

# **How Democracies Fail**

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La Mort de Socrate

# Contents

<b>Introduction</b>	<b>1</b>
The Critical Tradition . . . . .	3
The Plan . . . . .	11
<b>I Ideals and Their Import</b>	<b>13</b>
<b>1 Democratic Values</b>	<b>14</b>
1.1 Introduction . . . . .	14
1.2 Democratic Equality . . . . .	17
1.2.1 The Negative Egalitarian Ideal . . . . .	17
1.2.2 Are Inegalitarian Relationships Bad? . . . . .	19
1.2.3 What is Power? . . . . .	23
1.2.4 What Kinds of Power Matter? . . . . .	26
1.2.5 Children, Persuasion, and Ignorance . . . . .	31
1.2.6 The Positive Egalitarian Ideal . . . . .	35
1.2.7 The Components of Civic Friendships . . . . .	38
1.2.8 An Alternative View: Expressive Egalitarianism . . . . .	43
1.3 Self-Rule . . . . .	47
1.3.1 The Authorship-Based Account . . . . .	52
1.3.2 Objection I: Scale . . . . .	55
1.3.3 Objection II: (Dis)agreement . . . . .	56
1.3.4 Objection III: Hierarchy . . . . .	58
1.3.5 The Freedom-Protecting Account . . . . .	59
1.3.6 An Alternative View: Republican Freedom . . . . .	65
1.4 Conclusion . . . . .	68

<b>2</b>	<b>Democratic Duties</b>	<b>70</b>
2.1	Introduction . . . . .	70
2.2	Authority in Democracy . . . . .	71
2.3	Legitimacy in Democracy . . . . .	77
2.4	Authority in Autocracy . . . . .	79
	2.4.1 Associative Theories . . . . .	80
	2.4.2 Fair Share Theories . . . . .	84
	2.4.3 Promises and Gratitude . . . . .	87
2.5	Egalitarian Anarchism . . . . .	92
	2.5.1 Obedience Exacerbates Inequalities . . . . .	94
	2.5.2 Objections and Replies . . . . .	96
2.6	Instrumental Theories of Authority . . . . .	103
2.7	Legitimacy, Revisited . . . . .	106
2.8	Conclusion . . . . .	108
<b>II</b>	<b>Elite-Level Failures</b>	<b>109</b>
<b>3</b>	<b>Popular Control</b>	<b>110</b>
3.1	Introduction . . . . .	110
3.2	How Much Popular Control Is There? . . . . .	111
3.3	Why Does Popular Control Matter? . . . . .	114
3.4	Alternatives to Popular Control . . . . .	117
3.5	What Exactly Is Popular Control? . . . . .	122
3.6	Is Popular Control Really So Loose? . . . . .	126
	3.6.1 Party Government . . . . .	126
	3.6.2 Very Virtual Control . . . . .	128
3.7	Institutional Reform . . . . .	130
3.8	Conclusion . . . . .	134
<b>4</b>	<b>Wealth &amp; Interests</b>	<b>136</b>
4.1	Introduction . . . . .	136
4.2	Wealth . . . . .	138
4.3	Deontic and Institutional Consequences . . . . .	145
4.4	Organized Interests . . . . .	148
4.5	Interests and Democratic Values . . . . .	151
4.6	Conclusion . . . . .	155

<b>5</b>	<b>Democracy and Time</b>	<b>157</b>
5.1	Introduction . . . . .	157
5.2	Alternation and Inertia . . . . .	159
5.3	Equality and Time . . . . .	161
5.4	Which Egalitarianism? . . . . .	164
5.5	Self-Rule and Time . . . . .	168
5.6	Institutional Design and Time . . . . .	173
5.7	Conclusion . . . . .	178
<b>III</b>	<b>Mass-Level Failures</b>	<b>180</b>
<b>6</b>	<b>Cognitive Shortcomings</b>	<b>181</b>
6.1	Introduction . . . . .	181
6.2	What Is Political Autonomy? . . . . .	182
6.3	Information and Irrationality . . . . .	186
6.3.1	...and Autonomy . . . . .	189
6.4	Objections and Replies . . . . .	191
6.4.1	Autonomously Chosen Ignorance . . . . .	191
6.4.2	Is Motivated Reasoning Irrational? . . . . .	193
6.4.3	Do Surveys Elicit Information? . . . . .	195
6.4.4	Different Core Values . . . . .	196
6.4.5	Do Surveys Ask the Right Questions? . . . . .	197
6.5	Malleability . . . . .	199
6.5.1	...and Autonomy . . . . .	201
6.6	Objections and Replies . . . . .	205
6.6.1	Mens Rea . . . . .	205
6.6.2	Covert Influence . . . . .	207
6.7	Democratic Values . . . . .	208
6.8	Objections and Replies . . . . .	212
6.8.1	Only Access Matters . . . . .	212
6.8.2	What's Relevant? . . . . .	213
6.9	Conclusion . . . . .	214
<b>7</b>	<b>Polarization</b>	<b>215</b>
7.1	Introduction . . . . .	215
7.2	Ideological Polarization . . . . .	216
7.2.1	Self-Rule and Choice Sets . . . . .	218

7.2.2	Who Controls the Choice Set? . . . . .	223
7.3	Affective Polarization . . . . .	227
7.3.1	Precluding Civic Friendship . . . . .	228
7.3.2	Facilitating Civic Enmity . . . . .	230
7.4	Partisan Polarization . . . . .	233
7.4.1	Political Justification . . . . .	236
7.5	Republican Authoritarianism . . . . .	239
7.6	Conclusion . . . . .	244
<b>8</b>	<b>Voter Motivations</b>	<b>246</b>
8.1	Introduction . . . . .	246
8.2	Types of Voter Motivation . . . . .	248
8.3	Democratic Values, Revisited . . . . .	253
8.4	Evaluating Voter Motivations . . . . .	254
8.5	Voter Competence . . . . .	259
8.6	The American Voter . . . . .	261
8.7	How Should Americans Vote? . . . . .	265
8.8	Conclusion . . . . .	267
<b>IV</b>		<b>268</b>
<b>9</b>	<b>Conclusion</b>	<b>269</b>
9.1	The Picture . . . . .	269
9.2	Democratic Duties . . . . .	275
9.3	Designing Democracy . . . . .	278
9.4	Final Remarks . . . . .	281
<b>Bibliography</b>		<b>282</b>

# Introduction

How do democracies fail? I do not, with this question, mean to ask about what causes democracies to fail. Rather I mean to ask about the ways in which they fail, about the kinds, types, or variants of democratic failure, about the things which preclude democratic values and constitute democratic shortfalls. A fully satisfactory answer to this question would do three things. First, it would identify the democratic failures typical of actual, real-world, democracies. It would show in detail how observable and widespread features of such democracies undermine democratic values. Second, it would evaluate how well real-world democracies overall live up to democratic ideals. It would give us a comprehensive picture of how much of democracy's value they really achieve. Third, it would limn the import of the failures of real-world democracies. On the one hand, that would mean explaining how the failures of real-world democracies matter to the rights and duties of their citizens. On the other, it would mean pinpointing the institutional reforms that could ameliorate such failures. These three things, together, would constitute a fully satisfactory theory of democratic failures. They would give us a complete understanding of the nature, extent and import of democratic failures.

This book is aimed at nothing so ambitious. Instead, I aim to delineate the failures of one particularly important real-world democracy: the United States. My aim is to show the nature, extent and import of the shortcomings of American democracy. My main thesis is that there is a vast gulf between democratic ideals and the American reality. The United States comes nowhere near realizing democracy's full value. Moreover this is not some passing or aberrant malady of America's political system: the failures of American democracy are longstanding features of its functioning. My thesis, too, is that these failures are of enormous practical and institutional import. They undermine American citizens' duty to obey the law and they rob their government of the moral license to enforce those laws. They cement the case for direct democracy but undercut the case against expert rule. The failures of American democracy, in sum, transform the normative

standing and proper structure of the American state.

It will be worth stating these theses a bit more carefully. For a start, my focus is on intrinsic democratic values. Intrinsic values contrast with instrumental values. Intrinsically valuable things are valuable in themselves. Instrumentally valuable things are valuable for their causal consequences. A good friendship is intrinsically valuable; a good hammer is merely instrumentally valuable. Democracy isn't just a hammer: it's intrinsically valuable. Perhaps it is a hammer too. Perhaps it forestalls famine, promotes peace, generates growth. But, if it did none of these things, it would still be valuable. What makes democracy intrinsically valuable? My own view is pluralistic: I think that democracy's intrinsic value is constituted by both equality and self-rule. Democratic equality consists in egalitarian social relationships. Self-rule consists in the peoples' will being made manifest in government policy. Both can make democracies intrinsically valuable. My claim is that American democracy realizes very little of either democratic value.

The import of America's democratic failures is both practical and institutional. On the practical side, they undermine the authority and legitimacy of the American state. A state has authority when its laws ought to be obeyed. It has legitimacy when it may coercively enforce those laws. The realization of democratic values is, I believe, a precondition for both authority and legitimacy. We have no obligation to obey states which don't live up to democratic ideals and it is likely wrong for such states to coercively enforce their laws. So, the failures of American democracy refashion the rights and duties of American citizens. On the institutional side, these failures support specific institutional reforms. Some of these reforms would ameliorate such failures. Directly democratic institutions fit this bill: were initiatives and referendums more common institutional devices, American democracy would be in a less parlous state. But, given America's democratic failures, other reforms are simply more defensible than they would otherwise be. Institutions which give power to unelected experts—judges or bureaucrats—rather than elected representatives are easier to defend when real-world legislatures achieve little of democracy's value. So, the failures of American democracy refashion the proper structure of the American state.

My central thesis, then, is that American democracy fails in many serious ways and that these failures matter. My aim in the rest of the book is to substantiate this thesis. I'll catalogue, explore and lay out the implications of American democracy's most important failures. The point of doing this is to get a full understanding of democratic failures in the American case. I take this to clearly be an important case. The United States is one of the world's oldest and most populous democracies. It is certainly the world's most powerful democracy. But, although my focus

is on the United States, I believe that much of what I say will also go for other democracies. My view is not that American democracy is distinctively defective. Many democracies suffer from some (or all) of the maladies that afflict American democracy. And in all these democracies the import of these maladies is roughly the same. They undermine the authority and legitimacy of the state. They call for institutional reform. So, although my focus is on the United States, my aim is to contribute to the theory of democratic failures more generally. We can illuminate the general nature, extent and import of democratic failures by focusing on one of the world's oldest and most populous systems of democratic government.

## **The Critical Tradition**

In an interview on the 28th of July 2020, Donald Trump, when pressed on lack-luster U.S. coronavirus testing, claimed that “some people say you can test too much.”<sup>1</sup> When asked who these people are, he cited “the manuals” and “the books.” At the time one thousand Americans a day were dying from the disease: more than any other country in the world. The daily death toll would later increase: at its peak, three and a half thousand Americans died every day from coronavirus. Understandably, in the face of such dire facts, Trump felt the need to defend his competency. And the president of the United States did so very directly: he informed the interviewer that “I comprehend extraordinarily well, probably better than anybody that you’ve interviewed in a long time.” This interview, and many others, were deeply unsettling. Few American presidents, one strongly suspects, were less equal to the challenges that faced them.

Things got worse rather than better. Three months later, on the 3rd of November 2020, Trump failed to win re-election. But he didn't see things this way. At 12:49 a.m that night, he claimed that “[w]e are up BIG, but they are trying to STEAL the election” (Kessler and Rizzo, 2020). A few days later Rudy Giuliani, Trump's lawyer and spokesperson, called a press conference in the back parking lot of a small Philadelphia firm: Four Seasons Total Landscaping. Their team had, apparently, mistaken a landscaping company for an upscale hotel. In this setting, Giuliani alleged, without evidence, that Joe Biden's victory in Pennsylvania was due to voter fraud. Such claims would be pushed in the courts, at press conferences, on Twitter and during rallies for the next nine weeks. Eventually, they would culminate with then-president Trump inciting a mob into storming the United States

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<sup>1</sup>For the interview, see Axios (2020).

Capitol Building. Their aim was to overturn the election results. Five people died. What began as farce ended in tragedy.

In the light of such events, few will deny that American democracy is under strain. In the eyes of many observers, its survival lies on a knife-edge.<sup>2</sup> These issues are pressing and current. But my focus on the failures of American democracy is not current affairs. It is on the deep failures that such episodes reveal. These failures are less ephemeral, more longstanding, than specific episodes in a single president's administration. They go back further than 2016 and there is little reason to think that they will dissipate by 2024 or 2028. These failures are of course illuminated by recent affairs. But my focus is on the deeper failures of American democracy, those against which day-to-day politics plays out.

There is a long tradition that investigates such failures; a tradition critical of American democracy. This book is part of that tradition. It will be helpful, then, to trace the contours of this critical tradition.<sup>3</sup> The tradition has two strands. The first strand focuses on features of ordinary citizens. The towering early figure in this strand is Walter Lippmann. Born in 1889, a socialist by 1910, and advisor to presidents by 1916, Lippmann's most influential work was his 1922 *Public Opinion*. By this time, he'd lost both his early socialism and his faith in the American public. Lippmann (1922, 1) emphasized the disconnect between "the world outside and the picture in our heads" In his view, surely correct, "the real environment is altogether too big, too complex and too fleeting for direct acquaintance" (1922, 16). Ordinary citizens just could not know what he thought democratic theory required them to know. Lippmann's suggested solution, at the time, was to set up independent bureaus stocked with experts. These experts were to be tasked with informing both ordinary citizens and policymakers about what was going on in the world outside their heads.

Three years later, in his less read but more lucid *The Phantom Public*, his dour view of the American public had cemented. He insisted that "the individual man...does not know what is happening, why it is happening, what ought to happen" (Lippmann, 1925, 29). He did not think this was quite the fault of the individual man. He claimed "I have not happened to meet anybody, from a President of the United States to a professor of political science, who came anywhere near to embodying the accepted ideal of the sovereign and omniscient citizen" (1925, 10–11). Again, the problem was that the demands democratic theory made

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<sup>2</sup>See FiveThirtyEight (2021) and Collinson and Hu (2021).

<sup>3</sup>I take the observation from Achen and Bartels (2016, 9–12), although I construe this tradition somewhat more broadly than do they.

on ordinary citizens' knowledge could not be met. This wasn't ordinary citizens' fault, but nor were they entirely blameless. In his view, "the citizen gives but a little of his time to public affairs, has but a casual interest in fact and but a poor appetite for theory" (1925, 14–15). This led to a hardening of Lippmann's earlier position. The expert bureaus would no longer do. Instead "we must abandon the notion that the people govern...we must adopt the theory that, by their occasional mobilization as a majority, people support or oppose the individuals who actually govern" (1925, 61–62). The most influence the public could hope to have would be to decide between competing teams of governing elites.

Lippmann's sympathies, he said, were with private citizens. Schumpeter professed no such sympathies. Writing about seventeen years after *The Phantom Public*, Schumpeter claimed that "the typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again" (Schumpeter, 1942, 262). Schumpeter, like Lippmann, thought little of citizens' knowledge. But it wasn't just their knowledge which he thought was lacking: their rationality was deficient too. He took these deficiencies to be incompatible with what he called "the classical doctrine of democracy" (1942, 250). The non-classical doctrine he offered in its stead was similar to Lippmann's: he said that "democracy means only that the people have the opportunity of accepting and refusing the men who are to rule them" (1942, 284–285). Again, the putative defects of ordinary citizens confined them to the role of referee in elite competition.

Lippmann and Schumpeter's methodology was essentially journalistic. They kept up on current affairs. They talked to powerful people. They read history. They spent time in armchairs, thinking. This was simply the methodology of much of political science when they were writing. But, as they wrote, the scientific basis of the discipline was being transformed. The main innovation was survey sampling. This let a small number of survey respondents stand in for a much broader population. You could ask a thousand people questions and find out how a hundred million would have answered. These methods were pioneered by two groups: Paul Lazarsfeld and colleagues at Columbia University and Angus Campbell and colleagues at the University of Michigan. The work coming out of Columbia surveyed the members of small and wholesome communities like Erie, Ohio and Elmira, New York. They concluded that voters in such places had little interest in or knowledge of politics. They didn't vote on principles and exhibited little rationality (Berelson et al., 1954, 306–310). Such voters were "unable to satisfy the requirements for a democratic system of government outlined by political

theorists” (1954, 312). They were somewhat more optimistic about the system as a whole. They thought the flaws of individuals might wash out when it came to collectives. But their picture of individual citizens remained grim. There were no omniscient citizens to be found in Elmira.

The work coming out of Michigan was broader in scope. Campbell and his colleagues surveyed samples representative of the entire nation. But what they found was not all that different from what had come out of Columbia. In *The American Voter* they concluded by noting “the low emotional involvement of the electorate in politics; its slight awareness of public affairs; its failure to think in structured, ideological terms; and its pervasive sense of attachment to one or the other of the two major parties” (Campbell et al., 1960). This research supplemented rather than supplanted that from Columbia. This line was later pushed further by Philip Converse in his “The Nature of Belief Systems in Mass Publics” (1964). Amongst his most striking conclusions was that “large parts of an electorate do not have meaningful beliefs, even on issues that have formed the basis for intense political controversy amongst elites for substantial periods of time” (1964, 51–52). According to Converse, it’s not just that voters don’t know much about political issues. They didn’t care about them. In most domains, they had no preferences over government policy whatsoever.

In the last fifteen years this strand of the critical tradition has revived. One pillar of this revival has focused on the issues which occupied Lippmann and Schumpeter: how citizens engage cognitively with politics. The advantage these writers have is access to over half a century of survey data. Bryan Caplan (2007), on the back of such surveys, condemns citizens for their ignorance about economics. He puts this ignorance down to irrationality. It worries him because “irrational beliefs lead to foolish policies” (2007, 162). The misperceptions of ordinary citizens, in his view, makes government policy worse. Somin (2013) is also preoccupied with political ignorance. He concludes, again on the basis of survey data, that “current knowledge levels fall short of the demands of democratic theory” (2013, 61). Both he and Caplan think that the solution is smaller government: if ordinary citizens don’t know what they’re doing, the thought goes, they shouldn’t be allowed to do very much. Jason Brennan comes to more extreme conclusions. He thinks that the shortcoming of ordinary citizens mean that we should seriously consider giving democracy up altogether. He advises that we “experiment with various forms of epistocracy” (2016a, 204), where ‘epistocracy’ is a government in which “political power is formally distributed according to competence, skill and the good faith to act on that skill” (2016a, 14). He goes further here than the early Lippmann. Lippmann (1922) thought expert bureaus could help voters; Brennan thinks they

should replace them.

A second pillar in the revival is founded more in the concerns of the early practitioners of survey research. The peerless work in this pillar, and in this contemporary revival more generally, is Christopher Achen and Larry Bartels's *Democracy for Realists*. This is, at its core, a book about how people vote. They think that "all the conventional defenses of democratic government are at odds with demonstrable, centrally important facts of political life" (Achen and Bartels, 2016, 306). Those "conventional defenses" come down to populist and retrospective theories of democracy. The populist theory says that elections translate voters' policy views into government policy. The retrospective theory says that elections discipline governments. Voters punish incumbents for bad performance and reward them for good performance. Neither theory, they think, can provide an adequate defense of democratic government. And the demonstrable facts that they think refute such defenses concern voting behavior.

According to Achen and Bartels, populist theories fail in large part because voters simply do not vote on policy issues. They likely lack views on government policy. And, even if they have such views, the views don't guide their vote. Retrospective theories fail because voters are "blind" and "myopic." They're blind in the sense that they punish governments "willy-nilly for bad times, including bad times clearly due to events beyond the government's control" (2016, 304). They're myopic in the sense that they focus "almost entirely on income growth in the months just before the election" (2016, 16). This, they conclude, makes elections a game of "musical chairs" (2016, 312). It makes elections the random replacement of one raft of rulers for another. They themselves defend the view that "group ties and social identities are the most important bases of political commitment" (2016, 319). But they think that "compelling normative assessment" of democracy so-construed must await "a clearer empirical understanding of how group politics works" (2016, 325). Thus, they offer no such assessment.

That is one strand of the tradition critical of American democracy. The distinctive aspect of this strand is that it focuses on the shortcoming of ordinary citizens: what they know, how they reason, why they vote the way they do. The writers in this strand have found ordinary citizens lacking. Sometimes, that has made them skeptical of democratic institutions in general. But there is also a second, more disparate, strand in this critical tradition. The focus here is not on ordinary citizens but rather on elites: political elites, economic elites, corporate elites. The underlying thrust of work in this strand is that ordinary citizens are not being given a fair shake. Power in American is extremely unequally distributed. It is monopolized by a small number of people. It is in the hands of those atop important institutions

or those who hold great personal wealth. Writers in this strand of the tradition think that the chief failure of American democracy is the concentration of power in a small number of hands and the ownership of those hands. It does not lie mainly in the shortcomings of ordinary citizens.

Sociologists did much of the distinctive early work in this strand. Charles Mills (1956), in his book *The Power Elite*, argues that a small number of people make almost all of the important decisions in America. These people draw their power from their role in institutions: the government, corporations or the military. According to Mills they form a social class. They marry one another and share a common outlook on the nation's problems. William Domhoff (1967), another sociologist, took a similar view. He suggested that it was economic and corporate elites who really hold political power in the United States. His story, developed in detail in later editions of the same book, is that such people finance foundations and think-tanks. These shape the space of acceptable policy proposals. And they finance campaigns, especially primary campaigns. This ensures them receptive ears in office. In neither story is there much room for influence by ordinary citizens. Both stories take political power, in America, to be distributed very unequally.

Recently, influential work in this strand has focused on economic elites. Both Larry Bartels (2008) and Martin Gilens (2012) have argued that economic elites—the rich—have much more influence than everyone else. Larry Bartels looked at who elected officials respond to. He claims that the “the modern Senate comes a good deal closer to equal representation of *wealth* than to equal representation of *citizens*” (Bartels, 2016, 245). Martin Gilens looks at who policy responds to. He claims that “the preferences of the vast majority of Americans appear to have essentially no impact on which policies the government does or doesn't adopt” (Gilens, 2012, 1). They both, like Domhoff, think that economic elites have disproportionate power over American government. This, they understandably point out, is at sharp variance with egalitarian democratic ideals.

Elmer E. Schattschneider's *The Semisovereign Public* provides a somewhat different critique of American democracy. Schattschneider was no all-things-considered critic of American democracy. He thought that complaints about said democracy were driven in large part by “simplistic definitions of democracy” (Schattschneider, 1960, 134). But he had some sharp words to say about a then-dominant, sunny, picture of democracy in America: the pluralist picture. On this picture, policy was the product of conflict between interest groups. And that meant power was not unequally distributed. The idea was that everyone had roughly equal access to the interest group system. Schattschneider's thoughts ran to the contrary: in his famous words: “[t]he flaw in the pluralist heaven is that the heavenly chorus sings with a

strong upper-class accent” (1960, 35). The interest group system, he thought, was dominated by the wealthy and by corporations. It was not fertile ground for the egalitarian aspirations of American democracy.

Some contemporary work pushes forward the critique of interest group representation. Schlozman et al. (2012) take up essentially Schattschneider’s complaint. They find that it is richer, better educated Americans who petition their representatives and take part in interest groups. They themselves conclude that “[n]ot only is the heavenly chorus of voices not inclusive of all but it is also not representative” (2012, 575). Theda Skocpol advances a different critique of the interest group system. In her telling, there was a time when civic life in America was dominated by vast membership associations with a cross-class membership. But membership has turned to management: “old civic America has been bypassed and shoved to the side by a gaggle of professionally dominated advocacy groups ” (Skocpol, 2003, 291–92). She thinks that such groups have little connection to the wider public. They are certainly not representative of that public.

So there are two strands of the critical tradition. One strand focuses on the shortcomings of ordinary citizens. The other focuses on the concentration of power in the hands of a small number of elites. There are two important things to notice about this tradition. The first is that in neither strand do writers make much of intrinsic democratic values. Sometimes, as in the case of Brennan (2016a), they explicitly deny that democracy has intrinsic value. But more often they simply omit discussion of such values. In some cases, that omission leaves little real doubt about their view. Caplan (2007) is an example. He never says that he thinks democracy lacks intrinsic value. But it is hard to believe that he doesn’t. His exclusive focus on the alleged policy consequences of our shortcomings belie any such belief. In other cases, the omission leaves room for mountains of doubt. Consider Skocpol (2003). When she comes to explain why the decline of associations in civic life matters, she says that it “promotes trivial polarization [and] skews national politics and public policy toward the values and interests of the privileged” (2003, 236). She later also suggests that it’s responsible for declining trust in government (2003, 245). These connect to important values. But it’s most natural to interpret them as instrumental values. What she thinks about democracy’s intrinsic value is left unspoken.

Consider, as a final example, Achen and Bartels (2016). They clearly think that retrospective theories grant instrumental value to democracy. They say that the truth of such theories would mean that voters could “select competent leaders and discipline those leaders to pursue the voters’ well-being” (2016, 115). Democracy, in this case, would promote citizens’ welfare. But one searches their great

book in vain for such a clear statement about populist theories. At points they allude to its connection to the consent of the governed, to elite domination, to human dignity and to simple good government (2016, 1, 88, 297, 297). If you squint right, some of these look like intrinsic democratic values. But whether one should squint is left inscrutable. They give no guidance for how their empirical findings connect to intrinsic democratic values. The underlying issue here is that writers in the critical tradition have mainly been social scientists. These social scientists have found out interesting, important things about how American democracy works. But they have neither the interest nor, often, the training in normative ethics to connect these findings to intrinsic democratic values. So they have remained almost entirely silent about the upshot of their work for the fundamentally normative parts of democratic theory. They have provided the empirical work. But they have come up short on its normative consequences.

There is a second important thing to notice about this critical tradition. This comes to what these writers have inferred from the failures of American democracy. Some have inferred nothing. They've been content to lay out these failures without further comment (Campbell et al., 1960). But more often further comment has been forthcoming. That comment has exclusively fixed on institutional design. The more provocative members of the critical tradition think that the failures of American democracy mean that we should snuff out democratic decision making. Caplan (2007) and Somin (2013) both suggest that we should scale back government. Lippmann (1922) and Brennan (2016a) both claim that we should cede power to experts. Less provocative writers are satisfied with suggesting more mundane reforms. Achen and Bartels (2016, 326) propose campaign finance reform. Skocpol (2003, ch.7) proposes we draw more people into politics. But democratic values, many people think, do not just have implication for institutional design. They have implications for our normative status as citizens: whether we ought to obey the law, whether those laws can be permissibly enforced, how we should vote, in what ways we should interact with our fellow citizens. And so, one might think, the failures of American democracy also have implications for this normative status. But one will not find that further thought in the existing critical tradition. As it stands, it is fixated on issues of institutional design.

