

Introduction

Politicians, partisans, and pundits were surprised and traumatized by the election of Donald Trump as President of the United States. Anger at experts seems to have contributed significantly to his victory (Easterly 2016). Brexit was led in part by Michael Gove, who exclaimed, “I think the people in this country have had enough of experts” (Lowe 2016). Whatever one’s opinion of Trump or the European Union, ordinary people in Western democracies have cause to be angry with experts. The Flint water crisis is an example.

On April 25, 2014, the city of Flint, Michigan changed its municipal water supply in a manner that produced impotable brown water (Adewunmi 2017). “Flint water customers were needlessly and tragically exposed to toxic levels of lead and other hazards” (Flint 2016, p. 1). “Flint residents began to complain about its odor, taste and appearance” (Flint 2016, p. 16). “On 1 October 2015, 524 days after the switch to the Flint River, the Genesee County Health Department declared a public health emergency and urged Flint residents to refrain from drinking the water” (Adewunmi 2017). On January 24, 2017, Michigan state environment officials indicated that lead levels in Flint water no longer exceeded the federal limit (Unattributed 2017). The journalist Bim Adewunmi says, however, “By the time I left Flint on 22 February this year [2017], the water was still not safe enough to drink directly out of the faucet, according to the politicians and charity workers I spoke to, and the residents’ feelings on the matter had remained at a simmer about it” (Adewunmi 2017).

In March 2016 an official Michigan task force investigating the Flint water crisis found that the Michigan Department of Environmental Quality (MDEQ) “bears primary responsibility for the water contamination in Flint” (Flint 2016, p. 6). The report found that the Michigan Department of Health and Human Services and the United States Environmental Protection

Agency (EPA) shared a substantial portion of the blame (Flint 2016, p. 1). The task force's report chronicles the actions of Dr. Mona Hanna-Attisha and Marc Edwards to produce change, in part by documenting important facts such as elevated lead levels in the blood of Flint children. Noting that "the majority of Flint's residents are black," Adewunmi (2017) records the opinion of many that anti-black racism contributed significantly to the crisis. In this tragedy, state experts charged with ensuring water quality instead allowed a malodorous, polluted, and toxic liquid to flow into Flint homes and poison its people. Unfortunately, the Flint water crisis is but one of many examples of expert failure.

In 2009 two judges in Pennsylvania, Mark A. Ciavarella Jr. and Michael T. Conahan, pled guilty to fraud and tax charges in a scheme to imprison children for money (Chen 2009). The case was dubbed "kids for cash." These two judges were experts. They were experts in the law giving their opinions of the guilt or innocence of children coming before them and deciding what punishments were just. They took \$2.6 million in "kick-backs" (Urbina 2009) from two private detention centers to which they sent convicted juveniles. To get their kickbacks, they sent children to jail. In what is presumably one of the more egregious cases, thirteen-year-old DayQuawn Johnson, who had no previous legal troubles, "was sent to a detention center for several days in 2006 for failing to appear at a hearing as a witness to a fight, even though his family had never been notified about the hearing and he had already told school officials that he had not seen anything" (Urbina 2009). Ciavarella and Conahan sent children into detention facilities at twice the state average and seem (at least in the case of Ciavarella) to have declined to even advise them or their parents of the children's right to an attorney (Chen 2009; Urbina 2009). Their scheme went on for years before they were finally caught and arrested.

Social work provides further examples of experts causing harm to ordinary persons. In the United States, social services can be intrusive and arbitrary. In 2014 a woman in South Carolina was jailed for letting her nine-year-old daughter play unsupervised in a public park that was "so popular that at any given time there are about 40 kids frolicking" (Skenazy 2014).

Another woman reports that her children, "between the ages of 10 and 5," were taken from her after she was widowed. She chose to leave them unsupervised in the house for "a few hours" at a time while she attended college classes (Friedersdorf 2014). She says officials entered her home and removed her children without attempting to reach her, even though her children knew where she was: "Over the two years during which the case

dragged on, my kids were subjected to, according to them, sexual molestation (which was never investigated) and physical abuse within the foster care system. They were separated from each other many times, moved around frequently, and attended multiple schools.” She was subject to arbitrary conditions for the return of her children. She reports, for example,

I was required to allow CPS [Child Protective Services] workers into my home to conduct a thorough “white glove” type inspection. According to the court order, if any of the workers felt anything was amiss, the return of custody would be delayed or denied. I was told to sweep cobwebs and scrub the oven to their satisfaction, which I did, obsequiously.

