed to dispose the reader of their romantic views of democracy, such as to those who believe it is representative of our fundamental respect for each other and that it ensures the protection of all people. He successfully takes down such idealized notions and emphasizes the tremendous damage being done by incompetent voters, tracing many of our current problems to this source. He takes this further by arguing that instead of seeking to reform democracy, we would be better served by dismantling it entirely. He argues that many of the goals of democracy would be met if we handed over governance to an epistocratic body, made up of the most knowledgeable, intelligent, and educated among us. While controversial, Brennan's view importantly highlights the many issues that are undeniably present in our government and presents a rational alternative.

## **II. Background**

Before evaluating the arguments, it is important to understand how Brennan defines the knowledge level needed for one to join an epistocratic body. In several forms of epistocracy, there is an exam that is given to all citizens that determines the ability to vote.<sup>2</sup> In this case, Brennan argues that the content of the exam should be limited to basic social-scientific facts that are indisputable.<sup>2</sup> He wants to assess the average person's grasp of the kind of knowledge that he argues is essential to making a worthwhile vote. Brennan defines a good vote as an informed one, meaning that one is acting most similarly to how an expert in the field would act.<sup>2</sup> Later in the chapter, Brennan does acknowledge that there are possible flaws with this proposal. Primarily, people disagree about what qualifies as competent, meaning what degree of knowledge a voter must possess could vary between people.<sup>2</sup> Brennan doesn't believe that this discrepancy signals that competence has no objective definition, just that we haven't been able to determine it.<sup>2</sup> The issue he identifies is that in defining competence objectively, we as a society would have to select one person or group of people to decide classifications.<sup>2</sup> This is problematic because it leaves people vulnerable to bias.<sup>2</sup> He later introduces possible solutions to deal with this issue.<sup>2</sup> It is important to acknowledge that Brennan defines competence as an objective measure that is correlated to the level of social-scientific knowledge any one person has. It is also important to acknowledge that he believes that there may be issues implementing this that are similar to the consequences of the demographic objection, which is that manipulation could occur that disenfranchises historically underrepresented peoples. But this is not reason enough to halt transitions to epistocracy. These nuanced issues can be solved.

### III. Analysis

Next, I will explain the Demographic Objection point made by Brennan. Brennan begins by outlining why he feels that epistocracy would resolve the challenges of government better than democracy. He reminds us that the requirement that he must meet is not that epistocracy be perfect, but that it should perform better than the status quo – democracy. One frequently raised objection by the proponents of democracy is the Demographic Objection. They argue that epistocracy would not be able to avoid and may even make worse the prevalent issue of socioeconomic and racial biases. Brennan shapes the Demographic Objection as follows: due to the existing structural bias, specific groups of people such as people of color or low socioeconomic status will be prevented from obtaining power in the epistocracy because they lack the requisite knowledge to pass civil exams. This claim is strengthened with evidence from a previous chapter by Brennan, showing that the average American possesses alarmingly little knowledge about the basics of government, such as not being able to name congressional candidates in their district.<sup>2</sup> This will lead to unequal and disproportionate representation among the epistocrats, as only those who are privileged enough to access education will be able to join an epistocratic body. The objection claims that this would result in some groups' interests being prioritized over others. Due to a lack of appropriate representation across demographic lines caused by omnipresent structural inequalities, the objection asserts that we would still have a situation where the government would be advancing the interests of one group over another under epistocracy. If this were the case, then epistocracy would not meet the requirement of being better than democracy and as such should not be implemented. Epistocracy prioritizes political knowledge; the Demographic Objection argues that we can't do this at the expense of demographic representation.

I will now explain how Brennan responds to the Demographic Objection. Brennan argues that the Demographic Objection has two main requirements. The first one is that it assumes that voters will always vote for their own self-interest or that of their demographic group. Second is that those that lack political knowledge due to structural disadvantage are capable of voting for their own self-interest and would do so if given the chance. In both cases, he argues that the evidence he presented in an earlier chapter shows that both claims are empirically false. In the first case, he claims that voters prioritize the national good rather than themselves. In the second case, he believes that the disadvantaged citizens lack the political knowledge to be able to determine how to correctly vote to

achieve their desired outcome. This is what I will address later. He concludes his response by saying, “let’s treat the disease, not the symptoms.” Ultimately, he claims that a group of epistocrats that have the necessary political knowledge will perform better even if they do not proportionately represent the people because they would be in a position to recognize and change flawed systems.