The failures of American democracy do have consequences for institutional design. I will explore some of these consequences in this book. Some of these consequences have already been pointed out by some of these writers; some have not. But the more novel contribution I make to this tradition concerns these other two points. I aim to explain how the failures of American democracy impair its intrinsic value. And I aim to explain how these failures affect the normative status

of those subject to the American state.

## The Plan

The book is split into four parts. Part I concerns democratic ideals and their import. In Chapter 1, I present an account of what makes democracy intrinsically valuable: equality and self-rule. The notion of equality in play is a relational one. Democracy, I think, helps prevent objectionable inegalitarian relationships and bring about attractively egalitarian ones. The notion of self-rule in play is rooted in joint intentions. Democracy can make government policy manifest our collective intentions. In Chapter 2, I explain how these values can provide a foundation for the authority and legitimacy of democratic states. But, when it comes to authority, I argue not only can they provide such a foundation, they are also prerequisites for some accounts of authority—associative, fair plays, promissory and gratitude accounts—which don't *prima facie* seem especially democratic. Moreover, so I argue, the lack of one of these values—equality—gives us reason to avoid obeying the law. The upshot of this is that realizing high levels of democratic value looks good for legitimacy and essential for authority. Their lack is bad news for both. Authority and legitimacy hinge on democracy.

Part II and Part III make up the core of the book. The chapters in these parts are organized around specific democratic failures. In Part II we focus on features of political elites. In Chapter 3, I argue that political elites—officeholders—are essentially free from popular control. This creates an acute egalitarian problem between elites and ordinary citizens. I argue that this provides a weighty defense of directly democratic institutions. In Chapter 4, I argue that government policy is disproportionately responsive to the preferences of the rich and the positions of interest groups. Both, I argue, sap self-rule and exacerbate the egalitarian problem. How to deal with this is not completely obvious. But I suggest campaign finance reform is an obvious start. In Chapter 5, I explore how two temporal phenomena affect the achievement of democratic values. The first phenomenon is that parties alternate in power. The second phenomenon is that the party in power finds it hard to change the status quo. The first mainly threatens equality; the second mainly threatens self-rule. And these threats, I argue, can be defused by direct democracy and minority vetoes. So the shortcoming of political elites gives us guidance on several questions of institutional design.

In Part III we move to the features of ordinary citizens. In Chapter 6, I discuss our cognitive shortcomings. We're ill-informed: we don't have accurate beliefs

about political matters. We're irrational: we bend the evidence to see our side in the best possible light. And we're malleable: we take our policy preferences from political elites. I argue that these pose their most serious problem for the achievement of self-rule. In Chapter 7, we turn to political polarization. I distinguish four kinds of polarization: ideologically divergent parties, hostility between cross-partisans, the way officeholders weigh partisan advantage above good policy, and the growing authoritarianism of the Republican Party. The first is good for self-rule. But the latter three are very bad for democratic equality. They are incompatible with the existence of certain positively valuable egalitarian relationships between cross-partisans. In Chapter 8, we look at voting behavior. I assess what drives Americans when they vote in national elections. Their motivations, I think, fit uneasily with democratic values. They're rarely driven by policy issues. They're instead more driven by incumbent performance and group affinities. I argue that the latter in particular truncates both the achievement of self-rule and the attainment of positively valuable egalitarian relationships. When people vote on the basis of group identities, they often impair the attainment of democratic values.

The final part of this book, Part IV, is a short summary and synthesis. I sum up the picture of American democracy I've painted in the previous chapters and make clear the consequences this picture has for both institutional design and the normative status of those subject to the American state.

**Part I**

**Ideals and Their Import**

# Chapter 1

## Democratic Values

### 1.1 Introduction

What makes democracy valuable? Why is democracy better than autocracy? There are two ways to answer these questions. The first focuses on instrumental values. We could look at the causal consequences of democracy. We could look at whether democracy make a country richer, safer, more peaceful, less corrupt. Much has been written on each issue. Some people think democracy does have these good effects. Others are not so sure.<sup>1</sup> The second focuses on intrinsic values. Intrinsic values make something valuable for reasons besides their causal consequences. Beauty, friendship, pleasure are all intrinsic values. Wealth, thrift, efficiency are all instrumental values. The former are good in themselves; the latter are only good because of their consequences. Thus, we could look at democracy's intrinsic value. It's this second tack I'll take in this chapter. I aim to outline why democracy is appealing independent of its consequences.

My account of democratic values is pluralistic. On the one hand, democracy helps realize equality. I construe this in relational terms: democracy improves the ways that citizens relate to one another. This has a negative and a positive aspect. Negatively, democracy helps undermine objectionably inegalitarian relationships, relationships akin to caste hierarchies. Positively, democracy helps promote attractive egalitarian relationships, relationships akin to friendship. On the other hand, democracy helps realize self-rule. It helps ensure that political affairs manifest the will of the people. This too has a positive and a negative aspect. Negatively,

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<sup>1</sup> For a recent critical survey, see Doorenspleet (2019). For a less critical less recent survey see Marquez (2017, ch. 9).

democracy helps mitigate the standing threat government coercion poses to its citizens' freedom, the threat coercion anywhere poses to freedom. Positively, it helps realize an attractive kind of collective autonomy, a notion of autonomy on which citizens are joint authors of their social and political affairs. These two values—equality and self-rule—are independent; neither reduces to the other. Both help make democracy superior to autocracy.

This chapter outlines this conception of democracy's intrinsic value. But we'll start with two preliminary issues. First, I want to make explicit my methodology. My evidence for this account of democratic values is rooted in our judgements about cases. Partly, these are personal cases: our judgments about interpersonal relationships, for example, can ground an account of democratic equality. Partly, they are political cases: our judgements about political systems in which nobody has any power, for instance, can motivate an account of self-rule. My aim is to construct an account of democratic values that draws support from the former judgements and does justice to the latter. Such an account is grounded in moral intuitions about our personal lives and explains, in as simple and elegant a way as possible, our intuitions about political cases. The further chapters of the book provide additional abductive support for this account of democratic values. The account helps us explain the connections between democracy, authority and legitimacy, and it helps us illuminate the nature of what do intuitively seem like democratic failures. I take this to be weighty evidence in favor of this account of democratic values.

This way of proceeding is better at identifying intrinsic democratic values than at providing an exhaustive account of such values. I will argue that my account of democratic values is better than expressivist accounts of these values (Section 1.2.8) and better than Republican account of these values (Section 1.3.6). But many other explanations of democracy's intrinsic value have been advanced. Some think making political decisions through deliberation is intrinsically valuable; others that resolving disagreement through voting is valuable in itself; still others that majorities getting what they want is of such value. My view is that the value of these things can all be reduced to that of equality and self-rule. I suspect that deliberation is valuable, for example, only insofar as it contributes to self-rule or democratic equality. Democratic deliberation on inegalitarian terms, and which had no connection to policy, would not, I think, be intrinsically valuable. Yet discussing each of these values in depth is a quixotic (and somewhat interminable) project. It is unfeasible to explain, for every account of democratic values, why it is inferior to my own. So I focus on a more constructive project: my goal is to develop an account of what makes democracy intrinsically valuable that it is attractive on its own terms.

Second, I want to explain nomenclature. One way to define democracy is by ostension. One points towards a list of countries—the United States, the United Kingdom, Chile, Germany—and says that *those* are the democracies. One then adds that any sufficiently similar country is a democracy too. In practice, I think this is what motivates definitions of democracies in terms of lists of institutions: elections, political competition, universal suffrage, protected rights. These are just the institutions that countries like the United States tend to have.<sup>2</sup> A second way of defining democracy is normatively. One spells out some political values. One then says that a political system is a democracy just in case it attains high levels of those values. This is perhaps the type of approach which leads people to off-handedly deny that there are any democracies.<sup>3</sup> One might, for example, say that a democracy is a political system which achieves high levels of equality and self-rule. Let's call these the *ostensive* and *normatively ideal* definitions of democracy respectively.

I aim for a middle route. I'll use 'democracy' to refer to any political system in which people have roughly equal influence over what government does and that influence collectively determines what government does. Call this a *non-normatively ideal* definition of democracy. This is a non-normative definition in that no normative terms appear in it. It's an ideal definition in that there's no presumption that any real-world political systems meet this definition. How does this definition of democracy connect to the other definitions? Well the ostensive democracies look like they're in an especially good position to be non-normatively ideal democracies. If there are any political systems in which influence is equal and that influence drives government action, they're amongst the ostensive democracies. The connection between non-normatively ideal democracy and normatively ideal democracy is the topic of this chapter. I'll argue that non-normatively ideal democracies are in a better position to be normatively ideal democracies. Being a democracy in this sense facilitates things of real value. But I do want to stress that nothing hinges on definitions. They just put us in a good position to talk about attractive political values. What matters is that we're clear on the terms we're employing, not exactly how we choose to define democracy.

With this in mind, we will start by seeing how democracy connects to equality.

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<sup>2</sup>The most influential such definitions are Freedom House and Polity scores. See House (2018) and Marshall et al. (2017).

<sup>3</sup>Dahl (1972) is an example.

## 1.2 Democratic Equality

Democracy, it is often thought, is valuable because it is egalitarian. It realizes equality in some special sense, a sense which other political systems do not. But what is the sense? And why is this valuable? In this section, we'll spell that out. The picture is this: some relationships are objectionably inegalitarian and others are attractively egalitarian. The former are relationships of subordination and domination, of social inferiority and superiority. The latter we can think of along the model of friendship. Objectionably inegalitarian relationships are constituted by inequalities of power, and positively valuable egalitarian relationships are incompatible with such inequalities. Democracy involves equality of a very important kind of power: political power. So it helps preclude a bad sort of relationship while facilitating a good sort of relationship. There are thus two aspects to democratic equality: a positive and a negative aspect. We will start by fleshing out the negative aspect of democratic equality.

### 1.2.1 The Negative Egalitarian Ideal

The negative aspect of democratic equality consists in the fact that democracy can help us avoid objectionably inegalitarian relationships. To get a grip on the nature of these relationships, it is useful to think about paradigm cases. Consider a master-slave relationship. Masters have enormous power over their slaves: they can control what their slaves do. This power is backed, usually, by physical coercion. They beat the slave if the slave does not do what they say. Other paradigm cases include the relationship between lord and peasant, Brahmin and Dalit, and husband and wife in Victorian Britain. In all these relationships, one person is dominant and the other is subordinate; one is superior and the other is inferior. Such relationships are bad in themselves, and people have a claim against being in them. Democracy helps expunge such relationships.<sup>4</sup>

What constitutes objectionably inegalitarian relationships? The key idea is that they are, at least in part, constituted by inequalities of power. A master has enormously unequal power over their slaves. They can determine what their slave does, but their slave cannot determine what the master does. Those in upper castes have more power than those in lower castes: an individual Brahmin has more power

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<sup>4</sup>This sort of view comes from Kolodny (2014b). He spells out the underlying idea in his forthcoming book *The Pecking Order* at great length. Note that Kolodny closely links the idea to social inequality. But not all inegalitarian relationships involve social hierarchies (see n.9), and so I prefer to think of social inequality as a particular sort of more general inegalitarian relationship.

over other people than does an individual Dalit. In Victorian Britain, a husband had more power of his wife than the wife did over the husband. Such power inequalities constitute inegalitarian relationships in the sense that they non-causally explain their existence. The power inequalities needn't have the inegalitarian relationships as a causal consequence; rather, they metaphysically ground them. The connection between the two is akin to that between crimson and red or an object and its parts: it is a connection of metaphysical dependence.<sup>5</sup> Moreover, the deeper the inequality in power the more inegalitarian the relationship: how unequal a relationship is is an increasing function of how unequally power in it is distributed.

Let me be explicit about the way in which such relationships are objectionable. In part, they are bad in themselves. This should be construed axiologically. Inegalitarian relationships are a constituent of ill-being. Being in an inegalitarian relationships makes your life worse in the same sense that pain or failure makes your life worse.<sup>6</sup> Yet inegalitarian relationships have an independent deontic significance. People have claims against being subjected to inegalitarian relationships. They have a claim against being subordinated. That means that people owe it to us not to subordinate us: a slave master owes it to their slaves to free them. Additionally, it means that people owe it to us to free us from subordination. Northerners in antebellum America owed it to the slaves to free them, even if they didn't play a direct hand in their subordination. This claim is not simply grounded in the fact that inegalitarian relationships are bad for people. People have a claim against being in an inegalitarian relationship whether or not being in such a relationship is bad for them overall.

Such claims are weighty and enforceable. They are weighty in that they routinely outweigh other moral considerations. Even if you have promised to enslave someone, or even if it would have good consequences overall, enslaving them is a very serious wrongdoing. They are enforceable in that we can coerce people in order to stop them from subordinating others. Slaves are permitted to visit violence against their masters in order to free themselves, as are third-parties on their behalf. Plausibly, claims against subordination are also inalienable. One cannot permanently waive such a claim. This is clear in cases of extreme subordination: one cannot validly consent to be enslaved. Even if one appears to consent to such enslavement, one retains one's claim against subordination. But, even in less extreme cases, one cannot alienate one's claim against subordination. Perhaps one

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<sup>5</sup>For more on such connections, see Rosen (2010) and Fine (2012).

<sup>6</sup>For more on ill-being, see Kagan (2015).

can consent to someone having some power over you. But you retain your right to withdraw your consent at any time you want. In this sense, claims against subordination are a little like claims to physical integrity. One might be able to consent to someone punching you (in a boxing match, for instance), but one retains one's ability to withdraw such consent at will.

That serves to clarify the notion of an inegalitarian relationship. How does democracy help preclude such relationships? Well, as we've said, inegalitarian relationships are in part constituted by inequalities of power. Democracy involves the equalization of a specific kind of power: political power. Political power is an enormously important type of power, so this is extremely helpful in equalizing power more generally. Kolodny (2014b, 303–7) explores at length why political power is so important. The key things are its inescapability and its finality. It's inescapable in that one can't avoid being subject to it in the way one can avoid being subject to, for instance, the power of General Motors. It's final in that the distribution of political power tends to determine the distribution of other types of power. Thus the equalization of political power helps with the equalization of power *tout court*. Democracy thus combats a constituent of inegalitarian relationships. That means democracy helps free people from being subjected to inegalitarian relationships. It combats a particularly potent source of such relationships: inequalities of political power. The negative aspect of democratic equality, then, consists in the way in which democracy helps us avoid objectionably inegalitarian relationships.

In the rest of the section, I'll defend and develop this negative egalitarian ideal.

### 1.2.2 Are Inegalitarian Relationships Bad?

I've just claimed that inegalitarian relationships are bad in themselves and people have a claim against being in them. This is motivated by our intuitive reaction to certain cases. Master-slave relationships, for example, seem very bad. Yet one might resist the inference from these intuitions to the claim that inegalitarian relationships are intrinsically bad. One might instead explain these intuitions instrumentally: perhaps inegalitarian relationships have bad consequences but are not bad in themselves. In this section, we'll explore this line of thought. The most straightforward way to execute it rests on the observation that being subject to asymmetric power often detracts from one's well-being. When someone has power over you, their interests often get given more weight than your own. They often use that power in a way that advantages them more than you, and this makes you worse off. It means you get less of the good things in life: you get fewer pleasurable experiences, less successful projects, a smaller window of leisure time.

This, one might think, wholly explains our disquiet about relationships of subordination. Such relationships are not intrinsically bad: they are merely instrumentally bad. They tend to have bad consequences.

I think this is incorrect. To see why, it is enough to notice that instrumentally good inegalitarian relationships can still be bad. Imagine a benevolent and wise slave master, one who cares deeply about the well-being of their slaves and is far wiser than those slaves themselves. Being benevolent, the master tries to create an environment where their slaves can live a flourishing life. And, due to their wisdom, they are far better able to create this environment than are their slaves. The master is a better judge of what's good for the slaves than the slaves are themselves, and so they occasionally interfere in the lives of their slaves for their own good. As a result, the slaves live better lives than they would were they free: they have more meaningful relationships, more valuable projects, more ecstatic experiences. In this case the inegalitarian relationship is instrumentally good.<sup>7</sup> But there is still something deeply objectionable about the relationships. The world would be better in one respect were the slaves free, and the slaves have a claim on their freedom. Thus, the problem with inegalitarian relationships is not merely that they tend to instrumentally detract from people's well-being.

Let's consider a second way to execute the thought that inegalitarian relationships are merely instrumentally bad. One might think that the problem with them is that they involve coercion. Here the idea is again that inegalitarian relationships are not bad in themselves. But to sustain them one needs to employ violence or the threat of violence. So inegalitarian relationships are instrumental in facilitating such serious wrongdoings. This has some applicability in the case of slavery. Master-slave relationships were typically underpinned by violence, and thus the existence of such relationships went hand-in-hand with coercion. But that doesn't cover all sorts of relationships. Imagine someone has a rare and deadly illness, and you synthesize a cure. You are not willing to simply give them this cure. Instead, you use it to wield power over them. You get them to do whatever you say because, if they don't, you will no longer provide them with the life-saving medicine. Here you are neither inflicting nor threatening violence on the person you control. Yet this is an objectionable inegalitarian relationship. So, the objectionability of such relationships is not solely due to their association with violence.

Some more realistic cases cement the point. Consider the sorts of hierarchies that often emerged in pre-state communities. Such communities were often organized into different kinship groups, or clans, and some clans would have more

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<sup>7</sup>This is a slightly modification of the case in Pettit (1997, 22–23).

power than others. These power inequalities would be enforced by the fact that clans higher up the hierarchy had proprietary access to more rituals. These rituals might determine whether it was safe to fish in a certain place or, more momentarily, whether a child could become an adult (and so marry). They could only be performed by members of the ruling claim, that these members would threaten to withhold access to them to people who displeased them.<sup>8</sup> Such withholding against doesn't involve coercion in any obvious sense. Ruling clans weren't threatening to kill or physically punish anybody else. They were just threatening to withdraw their spiritual services. Nonetheless hierarchies in these contexts were still objectionably inegalitarian. The members of inferior clans had a claim against being subjected to the power of those of superior clans, and such subjection was bad for them. This cements the conclusion that the problem with inegalitarian relationship is not merely a problem with coercion.

One might think that inegalitarian relationships are intrinsically bad while still resisting the claim that inequalities of power are intrinsically bad. The clearest way to do this is to deny that inegalitarian relationships are constituted by inequalities of power. One might instead think that they are solely constituted by certain patterns of expressed deference and subservience. Kolodny (2014b, 296–98) calls such actions and attitudes 'consideration'. We show people consideration when we have certain positive responses to them. We defer to them or are especially courteous to them. We bow or scrape to them, and we give their interests special weight in our deliberations: we are unwilling to sacrifice their well-being for the equal good of other people. Inequalities of power may be causally connected to disparities of consideration: we tend to show more consideration to people with more power. And one might think that this exhausts the import of inequalities of power. Inegalitarian relationships, the thought goes, are solely constituted by disparities in consideration. On this view, inegalitarian relationships may still be bad in themselves; but the inequalities of power that democracy preclude are merely instrumentally bad.

However, this view seems untenable. Inequalities of power can rest on brute force alone. Such inequalities might give rise to no disparity in consideration, yet still create objectionably inegalitarian relationships. Imagine, for example, that a kidnapper takes some people in his basement with the aim to extract a ransom. The victims do what the kidnapper says, because the kidnapper threatens to shoot them if they don't. But the victims aren't happy about it, and they make their displeasure very clear. They insult the kidnapper, they tell him about the low regard they hold

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<sup>8</sup>For this description, see Henrich (2020, 112–21).

him in, about what the disgust with which they see him. In this case, the kidnapper receives rather less consideration than a normal person. Yet, still, the inequality of power seems bad. The mere fact that the kidnapper holds enormous power over his victims, even if he does not exercise it to extract genuine consideration, generates an inegalitarian relationship. The only explanation for this seems to be that asymmetries of power constitute, rather than merely cause, such relationships. Inegalitarian relationships can be generated by inequalities of power alone.<sup>9</sup>

How, then, does consideration matter to inegalitarian relationships? It is perfectly consistent with my account of democratic values to suggest that it is an independent constituent of such relationships. But there are two problems with this view. First, it is extremely difficult to articulate a general account of the responses associated with inegalitarian relationships. I simply gave a list before. Kolodny does not do much better. He says that consideration consists in “those responses that social superiors characteristically attract” (Kolodny, 2014b, 297). This is obviously not an illuminating account of the notion: as he himself says, such an account is “elusive” (ibid). All that suggests that there is no very natural or unified notion of consideration relevant to inegalitarian relationships. And that means treating consideration as a constituent of such relationships greatly complicates our account of such relationships. It would be more elegant if we could explain the import of such responses in another way.

Second, it is intuitively doubtful whether receiving more consideration always tends to make one a superior. Evaluating this is complicated by our poor grasp on the notion of consideration. But suppose that caring as lot about someone’s interests involves showing them consideration. It seems that someone’s interests can be weighed very heavily by others without this making them a superior. Consider, for instance, how women were to be treated according to traditional norms of chivalry. Women’s interests were meant to be attended to with priority: women should be allowed on lifeboats first; men should open doors for them and pull out chairs for them. But men need not, according to these norms, listen to what women say. The first thing would not counterbalance the second. The fact that, in a chivalrous world, women’s interests would be attended to does not compensate for the fact that would have deeply asymmetric power over women. This suggests that consideration, at least of this form, does not tend to make someone a superior. Disparities of consideration are not, then, a constituent of inegalitarian relationships in the same sense that inequalities of power are.

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<sup>9</sup>This case is also an example of an inegalitarian relationship without any obvious social inequality.

These two concerns motivate a different account of how consideration connects to inegalitarian relationships. For a start, some kinds of consideration constitute power. When we're disposed to defer to someone, to obey their commands or comply with their requests, that just consists in that person having power over us. There is no need to think of these forms of consideration as an independent constituent of inegalitarian relationships: their import can be subsumed into that of power. Additionally, some other kinds of consideration are a reliable causal consequence of inequalities of power. As I mentioned, we tend to treat the interests of those with more power as of special weight. These kinds of consideration, then, can be thought of as a byproduct of inegalitarian relationships, rather than constitutive of them. I suspect that this exhausts the import of consideration. Disparities of consideration make no independent contribution to inegalitarian relationships: they are either a kind of power or a byproduct of it. To stress, one needn't adopt this view for my account of the negative aspect of democratic equality to go through. But it seems to me the best view. And it makes possible a particularly straightforward account of inegalitarian relationships. Such relationships just consist in inequalities of power.

### **1.2.3 What is Power?**

In the previous section, I defended the normative significance of inequalities of power. In this section, we'll explore how power should be understood. I favor an account of power that conceives of it as the ability to affect what other people do. A master has a broad and very wide-ranging ability to affect what their slaves do: if the master tells their slaves to do some jump, then they will jump. If a master tells their slaves to sit, they will sit. The slave has a much more limited ability to affect what the master does. They can, perhaps, induce the master to punish or reward them, but they lack fine-grained control over their master's behavior. We see similar asymmetries in other cases of asymmetric power. Husbands in Victorian Britain generally had much more control over their wife's behavior than vice versa. The laws of coverture gave the husband control over the wife's use of property, as well as her ability to enter into legally binding agreements. Similarly, those in higher castes have more impact on the behavior of those in lower castes than vice versa: Dalit's are often expected to obey Brahmins, but Brahmins are expected to ignore Dalits. Power, in my view, consists in such an ability to affect

behavior. I will call this the *behavioral account* of power.<sup>10</sup>

Let us flesh out the account a little more. For a start, notice that power is an ability. One can have power over someone without actually affecting what they do: one must merely be able to affect what they do. This is most straightforwardly understood in terms of causal counterfactuals. One has power over whether someone does something if, were one to try to get them to do the thing, that would make them more likely do it, and were one to try to stop them to do the thing, that would make them less likely do it. How much power one has over someone with respect to some actions depends on how much one's efforts change the chances of them doing that action. We should say that one has more power over someone insofar as one has power over them with respect to more actions. We will also want to weight these actions by importance: being able to determine whether someone becomes a banker or a philosopher matters more than being able to determine whether they eat vanilla or strawberry ice cream. We can think about importance in terms of how one's actions affect the general character of one's life. One's career choice has a big impact on what one's life is like: being a banker is very different from being a philosopher. One's choice of ice cream does not. Hence, the former is more important than the latter. Thus, the behavioral account says that power is the ability to impact important behavior.

I want to compare this conception of power with two alternatives. One natural alternative conceptualizes power in terms of well-being. On this view, one has power over someone insofar as one can affect their well-being: one can make their life better or worse. Call this the *welfarist account* of power.<sup>11</sup> A second alternative conceptualizes power in terms of choice-sets. On this view, one has power over someone insofar as one can affect their choice sets: one can expand or restrict their options. Call this the *choice-set account* of power.<sup>12</sup> To decide between these accounts, we must decide which the notion power matters to inegalitarian relationships: our aim is to give an account of power such that inequalities of power constitute inegalitarian relationships. All these accounts draw plausibility from some of our paradigm cases. They all work, for example, in master-slave cases: masters can affect the well-being and alter the choice-sets of their slaves, just as they can impact their behavior. Yet the behavioral account of power, it seems to me, much better capture our judgements about other cases.

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<sup>10</sup>This was the dominant account of power among social scientists writing mid-century. See e.g. March (1955), Dahl (1957) and Harsanyi (1962). More recently, Lovett (2010, 75) and Forst (2015) adopts essentially this position.

<sup>11</sup>For this view, see Goldman (1972, 258) and Lukes (2005, 29–38).

<sup>12</sup>See Allen (1998, 38) and Pettit (2012, 26–74).