Her experience led her to conclude that the system “was not about protection, but power” (Friedersdorf 2014).

After Kiarre Harris acquired the legal right to home-school her children, Child Protective Services (CPS) arrived at her door with uniformed police in tow. If early reportage is correct, the CPS workers told Harris they had a court order to remove the children, but were unable to supply the order when Harris asked to see it. She declined to surrender her children without seeing the order. She was arrested for obstructing a court order and her children were moved to foster care (Buehler 2017; Riley 2017). One report (Williams and Lankes 2017) cautioned that “there could be more to the situation” and that Harris “has a history of domestic violence, including using a knife.” Only much later in the article, however, was the substance of this supposed knife-wielding violence revealed: “In 2012, a woman complained that Harris kicked, scratched and gauged her vehicle with a knife. That complaint was classified as criminal mischief. It’s not clear if that was the domestic dispute referenced in the CPS petition.” The “domestic violence” that Williams and Lankes (2017) soberly note seems to have been nothing more than an *unsubstantiated* claim that Harris keyed someone’s car or otherwise damaged it. So far, *The Buffalo News* has been unable to find more damning evidence of past crimes or irregularities in Harris’s life.

Even if facts clearly unfavorable to Harris should eventually emerge, it seems unlikely that her arrest and the precipitous removal of the children were necessary or appropriate. It seems far more likely that the removal has been harmful to the children. In this as in other cases, CPS seems to have been arbitrary, imperious, and oppressive. In a post on social media Harris claims that one court document includes the vague remark, “Respondent seems to have a problem with whatever school the children

are attending.” She says the same document remarks, “Respondent recently posted a comment on social media ridiculing the school system and people who attend school or graduate from school” (<http://thefreethoughtproject.com/mother-arrested-homeschooling-children/>.) The quoted contents of the court document seem irrelevant to the charge of neglect, and they seem to reflect more concern for the interests of the public school system than for the children’s welfare.

Home-schooling advocates have identified the pattern seemingly at work in this and other cases. It is, they say, “common for the [affected school] district to not file families’ homeschool notices, then report them to CPS.” Once the child stops coming to class, the school marks them as absent. “Although the child is not ‘absent’ and is being instructed elsewhere, often the school will continue to mark them so, which is why Child Protective Service gets involved” (Hudson 2017).

A British report on family courts (Ireland 2012) that gained national attention at the time of its release found grave deficiencies in the UK system of social services. The report was funded by the Family Justice Council, which is described in it as “an independent body, funded by the Ministry of Justice.” It summarized the evaluations of the psychological assessments submitted to Family Court in 126 cases. Admittedly, the report gives the opinions of some experts of the job done by other experts. Much of it is the credentialed casting aspersions on the non-credentialed. Nevertheless, some of the findings provide a clear indication that state experts have played an arbitrary, obnoxious, and intrusive role in the lives of many residents of the United Kingdom. The arbitrary nature of the psychological assessments being made is suggested by the report’s finding that more than 40 percent of the case findings reviewed failed to adhere to required procedural norms (Ireland 2012, p. 21). Thus, the representatives of the state failed to adhere to state-mandated procedural norms more than 40 percent of the time. “Key findings focus on the fifth of psychologists who, by any agreed standards, were not qualified to provide a psychological opinion, coupled with nearly all expert witnesses not maintaining a clinical practice but seeming to have become full time ‘professional’ expert witnesses” (Ireland 2012, p. 30).

One news report (Reid 2012) provides several horror stories supporting the view that family-court practice in the United Kingdom is abusive and harmful. In one case, “after a woman was found by a psychologist to be a ‘competent mother,’ the social workers are said to have insisted on commissioning a second expert’s report. It agreed with the first. They then commissioned a third, which finally found that the mother had a

‘borderline personality disorder.’ All three of her children were taken away for adoption.” Reid notes two institutional facts that seem to explain why “No other country in Western Europe removes so many children from their parents.” First, there were financial incentives to remove children. “The last Labour government set adoption targets and rewarded local councils with hundreds of thousands of pounds if they reached them.” Although these targets had been “scrapped” by the time Reid wrote, “Social workers now [in 2012] get praise and promotion if they raise adoption numbers. David Cameron is also demanding more adoptions – and that they are fast-tracked” (Reid 2012). Second is secrecy. The 1989 Children Act “introduced a blanket secrecy in the family courts,” thereby encouraging “a lack of public scrutiny in the child protection system” (Reid 2012).