Now, I will discuss what I believe to be at issue in Brennan’s reply to the Demographic Objection. I am not convinced that the second assumption Brennan names is in fact required by all forms of the Demographic Objection. In the basic form of epistocracy where the main structural change is that there is a test that citizens must pass to vote, it is highly likely that the group of people elevated to status of being able to vote would not be representative of the actual population. If there are issues where even among informed and technically competent voters their views vary across demographic lines, then the Demographic Objection is still relevant at this second stage. Without assuming that the historically disadvantaged citizens know enough to vote in their own self-interest, we still see that the Demographic Objection can present a problem at this later stage of epistocracy, after the test. Therefore, I believe that the Demographic Objection doesn’t require the second assumption as Brennan argues that it does, with the consequence that it may still pose a problem for various forms of epistocracy. This means that there is a secondary form of the objection to which epistocracy is still vulnerable. I will refer to this as the revised demographic objection and will now evaluate Brennan’s forms of epistocracy against it.

First, I will evaluate restricted suffrage. In this form of epistocracy, a competency test would be administered to the entire population and only the knowledgeable would pass.<sup>2</sup> The problem becomes clear quite quickly. Due to structural inequality, the epistocratic body would not be representative of the population and as such is vulnerable to unintentionally suppressing the interests of marginalized groups. I will illustrate this point further by providing data. For example, there are 21% of black women that achieve a bachelor’s degree by age 29, compared with 39% of white women.<sup>1</sup> If we correlate education with higher levels of political knowledge, which Brennan certainly seems to, then we can see that there is a possibility to disproportionately elect a large number of white women that could vote in a legislative body under epistocracy. Due to people’s experiences, which are heavily influenced by their backgrounds, it seems conceivable that these two groups would disagree about the best course of action, even if they have the same level of political knowledge. The educated black women would not be able to adequately advocate for the black interest due to the inordinate number of educated white women. Brennan does provide evidence that says that well-informed

people tend to have systematically different beliefs than poorly informed people, which he believes supports his claim that differences in demographic representation would not be significant.<sup>2</sup> But in his analysis of this data, he admits that this comes after it is corrected for demographic influence. This means that while informed people may agree on some policies regardless of demographic lines, their demographic background still influences them. This means we cannot eliminate the likely possibility that two informed epistocrats of different backgrounds would still disagree on a policy. This means that restricted suffrage is highly vulnerable to the revised Demographic Objection.

In the case of plural voting, it is very similar to restricted suffrage, which means it faces similar issues regarding the revised Demographic Objection. In restricted suffrage, voting is exclusive to those that pass an exam.<sup>2</sup> This is not always true in plural voting. One form that Brennan highlights, which comes from Mill, proposes that everyone gets a vote, but those that pass an exam or demonstrate competence in another form are given more votes, meaning that their votes are weighted more heavily.<sup>2</sup> Mill did not rely on the exam alone to demonstrate competence, but is using a similar definition of competence as Brennan and proposed that those with advanced degrees could be given weighted votes.<sup>2</sup> We can quite easily see how this would pose problems. Advanced degrees are highly correlated with race, as I demonstrated previously. This means that Mill's version of plural voting falls victim to the same consequence as Brennan's restricted suffrage – the interest of underrepresented groups would continue to be disproportionately suppressed. Plural voting does not adequately resolve the issue of representation after the exam because it still allows for disproportionate representation in the epistocratic body by using a similarly flawed method of demonstrating competence.

The next form of epistocracy I will evaluate against the revised Demographic Objection is the enfranchisement lottery. Brennan uses the form as proposed by Claudio Lopez-Guerra, which involves a twostep process.<sup>2</sup> First, he argues that the entire population should be disenfranchised by having their vote taken away.<sup>2</sup> Next, he would take a random but representative sample of the population, which is designed to combat issues of disproportionate representation in the epistocratic body.<sup>2</sup> This group would be subject to an education process to ensure their competence.<sup>2</sup> Brennan does acknowledge that the education process could influence voters and introduce bias, which I agree is a potential issue.<sup>2</sup> He also argues that the education process would be more difficult than finding competent voters, which I agree is also likely.<sup>2</sup> However, there is a more obvious issue with the enfranchisement lottery that Brennan does not introduce. In Lopez-Guerra's system, not everyone is guaranteed to become equally competent, possibly due to the difficulties in the education process or

their own lack of capability. Even if he starts with a representative sample of the population, it may not stay that way, because some historically privileged groups may become more capable than others. In which case it is victim to the revised Demographic Objection in the same way as restricted suffrage or plural voting. Even if everyone did become equally competent, the possibility for bias being introduced is still highly problematic as it could skew the body towards advocating the interest of one group over another. The issue here is that Lopez-Guerra does not solve the issue of disproportionate representation in the epistocratic body or create an environment with less socio-economic and racial bias than democracy.