The chief advantage of the behavioral account is that it captures the intuitive import of defiance. Defying someone consists in ignoring their commands. Intuitively, such defiance neuters the subordinating import of power. Imagine, for example, that a dictator commands your obeisance. They demand that you bow down to them, that you show them deference. One way to avoid being subordinated in this case is to ignore the dictator's commands: to refrain from abasing yourself. This might be very personally costly for you: the dictator might punish you for your defiance. But your defiance prevents the dictator wielding the sort of power over you relevant to inegalitarian relationships. You would be much more their subordinate, much more their inferior, if you meekly complied with their command. By standing up for yourself you strike a blow against their domination. The point generalizes. Suppose you defy a prison guard, a bully or a boss: your boss tells you to do some odious task, and you finally tell them to shove it. You do not do as they command. In all such cases, defiance seems to ameliorate your subordination. When you defy someone, you prevent them imposing an inegalitarian relationship on you. Neither welfarist nor choice-set accounts can capture this. Defying someone doesn't stop them from hurting you or restricting your options. It stops them from affecting your behavior. Thus, the behavioral account of power uniquely captures how defiance undermines subordination.

There are other, more specific, problems with the welfarist and choice set accounts. First, one can have power over someone without being able to impair their welfare. Let's suppose you are deciding whether to be a banker or a philosopher. Neither will be a clearly better decision than the other. Your life as a banker will be no worse than your life as a philosopher and vice versa. This is simply because the sorts of value you achieve in the philosophical life are very different from those you achieve in the commercial life. That means the two lives are incomparable (or perhaps on a par): neither is better than the other, but nor are they equally as good. They are too different to straightforwardly compare.<sup>13</sup> Yet now imagine that your professor wants you to become an academic. They contact their friends in the banking industry (ex-students) and ensure that you cannot get a starting position. They scotch your career opportunities in banking. By hypothesis, this doesn't affect your well-being: neither the life of the banker nor that of the philosophy is better. But this is a naked exercise of power, and their ability to do this subordinates you. The problem generalizes: one can subordinate someone by being able to affect their important choices, even when those choices don't affect their well-being. The welfarist account does not capture this; the behavioral account does.

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<sup>13</sup>For discussion of such cases, see Chang (2002).

Second, it seems possible to have power over someone while not being able to affect their choice-sets. To see this, consider the censorship and propaganda organs in autocracies. The autocracy might censor information that makes it look bad and trumpet its various political successes. This affects how citizens perceive their options. When the regime's propaganda makes citizens convinced that it has performed well, this makes them see supporting the regime more positively, and so makes their support more forthcoming. But the propaganda alone need not restrict citizens' choices. Citizens may be just as able to oppose the autocracy as they would be without the propaganda, it is just that they no longer want to oppose the autocracy. This is a case in which power is had and exercised, and in which the propaganda chiefly subordinate the citizenry. Again, the problem is general: one can subordinate someone by manipulating their view of reality without actually restricting their options. The choice set account does not capture this: the behavioral account, again, does.<sup>14</sup>

In sum, it seems the evidence strongly the behavioral account over these alternatives: we should see power as the ability to affect people's behavior.

#### 1.2.4 What Kinds of Power Matter?

I've argued that power consists of the ability to affect people's behavior. But that ability comes in many kinds. Do all such kinds generate inegalitarian relationships? In this a section, we'll explore that question. Let's start by looking at a restrictive view about the sorts of power that affect people's relationships.<sup>15</sup> This view says power inequalities are bad only when they are based in certain attitudes. The relevant attitudes concern moral standing. The idea is that a power inequality constitutes an inegalitarian relationship only if it is based in people's judgements about moral inequality. Suppose, for example, that I have power over you but not because anyone thinks I have superior moral standing to you: the thought is that this is not bad. The notion of 'moral standing' here is a bit of a placeholder; fill it in as you like. One way to fill it in is to construe it as how weighty people judge the reasons grounded by the someone's commands to be. Judging these reasons to be relatively weighty is tantamount to judging them to have higher moral standing. But there are other ways to construe moral standing. The differences won't much matter for our purposes. The basic idea is just that the initial inequalities

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<sup>14</sup>One can of course expand the choice-set account by defining this as restriction on choice sets (as in e.g., Pettit (2012, 54–56)). But this is a purely ad hoc expansion of the account, and so reduces the appeal of the general approach.

<sup>15</sup>I discuss some other restrictive view in 3.4.

have to be based in certain judgements of unequal moral worth. Only when power inequalities are grounded in such judgements do they give rise to objectionably inegalitarian relationships.

This view is patently too restrictive. Sometimes, power inequalities might be grounded in such attitudes; caste hierarchies, for example, may often be associated with the judgement that upper-castes are worth more than lower-castes. But often power inequalities are grounded in sheer brute force. Consider a quotidian case of slavery. Suppose a slave is a slave not because anyone agrees that the master has elevated moral worth, but rather because the master has access to the means of coercion. If the slave stopped taking orders or tried to flee, they'd be physically punished. Many actual systems of slavery have had this character; people haven't always taken masters to be morally superior to slaves, they have sometimes just taken them to be luckier. Yet that obviously doesn't make such systems anodyne from the egalitarian point of view. Slavery based in brute force still generates deeply objectionable inegalitarian relationships. This suggests that the restrictive view under discussion sharply clashes with our intuitions. It is better to take a broader view: whenever there is an asymmetric ability to affect behavior, there is an inegalitarian relationship.

It is important that this restrictive view is false. If true, it would erase the evaluative distinction between democracy and autocracy. That is because there seem to be relatively few contemporary non-democratic societies in which inequalities of power are based in beliefs about moral inequality. Consider, for example, contemporary China. Suppose you ask ordinary Chinese people why the Communist party gets to decide what to do. Anecdotally, they don't mention the elevated worth of Chinese Communist Party (CCP) cadres. They sometimes mention power flowing from the barrel of a gun. Often, they mention how well China has done during the reform era. They mention those six hundred million people lifted out of poverty. Neither amount to beliefs about moral inequality. Similar points go for many contemporary autocracies. After all, over ninety percent of people live in countries which claim, in their constitutions, to be democracies (Marquez, 2017, 22). Only Brunei and Saudi Arabia explicitly embrace autocracy (2017, 24). Thus, were this view true, we would have little egalitarian objection to the form autocracy actually takes in the modern world. That we do is underpinned by the fact that power inequalities can be bad regardless of whether they are underpinned by beliefs about moral inequality.

I want to consider another sort of restrictive view. One might think the welfarist view in the previous section is not entirely wrong: it gives us the materials to fruitfully restrict a behavioral view. Specifically, one might think that one the kind

of power that generates inegalitarian relationships is solely that kind that can be used to degrade someone's well-being. A master has such power over their slave; he can make the life of his slave much worse. But not everyone has this sort of power. A rich person, for example, may lack this power. Rich people can influence what poorer people do by paying them to do things. But when they do so they don't typically make those they pay worse off. They presumably make them better off, for otherwise the payment would not be accepted. Thus, one might think that one's power threatens someone with subordination only when one can use it in a way that makes them worse off. Worse off relative to what? The most straightforward comparison case is that in which you lack power over them. Thus the view is that if, and only if, your exercise of power can worsen their position relative to the situation in which you have no such power, this power is problematic.

This view also seems untenable. We already have several counterexamples to it on the table. When your professors makes you become an academic, he doesn't make you worse off. When the chemist controls you in return for a cure, he makes you better off. Yet it is illuminating to consider different case. Imagine a very rich person hires you as their personal assistant. They pay you lavishly, which is why you take the role: you are much better off with this job than in your current job. But your boss controls your life minutely. They make you wash their car, get their dry cleaning, make their coffee. They dictate what you wear and with whom you may associate. You are better off with them having power over you than you would be otherwise: with the salary they're paying, you'll be able to retire in a few years. Nonetheless, this control is subordinating. Even though their intervention makes you better off, their power over you puts you in an inegalitarian relationship. So we should not impose any sort of welfarist restriction on when power inequalities ground inegalitarian relationships.

Let's address three further issues about the sorts of power that matter to inegalitarian relationships. The first rests on a distinction between having power over someone and being overall powerful. One has power over someone insofar as one can influence how that very person behaves. One has overall power insofar as one can influence how people behave more generally. Thus, one's overall power is the sum of how much power one has over different people. This means one can have much more overall power than someone without having any power over them in particular. What sort of power matters to inegalitarian relationships? Here, it is somewhat tempting to take a restrictive view about which sort of power matters: to think that it is only asymmetric power over that matters to such relationships. It is only when one person has more power over another than vice versa that they are in such a relationship; mere inequalities of overall power do not matter. On this

view, although it's difficult to be in an egalitarian relationship with your own boss, there's no problem being in such a relationship with someone else's boss. This person has more power overall than you do, but little power over you. So, on this view, one can easily share an egalitarian relationship with them.

This tempting view seems to me mistaken. Inequalities in overall power can impair the equality of relationships. For consider master-slave cases. The slave not only finds it hard to forge egalitarian relationships with their master. They find it hard to forge them with anyone from the slave-owning class. The same goes for distinctions of caste or class. It is difficult to forge egalitarian relationships across hierarchical barriers. Now, one might think that each person in an upper caste has power over each person in a lower caste. But that needn't be true: it might be that some specific Brahmin has more power than an individual Dalit without having any power over that Dalit. Even so, the caste distinctions poison the relationship. Thus I think differences in overall power make relationships inegalitarian. Now, it may be that asymmetries in power over are a more serious problem: it is harder to have an egalitarian relationship with someone who has power over you than it is with someone who just has more overall power than you. But both inequalities make relationships inegalitarian.

A second issue concerns the import of de facto authority. De facto authority is the ability to have one's commands obeyed. When people are disposed to do what you tell them, you have substantial de facto authority. Some have suggested that inequalities in de facto authority matter independently to inegalitarian relationships: such relationships are in part grounded in power inequalities and in part grounded in inequalities in de facto authority.<sup>16</sup> And indeed one might be tempted by a more extreme view: think that it is only inequalities of de facto authority that matters to inegalitarian relationships. But that seems to me incorrect. The case of propaganda in the previous section provides evidence against this view. The ability to control what people do by shaping their beliefs and their desires is a potent source of power, but it is not tantamount to the ability to command them. One may be able to make people do what you want by manipulating or deceiving them, without having much de facto authority at all. Such an ability can still subordinate them. Thus, I think we should simply see de facto authority as a specific kind of power. Inequalities of de facto authority matter simply because they constitute inequality of power.

A third issue rests on the distinction between having power and having the opportunity to acquire power. Suppose, for example, that we decided who gave the

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<sup>16</sup>This is the view in Kolodny (2014b, 295–96).

orders by the flip of a coin. Heads you give the orders; tails I do. Antecedently, both of us lack power over the other. But we have the same access, or opportunity, for power. Suppose the coin lands tails. Then you're the one who ends up deciding what we do. You now have more power. But again, we both had the same opportunity for power. We can think of this in terms of abilities to gain abilities. We both had the ability to gain the ability to decide what we do. One might think that actually possessing power over someone is not important: what matters is having the opportunity to possess such power. One way to put this is that it is not power that matters, but rather the power to gain power. On this view, post-coin flip there's no egalitarian problem. If power matters, there is: it would be better were we to decide consensually rather than flip a coin and have the winner decide.

It is not just opportunity for power which matters. For consider the following kind of case. Suppose the government was run by technocrats. Anyone could become a technocrat. But it takes a while to move up through the ranks of government: it takes an entire career. Yet the governing system is a type of meritocracy.<sup>17</sup> And suppose the relevant governing talents were equally distributed. This means that, if one decided to devote one's life to a career in government, one would be just as likely to succeed as everyone else. So, in a certain sense, everyone has equal access to political power. Anyone could have decided to join the technocracy at an early age. Nonetheless, in this system some people enjoy enormous political power and most people enjoy none at all. This seems to me objectionable from an egalitarian point of view. So the actual possession of such power is important. This doesn't mean opportunity to acquire power is irrelevant. But I am inclined to think of it as simply a kind of power in itself. To have the ability to gain the ability to influence people is, in some sense, to simply have the ability to influence people. So the import of unequal opportunities to acquire power is subsumed by that of unequal power.

All this suggests we shouldn't be that restrictive about the kind of power that matters to inegalitarian relationships. It is not merely power grounded in beliefs about moral inequality that constitutes such relationships, nor is it asymmetric power over, nor the kind of power that is de facto authority, nor the power to gain power. We should take a very broad view of the power inequalities that make up inegalitarian relationships.

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<sup>17</sup>This is roughly how Daniel Bell (2016) describes (a very idealized version of) China's political system.

## 1.2.5 Children, Persuasion, and Ignorance

In the previous section, I provide some arguments against restricting the kinds of power that matter to inegalitarian relationships. This leaves us with a particularly broad position: whenever there is an inequality of power between two people, they are in an objectionably inegalitarian relationship. In this section, we'll explore some problematic cases for this broad position. This will induce us to take a slightly narrower view. Not all sorts of power inequalities generate such relationships, or at least not to the same degree. We shall see, also, that the correct treatment of these cases has some interesting consequences for democratic theory. But it does not fundamentally alter the idea that democracy is valuable because it expunges inegalitarian relationships.

Let us start by considering child-parent relationships.<sup>18</sup> The worry here is that parental relationships are not ones of equal power. Parents have more power over their children than their children do over them. But parents don't wrong their children by having such power; their having power over their children is fully justified. So, it seems that the broad view overgenerates: it sees a problem where none is to be seen. The solution to this problem, I think, rests on the point that children have less developed rational faculties than adults. With this observation in hand, we make two claims. First, the weight of our claim to equal power depends on the extent of our rational faculties. The more rational we are, the weightier is this claim. Second, how bad it is to be the inferior party in an inegalitarian relationship also depends on the extent of your rational faculties: it is worse the more developed these faculties are. That means young children have a relatively lightweight claim to equal power. Such a claim can be outweighed by the instrumental value of not letting children make all of their own decisions. Additionally, such relationships are not very bad at all for them. The inegalitarian relationship between an adult and a newborn baby, for instance, does not harm the baby to any substantial degree. So, parents are indeed justified in wielding power over their children.

This is a restriction on the broad view: how objectionable an inegalitarian relationship is depends on the rational faculties of those in that relationship. But it is a fairly modest restriction. On this view, young children do have some claim to equal power. They have some ability to make their own decisions rationally, and so there is something regrettable about their parents making decisions for them. But this seems like a perfectly plausible result. Tyrannical households are worse than egalitarian households. Consider a parent who doesn't let their child make any de-

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<sup>18</sup>This worry here is a minor variation on one in Viehoff (2019, 36).

cisions. They micromanage their child's day, determine their hobbies, decide for them who their friends are. This might be instrumentally bad; it might hinder the development of their child's autonomy. But even if it didn't do this, it would be intrinsically bad; the parent would be subordinating their child to a greater degree than is necessary. Parents should only have power over their children to the extent to which such power is substantially in the interests of those children. So we can deal with child-parent relationships by taking rational faculties to modify the weight of our claim to equal power, and the badness of being subjected to unequal power.

This view has interesting consequences for democratic theory. Specifically, it matters to the issue of child enfranchisement. The question here is: how old should you have to be to get the vote? The view I've just outlined implies that children, even quite young children, have some claim to enfranchisement. This is because they have somewhat developed rational faculties, and this gives them a claim to equal power. It is less bad to disenfranchise a child than it is to disenfranchise an adult, and the younger the child the less bad disenfranchising them is. But we still have reason to enfranchise children. Now, of course, some worry that enfranchising children would have bad consequences, because they would elect bad candidates.<sup>19</sup> Such considerations may not be strong enough to overturn an adult's claim to the vote, but they may be strong enough to overturn a weaker child's claim to the vote. Yet I suspect there is little grounds to endorse such instrumental worries. Teenagers are not much worse informed about politics than adults, and were they enfranchised would plausibly become as politically engaged as adults.<sup>20</sup> And the worst-case scenario would be one in which children voted randomly: there seems little basis to think that children would be more likely to vote for bad candidates than good candidates. But this would have no impact on electoral outcomes.<sup>21</sup> So I suspect we have all-things-considered reason to enfranchise even quite young children.

Let's turn to a second kind of case: rational persuasion. Rational persuasion involves showing someone that they have good reasons to do certain things. When a friend asks you whether they should move home, and you point out all the good reasons for doing so, you are engaging in rational persuasion. Rational persuasion, on the face of it, is a way to affect someone's behavior; one can impact how someone acts by showing them good reasons for doing things. But rational per-

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<sup>19</sup>For this worry, see Chan and Clayton (2006). For more discussion, see Beckman (2009, ch.4) and López-Guerra (2012).

<sup>20</sup>See Peto (2018).

<sup>21</sup>See Goodin and Lau (2011).

sualtion does not typically seem problematic. Specifically, it does not seem that when you persuade your friend you wield the sort of power over them that generates an inegalitarian relationships. And that, one might think, suggests that the broad account of power is too crude. It must be only certain kinds of power that matter to inegalitarian relationships.<sup>22</sup>

I want to outline a concessive and a non-concessive response to this case. Non-concessively, there are two points to be made. First, rational persuasion is a relatively limited sort of power. The ability to rationally persuade people is the ability to get them to do what they have antecedent reason to do. It is no longer rational persuasion if you can get them to do what they lack reason to do. But this means that being able to rationally persuade someone doesn't give one that much power over them; it only gives one the ability to affect a small number of their actions. Second, rational persuasion is usually largely symmetrical. You friend is usually able to rationally persuade you on certain issues as well as you are able to persuade them. This means the ability to rationally persuade people doesn't typically yield an asymmetry of power, and so does not typically generate inegalitarian relationships. Note that when these conditions fail, in interpersonal cases, we feel somewhat discomfited. When someone can persuade you of anything, reasonable or not, their influence over you seems disquieting. When you are rationally persuadable, but your partner is not, there is something inegalitarian about your relationship. I suspect these points make it tenable to maintain a broad view of power even in the face of cases of rational persuasion.

Yet that is not my preferred strategy. More concessively, I do think some sorts of power matter much more to inegalitarian relationships than do others. I will spell out this view in more depth in Chapter 3. But, essentially, my view is that independently exercisable power is that kind of power that is of most import. One has independently exercisable power when how one uses one's power isn't under anyone else's control. Consider police officers. In an ideal world, police officers can't independently exercise their power over ordinary citizens. Whether they arrest someone is under the control of their superiors, and ultimately under the control of the citizens *qua* voters. In this ideal case, that makes their power anodyne. This is important in cases of rational persuasion because when one rationally persuades someone, one's power over them is rarely independently exercisable. It's easy to avoid being rationally persuaded. One can avoid listening to arguments, one can think up counterarguments, one can simply dismiss contrary evidence.<sup>23</sup>

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<sup>22</sup>For a somewhat different take on rational persuasion, see Lukes (2005, 35–36).

<sup>23</sup>For some evidence for this, see (Lord et al., 1979; Kunda, 1990; Ditto and Lopez, 1992).

This means that when one's power is grounded in one's ability to rationally persuade, it is rarely independently exercised: its exercise is under the control of the target of one's persuasion. And so this usually makes rational persuasion anodyne.

This has interesting consequences for the role of experts in democracies. Consider, for example, the situation of climate scientists. Such scientists often try to affect the behavior of policymakers and ordinary citizens by rational persuasion. They attempt to use scientific evidence to convince them that carbon emissions are causing global warming and that this means such emissions should be restricted. In some countries, climate scientists have been quite successful; in others, less so. But in either case such scientists seem to be wielding some amount of power. Is this problematic? I think we should say it is only a fairly minor problem, for the three reasons we have just adduced. First, rational persuasion is a fairly limited kind of power: scientific experts might convince the public that carbon emissions cause global warming but fail to convince them of much else. Second, expert influence is not wholly asymmetric. Scientists are presumably themselves also susceptible to rational persuasion. Were one to show them reasons for changing their beliefs, they would change their beliefs. And third, expert power is not independently exercisable: if their targets do not want to be persuaded, they are fully capable of avoiding such persuasion.<sup>24</sup> The point generalizes to other experts: when expert influence people in a merely advisory capacity, their power is not particularly objectionable.

Finally, let's turn to power inequalities of which we're unaware. Here, consider the Aztecs. Before Cortes landed at Veracruz, there weren't any inegalitarian relationships between Spaniards and Aztecs. There weren't any relationships at all. But there sure were inequalities of power. Queen Isabella I ruled an empire of eight million souls. She was much more powerful than the average Aztec peasant. Moctezuma ruled an empire of thirty million souls. He had much more power than any Spaniard. Yet these inequalities couldn't create inegalitarian relationships. I think this observation warrants a final restriction in when power inequalities are problematic. The parties to the inequality must be aware of it in order for it to generate an inegalitarian relationship. Neither peasant nor Queen has any idea that the queen was much more powerful than the peasant. Thus, the inequality in this case didn't generate a problem. For a power inequality to be problematic, those in the inequality have to know that it obtains. If they don't, the power inequality doesn't generate an inegalitarian relationship.

This observation helps us deal with some other *recherché* cases. Suppose that

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<sup>24</sup>For some empirical discussion of this point, see Kraft et al. (2015).

an alien spaceship takes orbit above the earth, but we're never aware of it. The aliens might have a lot of power over us; they could destroy us if we wanted. But this doesn't generate an inegalitarian relationships. This is because we're unaware of the power inequality. Were we to discover that the aliens had such power over us, then this would generate an inegalitarian relationship. Or imagine that voting machines malfunction and give everyone Buffalo and extra vote for a couple of election cycles. This gives Buffalo residents more power than other New Yorkers. But, again, if nobody ever notices this then the malfunction does not generate an inegalitarian relationship. Upon discovery, were the inequality maintained than the people of Buffalo stand in an inegalitarian relationship to others. Thus, the awareness condition is an important constraint on when power inequalities generate inegalitarian relationships. It helps us deal with various cases that would otherwise shake our confidence in inegalitarian relationships being, at root, constituted by inequalities of power.

That completes my development of the negative egalitarian ideal. Let me sum up. This ideal is rooted in our intuitions about inegalitarian relationships. Such relationships are constituted by inequalities of power, conceptualized as the ability to affect people's behavior. These relationships are objectionable in the sense that they are bad in themselves, and people have a claim against being subjected to them. There are some conditions that modulate when inequalities of power give rise to such objectionable relationships. They give rise to less objectionable relationships between children and adults than between simply adults. When people are unaware of the power inequality or when the superior power is not independently exercisable, it does not generate objectionable relationships. But in a very broad class of cases power inequalities generate relationships of subordination. Democracy is valuable, then, in part because it involves the equalization of a very important kind of power: political power. This helps preclude inegalitarian relationships. That is what the negative aspect of democratic equality consists in: democracy helps us avoid an objectionable sort of relationship.

### **1.2.6 The Positive Egalitarian Ideal**

Let us now turn to the positive aspect of democratic equality. The underlying thought here is that egalitarian relationships are not merely negatively valuable, but also positively valuable. They don't consist simply in avoiding a bad, but also in achieving a good. To see a paradigm example of such a good in a personal case, we should look at friendship. Friendship is, ideally, a relationship between equals. Good friends don't wield power over one another. In a good friendship, one friend

is not always doing what the other says. Such inequalities mar a friendship; ideal friendship requires their absence. Now that's not all that's required in friendship. Friends must, plausibly, be committed to preventing inequalities arising. Friends must care about one another's welfare and share some affection. But once all such things are in place then, in most cases, so is a friendship. And such a friendship is valuable in itself. It's not merely valuable to have friends because it helps one avoid inegalitarian relationships, or because one has nice experiences with one's friends. Friendship is an intrinsically valuable sort of relationship.

Friendship is a small-scale example of an egalitarian relationship. But there are also larger-scale examples of such relationships. One example is what is sometimes called 'a society of misters.' The picture is a society in which everyone can look one another in the eye.<sup>25</sup> Nobody is subservient to anyone else. But that's not the only part of the picture. The picture is also that members of the society are committed to ensuring their relationships are egalitarian. And they care about one another's welfare. They aren't indifferent to the joys and sorrows of their fellow citizens. Just as it is valuable to have personal friends, it is valuable to have larger-scale egalitarian relationships. It is valuable for societal relationships to have the kind of structure that personal friendship has, but on the civic scale. I'll call such large-scale egalitarian relationships "civic friendships."<sup>26</sup> Civic friendships are simply the analogue of personal friendships, but that that each citizen has with every other citizen.

The key further thought is that democracy helps facilitate such civic friendships. The explanation for this is straightforward. One component of friendship is equality of power. An ideal friendship is not one in which one person has asymmetric power over the other. This explains why it is so difficult for a master to be friend with a slave: the inequality of power mars the relationship. It explains why, when one reduces the inequality of power in a specific friendship, one improves the friendship. By analogy, the same is true for civic friendships. Equality of power is also a component of civic friendships, and inequality of power mar such relationships. Democracy helps us form civic friendships with our fellow citizens by removing this barrier to such friendships. To put things more abstractly, the simple thought is that there are some positively valuable egalitarian relationships that one cannot achieve with someone who subordinates you; you cannot achieve them with your king or your slave master. Democracy equalizes an extremely impor-

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<sup>25</sup>The eyeballing metaphor comes from Pettit (2012, 47).

<sup>26</sup>I owe the 'civic friendship' terminology to Schwarzenbach (1996). It also features in Rawls (1997, 772). More recently, Viehoff (2014, 2019) has done most to spell out the kind of view I develop in this section.

tant kind of power—political power—and thus facilitates these positively valuable relationships.

Let's clarify the normative import of (civic) friendship. Partly, this consists in their being valuable. Much like relationships of subordination are a constituent of ill-being, friendships are a constituent of well-being. The good life partly consists in having friends; having friends makes one's life better. Axiologically, then, friendship is the mirror image of subordination. However, the kinds of claims associated with friendships are somewhat different than those associated with subordination. For a start, the latter are largely unconditional: people have a claim against you subordinating them regardless of their preexisting relationship with you. But people don't have a claim on your friendship in the same sense. You are not obligated to become friends with complete strangers. You are sometimes obligated to be someone's friend. You can wrong a friend by abruptly severing your relationship with them. But the claims around friendship are conditional on one having a pre-existing relationship with someone. You owe it to someone to care especially about their well-being, for example, only conditional on already being in a relationship with them.

Friendships differ deontically from relationships of subordination in two other ways. For a start, claims against subordination are not permanently alienable, but claim to friendship are. We can agree not to be friends, and that means neither of us has an obligation to continue the friendship. Moreover, because of the conditional nature of such claims, when we make such an agreement, we alienate our claims altogether. It may still be good for us to rekindle the friendship; but neither of us has any claim on the other for such a rekindling. Additionally, claims to friendship do not seem enforceable. It is permissible to coercively enforce claims against subordination, but it doesn't seem permissible to coercively enforce claims to friendship. Suppose I tell you that I am going to impermissibly sever a relationship with a friend. You may not threaten me with violence in order to stop me from breaking off the relationship. This would itself be impermissible. So, the sorts of claims associated with friendships are quite different from those connected to subordination.