People have suffered from expert error and abuse with state health and environmental experts, state schools, state-controlled or regulated health-care, and the criminal justice system. Joan C. Williams (2016) is probably right to say that the “white working class” in America “resents professionals,” including lawyers, professors, and teachers, in part because “professionals order them around every day.” Health economics expert Jonathan Gruber, sometimes dubbed the “Obamacare architect,” famously said that the “stupidity of the American voter” was essential to the passage of “Obamacare,” i.e., the Affordable Care Act of 2010 (Roy 2014). Experts advised the US government to send young Americans to die in Iraq because that nation had weapons of mass destruction, when in fact no such weapons were there. Monetary policy expert Alan Greenspan, former head of the Federal Reserve System, reported his “shocked disbelief” over the Great Recession in testimony before Congress. He confessed that the crisis had revealed a “flaw” in his model of capitalism (Greenspan 2008). America’s economic experts were unable to prevent economic crisis. During and after the crisis, many large organizations received bailouts while many ordinary Americans were left with underwater mortgages, unemployment, or both.

The evils of eugenics are an important example of expert error and abuse. As I will note again in Chapter 4, we cannot view such evils as entirely in our past. Ellis (2008) has explicitly called for a “eugenic approach” to fighting crime (p. 258) that would dictate the “chemical castration” of “young postpubertal males at high risk of offending” (p. 255). The experts will tell us which young men are *at risk* of offending *in the future* and castrate them as a preventive measure. The Center for Investigative Reporting (Johnson 2013) has found that “Doctors under contract with the California Department of Corrections and Rehabilitation

sterilized nearly 150 female inmates from 2006 to 2010 without required state approvals.” They seem to have been more likely to pressure inmates thought to be at risk of re-offending: “Former inmates and prisoner advocates maintain that prison medical staff coerced the women, targeting those deemed likely to return to prison in the future.” A former inmate who worked in the infirmary of Valley State Prison in 2007 “said she often overheard medical staff asking inmates who had served multiple prison terms to agree to be sterilized.” At least as recently as 2010, medical experts in California prisons pressured women to accept tubal ligation as a preventive measure when they thought such women to be *at risk* of offending again *in the future*.

It seems fair to conclude that for many people the “problem of experts” discussed in this book is urgent and concrete.

I have noted the destructive role of experts in the lives of ordinary people. I oppose the rule of experts, in which monopoly experts decide for non-experts. I sympathize with the people over the experts, technocrats, and elites. Such sympathies may seem populist. I fear populism, however, and value pluralistic democracy. Because my sympathies might seem populist to at least some readers, I should probably explain why, in my view, populism and the rule of experts, at least in their more extreme forms, are equally inconsistent with pluralistic democracy.

Populist rhetoric is often, though not always, anti-expert (Kenneally 2009, de la Torre 2013). Boyte (2012, p. 300) is probably right to say that “Populism challenges not only concentrations of wealth and power, but also the culturally uprooted, individualized, rationalist thinking characteristic of professional systems, left and right.” Populism is usually a revolt against the “elites,” and that term is usually construed to include state experts and technocrats. We have seen Michael Gove disparage experts. The official site of the French Front National has warned against placing “the destiny of the people in the hands of unelected experts” (Front National 2016). The founder of Italy’s “5 Star Movement” has sharply criticized “supposed ‘*experts*’” in “economics, finance, or labor” who would presume to speak for the movement. The party’s platform, he said, would be “developed online” by “all of its members” and it would be “a space where everyone really counts for one” (Grillo 2013).

Mudde (2004) defines populism as “an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite,’ and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (p. 543). Populism, Mudde explains, “has two opposites: elitism and

pluralism” (2004, p. 543). Elitism “wants politics to be an expression of the views of the moral elite, instead of the amoral people. Pluralism, on the other hand, rejects the homogeneity of both populism and elitism, seeing society as a heterogeneous collection of groups and individuals with often fundamentally different views and wishes” (pp. 543–4).