Brennan also introduces the concept of universal suffrage with an epistocratic body that could veto proposals. In this form of epistocracy, everyone would be able to vote, and their votes would all be weighted the same.<sup>2</sup> There would be an epistocratic council, access to which is heavily restricted, that could veto any proposed legislation as it sees fit.<sup>2</sup> Brennan himself acknowledges that this is not dissimilar to forms of democracy as an example of the epistocratic body with veto can be seen in the US Supreme Court.<sup>2</sup> Access to the Supreme Court is so heavily restricted and is clearly tied to privileged status. Among the 60 justices that have served over the past hundred and twenty years, 40 of them went to law schools that were ranked 25 or higher nationally.<sup>4</sup> Additionally, every justice in the past 50 years had a connection to an elite American institution in some way.<sup>3</sup> Attending a highly ranked law school or being connected to one is heavily correlated to racial and socio-economic privilege. Of students at top 20 law schools, more than three-quarters of the students came from the economic top 25% of the population.<sup>5</sup> As for the racial diversity of law schools broadly, Black students consistently receive fewer offers of admission than their white counterparts, and students of color receive fewer and smaller scholarships. With higher competence being tied to education through Brennan's threshold of socio-scientific knowledge, the Supreme Court does not avoid the revised Demographic Objection, as it is not proportionately representative of the electorate. It seems that any form of epistocratic council would have to involve an appropriately informed and proportionately representative group. It is possible that if this were the case, an epistocratic council could be a compromise between democracy and epistocracy, but the status quo does not inspire confidence in this possibility.

The final form of epistocracy that Brennan introduces is the one that I believe has the best possibility to avoid the revised Demographic Objection; the simulated oracle. Brennan likens this to Pythia, the ancient Greek oracle.<sup>2</sup> The ancients recognized her as imperfect but significantly more

knowledgeable and capable than themselves and so always followed her recommendation.<sup>2</sup> As a form of epistocracy, Brennan proposes that every citizen would be allowed to express their political preference in a sort of survey, where they also take an exam that measures competence and records personal data about their demographic.<sup>2</sup> This data would be aggregated and then made public.<sup>2</sup> A prediction of what a fully informed public would want would be made by aggregating preference data.<sup>2</sup> The survey would give the results of what fully informed people from all demographic groups would want in terms of policy. The simulated oracle would take the preference of the informed members of a demographic group and scale it up to their proportional weight relative to the rest of the population before giving a verdict. For example, if informed white people support universal healthcare, then the oracle would take the white preference into account as in favor of universal healthcare. This would be weighed against the preferences of other groups before rendering a final decision. We, as a society, would act on what the oracle decided. This form of epistocracy seems like it has the most potential to avoid the revised Demographic Objection because it would result in decisions being made by an informed *and* representative population. In all other cases, we have seen competence prioritized over other proportionate representation. The simulated oracle is the closest to guaranteeing both.

#### **IV. Conclusion**

In this essay, I have evaluated all forms of epistocracy that Brennan proposes. I have shown that for almost all forms of epistocracy, the revised Demographic Objection holds. These forms of epistocracy prioritize political knowledge over proportionate representation, which would result in the interests of many groups being disregarded or undervalued, as they do not meet the knowledge requirements, often due to systemic bias. However, one form of epistocracy, the simulated oracle, seems not to prioritize an informed epistocratic body over demographic representation. It allows us to have the benefits of an informed group in power but not at the expense of marginalization. The representation in the case of the simulated oracle is proportional to the population, based on pure numbers. While our representational democracy aims to do so as well, it is undeniable that socioeconomic and racial bias are interrelated and widespread. In this case, it seems that the simulated oracle would be able to outperform the status quo, which consistently disregards advocates of marginalized groups. Therefore, it is the one form of epistocracy that I believe avoids the revised Demographic Objection and meets Brennan's standard of performing better than democracy.

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