These points go for civic friendship as well as for personal friendship. In light of this, one might wonder: do our fellow citizens have claims on us to form civic friendships with them? I think the answer to this is "yes": that is because we are already in a relationship with our fellow citizens. Citizenship itself is such a relationship. Our relationship with our fellow citizens is one of mutual dependence. We depend on them for goods, services and civic engagement. If they withdraw such cooperation, we are harmed. Likewise, they depend on us for such things.

The context of such mutual dependence activates a claim on us for civic friendship. Of course, our mutual dependence on individual fellow citizens may be much weaker than that on our close friends. This is reflected in the sort of relationship we are required to have with them; it's a much weaker relationship than personal friendship. And, equally, they can waive their claim on us to have such a relationship with them. But assuming the claim is not waived, the mutual dependence between fellow citizens does generate some claim to civic friendships.

The positive egalitarian ideal consists in the promulgation of such relationships. It consists in the fact that democracy helps us not merely avoid objectionable relationships of subordination but also achieve positively valuable egalitarian relationships.

### **1.2.7 The Components of Civic Friendships**

In the previous section, I spelt out some aspects of civic friendships. I said one core component of these relationships is equality of power. One cannot be good friends with someone over whom you hold great power: the power differential mars the friendship. But not every relationship in which power is equally distributed is a friendship. I might be just as powerful as a complete stranger, but this does not put us in any sort of positively valuable relationship. There must be other conditions that are required to realize such relationships. But what are these conditions? This is a pressing question in part because one might worry that such conditions can never really be satisfied between citizens in a large modern state. And so one might worry that, although democracy does help remove one barrier to civic friendships, it does not really help us achieve such friendships. Some other barriers prevent us achieving them. In this section, I will explore the other components of civic friendships. My methodology will be to take inspiration from the critical features of personal friendships: that something is essential to personal friendships is evidence that it is essential to civic friendships. My view is that the essential components of civic friendships can be satisfied even in quite large states.

I've already identified the first component of friendship: both civic and personal friendships require equality of power. The second component of friendship is that friends are committed to avoiding inequalities. Consider personal friendship. Such a friendship is impaired if the participants aren't committed to maintaining the egalitarian character of the friendship. Suppose one friend would lord it over the other had they the power to do so. This makes the friendship worse. A good friendship requires that both friends are committed to ensuring their relationship is egalitarian. Being committed to this means, at the least, that they're motivated

to ensure their relationships stay egalitarian. And the most important aspect of this is behavioral: they must be disposed to avoid having power over their friends. If they end up having such power, they must attempt to equalize it. They must try to maintain the egalitarian character of the friendship. The same goes for civic friendship. To enjoy this relationship, co-citizens must be committed to avoiding inequalities of power. They must be motivated to stamp out such inequalities when they see them, even when they benefit from them. Now that motivation does not of course need to be inordinate. They needn't make huge sacrifices in order to stamp out minor inequalities. But if they have no such motivation of this sort, then they are not in the valuable type of egalitarian relationship.

A third component of friendship consists in concern for welfare. Friends need to care about one another's welfare. Now, perhaps I needn't value my friend's welfare quite as much as I value my own. I can still be friends with someone whilst being a little bit selfish. But I need to value their welfare to some extent. The most important part of this is again behavioral; I need to be disposed to promote their welfare. When I can help my friends out, I do. And I do so even when it incurs some cost to myself.<sup>27</sup> The same seems true of civic friendship. Suppose one has no concern for the welfare of one's fellow citizens whatsoever. This impairs the type of positive relationship one can have towards them. To have the positive relationship, one has to care about their welfare. Now, what this exactly requires is a little delicate. You needn't, of course, think about each of each of your fellow citizen's welfare individually. This is impossible. You know very few of your fellow citizens. But you must be disposed to promote their welfare in general. And you must certainly avoid harming them. You must care for their welfare in much the same way that you care for the welfare of friends.

A fourth component of friendship consists in respect for autonomy. Friends must respect and indeed actively support the autonomy of their friends. Imagine, for example, that your friend wants to become a writer. You think they'll never make it as a writer, and the attempt will be bad for them. You may well tell this to your friend. But if they insist on trying to become a writer, you should respect and support their choice. You should not go behind their back and rip up their letters to editors. This would disrespect their choice. Instead, you should read their drafts and give them time to write. You should actively help them in making their choice a successful one, even if you think they would be better off in different goals. In

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<sup>27</sup>See Scheffler (2015) for a discussion, and defense, of a closely related claim. He claims that you must have the same amount of concern for your friend's welfare as your own, at least in many contexts. This is a more stringent view than the one I'll rely on.

this sense, personal friendship involves supporting the autonomy of our friends.<sup>28</sup> The same goes for civic friendship. We should respect the autonomy of our fellow citizens and actively support them in making their choices successful one. That is so even when we think their choices make them worse off. This is one thing that tells against paternalism; paternalism involves working against the choices of our fellow citizens, and so undermining their ability to author their own lives. Good civic friendships involve actively supporting the autonomy of our civic friends.

A fifth component amounts to appraisal respect.<sup>29</sup> One has appraisal respect for someone insofar as one positively appraises their abilities and their achievements. Here appraisal is a doxastic notion: one must be disposed to have positive beliefs about one's friends' abilities and achievements. Friends must be disposed, in this sense, to have respect for one another. Suppose, for example, I go to a friend's poetry reading. Having heard their poem, my evidence is consistent with a wide variety of views about its quality. I should be optimistic. If I am disposed to uncharitably believe that their poem is very bad, despite my evidence being consistent with it being reasonably good, that detracts from the friendships.<sup>30</sup> The same seems true of civic friendship: they require a certain amount of appraisal respect. This is clearest when it comes to our judgments about our fellow citizens' mental faculties and moral character. Our evidence is often compatible with a broad range of conclusions on such matters. We should be relatively optimistic. When our evidence doesn't establish otherwise, we must believe our fellow citizens are reasonably bright and motivated by moral considerations. It would make our friendship less ideal to assume that they were stupid or evil without decisive evidence. We must be disposed to appraise our fellow citizens relatively highly.

There is also a sixth, affective, component of friendship. Personal friendship requires affection. For suppose you have lost all your affection for someone you have known for a long time. You might be committed to their welfare, and you might avoid having power over them. But you see this as a chore and helping them as a burden. You do it purely out of a sense of duty. In fact, you might have grown to detest the person towards whom you think you have these duties. I think this is incompatible with you still being friends. Now, perhaps you have some positively valuable relationship with them. But it is not as valuable as your relationship would be were it marked by mutual affection. Affection adds something worthwhile to these relationships. The connection between this and civic

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<sup>28</sup>For related points, see Koltonski (2016) and Ebels-Duggan (2008).

<sup>29</sup>For this notion, see Darwall (1977).

<sup>30</sup>For a similar view, see Stroud (2006).

friendship is less certain. You don't need to be emotionally engaged with all your fellow citizens to be their civic friends. This is impossible. Perhaps you don't even need to feel affection for your fellow citizens to be their civic friends. But what is true, I suspect, is that you cannot hate them. You cannot feel sick at the sight of them, and you cannot feel contemptuous towards them. Misanthropy rules out civic friendship, or at least substantially degrades it. So perhaps you can enjoy civic friendship without feeling affection for your fellow citizens. But you cannot feel disaffection towards them. Civic friendship, too, has affective requirements.

So we have six components of friendships: equal power, a commitment to equality, concern for well-being, support for autonomy, appraisal respect and affection. One needn't fulfill every single one of these components to a very great degree in order to be friends with someone. But the more you fulfill each component, the better is your friendship. And when you fail to fulfill a particular component to in the slightest, that tends to sever your friendship. I think it is clear that all these components are, in principle, fulfillable on a civic scale. We can have the same amount of power as our fellow citizens and be committed to such equality. We might not be able to care about each of our fellow citizens' well-being considered individually, but we can have a general disposition to care about their welfare, and support their autonomy. We can have a general disposition to appraise them positively and we can avoid having contempt for them. Insofar as we fulfill these components, we have a positively valuable egalitarian relationship with each of our fellow citizens. This is simple what I am calling a civic friendship.

That is not to say there aren't some disanalogies between personal friendship and civic friendship. We often take part in enjoyable activities with our personal friends. We know a lot about their lives, and they know a lot about ours. We have benefitted each one of them substantially, and each one of them has benefitted us. These amplify the value of personal friendships; a relationship full of intimacy, shared projects or reciprocity is a better relationship. And perhaps one cannot get these things in a civic friendship. One cannot take part in enjoyable activities with all of one's fellow citizens, and one cannot know a lot about their one another's lives. But these are not the *sine qua non* of valuable relationships. A personal friendship is not, after all, valuable simply because it is a source of enjoyable activities. Were your friend to get very ill, and one could no longer do very much with you, that would not make the friendship worthless. The friendship is valuable in itself. Likewise with civic friendships. There are some value-enhancing properties of personal friendships that cannot enhance the value of civic friendships. But civic friendships, as defined by the above six components, is still a valuable kind of relationship.

Let me make two further points. First, I want to clarify how these components of friendship relate to the claims our friends have on us. Very simply, our friends have a claim on us that we satisfy the components of friendship. Our friends have a claim on us that we care about their well-being, are committed to equality, show them some measure of appraisal respect and so on. When we disregard our friend's well-being or think the worst of them, we wrong our friend. The same is true with civic friendships. Similarly, when we are obligated to be in a civic friendship with someone—even when we're not—we have a duty to help put the components of such a relationship in place. This is simply because putting these components in place in a way to bring about the civic friendship. Thus, even when we're not in a civic friendship with someone, we can have relational obligations to care about their well-being or not have contempt for them; these follow from our obligations to form a civic friendship with them. Now, we won't always have such obligations. Sometimes, fulfilling a requirement on friendship oneself doesn't create a friendship. This happens because the other person stalwartly fails to fulfill this requirement. But, in cases where one's partner is more cooperative, a duty to form a (civic) friendship with them will give one obligations to fulfill the requirements on civic friendship.

Second, I want to say a little more about the core component of friendship: equal power. Power, as we've been thinking of it, is the ability to influence people. We can contrast this with what I will call "push": this is the exercise of that influence. One has push when one has actually influenced what other people do. I think it is unclear whether the positively valuable egalitarian relationships require not just equality of power, but also equality of push. But I am inclined to think that they are at least enhanced by equality of push. For suppose you and your friend both *could* decide what you do together. But it's actually always your friend who decides. You could overrule your friend, but you never do. It's always they who exert actual influence over what you do. There seems to me something problematic about this. It's not as bad, perhaps, as were you to have different levels of power. But it would be better if you both exerted an equal influence on how your relationship went. This motivates the idea that positively valuable egalitarian relationships are made better by equality of push as well as requiring equality of power.<sup>31</sup>

This idea draws further support from political cases. Consider the methods of voter suppression which have become somewhat common in the United States: requiring photographic identification to vote, restricting early voting, limiting ab-

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<sup>31</sup>This claim is a little controversial. Both Kolodny (2014b) and Viehoff (2019) talk of equality of power rather than equality of push.

sente voting, closing polling stations earlier.<sup>32</sup> All restrict the power to vote. Now, in the U.S., it's plausible that these restrict some people's ability to vote more than others. Some can't get off work to vote before 7pm; some can. But that needn't be the case. Imagine all were equally able to get off work (imagine, for example, that Election Day was a national holiday). Nonetheless, these methods might still predictably have a large impact on who actually voted. By making it more difficult for everyone to vote, they could suppress the vote of the unengaged. They might mean only the engaged vote: and the more engaged tend to be richer, more educated voters. So they might have a large impact on who actually exercises their political power. They impact push much more than they impact power. It seems to me that there would still be a serious egalitarian objection to these methods of voter suppression in such a case.

That completes my clarification of the positive egalitarian ideal. The negative ideal consisted in the avoidance of a bad sort of relationship. But democracy doesn't just help us avoid a bad; it helps us achieve a good. It does this by facilitating one of the core components of positively valuable egalitarian relationships; equal power. Now, more is required than just this to achieve such relationships. We've seen that these relationships have six components in total. But all these components seem possible on a civic scale, and so democracy genuinely can play an important part in facilitating civic friendship.

### **1.2.8 An Alternative View: Expressive Egalitarianism**

Let's consider an alternative way to spell out the egalitarian aspect of democratic ideals. This way focuses on the putative expressive properties of democracy. The idea is that democracy, as an institutional arrangement, expresses something which it's distinctively valuable to express. People differ on what exactly that thing is. Brighouse (1996) claims that guaranteeing equality of political influence is "a requisite of expressing equal respect for our fellow citizens" (1996, 123). Anderson (1999), a relational egalitarian, claims that the most fundamental test of any egalitarian theory is that "its principles should express equal concern and respect for all citizens" (1999, 289). She thinks her own (relational egalitarian) account of equality meets this test. And it's a theory in which demands that we "seek to live together in a democratic community" (1999, 313). In other words, she thinks that democratic arrangements alone meet the expressive demands of justice.

But Christiano (2008) has been the most influential proponent of this view. He

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<sup>32</sup>For a discussion of such methods, see Anderson (2018).

thinks that democratic arrangements express the equal worth of everyone's interests. He thinks this because, so he argues, people weight their own interests over those of others. Hence if some people have more political power than others, their interests will count for more in determining government policy. And—crucially—he thinks this is all widely known. Christiano suggests that this means any system in which some have more power than do others is one which will publicly express that the interests of some are worth more than others. That's because it is widely known that it will tend to more promote the interests of the powerful. Hence any such system will violate our interest in being publicly treated as equals.<sup>33</sup> The only system which expresses the equal worth of everyone's interests is one in which everyone has equal political power. And that is just to say that only democracy expresses equal worth. But he thinks it's extremely valuable for our institutional arrangements to have this expressive content. So, democracy is extremely valuable.

What should we make of such expressive views? I think, to assess them at all, we have to get clearer about what the relevant notion of expression is. None of the aforementioned authors go very far in this. They've said some things about expression, but they do not give us a general account. There seem to be two broad possibilities here. One possibility is to take expression to be akin to Gricean speaker-meaning (Grice, 1957). An utterance expresses something, in the relevant sense, when the utterer intends that utterance to communicate that thing. They intend someone to come and believe that thing on the basis of hearing the utterance. Equally, we might say that some institutional arrangements express something, in the relevant sense, when their creators—or maybe their sustainers—intend them to communicate that thing. They intend people, on contemplating the arrangements, to come to believe something. Democratic arrangements express, for example, the equal worth of interests when their framers and sustainers intend those who contemplate these arrangements to come to believe everyone's interests have equal worth.

This is surely not the notion of expression that Christiano, Brighthouse and Anderson had in mind. There seem to be a lot of very serious problems with employing this notion in a defense of democracy. First, it's doubtful that the creators of many existing democracies had such intentions. After all, America's constitution

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<sup>33</sup>See Christiano (2008, 90–91) for a succinct expression of this: “[V]irtually everyone in a society that fails to accord an equal voice to a group of people when matters of public law and policy are at stake knows that the interests of those people are going to be neglected...this implies is that a society that withholds the vote from some groups of people, or diminishes their political power in some clear way, is publicly expressing a lack of concern for those people.”

contains the three-fifths clause. It thus doesn't seem like we can attribute a collective intention, on behalf of the Framers, to communicate equal worth of interests. British democratic institutions were the product of many compromises between monarch, aristocrats and working people. Again, it would be odd to suggest the parties involved had, collectively, the intention to communicate such equal worth. Second, it seems that we could create non-democratic institutions with the intention to communicate such equal worth. Suppose Plato had been in a position to create his Republic. He might have created it with exactly this intention. But it would still be objectionably non-democratic. So these authors can't have had the communicative notion of expression in mind.

A second possibility is that we take expression to be more akin to Gricean natural meaning. This is the type of meaning in place when we say "these spots mean measles" or "smoke means fire." The thought, roughly, is that one thing means another thing in this sense if it normally indicates the other thing.<sup>34</sup> Smoke normally indicates the presence of fire. Vivid red spots normally indicate the presence of measles. Institutional arrangements, then, may express something in this sense if they normally indicate it. And we might say that P normally indicates Q just in case P is substantially more likely conditional on Q than it is conditional on not-Q. How does this apply to democracy? Well, perhaps non-democratic institutions are substantially more likely when people don't believe in everyone's equal moral worth. Then such institutions will normally indicate such widespread beliefs. And then we might say that they express such beliefs, in a sense connected to Gricean natural meaning. Moreover, one might think that there's something bad in expressing the prevalence of such beliefs. So, there will be something bad about non-democratic institutions. Thus, democratic institutions are superior.

Perhaps Christiano, Anderson and Brighouse have something like this view in mind. But I myself do not find this view very plausible. There seem to be two really serious problems. First, the normative premise seems false. It needn't be problematic for something to normally indicate the prevalence of odious beliefs. Consider surveys of racist attitudes. Their results normally indicate that such attitudes are lamentably common. But that doesn't mean the surveys themselves are bad. It's the prevalence of the attitudes which is the problem. Analogously, suppose non-democracy indicates odious beliefs. The beliefs would seem to be the

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<sup>34</sup>A different view would add that expression in this sense requires causation: a puff of smoke mean fire only if fire caused the smoke. This was perhaps closer to Grice's view, since he thought that smoke meant fire only when something was alight (Grice, 1957, 377). Yet this is more demanding than the view in the text. So if the view in the text is too strong an articulation of when institutions express inequality, as I argue that it is, then this view is too strong too.

objectionable things, not their marker. More generally, I doubt there's much evaluative import in natural meaning whatsoever. Suppose one does something which would usually indicate that you have objectionable beliefs. But suppose everyone knows that, on this occasion, the thing is not motivated by such beliefs. Indeed, everyone knows you don't have such beliefs. I find it hard to see the point of view where you've done something very bad. Thus, I find it hard to imbue much moral significance in natural meaning. Now, maybe there's some more significance in non-natural meaning. Perhaps there truly are expressive constraints on what one should try to communicate. But we've already seen such constraints don't provide fertile ground for a defense of democracy.

There is also a second problem. It's not at all obvious that non-democratic institutions normally indicate widespread beliefs about moral inequality. This connects to an earlier point. It is doubtful that such beliefs have underpinned many existing autocracies. The history of Chinese autocracy in the twentieth century is, in a sense, exactly the opposite. Communist revolutionaries aimed to bring about social equality. They wanted the complete eradication of social distinctions.<sup>35</sup> This doesn't suggest a system underpinned by widespread beliefs about moral inequality. Moreover, it seems unlikely that such beliefs underpinned Singaporean autocracy. Those who have power in this system have often declared publicly that they wielded power in the public interest.<sup>36</sup> And the consequences of their exercise of power seem to support their claims. Between 1965 and 2019 per capita income grew from \$500 per year to \$60,000 per year.<sup>37</sup> It's now one of the least corrupt countries in the world. Singaporean autocracy has been fantastic for ordinary Singaporeans. Some autocracies, usually long-gone autocracies, have no doubt been underpinned in part by such beliefs. Perhaps many monarchies were like this.<sup>38</sup> Perhaps Saudi Arabia still is. But such beliefs do not seem to underpin

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<sup>35</sup>See Spence (1991, 607) for this take on the official ideology guiding the Cultural Revolution.

<sup>36</sup>Bellows (2009) contains a good selection of such proclamations.

<sup>37</sup>These figures come from the World Bank. See <https://data.worldbank.org>.

<sup>38</sup>At the least, it was common in early civilizations. See, especially, Trigger (2003, 71–92). But even here there was a lot of variety. The Inka and Egyptian kings, for example, were taken to be descendants or earthly manifestations of important gods (2003, 80–1). One supposes that this conveyed a belief in moral inequality. As evidence for this, we can look at action: when the Inka king fell ill, four llamas and four children were killed to aid recovery (2003, 81). Descent from the gods came with special treatment. But, in contrast, Mesopotamian kings were taken to be profoundly human. They were seen as occupying the same position for the gods as a steward occupied for an estate (2003, 84). To drive this status home, Mesopotamian kings had their faces ritually slapped each year, to remind them of their need for humility in their dealings with the gods (2003, 90). Whether they were seen as moral superiors, in the appropriate sense, is not so obvious.

many important contemporary autocracies. So it's doubtful that non-democratic institutions must even express, in the sense of Gricean natural meaning, the prevalence of such beliefs. Thus, this second way of articulating expression also seem unpromising.

So I am skeptical of these expressivist defenses of democracies. I'm skeptical both that non-democratic institutions have to express anything truly objectionable, and that there are very weighty expressivist constraints. This is why I prefer the relational egalitarian articulation of the value of democratic equality. But perhaps I've underestimated expressivist views. Thus, although they won't be my first focus in the rest of the book, I will refer to them from time to time. I think my arguments go through whichever account of democratic egalitarianism one favors. Let's now turn to the value of self-rule.

### 1.3 Self-Rule

Equality is not the only democratic value. It doesn't seem to be, anyway. There seems to be something else valuable about people having influence over what their government does. This is the value picked up when Rousseau insisted that "[t]he people, subjected to law, ought to be its author" (Rousseau, 1968, 2.6.10) or when the United Nations treaties assert that "all peoples have a right to self-determination" (UN, 1966, Article I). But in what sense must people (or peoples) have influence over what the government does? And why is that valuable? In this section, I'm going to spell that out. The picture is this: it's valuable when political events—policies or their outcomes—manifest the joint intentions of citizens. And there are two reasons why that's valuable. First, it makes us authors of our political and social affairs. This is the positive aspect of its value. Second, it makes government coercion less corrosive to personal freedom. This is the negative aspect of its value. Such manifestation requires a causal connection between citizens' intentions and political events. Democracy facilitates such a connection. So it helps realize these values.

We'll unpack this all in a moment. But first we start with an intuition. Egalitarians have, recently, tended to claim that self-rule is not valuable. They have said that the only democratic value is an egalitarian one (Christiano 2008; Kolodny 2014a). The main reason they've thought this is that it's hard to give a good explanation of why self-rule is important. Without such an explanation, so they've thought, we shouldn't think it is important. I think this is rash. It's extremely intuitive that there's a democratic value in the vicinity of self-rule. Here's an example

of the intuition: suppose we got rid of government by human beings. We replaced it with government by algorithm.<sup>39</sup> The algorithm we replaced it with, let's stipulate, spits out perfect legislation. It institutes far superior legislation than any human government could. Yet, in this situation, citizens have no influence over the laws which govern them. It seems to me intuitively compelling that something is lost here. If we did this, we would be sacrificing something important about democracy. But that cannot be an egalitarian loss: in this case every person has equal power (zero). Rather, it is a loss associated with lack of influence over the laws to which you are subject.

Some philosophers might find this case too alien to confidently assess. But it is just a science fiction version of a more familiar worry: the worry about rule by 'the dead hand of the past'.<sup>40</sup> The worry here is that entrenched constitutional constraints pose a democratic problem. Again, let's make the worry vivid. Imagine some brilliant founder wrote an unchangeable, detailed, constitution. The brilliance of the founder is so blinding that we do better following the dictates of this constitution than making decisions for ourselves. And the constitution is so detailed that it leaves us very little freedom to make any decisions anyway. Again, this gives rise to no concern about political equality. In the areas the constitution covers, everyone has equal power: none. But such a government sacrifices something important about democracy. It sacrifices our having positive influence over what the government does. These cases show, I think, that self-rule is intuitively valuable. The task of this section is to spell out that intuition.

Let's start on the task. The conception of self-rule we'll use hinges on joint intentions. Suppose some citizens have a joint intention to bring about some government policy or outcome of a policy. And suppose their having this intention wholly brings about, in a sense to be defined, that policy or outcome. Then I'll say that these citizens are fully self-ruling with respect to that policy or outcome. More generally, I'll say they're self-ruling insofar as their joint intention contributes to the policy or outcome. This defines a dyadic connection between groups of citizens and outcomes or policies. We also want to assess how much a political system realizes self-rule *tout court*. We'll say a political system achieves self-rule better the more citizens are more self-ruling with respect to more important policies or outcomes. So, in a system which perfectly realized self-rule, all policies and their outcomes would be the product of intentions everyone shared. This is of course an impossibly high bar. But there are a lot of intermediate stages between this and

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<sup>39</sup>This case is from Zuehl (2016, 18–19).

<sup>40</sup>The term, and the worry, was made prominent by Jefferson (1789).

the total absence of self-rule. These are intermediate insofar as either fewer things manifest joint intentions, or fewer citizens share in the relevant intentions. This gives us a general, scalar, notion of self-rule.

What's a joint intention? It is an intention one shares with others. There's clearly a sensible notion of such an intention. We can together intend to sing a duet, paint a house raise a child. But there's controversy over what the correct philosophical analysis of the notion is. This is no surprise: few notions yield uncontroversial analyses. On one side of the controversy are those, like Michael Bratman, who think joint intentions reduce to complex series of individual intention. On the other side are those, like Margaret Gilbert, who think we can only make sense of them with irreducibly plural notions, such as what she calls "joint commitment."<sup>41</sup> I need not take a stand on this controversy. All I'll need is the pre-theoretically sensible notion of a joint intention. It seems to me clear that there is such a notion.

But what is a book for but for taking stands? So I'll take a limited stand. I think that, even if one doesn't think joint intentions are *reducible* to individual intentions, it is plausible that joint intentions impose constraints on individual intentions. And many of the constraints Bratman (1992) proposes seem plausible. In particular, he thinks that some people have a joint intention to  $\phi$  only if they each intend that they together  $\phi$  in accordance with meshing subplans. This requires two things. First, they each must have what are called *we-intentions*. I intend not that *I* paint a house, but that *we together* paint the house. Second, they each must intend to do this via *meshing subplans*. These are ways of contributing to the house painting which are jointly compatible. Suppose I plan we paint our house by painting it blue all over and you plan we paint it by painting it red all over. Then the ways we aim to individually contribute to the end of the intentions are not compatible. Our subplans don't mesh. This means we can't have a joint intention to paint our house. This should help give us a grip on what's needed for citizens to share an intention with respect to some political event. They must intend that they together bring about that event in accordance with meshing subplans.

