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 Kuyper, 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