

Phil 290-1: Political Rule
Monday, March 3, 2014

Interests in correspondence and persistent minorities:

Joseph: Isn't it objectionable, as Jones suggests, if the persistent minority never gets its way?

- Doesn't this suggest that there is an interest in correspondence?
 - The interests that go unmet may be *substantive* interests: e.g., aesthetic pleasure.
- Doesn't this suggest that majority rule is objectionable because it does not realize a just distribution of interest-satisfaction?
 - *Mike A.*: Doesn't this show that Jones's justification of democracy is instrumental after all: that it tends toward a good *outcome*, namely an outcome in which correspondence interests are justly distributed? (Note that a justification in terms of interests in *influence* is different. The procedure itself, regardless of the outcomes that it produces, gives equal opportunity of influence.)

Is there another procedure that leads to better outcomes (either in terms of substantive interests or correspondence interests)?

- Note that if there is another procedure that leads to *substantively* better outcomes, and gives *equal opportunity for influence*, then my view unambiguously favors it. (This is my reasoning in favor of a lottery, rather than a vote, to determine who is selected for the draft.)

What might the other procedure be?

- Jones's proportional rule: You should enjoy interest satisfaction in proportion to the size of your group. *Joseph's* proportional lottery would approximate Jones's rule over the long run.

But why is a just distribution one in which each person enjoys interest satisfaction in proportion to the size of her group? Why isn't a just distribution one in which each person's interests are satisfied equally (or where the worst-off person is as well-off as possible)?

- The possibility *Dustin* raises (but doesn't endorse), which would compensate for the small size of each group, so as to give it equal influence.

But in that case, why count votes at all (except to ensure that each group contains at least one member)? Why not just divide up the decisions evenly among the groups?

How to understand equality of influence?

Mike D. rightly points out that it needs to be spelled out what it is for a decision procedure to be "properly sensitive" to one's contribution.

I do try to spell this out, at least as far as formal procedures are concerned: contributory influence, measured as *ex ante* chances of decisiveness. Mill's plural voting scheme would not give equal contributory influence so understood. An Oxbridge grad is decisive in a greater number of profiles than his butler.

But difficulties may arise when we think about indirect influence: the influence that some exercise over the (influential) choices of others. I'm not entirely sure how to think about this. Suppose all have the equal opportunity to persuade the autocrat. How is this different, if it is,

from an election official who counts equally weighted votes and, in principle, could successfully falsify the result?

Ben raises some doubts about equal ex ante chances.

“Suppose two would-be robbers walk into my room and tell me that the three of us are now a political community. I have a vote, but as it turns out, the majority decision is that I now have to hand over all my money. They appeal to an ex ante principle to substantiate what is my ostensible duty: this is what I should have agreed to if we were ignorant of each other’s characters, philosophy, stations in life, etc. This sounds odd. I therefore ask if, despite the compelling arguments against it, equal actual decisiveness still has a role to play in justifying political authority.”

- I don’t think that equal actual decisiveness solves the problem. If we add a third robber, then there is equal actual decisiveness too. (Of course, this doesn’t show that it isn’t a problem for equal ex ante decisiveness.)
- This may be a case in which an equal ex ante chances procedure is being selected so as to favor a particular group, which I want to say is objectionable.
- It is also a case, of course, in which the outcome is substantively bad. No form of equality of influence through voting or lottery can avoid substantively bad outcomes.

What counts as a “political” decision?

Mike D. points out that not all recognizably “political” decisions, which appear to call for democratic resolution (if any do), seem like decisions that prohibit conduct with the threat of force or coercion.

- Many decisions that might not at first appear to implicate prohibitions ultimately backed by force or coercion, however, ultimately do implicate them. Trade agreements, for example, bear on whether people will continue to be required to pay impost duties (with criminal punishments for smuggling if they do not).
- But I agree that other political decisions do not implicate force or coercion. For example, public declarations of holidays (especially if this is entirely expressive), the use of public lands for parks, etc.
- My sense is that these decisions involve the use of collective property: what is done with “in our name,” or with what we all own in common. There may be a more direct explanation of why *these* decisions should be made democratically, which does not appeal to social equality. The thought is simply that if it’s our collective property, then each of us should have equal opportunity to decide what is done with it. Property rights, in general, include rights to decide how to dispose of things.

Informal inequalities:

Dworkin: Injustice in the distribution of wealth is a problem. But the resulting inequality of opportunity to influence political decisions isn’t a further problem.

Me: Both are problems.

Joseph: Do Dworkin and I disagree about any practical prescription? After all, if we ensure *justice* in the distribution of *wealth*, then don’t we ensure *equality* of opportunity to *influence*?

No, this would follow only if a *just* distribution of wealth was an *equal* distribution of wealth. If a just distribution of wealth is unequal, then ensuring a just distribution of wealth would not ensure equality of opportunity to influence.

Consider Rawls's position:

- Justice requires only that wealth be distributed according to the difference principle. It might still be unequal.
- As a result, there might still be inequality in political influence, and this is a problem. Further measures must be taken to ensure the "fair value" of the political liberties.

Felon disenfranchisement:

Ben wonders whether my account is compatible with the disenfranchisement of felons? It depends on whether relations of social equality with felons matter (as, perhaps, relations of social equality among adults and children, or owners and pets, don't matter). I'm inclined to think that they do. (This is as much for our sake as for theirs; they're our relations too, after all.)

But, even if relations of social equality with felons do matter, aren't we prepared to compromise those relations in the name of other social interests? After all, doesn't imprisonment *already* imply a kind of social inferiority? (How are prisons different from, say, Jewish ghettos?)

- The point of imprisonment (in my view) is simply deterrence or incapacitation. (I'm skeptical even of its expressive or communicative justification.) Disenfranchisement doesn't incapacitate, and it's doubtful that it deters.
- Part of the issue is whether felons *regain* the vote *after* imprisonment.

U.S. Senate:

I find it a bit embarrassing that my view implies that the US Senate is undemocratic.

Nicholas wonders why this is embarrassing, since many people believe that the US Senate *is* undemocratic. Indeed, the arguments in its favor seem instead to have been epistocratic (direct election of senators was not constitutionally required until 1913) and substantive (keeping big states, like Virginia, from taking over the show).

That may be right. What seems more embarrassing is that my view seems to imply that, because the votes of Rhode Islanders count for more than the votes of Californians, this makes Californians the social inferiors of Rhode Islanders. The problem is to explain why this sort of inequality in influence doesn't imply this, whereas the sort of inequality that Mill's plural voting scheme would.

Representation:

Is social equality compatible with representative democracy? Why aren't we the social inferiors of our elected representatives? My basic thought is that in other areas of life, principals are not subordinated to their agents. Consider doctors, lawyers, etc. So, if the relationship of citizen to representative can somehow be like *that*, then social equality might be compatible with representative democracy.

Daniel points out an important way in which the relationship of citizen to representative is *not* like *that*. We can hold doctors, lawyers, etc. accountable in certain ways: say, by suing them for malpractice. It isn't clear that there is anything comparable in the case of elected representatives.

What would be comparable? Impeachment, recall. Do we already have it? Could we have it?