

The Legitimacy of Depoliticized Decision-Making

REFLEX workshop

ARENA Centre for European Studies, University of Oslo

Sognsveien 68, 0855 Oslo

16-17 November 2017

An increasingly complex political agenda makes modern democracies more dependent on expert knowledge. This knowledge is needed to run bureaucracies and agencies, and to underpin and qualify political decision-making. No government can make viable decisions without a knowledge of facts, causal connections and interconnections, as well as of risk estimates of possible negative effects of various measures. Such knowledge is also needed to explain and justify policies to the general public. The necessity of founding decision-making systematically on knowledge and expertise leads to delegation and the proliferation of depoliticized bodies. These are ‘non-majoritarian institutions’ (NOMIS) with specialized authority, neither directly elected nor directly managed by elected officials. In the wake of the global financial crisis – that has hit the European Union particularly hard and has morphed into a major institutional and constitutional crisis – we have witnessed an upsurge in NOMIS.

While indispensable, the power of NOMIS generates a threat of illegitimate dominance. NOMIS enjoy large zones of discretion, and they inevitably deal with values and policy ends – as opposed to brute facts and means – when they handle controversial issues. Thus, there is a danger of citizens being subjected to the rule of experts in ways that are warranted neither by science nor by democracy. REFLEX studies this crucial dilemma for modern democracies. The project asks: How can NOMIS be seen as legitimate and be held to account? How to avoid expert power being exercised arbitrarily?

This workshop deals with the functioning, justification and democratic embedding of depoliticized decision-making. It welcomes papers that deal either with the actual proliferation of NOMIS, like agencies and central banks, and their institutional and legal structure; or with the ways in which such bodies can be held to account; or a combination of the two.

Programme

Thursday 16 November 2017

10:00 **Welcome**

Erik O. Eriksen, ARENA Centre for European Studies, University of Oslo

10.15 **Section 1: Depoliticization and Democratic Legitimacy**

Chair: John Erik Fossum, ARENA Centre for European Studies, University of Oslo

Bounded Expertise: Identifying a Place for Expertise within Post-National Governance

Michelle Everson, Birkbeck School of law, University of London

Comments: Andreas Eriksen, ARENA Centre for European Studies, University of Oslo

The Means and Ends of Deliberative Democracy: Experts, Partisans, and Lay Citizens

Jonathan Kuyper, Department of Political Science, University of Oslo

Comments: Lars Chr. Blichner, Department of Administration and Organization Theory, University of Bergen

12.15 **Lunch**

13.00 **Section 2: Expert Accountability and Governance**

Chair: Asimina Michailidou, ARENA Centre for European Studies, University of Oslo

Making Transnational Markets: The Institutional Politics Behind the TTIP

Marija Bartl, Centre for the Study of European Contract Law, University of Amsterdam

Comments: Cathrine Holst, ARENA Centre for European Studies, University of Oslo

Shared Enforcement, but Separated Accountability Regimes in the EU

Mira Scholten, Utrecht Centre for Regulation and Enforcement in Europe, University of Utrecht

Comments: John Erik Fossum, ARENA Centre for European Studies, University of Oslo

Legitimizing the European Union's Economic Governance Through Political Accountability? The European Parliament & Post-Crisis Deliberative Democracy

Alexander Katsaitis, ARENA Centre for European Studies, University of Oslo

Comments: Guri Rosén, ARENA Centre for European Studies, University of Oslo

18.00 **Conference Dinner**

Klosteret restaurant, joint departure from ARENA

Friday 17 November 2017

09.00 **Section 3: The Authority of Expertize**

Chair: Alexander Katsaitis, ARENA Centre for European Studies, University of Oslo

What's Wrong With Epistocracy? On the Use of Expertise in Democracy

Anders Molander, Center for the Study of Professions, Oslo University College
Cathrine Holst, ARENA Centre for European Studies, University of Oslo
Comments: Matthew Wood, Department of Politics, University of Sheffield

How Climate Scientists View the Expert Role: The Value-Free Ideal, Moral Responsibility, and Relevance

Torbjørn Gundersen, Center for the Study of Professions, Oslo University College
Comments: Kjartan Koch Mikalsen, Department of Philosophy and Religious Studies, Norwegian University of Science and Technology (NTNU)

Depoliticized Decision-Making and the Rule of the Many

Erik O. Eriksen, ARENA Centre for European Studies, University of Oslo
Comments: Jonathan Kuypers, Department of Political Science, University of Oslo

12.00 **Lunch**

13.00 **Section 4: Engaging Experts in Politics**

Chair: Helene Sjursen, ARENA Centre for European Studies, University of Oslo

Legitimate Agency Reasoning

Andreas Eriksen, ARENA Centre for European Studies, University of Oslo
Comments: Robert Huseby, Department for Political Science, University of Oslo

Rethinking the Legitimacy and Authority of EU Depoliticised Bodies

Matthew Wood, Department of Politics, University of Sheffield
Comments: Alexander Katsaitis, ARENA Centre for European Studies, University of Oslo

Institutional Innovations of Coupling Experts, Civil Society and the Government in Processes of Policy Development

Eva Krick, ARENA Centre for European Studies, University of Oslo
Comments: Michelle Everson, Birkbeck School of law, University of London

16.00 *End of workshop*