What exactly is required of the connection between citizens' joint intentions and political events? Not just any causal connection will do. That is because some causal connections are *deviant* in a hard-to-define sense. Imagine that the Guatemalan people, for example, formed a joint intention to expropriate unused

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<sup>41</sup>See Bratman (1992) and Gilbert (2009). See Shapiro (2014) for an extension of Bratman's account of joint action to very large-scale cases. And see (Stilz 2009, ch.7, Stilz 2019, ch. 4, ch. 5) for an extension of his account of joint intention to democracy.

foreign-owned land. And imagine this led to a U.S.-backed coup. Now suppose that the implanted government became so embattled that it, eventually, expropriated foreign-owned land as a source of income.<sup>42</sup> This plausibly does not make the Guatemalan people self-ruling. There is a causal connection between their joint intention and its fulfillment. But it is not of the right kind. Saying precisely what is the right kind of causal connection is tricky. But I suspect we can put the notion of *manifestation* to good use. What we want is not just there to be any old causal connection between the joint intention and the political events: we want those events to manifest the joint intention.

Manifestation is the relationships a disposition bears to its realization. Consider what happens when you drop a vase. The vase's shattering is both caused by, and a manifestation of, the fragility of the vase. What it is for the vase to be fragile is for it to shatter under certain circumstances. Now the shopkeeper's scolding you is caused by that fragility. But it is no manifestation of it. It's not part of the nature of fragility to cause scoldings. Intentions are often construed as dispositional in a certain sense: part of what it is to intend to do something, for example, is to try to do it in certain cases.<sup>43</sup> When you succeed, your action is caused by and manifests your intention. I suspect that this notion of manifestation carves out the requisite connection between joint intentions and political events.<sup>44</sup> Now, of course there's

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<sup>42</sup>This case is fictional, but the U.S. did have reason to regret its real-life activities in Guatemala. In 1954, it was the prime mover in a coup that replaced the mildly socialist Jacobo Árbenz Guzmán with a military junta. Decades of misrule followed: by the 1970s the country was suffering a full-scale civil war. The government was determined to win. At the outset of the conflict, the president, Colonel Carlos Arana Osorio, declared that “[i]f it is necessary to turn the country into a cemetery in order to pacify it, I will not hesitate to do so” (LaFeber, 1993, 261). He was true to his word: ultimately, around 200,000 people died. Many were simple farmers slaughtered by the government. Nonetheless, the U.S. never mustered the will to stop training, arming and funding Guatemalan military men: it was inextricably embroiled, and implicated, in the conflict. Accordingly in 1980, twenty-six years after the coup, one U.S. official lamented “What we’d give to have an Arbenz now” (1993, 261). It would not be the last time that the U.S. would have reason to regret overthrowing a foreign government.

<sup>43</sup>See e.g., Broome (2013). He claims that “[e]ach intention consists in a bundle of dispositions” (2013, 156).

<sup>44</sup>For this suggestion, I’m indebted to a pre-existing literature on how invoking manifestation might solve the problem of causal deviance ( See e.g., Turri 2011; Mantel 2017; Lord 2017). But these writers use the notion somewhat differently to how I use it. They first identify certain disposition, like intellectual competencies or the ability to respond to reasons. They then say that, when these dispositions are stimulated, their manifestations are based in the stimulus. Here the dispositions play a mediating role: it creates a link between stimulus condition and manifestation condition. In my view, a different link, the one between the disposition and its manifestation, is what matters.

a lot more that could be said about when something manifests an intention, joint or singular. But this will do for articulating a notion of self-rule. For some people to enjoy self-rule with respect to political affairs, just is for those affairs to manifest their joint intentions.

It will help to illustrate this with a couple of political examples. First, consider Social Security. Imagine that, by 1932, many Americans had formed a joint intention to support the elderly. Now suppose that this joint intention drove them to vote Franklin Delano Roosevelt (FDR) into office that year and gave Democrats big congressional majorities in 1934. And imagine this led to the Democrats creating Social Security. Then these citizens would be self-ruling with respect to social security. Social security would manifest their joint intention. And the more people who shared that intention, the more people are self-ruling with respect to this policy. Second, consider an example of people enjoying self-rule with respect to an outcome. Every election, millions of people make voting decisions on economic bases. They vote for the party who they think will best boost the economy. Now they might do this because a good economy will be good for them. Or they might do it for genuinely altruistic reasons. It doesn't matter. What matters is that, very often, assessments of the national economy drive how people vote.<sup>45</sup> I think it's often plausible that many voters have a joint intention in this respect. They intend to put the party in power who will do best for the national economy. Now suppose that they succeed in doing that. Then those who contributed can count as self-ruling with respect to this outcome. The outcome manifests their joint intention.

How exactly does democracy facilitate self-rule? Well a democracy, as we defined it in Section 1.1 of this chapter, is a system in which the people collectively determine what government does. That doesn't guarantee that they determine it via a joint intention. They could have only individual intentions ("I'll vote for FDR"). Then they'll fail to achieve self-rule in the relevant sense. But democracy ensures they do determine it somehow. And that, as we've seen doesn't require that government action manifests their joint intentions. But it requires that there is a causal connection between those intentions and the action, and some such causal connection is needed for manifestation. Thus, democracy doesn't guarantee self-rule. But it ensures a necessary condition for self-rule is satisfied. It is a prerequisite for self-rule. In the next two sections we'll turn to why self-rule is valuable. My view is that, as with equality, the value of self-rule has a positive and a negative aspect. It helps us gain a good and avoid a bad.

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<sup>45</sup>The classic study on this is Kinder and Kiewiet (1981).

### 1.3.1 The Authorship-Based Account

Let us start with the positive part of the value of self-rule. The idea here is that, when we are self-ruling, we author our social and political affairs. This is valuable in a way analogous to being author of our private affairs. Both help realize distinctive kinds of autonomy, conceived as something positively valuable. Thus, we'll start by glossing the value of authorship in the individual case. Here, it seems clear that it is good for the important events in your life to manifest your intentions. Consider your romantic partner, your career, where you live. It is valuable to be with someone you intended to be with, rather than to have your partner chosen for you. It is valuable to have the career you want to have, rather than have it decided by the state. It is valuable to live where you choose to live, rather than be tossed around by the waves of fate. These things aren't just instrumentally valuable. It's not just that you're likely to make better decisions about your partner or career than anyone else is. They're intrinsically valuable. You live a better life when you are a self-author. Your life is better when the things that really matter to you are the products of your own intentions, rather than chance events or the products of someone else's will. In other words, being the author of your own life is a valuable thing.

The value of self-rule can be understood, in part, in terms of this value. But, at first glance, it may be hard to see how democracy could help with this kind of value. You don't stand in the same relationships to democratic decisions as to personal career decisions. The latter you determine; the former you have a small share of the influence over. Yet you stand in an analogous relationship in the two cases. The idea is simple. We can distinguish the notions of individual and joint authorship. You are individual author of something when it manifests your individual intentions. But you are joint author of something when it manifests your joint intentions. Moreover, joint authorship is valuable in a way analogous to the value of single authorship. It's not just instrumentally valuable. It's also intrinsically valuable. Your life goes better when the things which really matter to you are the product of intentions you share, just as it goes better when they are the product of intentions you have qua individual. To be self-ruling with respect to some policy, then, just is to be a joint author of that policy. In this sense, self-rule realizes the value of jointly authoring our social and political affairs.

Why think such joint authorship is valuable? Part of the reason comes from considering cases. Consider co-authoring a book, building a business with a partner, developing a romantic relationship. In none of these cases are you the individual author of the relevant thing. You are not individual author of the paper,

business or relationship. You are joint author. The book's content manifests the intentions you share with your co-writer. The business's structure manifests the intentions you share with your business partners. The relationship's norms manifest the intentions you share with your paramour. In all these cases, this seems valuable. That it is valuable for you to be joint author of the things which matter in your life is a good explanation of these intuitions.

Partly, too, the reason comes from taking seriously the idea that joint intentions are a type of intention. The examples from the personal cases are evidence that intentions, generally, give rise to a value of self-authorship. It is valuable for one's intentions to be manifested. In the personal case, this happens when your personal intentions determine what happens to you. This makes you author of your own life. In the collective case, this happens when your joint intentions determine what happens to you. This makes you the (co)author of your own life. Now, you don't have the exact same relationship to the intention in the two cases. What makes a joint intention yours is different from what makes an individual intention yours. But both are your intentions in some sense. To treat them analogously means to treat them as giving rise to the same type of value. In this case, that means treating them as giving rise to the value of self-authorship.

Now one might deny that there is such a value. The quickest objection to it is the objection from control. One might think that authorship hinges on control: you can only be author of something if you control it. And the notion of control in play may be understood counterfactually. Roughly, you're in control of something if it happens when you want it to happen and doesn't when you don't. You don't have control, in this sense, over political affairs. Thus, you can't possibly be author of those affairs.<sup>46</sup> The response to this is simple. It is false that authorship requires control in anything like this sense. Perhaps individual authorship demands this. But joint authorship does not. Suppose you write a paper with a few other people. Sometimes, unfortunately, not even the shining light of your reason is sufficient to convince co-authors on certain issues. On such issues, imagine that you decide what to say by vote. Then you're not in control of what goes on the page. But you are still author of it. And this is a morally important type of authorship: you're responsible for what gets put on the page. Its value contributes to the value of your life. So it just seems obvious that joint authorship doesn't require control.

Let me make a few further points about this notion of authorship. These points could be made just as well about sole authorship: they apply to any kind of authorship. First, authoring one's life is not merely a matter of passive endorsement or

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<sup>46</sup>For this objection, see Kolodny (2014a, 210) and Brennan (2016a, 89–90).

approval. Authorship is an active relation; it involves your life being certain ways because you would have it so. In this way, self-authorship contrasts with passivity, with merely inhabiting a life formed by fate or the choices of others. Authoring one's life requires a causal connection between your choices and what happens to you. It requires that what happens in your life is responsive to those choices. This is what I take manifestation to supply: the relevant connection is that the important events in your life manifest your own intentions, values, priorities. This puts you in the active, agential, relation with those events.

Second, joint authorship requires that one's manifest intentions be in some sense authentic. Imagine you are alienated from your aims, manipulated into your convictions, completely ignorant of your options. Then you are in a poor position to be author of one's own life. Thus, where inauthenticity in political aims is widespread, democracy's full value will not be realized. We will return to this point in Chapter 6. There, I will argue that there is a sense in which the political preferences of many Americans are inauthentic. They are formed in conditions of excess ignorance, and under too much influence (of the wrong kind) by political elites. This is one reason why U.S. democracy does not realize much of the value of self-rule.

Third, one's options matter to how much one is the author of something. Let's first see this in the case of sole authorship. Imagine someone is born in a factory town, with only one real employment option: the factory. Compare this person to someone who chooses to work at a factory after careful deliberation over a wide range of decent options. In the first case, very little about the individual's career reflects their aims: their career almost entirely reflects the constraints they were under. In the second case a great deal about their career reflects the content of their will. What they do is more the product of their intentions. To be author of one's career, then, requires that one has a sufficiently many decent options. The same goes for joint authorship. For us to be jointly author of something, we must collectively have had a sufficiently many decent options. We'll return to this in chapter 7. There, we will explore how the ideological positioning of different parties affects the capacity of Americans to rule themselves. I will argue that polarized political parties are, in fact, good for self-rule. They give voters more distinctive options.

These latter two points should also be taken to constrain what counts as self-ruling. Citizens' degree of self-rule, as we'll understand the term, is partly a matter of the authenticity of their preferences and the range of their options. We will now look at some objections to this account of the value of self-rule. In part, the point of this is to convince the reader that there are good replies to these objections. But, more importantly, they will highlight interesting features of the value. They will

help show what thinking of democracy as facilitating of joint authorship commits one to.

### 1.3.2 Objection I: Scale

Let's start by looking at the issue of scale. The enormous size of most contemporary democracies means that each citizen wields a tiny share of influence over collective decisions. As we've noted, the objection from control has been an influential objection to the account of the value of self-rule I've just sketched. My response to that objection was that joint authorship does not depend on individual control. But there is a similar objection which does not rely on the implausible claim that authorship requires control. This objection simply points to the tiny share of influence possessed by each individual citizen. The thought is that each citizen's level of authorship over policy must be proportional to their influence on policy. Thus, since their influence is so small, in contemporary democracies they must only be a little bit the author of policies. But being a little bit the author of something, one might think, is not so valuable. So this value is largely unachievable in a country like the United States. Thus, it is not a good metric on which to measure the value of American democracy.

The good reply to this objection is, simply, that the proportionality principle is false. It is not true that one's level of joint authorship over something varies with how much influence one had on the thing. This is because what matters to authorship isn't how much influence you personally have over something. It is how much influence your intentions, including your joint intentions, exert on the thing. In the personal cases, this usually requires that your individual intentions determine it. Your individual intentions determine your choice of career or spouse. Thus, in these cases, you do need considerable personal influence over that choice. But in the case of joint authorship, this requires only that your joint intentions determine the thing. It requires that your joint intentions determine public policy. But that is consistent with your individual intentions exerting minimal influence over what happens. It's consistent with you sharing your joint intentions with tens of millions of people. All it requires is that the joint intention, the intention you share, is influential. Thus, the type of influence you need to have over political decisions isn't diluted in large modern states. You don't need personal influence over the decisions: you just need joint influence. This influence need not be reduced by sharing it with many others.

Now, one might think that there is a problem with this view. It seems to imply that it would be unproblematic for you to jointly, rather than singly, author of things

in your personal life. Imagine you jointly authored your choice or spouse or of career, with all your fellow citizens. The view I've just advanced suggests that this would be just as good as being their sole author. Some might think this is an objectionable result. They might think that, patently, one should be sole author of one's choice of career; joint authorship would be noxious.<sup>47</sup> Yet I am not so sure. You cannot, after all, be overruled and still be joint author of your spouse and your career. Guaranteed joint authorship of these domains will never saddle you with anything you don't want. If it did, you would not be an author. But it is not so clear that being individual author of some endorsed consequence is better than being joint author of that thing. So, I am not so sure the result that it isn't would be an objectionable one.

Yet, in any case, there are several ways to avoid this putative problem. The simplest is to say that individual authorship is superior to joint authorship. On this view, it's better for the dictator to be a dictator than it is for them to be one citizen among many. When they rule alone, they are better-off. Thus democracy is a compromise; it would be best for each individual to be sole author of their political affairs, but since not all can be sole author, joint authorship is an appropriate middle-ground. Alternatively, one could appeal to values outside those of authorship to avoid the problem. In particular, it's natural to think that it is bad for other to interfere, or have much influence over, your private affairs. This, one might think, is a *sui generis* transgression into your personal sphere. Yet when you are joint author of your choice of spouse or career, others *do* have much influence on your private affairs. Thus, this might be what's wrong with being joint author of such things. The wrongness is not that this makes you any less their author, but rather that this involves an independently objectionable transgression into your personal affairs. Thus, this position does not commit one to the view that being joint author of such things is just as good as being their sole author.

### 1.3.3 Objection II: (Dis)agreement

Let's now turn to the import of (dis)agreement. One might think that this account makes the value of self-rule, in a sense, too narrow. For, on this view, one only jointly authors a policy when it manifests one of your shared aims or intentions. But electoral democracy usually involves competition. Ideally, it involves programmatic competition. Two or more different groups offer differing policy platforms. Voters then choose between them. Yet, inevitably, some people will vote

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<sup>47</sup>See Brennan (2016a, 89) for this point.

for the losing side. Thus, it seems that they will not get their joint intentions made manifest in policy. It will only be those on the winning side who enjoy self-rule. But one might think this is too restrictive. Both electoral winners and electoral losers enjoy some measure of self-rule. So, one might think that the account just advanced is unacceptable. It spreads the value of self-rule too thinly. It merely provides the value of self-rule for election winners, but election losers enjoy this value too.

This objection correctly identifies a feature of the account. It's true that, on the account, those on the winning side will enjoy more of the value of self-rule than the others. They will enjoy authorship over the policies that the winning side implements. But this is a feature, not a bug. It is very plausible that persistent minorities, for example, enjoy less of the value of self-rule than persistent majorities. That said, those on the losing side can still enjoy substantial authorship of policy. This is for two reasons. First, often losers are not perennial losers. Competitive political systems involve an alternation of power. Those who lose this election won elections in the past. Those who are first now will later be last. And policy is cumulative. When a party wins power, it does not remake policy *de novo*. It just changes, often incrementally, the existing body of policy. Insofar as those who lose contemporaneous elections influenced policy in the past, they still enjoy some self-authorship. They are still author of many of the policies they are subject to, for they are subject to more than the policies of the day.

Second, the policies of the government of the day are not the only important things about a political system. Often, they are not even the most important things about a political system. Equally important is its general character. At the broadest level, this might consist in it being a liberal democracy. The system allows public contestation of political decisions and respects a broad range of liberal freedom. More narrowly, it might consist in its general policy orientation: that it provides a safety net for its citizens or supports private property. That the state should do this might be an opinion shared across political divides. Liberal democracy needn't be the preserve of one party. Thus, those on opposing political sides can share intentions with respect to these general features of their society. Insofar as these intentions help support these features, that means they can jointly author such features.<sup>48</sup> I'm inclined to think this does enough justice to our intuitions about self-rule. It's not counter-intuitive that electoral victors momentarily enjoy more of the value of self-rule than electoral losers. All that would be counter-intuitive

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<sup>48</sup>This is not a new point. See, for example, Dahl (1956, 132–33) and Campbell et al. (1964, 283).

would be for electoral losers to enjoy no or very little of this value. So, in a sense, it *is* the winners who enjoy more of the value of self-rule.

### 1.3.4 Objection III: Hierarchy

Let's now turn to the issue of hierarchy. Some organizations are hierarchical. Consider, for example, the U.S. army. In the army, the sergeants have more power than privates, lieutenants have much more power than privates and generals have much more power than sergeants. Yet sometimes the army achieves goals which were, one presumes, widely shared throughout the ranks. When the U.S. army helped liberate France, for instance, the liberation was presumably a goal shared by privates, sergeants, lieutenants and generals. Moreover, all had an influence on the successful achievement of this goal: each soldier contributed to the liberation of France. So it seems that the soldiers, throughout the ranks, shared a joint intention, and it seems that they each contributed to its fulfillment. Thus, at first glance, it seems the view I've advanced implies that the soldiers in the army enjoy part of the value of democratic self-government. Yet that is surely incorrect; soldiers don't enjoy these values. So, one might think there is something off about this view.

There is a straightforward reply to this objection. The key point is that ordinary soldiers in the U.S. Army have only a single decent option: to do as the army directs. If the generals decide on some goal, the privates can't form a joint intention to do something else, and get that intention satisfied. If the generals have decided to liberate France, the privates can't decide to liberate Spain instead. This is not within their power. They'll be tried for desertion, or at least dishonorably discharged, if they try it. Thus it is the higher-ups, not the lower-downs (even collectively), who have a range of options to choose between. Yet we said that some people only enjoy authorship over something when they chose it from among an array of decent options. So the members of these hierarchical organizations don't enjoy authorship over choices of the organizations. This brings out the difference between the army and well-functioning democracies. In well-functioning democracies, the citizens do have a range of options to choose between when it comes to government policy. That is why they can get the value of jointly authoring those policies.

Now, having said that, the value of joint authorship also doesn't rule out certain clearly objectionable types of hierarchy. Consider the inequality involved in J.S. Mill's system of plural voting. Mill thought that well-educated people, and those with certain occupations should get extra votes. In such a system, citizens would still collectively determine what society does; they would just have unequal influ-

ence in said determination. They could thus enjoy the value of self-government. This value does not straightforwardly condemn the inequality in the voting system. But this is compatible with my overall view. I think equality is also a democratic value. Its value is independent of the value of self-rule. This value rules out plural voting systems, not the value of self-rule.

This completes my sketch of the positive value of self-rule, the way self-rule secures a good. When citizens rule themselves, they are joint authors of their social and political affairs. This is valuable in a way analogous to being individual authors of those affairs is. I now turn to spelling out the negative aspect of this value, the way self-rule avoids a bad. When citizens rule themselves, government coercion poses less of a threat to their personal freedom.

### **1.3.5 The Freedom-Protecting Account**

We will start with an idea. The idea is that certain kinds of interpersonal influence impair our freedom in a distinctive way. The paradigm example is coercion. Consider the highwayman who threatens to shoot you unless you give him your money. It certainly seems that they impair your freedom, in a familiar sense of the term. Moreover, it seems that the impairment of your freedom goes over and above the mere contraction of your options; contrast the case of the highwayman with a case where you simply lose your wallet. Losing your wallet impairs your freedom less, it seems, than having it forcibly taken from you (and perhaps it impairs your freedom not at all). Thus, it seems that there is a distinctively interpersonal dimension to freedom. There is a notion of freedom which is impaired by coercive influence.

In the political context, the freedom-undermining character of coercion gives rise to one of the central problems in political philosophy. States are essentially coercive enterprises. They have a vast apparatus of police, courts and jails. All are designed to shape the way citizens behave through the threat of violence, and the resulting coercion is a constant background to modern life. So, if state coercion impairs your freedom in the same way that the highwayman's coercion does, then your freedom is in tatters. Self-rule, I think, can help with this problem. When the state realizes self-rule to a high degree, it is not analogous to the highwayman. Its coercion is less freedom-destroying. The point of this section is to explain how it can do this. This will carve out the second, negative, aspect of the value of self-rule. Its achievement mitigates the threat to freedom posed by state coercion.

What is the relevant notion of freedom? The notion I am talking about consists in your ability to make personal choices free of noxious sorts of interpersonal influence. I am inclined to think of this notion of freedom as a component of the

broader notion of autonomy. I shall say more about autonomy in Chapter 6. But for now let me just suggest that a choice is autonomous when it flows from your core values, the conditions it is made under include a sufficient range of options, and those conditions do not include certain noxious forms of interpersonal influence. When someone else determines your actions in the wrong sort of way, that makes your choices non-autonomous. Autonomy, in turn, connections to the value of authorship outlined in the previous section: it is important for one's choices to be autonomous, because it is important to be able to author one's own life. Thus, on this view, state coercion threatens our self-authorship in the individual sphere. This is my preferred understanding of the relevant sort of freedom, but the key point is just that some kinds of interpersonal influence—and coercion paradigmatically—are objectionable. My goal in this section is explaining how democracy can stop the pervasive coercive influence of the state from being bad in the way that coercion typically is.

Let's start with an analogy. Compare two versions of the highwayman case. The first is the standard version, in which the highwayman is a stranger robbing you. The second is a version where you've put the highwayman up to it and currently endorse it. The day before embarking on your trip you hired a man to rob you. Perhaps you wanted a good story to tell. Perhaps you wanted to give your date a thrill. Perhaps you wanted a decent excuse for being late. But, whatever the reason, the highwayman robs you only because you directed him to do so. The coercion in this second case seems far less freedom-destroying than that in the standard case. The highwayman's coercion manifests your own intentions. That seems to deprive it of much of its noxious force. The analogy is between this second case and a state in which citizens enjoy a high degree of self-rule. In this case, the coercion of the state and its officials manifest citizens' (joint) intentions. So they are substantially less freedom-destroying than they would otherwise be. This is the intuitive model on which self-rule helps mitigate the problem of state coercion.

There is a straightforward way to capture this intuitive model. We say that the problem with coercion is that it means your will is not the ultimate determinant of your actions.<sup>49</sup> In the first version of the highwayman case, your will does still determine your actions. That means your actions are manifestations of your intentions: you give the highwayman some money because you don't want to get shot. But your will is not the ultimate determinant of your actions. The highwayman intends you to give him the money, and it is his intentions that ultimately lead you

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<sup>49</sup>For a similar idea, see Julius (2013).

to give him the money. You are a puppet of the man with the gun. In the second case, in contrast, your will is still the ultimate determinant of your actions. This is because the highwayman points a gun at you only because you paid him to do so. His determining your actions was itself determined by your will. This is why the second case is less problematic. On this view, we say that self-rule makes one's will the ultimate determinant of one's actions. Although the will of state officials are the proximate source of what you do, your joint intentions when you are self-ruling you are their ultimate source. And so this view gives us a neat explanation of how self-rule mitigates the problem of coercion.

I think this view is basically correct, but the devil is in the details. Specifically, it is natural to understand what it is for someone to ultimately determine your actions causally: a coercer determines your actions in the sense that they cause you to do whatever you do. But there is nothing necessarily wrong with other people being the ultimate cause of your actions; this needn't undermine your freedom. To see this, consider the case of requests. Imagine you have a beloved partner. You'll live wherever they ask you to live. If they ask you to stay in New York City, there you will stay. If they ask you to move to Tucson (with them), then you'll move to Tucson. They want the latter, and so it is off to Tucson you go. Here, your actions are ultimately caused by your partner's will: you move to Tucson, and intend to move to Tucson, because they intend you to. But this isn't a problem; your partner does not impair your freedom by making such requests. What this suggests is that we cannot construe determination in mere causal terms.

How else should we construe it? One clear difference between the case of requests and that of coercion is a certain sort of modal robustness. Pretty much anybody will do what a highwayman tells them to do when he's pointing a gun at their head: most people don't want to get shot. But not many people would move to Tucson because your beloved partners asks them to: few people love your partner. I propose we articulate this in terms of ordinariness.<sup>50</sup> An ordinary case is one the features of which are not, in actuality, extremely rare. It's perfectly ordinary for someone not to want to get shot, but not at all ordinary to love your partner. With this notion in hand, we can say, roughly, that the highwayman determines your actions to the extent that they cause you to do what you do, and to the extent that this relationship holds in ordinary cases. The more ordinary cases in which they affect your actions, the more their will counts as determining those actions.

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<sup>50</sup>I take the notion of "ordinariness" to be closely related, and perhaps synonymous, with "normality" or "typicality". Epistemologists have recently started employing the former, and Carter (2020, §5) gives a probabilistic account of this notion. See Wilhelm (2019) for a frequentist account of the notion of typicality.

Let me say more about the relevant notion of ordinariness. This is, to some degree, a theoretical notion. It can be molded to count those cases that best match our intuitions. But a frequentist analysis of ordinariness at least gives us a good heuristic for the notion. We can take the ordinary cases to be those which occur sufficiently frequently, in the actual world. It is overwhelmingly frequent for those coerced by highwaymen to prefer their life to their wallet. It is sufficiently infrequent, infrequent to the point of rarity, for them to have the reverse preference. So, the former is ordinary and the latter is not. Features ordinary to a situation are those which are not actually extremely rare in such situations. Concurrently, to evaluate whether a situation is ordinary, we hold fixed some facts and vary others. We hold fixed that the highwayman threatens you to extract money. But we can vary everything else within their ordinary. We vary whether it is rainy or sunny, whether you're a jazz fan or a pop aficionado, whether you value the life of action or that of the mind. In all these cases you give the highwayman your money. Thus, he determines your actions to a very great extent.