Bickerton and Accetti (2015, pp. 187–8) describe “populism and technocracy” as “increasingly . . . the two organizing poles of politics in contemporary Western democracies.” They note, however, that both poles are opposed to “party democracy,” which they define as “a political regime based on two key features: the mediation of political conflicts through the institution of political parties and the idea that the specific conception of the common good that ought to prevail and therefore be translated into public policy is the one that is constructed through the democratic procedures of parliamentary deliberation and electoral competition.” Thus, “despite their ostensible opposition, there is also a significant and hitherto unstudied degree of convergence between populism and technocracy consisting in their shared opposition to party democracy.”

I will argue in Chapters 6 and 7 that knowledge is often dispersed, emergent, and tacit. (It is often, I will say, “synecological, evolutionary, exosomatic, constitutive, and tacit.”) This view of knowledge is consistent with pluralistic (or “party”) democracy. Knowledge is dispersed. Each of us has at best a partial view of the truth. Plural perspectives are thus inevitable and good. In a pluralist democracy, competing partial perspectives on the truth have at least a chance to be heard and to influence political choices. Decisions in a political system – be it populist, elitist, or something else – that override or ignore plural perspectives will be based on knowledge that is at best limited, partial, biased. If knowledge were uniform, explicit, and hierarchical, then we might consider whether it could be best to determine which system of knowledge is the true one upon which all political decision making should be based. In this case, some might seek wisdom in the experts while others might turn to a party or leader embodying popular wisdom, and there would be no “neutral” way to adjudicate the dispute between them. If my more egalitarian view of knowledge is correct, however, then plural democracy is more likely to be the least worst system of political decision making. Thus, my sympathy for ordinary people against elites, experts, and technocrats is not, after all, populist.

Fear of populism is justified. But we should recognize that the rule of experts is also an “escape from democracy” (Levy and Peart 2017). If we are to preserve pluralistic democracy, all of us in the scribbling professions of scholarship, journalism, and policy analysis should recognize that

experts often harass, harry, and harm ordinary people. Examples are legion. I have given a few in this chapter. Popular anger with and repudiation of experts should not be dismissed as irrational fear or ignorant anti-intellectualism. It is all too well justified. There is a problem of experts and it matters.

In this volume, I address the problem of experts. I offer an economic theory of experts. My theory is “economic” because it adopts the economic point of view (Kirzner 1976). It is *not* a theory of the “economic aspects” or “economic consequences” of experts or expertise. It is a theory of experts on all fours with the theories of philosophers such as Mannheim (1936) and Foucault (1980), science and technology scholars such as Turner (2001) and Collins and Evans (2002), and sociologists such as Berger and Luckmann (1966) and Merton (1976).

In my theory, an expert is anyone paid for their opinion. Here, “opinion” means only the message the expert chooses to deliver, whether or not they sincerely believe the message to be true. If you are paid for your opinion, you are an expert. If you are not paid for your opinion, you are not an expert. More precisely, if you are paid for your opinion, you occupy, *in that contractual relation*, the role of “expert.” Thus, “expert” is a contractual role rather than a subset of persons. As I will attempt to show, this definition of “expert” creates a class of economic models that is distinct (though not disjoint) from other classes of economic models, including principal-agent models, asymmetric information models, and credence-goods models. Usually, an expert is defined by their expertise. By such a definition, however, everyone is an expert in something because we all occupy different places in the division of labor and, therefore, the division of knowledge. It thus becomes unclear who is supposed to be an expert and who a non-expert. My definition in terms of contractual relations seems to get around that problem. It also avoids the question of whether you are “really” an expert if your expertise is false or deficient. The economic theory of experts developed in this volume does not require us to judge whose expertise is legitimate or scientific or in some other way sufficiently certified or elevated to “count.”