I just gave a rough account of determination. Let's be a bit more careful. I'll say that your will *determines* your actions insofar as you do what you intend to do because you intend to do it, and insofar as in ordinary cases you would also do what you intend to do because you intend to do it. This definition has two clauses. The first establishes that there must be an actual causal connection (and match) between your will and what you do: for your will to determine your action, it must cause (and match) your action. The second clause establishes that this causal connection must have the relevant sort of modal robustness. Note this is an account of a scalar notion: your will is more the determinant of your actions the more ordinary cases it would determine them in. Your will is the *ultimate* determinant of your actions insofar as your will determines your actions, and nobody else determines your will. Someone determines your will insofar as, actually and in ordinary cases, you will what they want you to will. If they want you to intend to give them money that causes you to intend to give. If they want you to intend something else, that causes you to intend to this other thing. The key idea above is that the problem with coercion is that it prevents your will from being the ultimate determinant of your actions in this sense. It replaces your own will with that of the coercer. This is how coercion destroys freedom.

We can now apply this account to the problem of state coercion. When an autocratic state coerces you, that means your will is not the ultimate determinant of your actions. The state's will, or that of its officials, is. But things are more complicated in a democracy. Imagine the tax rate is a manifestation of your joint intentions, and you are coerced by state officials to pay your taxes. Then your joint

will is the ultimate cause of your actions. Moreover, there is a broad range of ordinary cases in which your joint will would also cause your actions. If you had, together with your fellow citizens, intended a different tax regime, then a different tax regime would have been enacted. So, your joint will does, to a substantial degree, determine your actions: it causes what you do and would so in a broad range of ordinary cases. This makes coercion by a democratic state substantially less odious than coercion by an autocratic state. The latter prevents you from being the ultimate determinant of your actions. The former does not. Above, I suggested that the main objection to coercion is that coercion makes you, ultimately, the puppet of other people. Democracy draws the sting from this objection. Democracy makes state coercion compatible with your being the ultimate determinant of your actions, and so makes it compatible with your individual freedom.

There are some complications. First, even if your joint will actually causes your actions, there are some ordinary cases where it would not. You might, together with a majority of your fellow citizens, jointly intend the state to have comprehensive welfare provisions and pay for them by high taxes. And the government might, as a result, enact such a regime (imagine you're Norwegian). It would be ordinary for you and a majority of other citizens to want something different, and if they did, in a well-functioning democracy they would get something different. But it would also be ordinary for you to be in the minority. Many citizens might want lower taxes and a correspondingly paltrier welfare state, and it would not be extraordinary for you to be among them. Yet, if you were in the minority, your joint intentions (with other members of the minority) would not cause government policy. This constrains the extent to which even very high degrees of self-rule can make your will the ultimate determinant of your actions. But notice that your will is still much more the determinant of your actions when you enjoy high degrees of self-rule than when you do not. In the latter situation, there are few ordinary cases in which your will ultimately causes your actions; in the former there are many. Thus, self-rule helps ameliorate the problem with state coercion, without eradicating it entirely.

The second complication is that you undoubtedly do not will all the laws. You oppose some laws and are probably indifferent to more. These laws won't manifest your intentions. In such cases, coercive enforcement of those laws still impairs your freedom. When you are coerced to comply with these laws, your will is not to any substantial degree the ultimate determinant of your actions. Now the greater degree of self-rule a state achieves the fewer people will be in this situation on fewer occasions. But some people will still be forced to comply with laws that they do not themselves will. This underlines the lesson from the first complication:

self-rule does not make state coercion completely anodyne. Rather, it mitigates the problem with state coercion. Such mitigation is enormously valuable, and it is not something that a non-democratic system can achieve. This gives democracy a great advantage over autocracy. But there is still a problem with coercion even in very ideal democracies: such systems retain a reason not to coerce citizens willy-nilly.

Let's look at a third complication. We can hardly suppose that people jointly intend the product of individual cases of coercion. Suppose, for example, a police officer arrests you in order to enforce some law. You might have intended this law be enacted. But you might well not have the intention that they arrest you and take you to jail, at least not here and now. You might have never entertained the idea that this police officer would arrest you at 11:13pm on a Tuesday night. So, you could hardly have intended that you go to jail. In this case, then, it seems that your will won't determine your actions, and so it is not their ultimate determinant. Yet this conclusion can be resisted. A key point is that what you do in this case is closely connected to something you did intend. You intended the police to arrest anyone who breaks the relevant law. Their arresting you, given you broke the law, is a completely foreseeable consequence of them doing the thing you intended. Consequently, your action is a completely foreseeable consequence of satisfying your intentions.

Plausibly, these conditions mean that this instance of coercion is less freedom-destroying. In this case, your joint will is not the ultimate determinant of your actions in the sense characterized above. But your actions are a completely foreseeable consequence of your joint will. The case is somewhat analogous to a case in which you intend some overarching things but don't intend each action that constitutes that thing. Suppose you intend to throw a brick at a window, but don't give a thought about the exact speed with which you throw the brick. Nevertheless, your will is in some sense the ultimate determinant of the fact you throw the brick at ten meters per second. So, we should expand the sense of determination glossed above. We should say that your will determines your action when your actions match either your intentions, or the foreseeable consequences of satisfying those intentions. Thus, when a police officer arrests you to enforce some law that manifests your joint intentions, their coercion does not impair your freedom.

There are some other objections to this idea that self-rule helps mitigate the threat of state coercion. But they parallel the objections we dealt with the previous section. First, one might think that, since each citizen has so little personal influence over policy, self-rule cannot possibly provide much mitigatory force. Here the reply is that what matters is not their personal influence, but the influence of their joint intention. This might be considerable. Second, one might think that the

account I've sketched implies (incorrectly) that coercion by a hierarchical organization, if one was its member and shared its aim, would not be freedom destroying. Here the reply is that the members of such organizations don't get to shape its aims. This is why such coercion destroys freedom. I've been brief in replying to these objections, because I am just repeating what I said in the previous sections. My reply in those cases go for the parallel objection in this case. This completes my articulation of the freedom-protecting value of self-rule; self-rule helps ameliorate the extent to which state coercion stops one's own will from ultimately determining what one does.

Let me sum up what I've said about the value of self-rule. Democracy, as we defined it, required the citizens collectively determine what government does. We've been exploring why this is valuable. I think that it is valuable because it is necessary for self-rule, it is necessary for government policies and their outcomes to manifest citizens' joint intentions. This itself furnishes two values: a positive and negative value. On the positive side, it makes citizens joint authors of political affairs. It gives them joint authorship of their social and political affairs. This is valuable in much the same sense as being individual author of one's life is valuable. On the negative side, it helps disable the threat of state coercion. It stops such coercion destroying their freedom, by helping prevent it from constituting the independence-destroying kind of interpersonal influence. I think this is the best way to spell out the value of self-rule, self-government, or popular sovereignty. But, in the next section, we'll explore an alternative.

### **1.3.6 An Alternative View: Republican Freedom**

An alternative way of thinking of a value very like self-rule is embodied by the republican conception of democracy. The central intuition which motivates republicans is the benevolent master intuition. Suppose a master can freely interfere with their slave but is firmly opposed to doing so. They can beat their slave, but they won't. The thought is that the relationship between this benevolent master and their slave is nonetheless objectionable. More generally, it's objectionable when someone *can* freely subject one to interference. This is so even if they're not disposed to do so. Republicans term this a type of domination. Precisely, they suggest that one is dominated with respect to some action,  $\Phi$ , when some other person or group has the uncontrolled ability to interfere voluntarily with A's choice about whether to  $\Phi$ . Republicans think domination is an extremely objectionable type of unfreedom. So ensuring people enjoy non-domination is extremely valuable.

I do think that there's a connection between domination and democracy. I

spelt this out in Section 1.2.1: democracy helps prevent relations of domination between citizens.<sup>51</sup> But Republicans have tended to spell out this connection differently. They think that the very existence of a state raises a worry of domination. States, modern states especially, are unfathomably powerful entities. They can raise huge armies, level cities, keep tabs on whole population. They can literally move mountains.<sup>52</sup> The worry is that such entities are able to interfere with the choices of their citizens. Now some states might be resolutely liberal; they might not engage in such interference. But they could. This raises the specter of domination. States, it seems, dominate their citizens. Enter democracy. The idea, as fleshed out at most length by Pettit (2012), is that democratic institutions allow the people to control the state's exercise of interference.<sup>53</sup> This, roughly, means such institutions enable the people to prevent state invasiveness. Throwing out governments in elections and contesting decisions in courts, he says, allows the people to control the state's ability to interfere. And he insists it's only the uncontrolled ability to interfere with someone which is problematic. It's only when the master's ability to interfere with his slave is not under anyone else's control that that ability impairs freedom as non-domination. So democratic institutions secure something he and other republicans think is very valuable. They free us from state domination.

This picture doesn't make what I've defined as self-rule valuable. But it seems to make it very important for ordinary citizens to have an influence over what government does. So what should we make of this picture? I myself find it doubtful. Simpson (2017) raises the central problem. Simply put, if the people have control over the state's interference, it seems that they will also have control over individuals. But domination by a group doesn't seem much better than domination by an individual. Suppose one has three masters, and they decide by vote whether to beat you. It seems that you still count as dominated in this scenario. You don't genuinely enjoy freedom as non-domination. So, it seems that democracy is ill-suited to providing freedom as non-domination. And that is bad news for the republican defense of democracy.

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<sup>51</sup>This is roughly the view Kolodny (2019) defends.

<sup>52</sup>The biggest single state project I know of is the South-North Water Transfer Project. When it is completed, it will transfer 45 billion cubic meters of water from the South to the North of China every year. That is half the annual discharge of the Nile. Local resistance to it has been driven, in part, by worry about the weight of the water increasing the risk of *earthquakes*. Now I suppose that is not the literal moving of a mountain. But the ability is comparable enough.

<sup>53</sup>This idea is also clearly present in his earlier work. But there the language often also suggests a worry about domination of ordinary citizens by individual officials (Pettit, 1997, ch. 7).

Lovett and Pettit (2018, 382) have a reply to this. They stress that the people, collectively, might be able to *stop* state interference but not be able to impel it. They may be able to prevent the state from interfering with individuals. But they may not be able to bring it about that the state interferes with these individuals. If so, they think the state's ability to interfere will count as controlled. But this wouldn't give the citizenry the ability to interfere. So, non-domination would be achieved after all. The picture of the people's proper role in government here is a picture of veto power. Ordinary citizens can, together, veto government actions. But they can't impel them. The collective role of ordinary citizens in government should be to stand athwart government action yelling "stop": nothing more.<sup>54</sup>

This does not seem to me an attractive conception of a democratic value. There are two problems. First, it doesn't capture all of what makes influence over government valuable. For example, it seems like it was valuable for the American people to create Social Security, win the war, secure civil rights, put a man on the moon. But, on this conception of democracy's value, these look suspicious. If it were really the people driving these achievements, then they could also surely drive the state to interfere with individual citizens. If the people can drive the New Deal, then they can surely jail their fellow citizens.<sup>55</sup> So this conception misses this part of self-rule's value. It misses precisely the positive value that inheres in being the joint authors of our collective affairs.

The second problem concerns feasibility. Most institutions which can prevent interference can also compel it. Consider elections. Elections, let's suppose, give people veto power by letting them throw out governments which interfere with them. This motivates those governments not to so interfere. But, if so, it seems elections would also let people throw out governments which don't interfere as desired. Elections can be a tool of domination. The same goes for most forms of political participation. Thus, republicans shouldn't be too keen on electoral democracy after all. They need institutions which allow for the prevention of state interference alone. It's not clear, at least to me, what those institutions are. Republicans often mention a court system in which ordinary citizens can contest government action (Pettit, 1997; Lovett and Pettit, 2018, 172–183, 381). But this alone doesn't seem particularly democratic. A society with courts but no elections is not a democracy. So, the republican conception seems either unfeasible or undemocratic.

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<sup>54</sup>Riker (1982) had essentially the same picture. He based it on Arrow's impossibility theorems. He thought that these show the people could at best veto the actions of government. They couldn't guide it.

<sup>55</sup>Indeed, the American state obviously did inflict internment on hundreds of thousands of Japanese Americans soon after it stopped passing New Deal legislation.

Thus, I don't think that the republican conception of democracy is an attractive one. I prefer to ground the value of self-rule and its ilk in the two things we've just discussed, rather than in non-domination. But perhaps that is wrong. Perhaps I underestimate the republican conception of democracy. So although this conception won't be my focus going forward, it will sometimes be useful to keep it in mind. I think the most important things I say about American democracy would go through on such a conception of self-rule.

## 1.4 Conclusion

Let me sum up. I've outlined the two core democratic value which will pervade the rest of the book. One is equality. The positive aspect of this consists in achieving valuable egalitarian relationships. The negative aspect consists in avoiding objectionably inegalitarian ones. Democracy doesn't guarantee either. But it facilitates them. The second is self-rule, or the manifestation of our collective intentions in political affairs. The positive aspect of this consists in it making us author of those political affairs. The negative aspect consists in it protecting our freedom. Again, democracy doesn't guarantee either. But it facilitates them. This completes my pluralistic picture of what makes democracy valuable. In the next chapter we will see how this picture can underpin a special normative status for democratic citizens. Citizens ought to obey democratic laws and coercive enforcement of those laws may be permissible. Thus these values make democracy not just axiologically distinctive but also deontically distinctive. The subjects of democratic states have different rights and duties than the subjects of other states.

I want to say two more thing before going forward. The first is defensive. It concerns utopianism in democratic theory. It might be difficult indeed to achieve very high levels of these democratic values. So there's a sense in which the democratic theory I've presented here is utopian. It would be very hard for a real political system to achieve these values to their highest degree. Indeed, there might not even be such a highest degree. Some people might be tempted by the thought that this tells against the theory. That thought seems to me wrong. Perhaps, were the theory to tell us nothing about how to compare non-ideal systems, that might tell against it. It might make us doubt it correctly articulated democratic values. But that is not the state of play. Although it is difficult for a system to realize these values to the highest degree, there's still a vast variation in the other degrees to which they realize them. And realizing them to a greater rather than a lesser degree is valuable. So the theory I've presented tells us a lot about how to evaluate non-ideal

political systems. It is not utopian in any pejorative sense.

The second is clarificatory. The conclusion which arises from the later parts of this book is that American democracy does not realize much of these democratic values. But this invites the question: relative to what? There's a few ways to answer this question. None are better than the others. First, we might take it to be relative to *our expectations*. On this interpretation, we've formed some expectations about American democracy before encountering much empirical work. American democracy seems *worse* than we imagined it to be. Second, we might take it to relative to *what's feasible*. On this interpretation, American democracy realizes far less of these democratic values than it could. Third, we might take it to be relative to *other things of value*. On this interpretation, we weigh the value American democracy achieves with the value achieved by good art, fine literature, personal relationships. And the former seems relatively insignificant. I think that, on each of these interpretations, it is true that American democracy realizes little of what makes democracy valuable. The value realized pales in comparison to other values. It could feasibly realize far more value. And it is surprising that it realizes so little: many of us, I suspect, naïvely expected American democracy to be doing better. With these points in mind, we can start on the normative status of democratic citizens.

# Chapter 2

## Democratic Duties

### 2.1 Introduction

On February 3rd, 1913, Delaware ratified the sixteenth amendment to the United States Constitution. That made for three-quarters of the states: the amendment became law. Congress, from that point on, could levy taxes on income. Such taxes soon became the main source of federal revenue. Congress obligated millions of people to fork over a chunk of their income to the federal government. But John Cheek denied this. Cheek, a pilot for American Airlines, had paid his taxes up until 1979. But then he stopped. He claimed that the sixteenth amendment was never ratified. So he denied that he was bound, by law, to pay his taxes. The Internal Revenue Service (IRS) did not take this well. He was eventually charged with six counts of, predictably enough, failing to file income tax returns. He lost at the trial and spent much of 1992 in prison. He spent another five years on probation and had to pay his back taxes as well as a hefty fine.

Cheek, many people think, did something wrong. People should obey the law. The United States did nothing wrong. It can permissibly enforce the law. And the police officers and judges and prison guards who put Cheek in prison also did nothing wrong. They too can permissibly enforce the law. In this chapter we explore how democracy interacts with these claims. More generally, we explore how democracy is deontically distinctive. Let's say that a state has authority, of the normative kind, when those subject to its laws ought to obey them. There is, in its territory, a general obligation to obey the law. Let's say that a state has legitimacy when it and its agents—police officers, judges, jailers—may permissibly enforce those laws. They may use coercion and violence to prevent and punish the breaking

of those laws. The distinctiveness we'll explore concern authority and legitimacy. I'll argue that authority and legitimacy hinge on democracy.

More specifically, I have four aims in this chapter. First, I aim to show how democratic values can form a foundation for the authority and legitimacy of democratic states. Realizing these values to a high degree puts a state in a good position to enjoy these distinctive normative statuses. Second, I aim to show that democracy matters to defenses of state authority which aren't *prima facie* especially democratic. In particular, it is much more difficult to ground our political obligations in associative obligations, fair play obligations, promissory obligations or debts of gratitude in non-democracies than in democracies. Third, I aim to show that there is reason to *avoid* obeying the law in non-democratic states. The reason is an egalitarian reason. When we obey non-democratically made laws, we treat those with more influence over the laws as superiors and those with less as inferiors. And we have reason not to do that. So non-democratic states are in an especially bad position to enjoy authority. And fourth, I aim to assess how this redounds to the legitimacy of non-democracies. I'll suggest that it is bad news for their legitimacy. The upshot of this is that democratic values make an important difference to our normative status as citizens. They matter to the rights and duties of those subject to the state.

I'm going to take the claims which I advanced in Chapter 1 for granted. But it will help to summarize them here. I argued that democracies facilitate two values: equality and self-rule.<sup>1</sup> I cashed equality out in terms of how we relate to one another. The claim was that democracy facilitates attractively egalitarian relationships—civic friendships—while avoiding objectionable inegalitarian relationships: dominance hierarchies. I cashed out self-rule in terms of joint intentions. The claim was that democracy helped the joint intentions of citizens become manifest in government policies. I suggested that this was valuable because it ameliorated the freedom-destroying nature of government coercion and made us authors of our social and political institutions. These claims are my starting point. This chapter connects them to the authority and legitimacy of democratic states.

## 2.2 Authority in Democracy

We'll start by saying more about our notion of authority. The notion prominent in this chapter is a normative notion. One has authority, in this normative sense,

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<sup>1</sup>I defined a democracy as any political system in which political power was roughly equally distributed and the people collectively determine what government does.

when people are obligated to obey your commands. A state has authority when there's a general duty to obey its law. More precisely, we'll say that a state has authority when, generally, the fact that its laws say that one should do something in part grounds an obligation to obey it. Note three things about this definition. First, the generality here is majoritarian. The idea is that most people have a duty to obey most laws. There might be some exceptions, but they're exceptions. Most people ought to obey most laws. Second, note that the duty is not just to do what the laws say. It's to obey the law. This means doing what the law says *because* the law says to do it. This requires doing what the law says. But it also requires that your actions be caused by what the law says. Most straightforwardly, that can be achieved by being motivated by the law's command. Third, note that it is the fact that the laws say one ought to do something which in part grounds this duty. That means the law's telling you to do something in part explains, non-causally, why one has the duty. You have this duty partly in virtue of the fact that the law imposes it on you.

In this section, we'll see how democratic equality can provide a foundation for state authority.<sup>2</sup> Democratic equality, I've argued, consists in the avoidance of inegalitarian relationships and the facilitation of egalitarian relationships. Both relationships generate reasons. Inegalitarian relationships are bad in themselves and people have a claim on us to be subjected to them. This gives us a corresponding reason to not subject people to an inegalitarian relationship; it gives us a reason not to subject them to inequalities of power. Egalitarian relationships are good in themselves and, when we're in one, the other people in the relationship have a claim on us that we do not impair it. This gives us a weighty reason not to comply with the requirements of such relationships. When you're friends with someone, for example, you have weighty reason to care about their well-being. Additionally, such relationships constitutively involve equalities of power. Thus, when you're friends with someone, you have weighty reason not to wield asymmetric power over them. Overall, you have weighty reason to preserve your egalitarian relationships and avoid inegalitarian relationships.

Let's be clear about the nature of this reason. Partly, it is a consequentialist reason. Egalitarian relationships are good; inegalitarian relationships are bad. And you have reason to make the world a better place. So, you have reason to protect the latter and prevent the former. But most of the weight of this reason is not consequentialist. It's not just that you should care about your friend's welfare because

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<sup>2</sup>The argument will be most closely connected to that in Kolodny (2014b) and Viehoff (2014). It is more distantly connected to the one in Christiano (2008, ch. 6).

it's impersonally good to do so. Rather, your friend has a claim on you that you care about their welfare. If you don't care about their welfare, you are wronging them. The same goes for the objectionably inegalitarian relationships. It's not just that you should avoid having power over others because it's impersonally bad to do so. You wrong others when you put them under your asymmetric power. It is these directly deontic consequences of the relevant relationships that are the most important.

It will be worthwhile to say something more in defense of this thought. Consider how you relate to your friends. Imagine you're much richer than one of your friends, and you bribe them to always do what you say. This gives you more power over them than they have over you. That impairs the relationship; it makes it less egalitarian. You have weighty reason not to do this. This reason is not just down to the fact that you've taken something of impersonal value from the world. It seems, additionally, that you've wronged your friend by using your wealth to control the relationships. And that is so even if they accept the bribe. Even in this case, they have a complaint against you: you've treated them as less than an equal. We might say that you've disrespected, rather than failed to promote, the value of egalitarian relationships. So the reasons grounded in (in)egalitarian relationships are not just reasons to bring about good and avoid bad: they are reasons to satisfy the claims of other people.

We can now see how democratic equality provides a ground for state authority. I suggested in Chapter 1 that inequalities of power ground objectionably inegalitarian relationships and preclude attractively egalitarian relationships. The relevant notion of power was, I argued, the ability to affect what people do. When some have more influence over behavior than others, that tends to create a relational inequality. From this, it follows that we have weighty reason to avoid creating inequalities of power. When we create such inequalities, we will bring about inegalitarian relationships and impair egalitarian relationships. Now the key further thought is that, in some cases, disobeying the law can exacerbate power inequalities. When you disobey the law, you take more power for yourself than your fellow citizens have. So you have reason to avoid disobeying the law. That just is the reason to avoid subjecting your fellow citizens to inegalitarian relationships and to facilitate egalitarian relationships with them. This is the basis of the argument for the authority of democratically made law.

When does disobeying the law exacerbate these inequalities? There are two importantly different cases. The first is a society of equals. This is a society in which everyone has roughly equal power. Consider any democratically made law in such a society. Let's stipulate that that's a law over which we've all had equal

influence. Suppose most people obey this law. Then their obedience contributes to your own power. You have the ability to influence the laws, and thus the law-abidingness of your fellow citizens gives you the ability to influence what they do. This constitutes you having power over them. Now suppose that you do not obey the law. Then your law-abidingness does not contribute to the power of your fellow citizens. So you have, in one important respect, more power over your fellow citizens than they have over you. You wield influence over their behavior through the laws and they do not wield such influence over yours. And since you live in a society of equals, that grants you more power than them overall. So you've created a power inequality. You have reason not to create such inequalities, in these circumstances, you have reason to obey democratically made laws.

The second case is a somewhat inegalitarian society. This is any society in which not everyone has equal power. It's a society, like our own, which is riven by inequality. A version of the argument still applies in such a society. It just has more limited conclusions. For consider any democratically made, widely obeyed, law in such societies. Suppose you do not obey this law. Then this increases your power without increasing anyone else's. When is this a problem? When it exacerbates inequalities power. That is unlikely to happen if you had very little power to begin with. Then it is likely to ameliorate inequalities in power. But, if you already had a lot of power, then you've exacerbated inequality. In these specific circumstances, there's egalitarian reason to obey democratically made law. So, there's reason for powerful people in law-abiding but inegalitarian societies to obey such laws. For them, disobeying the law exacerbates inequalities, and thus worsens the inegalitarian relationships their fellow citizens are in. If this is right, then democratic equality is a potent source of state authority. It doesn't guarantee a state authority; but it can give many people reason to obey the law.

I want to address two objections to this view. The first objection targets the claim that, when people obey the law, that gives power to those with influence over the laws. The worry is that to have power is to have an ability: it is to be able to affect people's behavior. When I obey democratically made laws, my fellow citizens actually affect my behavior. But there is a gap between actually affecting my behavior and being able to affect my behavior. You might (luckily) affect what I do on one occasion without having much ability to influence what I do. And so one might think that not obeying a law on one occasion doesn't really lessen one's fellow citizen's power over you. It lessens their actual influence on one, but not their ability to influence one. If so, egalitarian considerations would not give one a reason to obey the laws on every occasion. Instead, what really affects the power of one's fellow citizens is whether one has a standing disposition to obey

democratically made laws. If I have such a disposition, then that makes them more powerful. If I do not, then that makes them less powerful. So one might think that egalitarian considerations, at most, give one reason to foment in oneself a standing disposition to obey democratically made laws.

This conclusion is not very far from my position. But, regardless, I don't think it is correct. The essential point is that there is not a very large gap between actually doing something and being able to do it. Suppose I am able to read Spanish. Let's think of this counterfactually: to be able to read Spanish means that, were I presented with written Spanish, I would understand it. But my ability has straightforward implications about what will happen when I am actually presented with written Spanish: I will understand it. Indeed, we should think of the ability as in part constituted by such concrete manifestations. One's reading Spanish when presented with it in part grounds one's Spanish literacy. Likewise, how able one is to affect someone's behavior in part consists of whether, in concrete cases, one does affect their behavior. If one tries to affect their behavior and fails, that tells against one having any such ability. So being insensitive to someone's influence over you on a particular concrete occasion constitutively detracts from their power over you. Thus, if you don't obey the law on one occasion, that does reduce the power of your fellow citizens.

The second objection concerns how weighty our egalitarian reason to obey democratically-made laws is. The thought goes that disobeying the law may make each of one's relationships with one's fellow citizens less egalitarian. But it surely doesn't make them *much* less egalitarian. And such modest increases in inequality surely lead to only a modest detraction from the equality of your relationships. So disobeying the law doesn't much worsen one's relationships. Thus, one might think that the egalitarian reason I've just located is not a very weighty one at all. There are two good replies to this objection. The first reply points out that many modest impairments might add up to something immodest. This reply hinges on the thought that disobeying the law impairs *many* relationships. It impairs your relationships with each of your fellow citizens. Now each impairment on its own might ground a lightweight reason to obey the law. But, plausibly, the weight of one's reasons to avoid impairing relationships is additive. The weight of one's reason to avoid impairing many relationships is the sum of the weight of one's reason to avoid impairing each such relationship. These very many lightweight reasons may well add up to a weighty one. One might have weighty reason not to modestly impair many relationships.

The second reply doesn't rely on this additivity claim. This reply hinges on a disconnect between the weight of one's reason to avoid impairing a relation-

ship, and the extent of the impairment. One might have weighty reason to avoid even modestly impairing your relationships. Consider certain personal relationships. Imagine you're getting coffee for your friend. You have enough cash to buy you each a small filter coffee or yourself a large chai latte. It would only mildly impair your relationship to do the latter. It would be a mild violation of the requirement to care for your friend's welfare. Nonetheless, you have weighty reason to do the former. This weight outstrips the extent to which doing it protects the relationship. Equally, this might happen when it comes to exacerbating inequalities. The weight of one's reason to avoid exacerbating an inequality might well outstrip how much that exacerbation impairs some relationships. So we have two replies to the objection. Thus, I think it's plausible that we have a weighty reason to obey democratically-made laws. Democratic equality provides a big contribution to state authority.

Does achieving self-rule also contribute much to the authority of democracies? This seems to me less clear. There is an argument that it does. Part of the value of self-rule lies in its making citizens the authors of their social and political affairs. They become such authors via influencing the laws. But plausibly the laws do this only insofar as those laws are obeyed. If the law is flouted, its enactment does not help people be authors of their environment. Hence disobeying the law works against making our fellow citizens authors of their own environment. It frustrates the realization of this value. But, if authorship is valuable, then that gives us some reason to obey the law. Obeying the law will help our fellow citizens achieve an important value. So we have reason to obey the law.

But one might think that this reason is often somewhat lightweight. That is because, in personal cases, it often seems indecisive. Suppose someone decides that my hair color is part of their social environment. They might be right; I might see them often, and my hair might be a common topic of conversation. But I have little reason to change my hair color in the way they ask. I might have some reason. I might, for instance, generally have reason to see that people get what they want. But in this case I'm well within my rights to spurn their request. This suggests that we don't generally have very weighty reason to change our personal behavior in order to help someone be author of their environment. Thus, even if the value of self-rule does generate some reason to obey the law, the reason might be relatively lightweight. It might not be sufficiently weighty to tell much in favor of a duty to obey the law.

So, to sum up, I'm neutral on whether the value of self-rule provides much reason to obey democratic laws. But I think the value of democratic equality can give one weighty reason to obey the laws. Disobeying the law sets one up as the supe-

rior of one's fellow citizens. Now sometimes, of course, this weighty reason also won't rise to the level of obligation. If you're speeding to get your in-labor partner to hospital, then you have weightier reason to disobey the law than to obey it. But it seems plausible that, very often, this will make obeying the law morally obligatory. It will mean that you do wrong when you disobey the law. Ideal democracies, then, are in a good position to enjoy authority.

## 2.3 Legitimacy in Democracy

We now move to state legitimacy. Let's start with background. States are essentially coercive enterprises. They punish, and threaten to punish, those who don't obey their laws. This is, instrumentally speaking, very good. It deters people from stealing and killing and doing all the other not-very-nice things that they allegedly do in the state of nature.<sup>3</sup> But there is a question about the moral valence of state coercion: is the state, and its officials, morally permitted to coerce people?

The instrumental value of state coercion strongly favors its permissibility. But there seems to be an even stronger noninstrumental objection to state coercion. People have weighty rights against being subject to coercion. They have these rights even when it would be instrumentally good to coerce them a little bit. This is easy to see in the case of private individuals. Suppose a private individual started punishing those who didn't fight the good fight on anti-malaria donations. He locked the insufficiently charitable in his basement. Both the threat of punishment and its fulfillment are objectionable. They're sufficiently objectionable, it seems, to make both morally wrong. For private individuals, instrumental considerations don't usually outweigh the objection against coercion. Private individuals can't coerce people just because doing so would be instrumentally good; people have weighty rights against coercion. But, if this is so for individual coercion, it seems like it should be true for state coercion. People's rights against coercion surely don't just evaporate when faced with organizations that do a lot of coercion. But then state coercion should, presumptively, be morally impermissible. The state, and its officials, do something wrong when it (they) coercively enforces its laws.<sup>4</sup>

This is the problem of political legitimacy. We'll say that a state is legitimate

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<sup>3</sup>In practice, of course, non-state societies have had many institutions that deterred such behavior. Hunter-gather societies weren't really anarchic in the colloquial sense of the term. For some discussion of these institutions, see Henrich (2020, 87–122). Yet, plausibly, these institutions work less well than a coercive state, at least in large populations.

<sup>4</sup>For this argument, see Huemer (2013, 3–19).

when it's morally permissible for it and its officials to coercively enforce its laws. The problem is that people seem to have a very weighty objection to coercion. In most cases, this seems to outweigh any instrumental justification of that coercion. In this section I'll explain how democracy might help solve, or at least ease, the problem. States which achieve democratic value to a high degree are in a better position to be legitimate. There are two reasons for this. First, achieving democratic values undermines the objection to coercion. It makes coercion by such states less problematic. Second, such an achievement gives such states more reason to coerce. It makes coercion by such states achieve more of value. I am inclined to think that this is enough to make democratic states legitimate. But, even if this is not so, it makes coercion by democratic states much less seriously wrong.

Let's start with the first point. Democracy has the potential to undermine the objection to state coercion. This point rests on the following claim: the objection to state coercion is, in large part, grounded by the freedom-destroying properties of coercion. Coercion is objectionable because it impairs the freedom of those who are coerced. This seems to me intuitively plausible: the most obvious problem with any type of coercion is its effect on freedom. Coercion destroys freedom. But, if this claim is accepted, then democracy helps with the problem. At least, it does if we accept the freedom-based account of the value of self-rule. On this view, coercion that flows from laws that manifest citizens' intentions is less freedom-destroying. So coercion in service of democratically made laws has less impact on freedom. Now, that impact might not be nil. Such coercion may still diminish freedom to some extent. But the impact is ameliorated. Thus, this diminishes the force of the objection to state coercion.

The plausibility of this line of argument varies with the instance of state coercion. In Chapter 1 we pointed out that nobody intends every instance of state coercion. But, I suggested, even the strictly unintended instances plausibly matter less, insofar as they're a necessary and foreseeable means to realizing what is intended. This story also provides a defense of such cases of coercion. Of course, many cases of state coercion—certainly in the United States—are neither of these things. So the freedom-based accounts of self-rule hardly provides a defense of every instance of state coercion. But it's unlikely such a defense is possible, or desirable. It's unlikely that even the most democratic state can permissibly coerce its citizens in any situation whatsoever. But the freedom-based account does add weighty ballast to the legitimacy of democratic states.

Let's move to the second point. This point rests on the value of democratic equality. I just argued that those who refuse to obey democratically made law sometimes set themselves up as superiors. They grant themselves more power

than their fellow citizens enjoy. This is bad in itself, and they have an obligation not to do this. This is an enforceable obligation: we can permissibly coerce people in order to prevent them from subordinating others. It is permissible to threaten someone with violence to stop them from enslaving someone else. But we can see coercive enforcement of the laws in just these terms. By threatening lawbreakers with imprisonment, one makes people more likely to obey the laws. This makes them less likely to set themselves up as other people's superiors. Thus, coercive enforcement of the laws is presumptively permissible. So the value of democratic equality buttresses the legitimacy of democratic states.

In sum, then, democratic values can be an important source of legitimacy. The freedom-based value of self-rule removes much of the objection to state coercion. State coercion in the service of democratically made law is less problematic than other sorts of state coercion. Democratic equality supports legitimacy in two ways. For one thing, it means people have an enforceable obligation to obey the laws. For another, it means there is positive value in making people obey the laws. This amplifies the weight of the state's reason to coercively enforce its laws. I am inclined to think that this makes normatively ideal democracies legitimate. But this depends in part on how weighty one thinks the objection to coercion is. However, at the least, democracies are in a much better position to achieve legitimacy than are other political systems. We'll return to questions of legitimacy in Section 2.7.

## **2.4 Authority in Autocracy**

I've just argued that democratic values provide support for state authority and legitimacy. In this section I'm going to argue that, when it comes to authority, something more is also true. There are some accounts of state authority which don't, at first, glance, seem democratic. These are associative, fair play, promissory and gratitude accounts of authority. Associative accounts say that our reason to obey the law is grounded in the political relationships in which we stand to our fellow citizens. Fair play accounts say that obeying the law just is contributing our fair share to a collective scheme from which we benefit. Promissory accounts say that obeying the law is the fulfillment of a promise. Gratitude accounts say it is the repayment of a debt of gratitude. My claim is that first glances deceive: these accounts only work well in democracies. This means that, at least on issues of authority, non-democracies are on shaky ground. They obviously can't take advantage of democratic sources of authority. But nor can they take advantage of these other sources of authority. Now, that doesn't establish they don't have au-

thority. There are other possible accounts of authority. But these cover a large swathe of the territory of accounts. Thus, the most promising sources of authority seem closed to non-democracies.

### 2.4.1 Associative Theories

Let's start with associative theories. The central thought behind such theories is that being in certain relationships—family, friendship, collegiality—can give rise to certain obligations. Imagine your dear brother is in dire distress. Their marriage has just disintegrated; they need somewhere to stay. You are duty-bound to help them. You would, assuming no special circumstances, wrong them if you didn't offer to let them stay at your place for a few days. Your special relationship with them, your familial relationship, seems to give you obligations. Why does this matter to political authority? The idea is that your relationship with your fellow citizens is analogous to such a relationship. In particular, it is analogous to a familial relationship; although unchosen, it gives rise to obligations. These obligations, the idea goes, include the duty to obey the law. Thus, the state's authority can be grounded on the import of one's relationships with one's fellow citizens.<sup>5</sup>

There seems to me two pressing questions for such associative theories. First, what is it about our relationships with our co-citizens which gives rise to obligations? Not every association with someone gives rise to such reasons. Some things we share with people are trivial. I have green eyes; this gives me no obligations to other people with green eyes. Other, more substantial, associations also give rise to no obligations. I might have to engage regularly with one of the slower bureaucrats at the U.S. embassy. This does not give me duties to that bureaucrat. The issue here lies in explaining what the special character of political community is. Second, how does this special character connect to the laws? I have many familial obligations to my family. But none of them include obeying the laws. I do not wrong my brother when I drink wine in a New York City park. And it wouldn't change matters if some powerful body (like the state) decided that both me and my brother should behave in a certain way. This would be an external imposition on our relationship; it would not impact what I owe to my brother. The issue here lies in explaining why the laws are not such external impositions, and why instead we owe obedience to them to our fellow citizens.

These questions are given defensible answers, I think, by a recent statement

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<sup>5</sup>These views were made prominent by Dworkin (1986, ch. 6). For another important defender of them, see (Horton 1992, ch. 6; Horton 2007).

of the associative view: the version presented in Scheffler (2018). In answering the first question, Scheffler claims that the special thing about membership in a political society is its noninstrumental value. It is valuable for reasons besides its causal consequences. On the second question, he claims that, when we're in a noninstrumentally valuable relationship, we have reason to defer to the needs, interests and desires of others in that relationship. When you are friends with someone, the thought goes, you have reason to defer to their desires. You have such reason even when you regard their desires as ill-judged. Now a group, he claims, expresses its needs and desires through its norms (2018, 9). And, he argues, the laws are the norms of political societies (2018, 17–21). It follows that the laws express the desires of our political communities. The upshot is that we have reason to obey such laws. Obedience to them is just deference to the desires of a group with which you have a valuable relationship.

These answers seem to me like key components of any plausible associative view. On the first point, it seems bizarre to think that valueless relationships give rise to obligations. When we are duty-bound to friends or family members, it always seems to be in the context of a valuable relationship. If my relationship with my brother was utterly poisonous, I would not have duties towards him. On the second, if the laws were completely unconnected to the desires of citizens, it would seem odd to think that one should have to follow them. Imagine the laws were imposed by a colonial regime. Then it does not seem like one wrongs one's fellow citizens when one ignores the laws. My aim in this section is to argue that these answers make associative authority very democratically demanding. They mean that only a state which achieves a substantial degree of both democratic equality and self-rule will, by the lights of this view, have authority. Thus, on plausible associative views, authority hinges on democracy.

Let's start with the answer to the first question: that our relationships with our co-citizens are noninstrumentally valuable. In Chapter 1, I argued that democracy was necessary for the relationships between co-citizens to be egalitarian relationships. But I think it is plausible that, between adults, only egalitarian relationships are noninstrumentally valuable. You might have an instrumentally valuable relationship with a ruler. They might enrich you. But the inequality of the relationship mars its noninstrumental value. It does this because the terms on which it is appropriate for adults to relate are ones of equality. In this case such terms are violated. Thus, democracy is necessary for our political relationships to achieve noninstrumental value. Political relationships that are marred by inequality lack value.

Now one might resist this. Some inegalitarian relationships are intrinsically valuable. The relationship between parents and young children is inegalitarian,

but still intrinsically valuable. And parental relationships also give rise to reasons. Parents have special reason to look after their children's welfare. Similarly, perhaps some specific inegalitarian relationships between adults can be intrinsically valuable. Educational relationships seem like the most promising examples. The relationship between teacher and adult student, or mentor and mentee, may often be inegalitarian. But it might still be intrinsically valuable. So perhaps political relationships are analogous to educational relationships. Perhaps, even when inegalitarian, they give rise to special reasons.

But such reasons won't ground state authority. This is because the reasons educational relationships give rise to are not reasons of desire deference. Consider the relationship between teacher and adult student. Neither has special reasons to defer to the desires of the other. The teacher has certain educational obligations. They have an obligation to help their student learn. But those aren't reasons to do what the student *wants*. The student might not know the best way for them to be learn. Equally, the student might have special obligations to the teacher. They might have duties to be open-minded, to put some effort into learning. But those aren't reasons to defer to what the teacher wants. Now, that's not to deny that the student sometimes has some reason to defer to the teacher's wants. They might sometimes have Razian reasons. This might be so when the teacher knows what's best for them and doing what the teacher wants is the way to get it.<sup>6</sup> But these aren't reasons to defer to the teachers desires in the sense that we have reason to defer to our friend's desires. So, I doubt that, in these inegalitarian relationships, there are such reasons of deference.

Let us now turn to the answer to the second question: that the laws are the expressions of the group's desires. This too seems to me plausible only in democracies.<sup>7</sup> In fact, it is only plausible when a democracy achieves quite high degrees of self-rule. Only when the laws generally manifest citizens' joint intentions are they expressions of those citizens' desires. For suppose a dictator, or a small cadre of officials, are the ones who decide what the laws are. Then there's no sense whatsoever in which the laws are the expressions of what the citizens want. Thus, there is no sense in which obedience to the laws will realize deference of the desires of your group. It will involve deference of the desires of the dictator, not the desires of your fellow citizens. The laws, in a dictatorship, are an external imposition on your relationship with your co-citizens.

One might try to modify Scheffler's argument to avoid this point. Perhaps one

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<sup>6</sup>See Raz (1986).

<sup>7</sup>Scheffler (2018, 19) considers this point. He neither endorses nor denies it.

needn't run his argument through deference to desires. Perhaps one could just say that, when one is in a valuable relationship of any kind, one should follow the norms of that relationship. This strategy seems to me unsustainable. The difficulty hinges on how we should interpret 'norm' in this modified argument. The most obvious interpretation is expectational. A way of acting is the norm of a relationship in this sense when the members of the relationship generally expect the other members to act that way. The norms of political societies are those ways in which citizens expect other citizens to act. The laws plausibly identify norms in this sense. But it seems to me far less plausible that one has reason to do as these sorts of norms dictate. This is because we often expect people to act in ways that they have weighty reason not to act. Consider what happens when you visit the Department of Motor Vehicles (DMV). You expect the DMV bureaucrats to be unbearably slow. And so does everyone else. That's why everyone dreads going to the DMV. But that doesn't give these bureaucrats reasons to be so ponderous. Expecting them to be slow doesn't give them reason to be slow. There are many cases like this—we often expect people, even those we're in valuable relationships with them, to act wrongly. That does not give them reason to act wrongly.

Perhaps we might interpret 'norm' deontically. We could say that a way of acting is the norm of a relationship in the relevant sense if the members of the relationship generally think the other members ought to act that way. Plausibly, your fellow citizens generally think that they and their fellows ought to obey the law. But it again seems implausible that one has reason to do as these sorts of norms dictate. That is because there are clear cases where one would lack such reasons. Suppose, for example, that I find out that one of my friends has written up a Handbook of Friendship. All my other friends now think that we ought to comply with the book. This gives me very little reason to comply with the book. When the Handbook says I have to tithe this friend (lucky them), that does not actually give me an obligation to tithe. So this modified version of the argument seems untenable too. Perhaps there's an alternative way to modify the argument. But I suspect that there is not. So, I suspect that we only have associative reason to comply with laws which manifest citizens' intentions. Otherwise, the laws will be external impositions on our associations.

If that is correct, then associative accounts of authority are democratically demanding in two ways. First, they demand that the relationship between co-citizens be of noninstrumental value. But, so I've argued, this requires democratic equality. Second, they demand a special connection between citizens' will and the content of the laws. But, so I've argued, this requires self-rule. So, I doubt that non-democracies can enjoy an associative basis for state authority.

## 2.4.2 Fair Share Theories

Let's turn to fair share, or fair play, theories of political obligation.<sup>8</sup> The central thought behind these theories is that, sometimes, we ought to do our fair share towards cooperative schemes from which we benefit.<sup>9</sup> Suppose you're in a sinking lifeboat. You don't want to die. All the other passengers are bailing out water. You ought to help them out. And, even if you're pretty sure that the lifeboat wouldn't sink were you to sit back and relax, you should help them out. Here, bailing out the boat is the cooperative scheme. Staying afloat—and so not dying—is the benefit you get from it. And contributing to the bailing out is your fair share. In this case, you have a moral obligation to do your fair share. How does this extend to a duty to obey the law? The idea is that we can see the state as this kind of co-operative scheme. We benefit in various ways from the existence of a state. For example, states prevent us from being in the state of nature, and nobody wants to be in the state of nature. Thus, the thought goes, we're obliged to do our fair share towards the production of these benefits. And, some people think, obeying the law is part of doing our fair towards this production. So, they think that we have a fair share obligation to obey the law.<sup>10</sup>

My aim in this section is to show that these arguments only apply, or at least apply best, in democracies. This claim swings on the fact that co-operative schemes must meet certain conditions to give rise to fair share obligations. This is widely acknowledged. In Rawls' influential (1964) statement of this view, he restricted the relevant schemes to ones which were just. Other advocates of these theories tend to accept this restriction.<sup>11</sup> But I'll rely on two somewhat different restrictions. The first is that benefiting from a co-operative scheme only gives you a fair share obligation when the scheme treats you fairly.<sup>12</sup> This means that the benefits it provides you are proportionate to everyone else's. It doesn't give others more benefits unless they've contributed much more to the scheme. The second is that benefiting from such a scheme gives you a fair share obligation only when that scheme doesn't mistreat you. Mistreatment isn't presumed to be unfair treatment in this principle. It's supposed to be treatment of you which amounts to wronging

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<sup>8</sup>These were first stated by Hart (1955) but popularized by Rawls (1964). See Wellman and Simmons (2005) for a somewhat different version to that discussed in the text. I think the same points apply to this version.

<sup>9</sup>See Tosi (2018) for a nice recent overview of how to precisely articulate this thought.

<sup>10</sup>Besides Hart and Rawls, Klosko (2005) is probably the most influential advocate of this view.

<sup>11</sup>See, for example, Dagger (2000) and Tosi (2018).

<sup>12</sup>This thought comes from Simmons (2001, 5–9).

you. So, even when you benefit from some co-operative scheme, if that scheme treats you unfairly or mistreats you, then you have no obligation to do your fair share in its support. My claim is that, if we grant the conclusions of Chapter 1, non-democratic states do both to many of their citizens.

Let's begin by looking at the first point. The thought here is that political power is an important benefit of political community. This is for two reasons. First, it gives us access to the values of self-rule. In particular, it helps ameliorate the freedom-destroying effects of government coercion. It helps us become authors of our social and political institutions. We cannot get such goods outside a state. They're one of the major benefits of political community. Second, (relative) power prevents our subordination. It prevents us being cast into the lower end of inegalitarian relationships with others. These are benefits which we're unlikely to get outside political community. Now, in non-democracies political power is very unequally distributed. Some people get a lot of it and some people get a little. But those who get a lot don't generally give up more for these communities. Now, true enough, dictators sometimes present their rule as a personal sacrifice. But that's rarely accurate. Revealed preference suggests that the Shah of Iran spoke for many dictators when he said: "actually...I like my job tremendously" (Reza Shah Pahlavi, 1961). So these non-democracies treat those without power unfairly. They give them less benefit than they are warranted. And this undermines, if not eliminates, their reason to obey the law. In non-democratic states, fair share reasons to obey the law are at least much less weighty.<sup>13</sup>

Let's now turn to the second point. I'll start by saying a little more in support of the point. The intuition is that, when the members of a scheme wrong you, you aren't obligated to support it. This holds even if it treats you fairly with respect to the distributions of benefits. Now, the possibility of that depends on the possibility of a scheme's members wronging you in non-distributive ways. But that is possible. Suppose you're the member of a hiking club. You help them organize trips to the Sierra Nevada. The benefit is a fun hiking trip. But the other members of the club are, let's imagine, a nest of viperous gossips. They constantly belittle you behind your back and mock your good-faith efforts: hiking can be a cruel sport. This wrongs you, which undercuts your reason to help out with the trips. It means you do much less wrong, perhaps nothing wrong, when you skimp on your organizational responsibilities. Their having wronged you diminishes your fair share obligation to them. More generally, when the members of a co-operative scheme

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<sup>13</sup>My argument here is roughly similar to the one in Shelby (2007), although the details are very different.

wrong you, that diminishes your obligation to do your fair share in producing the benefits of that scheme.

How does this apply to democracy? Well, if what I said in Chapter 1 was true, it seems that non-democracies, and their decision-making members, do wrong many of their citizens. They do this in two ways. The first connects to the value of self-rule, in particular its freedom-protecting value. Impairing someone's freedom wrongs them. So, when non-democracies impair people's freedom by coercion, this wrongs those people. The second connects to the value of democratic equality. Putting people into relationships of inferiority, it seems, wrongs them. You owe it to them not to make them inferiors. So non-democracies again wrong those who get a less power than others. This means the decision-makers in non-democracies mistreat their citizens. Such mistreatment, we just suggested, undermines fair share obligations. So in non-democracies your fair share reason to obey the law is much less weighty. I suspect, in fact, that the combined force of these points makes it a very lightweight reason. Fair share accounts of state authority do much less well in non-democracies than in democracies.

Two issues arise from this. The first concerns the scope of the problem. I've just relied on the claim that those mistreated or treated unfairly by a co-operative scheme have little fair share reason to help out with that scheme. But what about everyone else? Do those who benefit from such unfair schemes still have a fair share obligation? I'm unsure. But I'm inclined to think not.<sup>14</sup> I'm inclined to think that everyone's reason to do their fair share gets undermined by the moral defects of the scheme. Imagine, for example, the initiator of a Ponzi scheme. This person gets fabulously wealthy from the scheme. But he imperils the livelihoods of many other members in the scheme. I'm inclined to think they have obligations of recompense rather than obligations to do their fair share in the Ponzi scheme. They should give money back to the late joiners. They have no reason whatsoever to keep soliciting new members. Thus I'm inclined to think that, when schemes treat people unfairly or mistreat people, then that undermines their status as sources of fair share reasons. If that's right, then fair share reasons won't ground anyone's political obligations in non-democracies. The moral defects of non-democratic states undermine their capacity to generate such reasons. If that's not right, then these defects just undermine that capacity with respect their less powerful citizens. But, in either case, fair share obligations are greatly weakened.

The second issue concerns feasibility. Above I claimed that non-democracies treat people unfairly and mistreat them. This is perhaps not always true. There

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<sup>14</sup>Simmons (2001, 8–9) suggests the opposite.

might be cases where it would be impossible for a state to become more democratic. Consider, for example, France after the Napoleonic wars. A Bourbon sat on the throne. More importantly, there *was* a throne. But it would perhaps have been impossible to transition to democracy. The other European powers would have invaded. This might be a situation in which the state, through no fault of its own, could not become more democratic. It's plausible that, in these cases, those who lack relative power aren't being treated unfairly (but I'm unsure whether they're still being wronged). If so, unfair treatment doesn't undermine any fair share reason they have to obey Bourbon laws. And the point goes more generally. Feasibility constrains what counts as unfair treatment. So, when a non-democracy could not feasibly become more democratic, its lack of democracy might not realize unfair treatment. This is a point worth acknowledging. But I think its practical relevance is slight. I don't know any reason to think that, of any actual non-democracy, that democracy is out of reach. In particular, I know of no reason to think that America's non-democratic elements are ineluctable parts of its political system. Nobody is threatening to invade the U.S. if it reforms campaign finance. This suggestion about feasibility, even if true, likely has little practical relevance.

Let's sum up. I've just argued that a lack of democracy undermines fair play grounds for political obligation in two ways. First, non-democracies treat many of their citizens unfairly. They do this by giving some of them less of the rewards of political community than others. Second, non-democracies mistreat some of their citizens. They do this by impairing their freedom and making them inferiors. Both undermine any fair share reasons these citizens would have. And I'm also inclined to think that they undermine fair share reasons other members of the polity possess. Non-democracies are unlikely to enjoy a fair share basis for state authority.