I begin with the nature and history of the problem, which I discuss in Chapters 2–4. There is a large literature on the problem spanning many fields, including philosophy, law, sociology, science and technology studies, economics, forensic science, and eugenics. This literature has not, however, been clearly delineated in the past. While I have not attempted a proper survey, I have attempted to delineate the literature, to identify the main themes of it, and to characterize what I believe to be the four main general

theoretical positions one may take. To anticipate, one may take a broadly favorable view of experts or a broadly skeptical view. And one may view non-experts as having in some way the potential to choose competently among expert opinions or, alternatively, one may view non-experts as lacking the potential for such competence. These two broad perspectives on experts and two broad perspectives on non-experts create four general theoretical postures one might adopt toward experts. The great majority of theorists seem to fit reasonably well into one of these four broad categories, notwithstanding the variety of theories to be found in the literature. In Chapter 2 I discuss these four broad categories for the theory of experts and provide exemplars for each.

In Chapter 3 I review two important episodes in the history of the problem. The first is the emergence of Socratic philosophy and its development with Plato, Aristotle, and the Academy. In this tradition, philosophers are experts. The second episode is a mostly nineteenth-century Anglo-American literature on expert witnesses in the law. I will argue that in both literatures the expert is often viewed as both epistemically and morally *superior* to non-experts. They should be *obeyed*. Such lionization of experts and expertise is common today as well and is, in my view, inappropriate and unfortunate.

All such arguments seem to find their original in Socratic philosophy. This origin was recently invoked by one defender of experts against populism, British celebrity and physics expert Brian Cox. Commenting on Gove's disdain for experts, he has said, "It's entirely wrong, and it's the road back to the cave" (Aitkenhead 2016). With this clear allusion to Socrates' cave, Cox is telling us that it is unphilosophical to challenge the experts. He goes on to suggest that experts are superior, being unsullied by parochial interests: "Being an expert does not mean that you are someone with a vested interest in something; it means you spend your life studying something. You're not necessarily right – but you're more likely to be right than someone who's not spent their life studying it" (Aitkenhead 2016). As we shall see in Chapter 3, this view of experts as better and wiser is clearly expressed in the Socratic tradition of philosophy, and again in the railings of nineteenth-century "men of science" against the challenges and supposed indignities they experienced when testifying in court.

Finally, in Chapter 4 I review several recurrent themes in the theory of experts and discuss how they have been addressed in the past. These common themes are power, ethics, reflexivity, the well-informed citizen, democratic control of experts, discussion, and market structure. I have tried to give at least some indication of what choices or strategies might be

available for addressing each theme within the context of a theory of experts. Part I of this volume provides, then, a kind of map of the territory occupied by the literature on experts.

The economic point of view I adopt in this volume is, I think, easily misunderstood. I have, therefore, included a discussion of important supporting concepts from economics. This discussion is found in Chapters 5–7. My theory of experts builds on a theory of the co-evolution of the division of labor and the division of knowledge. Vital to this theory is the idea that the division of labor and division of knowledge are not planned. They emerge unintentionally from the dispersed actions of many people who have not all somehow pre-coordinated their plans. The system was not planned, but it somehow coheres and functions anyway. This notion of “spontaneous order” may seem quite strange. For this reason, I suppose, it is easily misinterpreted. It may seem to be a kind of scientific mysticism, to “reify” markets, or to be in some other way absurd or mysterious. I have tried to dispel this sense of strangeness in part through a purposefully silly example of spectators standing up together in a sports stadium. My willfully silly example shows, I hope, that there is nothing absurd or mysterious in the idea of spontaneous order. The idea is surprising, but not strange.

I also consider more serious examples of spontaneous order, including the division of labor. We should not think of the division of labor as driven, somehow, by a grand purpose. It embodies no unitary hierarchy of values. The division of labor has no purpose and serves no particular hierarchy of ends. It is, rather, the emergent and unplanned result of a variety of persons pursuing a variety of potentially inconsistent goals. We can get along, so many of us so well, precisely because we do not have to agree on values. Believers buy Bibles from atheists and the system bumps along tolerably well, all things considered.

In Chapter 5 I also consider the perhaps more fraught ideas of “competition” and “competitive” markets. I have called my approach to the problem of experts an “economic theory of experts.” It may not be surprising, therefore, that I take a comparative institutional approach in which expert error and abuse are more likely when experts have monopoly power and less likely in a “competitive” market for expert opinion. I put the word “competitive” in scare quotes, however, because it easily creates misunderstanding. It may seem to invoke the incoherent idea of a market in which “anything goes” and there are, somehow, “no rules.” As I attempt to show in Chapter 5, any such notion of a rules-free market is incoherent. The “free market” of economic theory is always “regulated” by *some* set of