### 2.4.3 Promises and Gratitude

Let's turn to two final theories of political obligation: promissory theories and gratitude theories. Promissory theories say that we've actually promised to do as our political obligations oblige. For instance, we've promised to obey the law. Some of us have explicitly undertaken some promises. In the United States, many of the fifty million or so immigrants have done this.<sup>15</sup> Others have, according to these theories, tacitly promised: by not emigrating, they've undertaken an obligation to

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<sup>15</sup>See Lovett and Sharp (forthcoming) for a discussion of this case. I think it's very plausible that immigrants do have such promissory obligations. It is clearly much less plausible that natural-born citizens do.

obey the law. Who is the promise to? On the main contemporary version of this theory, this promise is owed to the state (Beran 1987, 31). Gratitude theories also say that we owe something to the state: a debt of gratitude.<sup>16</sup> They point out that the state has educated us, protected us, clothed us, housed us. It has done great good for us. And, they point out, when someone greatly benefits us, we owe them gratitude. According to these theories, that transmutes into political obligations. The thought is that, at minimum, gratitude requires us not to harm our benefactors. But, when we violate our political obligations, we harm the state. Thus, gratitude requires us to comply with our political obligations.

My aim in this section is to show that both these theories only apply, or apply best, in democracies. There are two reasons for this. The first is that, if the view in Chapter 1 is right, non-democracies greatly harm their citizens. On the one hand, they put them in relationships of subordination. On the other, they destroy their freedom through coercion. But this would seem to greatly weaken both types of obligation to the state. Let's start with debts of gratitude. Here the point is simple: if someone benefits you in one respect but harms you in another, they are less a great benefactor than they originally seemed. Thus, you owe them substantially less gratitude than had they only benefited you. So, if the state harms you, that tells against your having a debt of gratitude to the state.

Now let's look at promissory obligations. Here the key point is that, when someone you've made a promise to wrongs you, that weakens your promissory obligation to them. This seems intuitively plausible. You might icily keep your promises to someone who has wronged you; but should you break them, that seems far less condemnable. The reason for this is perhaps that the promisee, in this case, does not have the standing to complain about such promise-breaking. That standing is undermined by their wronging you. And the weight of your obligation to them, plausibly, depends in part on the weight of the complaint they'd have were you to break that promise. Now back to the state: the harms non-democracies inflict on their citizens are wrongings. Thus, the weight of any promissory obligation to the state is reduced. So, both types of obligation seem undermined in the case of non-democratic states.

We now move onto a second reason. This is more subtle, but I suspect more serious. Both views above say that one's political obligations are owed to the state. But this is more peculiar than is usually acknowledged. What kind of thing is the state, such that we can owe it these obligations? We cannot have obligations to just

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<sup>16</sup>Plato discusses this theory in his *Crito* (2002, 48d–52d). Walker (1988) is its main modern advocate.

anything. Suppose I promise my car to keep it clean. I don't owe a car wash to my car. It's not the right kind of thing to be the recipient of such an obligation. The right kind of thing, in fact, seems to be flesh-and-blood individuals. It's they who have the moral status to make promissory claims and claims on our gratitude. But the state is, quite clearly, not a flesh-and-blood individual. So, in virtue of what can the state make such claims? There is perhaps a natural answer to this question. The state, many think, is an *agent*.<sup>17</sup> It has beliefs, desires and intentions and those mental states are rationally integrated. When it wants something, it'll intend to do what it thinks is a necessary means to getting what it wants. When it believes that it ought to do something, it will form an intention to do it. And perhaps this agency suffices to give it the relevant moral status.

Yet that seems wrong. Agency might be necessary for such moral status. Perhaps, to be the bearers of claims, we need to be agents. But it is not sufficient. We can see that in the case of some other claims. Consider the right to life. Organizations, agents or not, have nothing like the weighty right to life flesh-and-blood individuals have. Imagine Standard Oil objecting to being broken up on the grounds of such a right. It would have been, rightly, laughed out of court: Standard Oil did not have the right to continued existence that we have. Similarly, organizations clearly don't have some other rights individuals have. Imagine Goldman Sachs demanding the full gamut of political rights—the vote, for instance. It wouldn't get a hearing: Goldman does not have a moral right to the vote. What this shows, I think, is that mere agency is not sufficient to underpin the ability to make moral claims. More is needed. Organizations lack the “more”. Thus, I think that organization can't make any claims at all. Only their members can make such claims.

What is the “more”? The natural answer is: welfare. Only beings for which there is something there is for their lives to go well, in the fundamentally morally important sense, can make such claims. Organizations don't have welfare in this sense. The simplest explanation for this is that phenomenal consciousness is necessary for welfare. Organizations are not phenomenally conscious.<sup>18</sup> Many views of welfare place such stock on consciousness. Hedonism is the most well-known. This view says that pleasure and pain are the only states which contribute to welfare. These are phenomenal states. So only phenomenally conscious beings have welfare. But there are other, more attractive, such views. One says that personal relationships, knowledge, projects *etc.* can all enhance welfare. But they only en-

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<sup>17</sup>List and Pettit (2011) have been most influential in defending this kind of thought. For related arguments, see (Tuomela 2013, Huebner 2014; Tollefsen 2015; Epstein 2015; Bjornsson and Hess 2017).

<sup>18</sup>For a defense of this, see List (2016).

hance your welfare when you endorse having them. And endorsement, according to these views, is a phenomenal state.<sup>19</sup> What it is to endorse a friendship is to *feel* positively towards it. On this view, perhaps you can have friendships you don't feel positively towards. But they only enhance your welfare when you do feel positively towards them. Thus only phenomenally conscious things have welfare. In either case, organizations—the state included—lack welfare. And this is a good explanation for why they lack moral status.<sup>20</sup>

That poses a clear problem to the above views of political obligations: both presuppose that the state can make certain moral claims. But, in democratic states, there is an obvious way out of this problem. We say that we don't owe gratitude or promise keeping to the state: we owe them to its citizens. Whether this is ultimately defensible, I am unsure. But I think its plausibility hinges on citizens' involvement in the functioning of their state. Consider gratitude: we owe gratitude to the citizens because they passed the laws and elected the governments which benefited us. Had they little role in passing those laws, it's not they who would have benefited us. Thus, we would not owe *them* gratitude. Or consider promissory obligations. This is simplest with the promissory obligations of immigrants. Here, we can say that immigrants owe obligations to citizens because the official who took the promise—the official who ran the naturalization ceremony—was acting on behalf of the citizens. She was authorized by them, in a way which allowed her to accept a promise on their behalf. But this is surely only plausible in democracies. It's a little bit more difficult to know what to say about any purported tacit promise to obey the law. But, even in these cases, it seems a little odd to think it is owed to the citizens of non-democratic states. Thus, it looks like only democracies can take this obvious way out of this problem.

Perhaps, when it comes to autocracies, one might say that these obligations are owed to *officials* of the state. In some cases this will be perfectly plausible. Consider places where rule is highly personalized. You might literally promise to obey a king.<sup>21</sup> Or it might literally be a single queen who was your great benefactor.

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<sup>19</sup>This is a twist on the view in Bykvist (2006). This general position stems from Parfit (1984, 502) and is discussed at greater length in Kagan (2009).

<sup>20</sup>For a more extended defense of this view, see Lovett and Riedener (2021).

<sup>21</sup>The most interesting example of this I know lies in 17th/18th century Ayutthaya (modern Thailand). Officials would regularly swear loyalty to the king at a special state ceremony. The king's bodyguards would perform the ceremony every month. In the morning of the ceremony, Buddhist monks would prepare a bowl of water. The participants would drink it whilst swearing loyalty. Those who had any difficulty swallowing the water were in trouble: this was taken to be a sign of false swearing. These ceremonies were taken seriously. Those who didn't turn up were executed. See Terwiel (2011, 44–45) for this account.

In these cases, it's plausible that the obligation is to the monarch. But the most important, and durable, autocracies are not like this. It is very hard to run a modern state on a personal basis. It's even harder to *maintain* such rule: durability requires organization. Thus, most significant modern autocracies are run by the members of such organizations: usually a political party. The Chinese Communist Party is a salient example. In such cases, it is rather odd to think the relevant obligations are owed to officials. This is for a couple of reasons. On the one hand, officials retire. Sometimes, they're purged. But when they leave the state apparatus, it seems like the obligations should go with them. You will owe these private individuals the fulfillment of your promise or your debts of gratitude. And, in some cases, the members of the state apparatus might turn over entirely. Thus, you won't owe anything to anybody in the state. If they all *die*, your political obligations which presumably evaporate. These seem like highly implausible consequences of an account of political obligations.

On the other hand, officials often seem not to have done what's needed to undertake such obligations. Take gratitude. Plausibly, beneficence only generates a debt of gratitude when it goes beyond the call of duty. If someone was obligated to benefit you, you don't owe them gratitude.<sup>22</sup> Suppose a horse you've bet on wins a race. It might be intelligible for you to thank the jockey. But the jockey has no *claim* on your gratitude. They were just doing their job. They were obliged to ride the horse hard. Their benefiting you was well within the call of duty. But government officials are often in the same position. In benefiting you, they might have just been doing their jobs. They may not have done what's needed to assume a claim of gratitude. A similar point goes for promises. Promises need uptake. Someone only has a promissory claim on you if they (or their agent) accepted a promise from you to them. When I accept your promise on behalf of my sister, you don't owe me anything at all. You owe my sister what you promised. But there might be no official who's accepted a promise to *them*. Officials at naturalization ceremonies, for example, might all think of themselves as having accepted a promise to the state. So none of them needs to have done what's needed to assume a promissory claim. Thus, it seems quite odd to think that, in general, you owe these obligations to officials of the state.

The upshot of this is that even promissory theories and gratitude theories of political obligations look shaky in autocracy. First, it looks like autocratic states

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<sup>22</sup>This is the standard view in the literature; see e.g. Walker (1980, 48), Heyd (1982, 140), Weiss (1985, 493) or Macnamara (2019). For people who deny this view, see e.g. Simmons (1979, 179ff.) or McConnell (1993, 16).

harm or wrong their citizens in ways which tell against their having claims against ingratitude or promise-breaking. Second, it seems like *states* aren't the right kind of thing to be the bearers of these claims at all. In democracies it's plausible to say that the citizens are the real bearers of these claims. But does not seem so plausible in autocracy. And the only obvious alternative—that officials bear the claims—has quite implausible consequences. Now, in the previous section I argued that autocracies don't enjoy either fair share or associative bases for authority. And the clearly don't enjoy democratic bases of authority. So, the possible bases for the authority of non-democracies seem slim.

## 2.5 Egalitarian Anarchism

I've just argued that democracies have sources of authority and legitimacy which non-democracies lack. Thus, they're in a better position to achieve these statuses than are non-democracies. But the democratic advantage, it seems to me, is more formidable than just that. In particular, I think that, in non-democracies, people have reason to avoid obeying the law. They don't merely lack a reason to obey the law. They have positive reason to avoid obeying it. So it's not just that democracy has sources of authority which non-democracies lack. Non-democracies face an extra barrier to authority. One has egalitarian reason to avoid obeying the laws of non-democracies. In this section, I'll present this argument.

At root, the argument is simple. The first premise is a normative premise on which we've already relied. People have reason to avoid exacerbating the inequalities of power. As we noted in Section 2.2, this isn't just a consequentialist reason. The idea is not just that inegalitarian relationships are bad and egalitarian relationships are good. It's weightier than that. It's a reason grounded by the claims people have on us not to subordinate them, and to instead form egalitarian relationships with them. The second premise is that obeying certain laws exacerbates inequalities of power. Consider any law over which influence is unequally distributed. Let's call such a law a *non-democratic* law. When people obey these laws, that mostly increases the power of those with most influence over them. But then obeying such laws increases some people's power more than others. Now suppose that those people don't have less power from other sources. Then such obedience exacerbates inequality in power. But we've granted that we have reason to not exacerbate this inequality. Thus, we have reason to avoid obeying such laws. More generally, when a law has been made non-democratically, we have reason not to obey it.

Let's make a couple of clarificatory points. First, obeying the law means doing what the laws tells you because the laws tell you to do it. This is a causal notion: you obey the law when your actions are the effect of the law's command. Obeying a law is distinct from conforming to it. You conform to a law when you just happen to do what the law says, rather than break them. The argument above concludes that we should avoid obeying non-democratically made laws, not that we have reason to go around breaking them. If the law forbids murder, you needn't go around murder. It's just that the law forbidding murder mustn't be the thing which motivates you not to kill people: it should instead be the moral significance of people's lives. So the argument above is consistent with your conforming to the law; it just requires that that conformity not involve being motivated by the law itself. You can still be motivated by any moral considerations matching the law, but you must not be motivated by the law's command. Sometimes that may give one reason to break the law; but often it will merely give one reason to avoid being driven by the law.

Second, the argument is law-specific. The conclusion is not that, in a non-democracy, we have reason to avoid obeying every law. Rather, it's that we have reason to avoid obeying non-democratic laws. These are laws over which influence is unequally distributed. Non-democracies can, in theory, contain both non-democratic and democratic laws. You only have reason to avoid obeying the former. Moreover, influence over some laws might be more unequally distributed than others. The more unequally distributed is influence over the laws, the more obeying it exacerbates inequality in power. So the more reason one will have to avoid obeying it. That means the argument has different consequences for different laws. We have more reason to avoid obeying some laws than others. We'll get to the substantive consequences of this in Chapter 4. There we'll shed some light on which American laws influence is most unequally distributed over.

We already explored the first premise of this argument in Section 2.2 of this chapter. In the next section we'll focus on the second premise. We'll look at the scope of this premise. We'll look at what sort of political systems it is plausible in. I think it applies in autocracies, oligarchies and countries with the trappings of democracy. It has a wide scope. In the next section we'll look at its robustness. We'll see how well it survives on different conceptions of the equality-destroying inequalities. I think it's robust to many such conceptions. So I think that, if one takes the first premise on board, the argument applies broadly. In Part II and Part III of this book I'll argue that many laws in the United States are non-democratic in the relevant sense. Influence over them is extremely unequally distributed. As a result, that application includes the United States. We have reason to avoid obeying

(many) American laws. But first let's consider how the argument works in more clear-cut cases.

### 2.5.1 Obedience Exacerbates Inequalities

In this section we look at how obeying the law can exacerbate inequality. We'll start with the starkest case. Suppose you live in a dictatorship. One man makes all the rules. Perhaps Mao commands you to exterminate the sparrows.<sup>23</sup> Perhaps Khrushchev commands you to sow maize instead of grain.<sup>24</sup> Now suppose that you have reason to avoid inequalities in power. Obeying these commands constitutively contributes to such inequality. It increases the dictator's power without increasing anyone else's. So you have reason not to be disposed to obey these commands. And that translates into reason to avoid obeying the dictator. So, if you live in a dictatorship, you have reason to avoid obeying the law. This reason is a simple relational reason: by obeying the dictator you subject your fellow citizens to a more deeply inegalitarian relationships. You have reason not to exacerbate the subordination of your fellow citizens, and so you have reason not to obey the law.

One-man dictatorships are not common. It's hardly ever the case that one man, really, makes all the laws. Most autocracies are oligarchies. It's a group of people who make the laws. Does the argument extend to such autocracies? It seems that it does. Suppose the oligarchs make the laws collectively. It seems that when you obey these laws, you contribute to the power of each person with a hand in their making. And you contribute to their power, roughly, in proportion to their influence over the laws. So obeying these laws contributes to the power of each of the oligarchs, which makes one's society more unequal. Thus, insofar as one has

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<sup>23</sup>The Great Leap Forward was not so great for the Chinese sparrow. In 1960 they were branded 'the public animals of capitalism.' Their crime was exploiting the workers. They had, more literally than most, fed on the fruits of their labor. Such exploitation was no longer allowed in the People's Republic. The anti-sparrow campaign mobilized millions. People banged pots and pans all night until the birds, unable to land, fell exhausted from the sky. This drove the sparrow almost to extinction in China. Unfortunately, it seemed the sparrow had contributed more than mere exploitation. They'd kept down pests. Soon after the campaign a plague of locusts devastated crops: China ultimately ended up importing new sparrows from the Soviet Union. For a good account of this episode, see Shapiro (2001, 86–89).

<sup>24</sup>Khrushchev made Russian farmers do this in 1959. Apparently, on his September visit to the U.S, he had been bowled over by Iowa's vast and bountiful cornfields. In his excitement, it is said, he forgot that Russia's breadbaskets were about a thousand miles further north than Des Moines. The forgetfulness was his downfall. After two years of bad harvests, he was ousted in a coup (Hosking, 2001, 538–39).

reason not to contribute to such inequality, one has reason not to obey the laws. The shift from one-man rule to oligarchy doesn't affect the argument: in autocracies, whatever the variety, you've got egalitarian reason to not obey the law. Oligarchies don't escape this result.

The move from one-man dictatorships to oligarchy is not trivial. It relies on the premise: when you obey laws over which people have shared influence, you contribute to the power of each of them in proportion to the influence they had over those laws. But this is very plausible. Suppose you always do what the members of some group, collectively, tell you to do. But suppose they never do the same for you or any group of which you're a part. This puts you in an inegalitarian relationship with those group members. And, in any case, it would be very odd were the argument to break down here. For then one would have weighty reason to avoid obeying the laws in one-man dictatorships but no such reason in two-man dictatorships. The laws of the Spartans, with their two kings, would be fine. Those of the Romans, with their single dictators, would be in trouble. That seems absurd. So it seems that the shift from one-man rule to oligarchy shouldn't affect the argument. If one has reason to avoid obeying the laws of the former, the same should go for those of the latter.

Let's now extend the argument a country with democratic institutions—elections, ballot boxes *etc.*—but in which political influence is very unequally distributed. Suppose, for example, that despite the trapping of democracy it's actually the rich who make the decisions. The reasoning in the oligarchy cases transposes to this case. When you obey the laws in such a country, you contribute to the power of each person with a hand in their making. And you contribute to their power proportionally to how much of a hand they had in their making. So you contribute to the power of the rich more than that of your other fellow citizens. You're thus not treating the rich and poor as equals. Now suppose you have reason to avoid doing this. Then you have reason not to obey these laws. So, what goes for autocracies also goes for inegalitarian democracies. In all these cases, people have egalitarian reason to avoid obeying the law.

This completes the argument that, in a range of cases, obeying non-democratically made laws exacerbates inequalities of power. We have reason not to exacerbate such inequalities, and so we have reason to avoid obeying such laws. Let's call the resultant position *egalitarian anarchism*. This position says that we have egalitarian reason to avoid obeying non-democratically made laws. In the next section we'll look at some ways to resist this position.

## **2.5.2 Objections and Replies**

### **Dispositions, Weight and Significance**

Let's start with some disparate worries. We'll begin with two worries that I raised in Section 2.2. First, one might think that really it is a disposition to obey the laws that generates power inequalities, not one's actual obedience to the laws. If so, the argument would only give us a reason to be disposed to avoid obeying the laws. Yet, as I said in Section 2.2, this seems to me a mistake. We cannot so easily distinguish between actually being influence by the laws and being disposed to be influenced by the laws. The former partly constitutes the latter, and so any reason to be disposed to avoid obeying the laws translates into a reason to not obey the laws. Second, one might think that the reason to avoid obeying the laws is not such a heavyweight one, because obedience to the laws only mildly exacerbates the power inequalities one's fellow citizens are subjected to. The reply to this is twofold. For a start, obedience exacerbates many such power inequalities. Additionally, people have a weighty claim on one not to make their relationships more even mildly inequalitarian. So one's reason to avoid obeying laws in autocracies is, plausibly, a weighty one. I am brief on both these issues because there is a longer discussion of them in Section 2.2 of this chapter: my discussion there applies straightforwardly here.

A third worry concerns the significance of egalitarian anarchism. I've argued that one has reason to avoid obeying the law, in the sense that one has reason to avoid doing what the law says because the laws say to do it. But why does this matter? One can do this and keep doing everything you were doing. You just need to keep a firm grip on the motivational basis of your action. So, one might think, the conclusion I've come to doesn't really have much practical significance. It simply isn't important whether we have reason to avoid obeying the law the law in this sense. I think that that is incorrect. There are three points to make in reply to it. For a start, the law can affect one's behavior in many ways. You can follow the law because everyone else is obeying it. You can follow the law because you always obeying it in the past. It can be very difficult to work out whether the law is affecting what you do. Thus, often, the simplest way to avoid obeying the law will be to avoid conforming to the law. Egalitarianism anarchism most directly gives us a reason to avoid letting our actions be driven by the laws, but indirectly this gives us a reason to avoid even following those laws.

Additionally, in many cases moral considerations do not independently tell us to do what the law tells us to do. Consider the U.S's baroque tax code: we clearly

don't have the same moral reason to pay American taxes as we do not to murder people. It's unclear whether we have any moral reason to pay these taxes independent of that provided by the law. Yet there are good reasons not to pay American taxes. Enforcement is lax, and the money could be used better elsewhere. Prudentially, one's life would be better if one spent the money on oneself. Morally, one could do more good giving the money to effective charities than you do by giving it to the U.S. state. So, if we are not motivated by the law, it is unclear what could validly motivate us to conform to U.S. tax laws. If we conform to these laws, it seems like we must have some invalid motivation. Yet if every motivation to do something would be rationally impermissibly, then we can't do the thing without doing something impermissible. But then doing the thing is itself rationally impermissible. So, if we shouldn't obey the law, in a large swathe of cases we shouldn't conform to it.

Finally, many people are motivated to do things because the law tells them to do those things. The most important work supporting this claim is work Tom Tyler did in the 1990s.<sup>25</sup> He wanted to see why people followed the law, and so he asked them. He found most people said one should obey the law, even when it went against what they thought was right. And they said a lot of other things which suggested they were motivated by the law telling them to do some things. So, were we to avoid obeying the law, we would have to significantly reconfigure the motivation basis of our actions. This would not be a trivial change; it would require a substantial restructuring of how we organize our internal lives. Thus, even when we should conform to the law, it matters that we shouldn't obey it. Egalitarian anarchism, if true, would have a big impact in our we ought to live.

### **Feasibility, Coordination and Levelling Down**

Let us continue with more fairly disparate worries about egalitarian anarchism. Our fourth such worry concerns feasibility. Recall post-Napoleonic France: perhaps, it was unfeasible for influence over the laws to be any more equally distributed in the France of Louis XVIII. Does this undermine the application of the argument to this case? There are two things to say about this. For one, it's unclear what the practical import of such an undermining would be. It is not unfeasible for any currently existing country to become more egalitarian. Singapore could stop bankrupting critics of the government; Russia could democratize. So any feasibility constraints would have limited practical import. But, in any case, I doubt

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<sup>25</sup>See Tyler (2006).

that there are feasibility constraints on the application of the argument. Even were it unfeasible to make influence over the laws more equally distributed, when you would still avoid obeying the law you still avoid exacerbating inequalities. The fact that the political system as a whole cannot be improved does not affect this. You can make an improvement. Now it might affect our assessment of that system; it might affect whether we think the system should be abolished. But it doesn't affect whether obeying the laws exacerbates inequality. Thus, it doesn't affect one's reason to obey the laws. So, we don't really need to worry about feasibility when wondering about the application of egalitarian anarchism.

A fifth issue concerns laws with a coordinative function. Sometimes, it's good for everyone to do the same thing. It's good for everyone to drive on the same side of the road. It doesn't matter whether that's the left or the right; all that matters is that we coordinate on the same kind of action. State laws, even in autocracies, can be a good way to create such coordination. Do we still have reason to avoid obeying even such coordinative laws? I suspect that we do. Obeying these laws increases the autocrats' power, and so exacerbates power inequalities. Yet I wish to say two further things about this. To begin with, coordination is often done without state laws. It is regularly achieved by informal social norms and does not generally require state enforcement of those norms. So egalitarian anarchism won't imperil this kind of coordination; it only imperils state-lead coordination.<sup>26</sup> Additionally, the choices involved in coordination are not very important ones: it does not matter whether people drive on the left rather than the right. In Chapter 1 I suggested that one's power consists in the ability to affect important decisions: thus, this merely coordinative power is not a very weighty sort of power. That means one might have fairly lightweight reason to avoid obeying coordinative laws. This reason may be easily outweighed by one's prudential reason to coordinate, and so one may have all-things-considered reason to obey such coordinative laws.

A sixth issue concerns levelling down. When a citizen in an autocracy avoids obeying the law, it reduces the power of the autocrat without increasing that of anyone else. Some readers may have noticed this is a kind of levelling down: it takes away a good (power) from one person, without giving it to another. There's little to recommend doing this in the case of well-being. We shouldn't equalize welfare by simply making the well-off worse off without improving anyone else's life. Levelling down well-being is unjustifiable.<sup>27</sup> By analogy, one might think that levelling

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<sup>26</sup>Friedman et al. (2019) describes many entire legal systems that have worked well without state laws.

<sup>27</sup>The point comes from Parfit (1997). For a reply, see Temkin (1993, 256).

down power is also unjustifiable. However, this seems to me a patently inapt use of analogy. Whether we should or shouldn't level down some good depends on the nature of the good. We shouldn't level down well-being because, when we care about well-being, we care about making people better off. Levelling down well-being clearly doesn't do this in any sense. But when we care about power we care about expunging inequalities of power. We want to avoid asymmetric or unequal power relationships, because they constitute inegalitarian relationships. So levelling down when it comes to power makes perfect sense; it destroys relationships of subordination and domination. To put the point concretely, freeing a slave can just be a case of levelling down; it reduces the master's power over the slave without giving the slave power over the master. Yet, obviously, we should free slaves. The levelling down worry does not apply to inequalities of power.

That addresses six fairly straightforward objections to egalitarian anarchism. The next three points concern the robustness of the view. I have relied on a fairly specific account of the value of egalitarian relationships, an account I spelt out in Chapter 1. We'll now explore how robust egalitarian anarchism is to alterations in this account.

### **Overall Power v. Power Over**

In Chapter 1, we distinguished between overall power and power over. One has power over someone insofar as one can affect their behavior. One has overall power insofar as one can affect many people's behavior. The above argument works most straightforwardly with the notion of overall power. When you straightforwardly obey the dictator, you give them more overall power than your fellow citizens. Yet it is less obvious that you give them power over your fellow citizens. In Chapter 1 I suggested that both notions mattered to (in)egalitarian relationships. When someone has power over you without you having power over them, that makes your relationship objectionably inegalitarian. And when someone just has much more overall power than you do, then that too impairs your relationship. Yet suppose one denies this. Suppose one thinks that asymmetries of power over generate inegalitarian relationships, but inequalities of overall power do not. Does the argument still go through?

It does. There are two things to point out here. First, when you obey a dictator, you give them asymmetric power over you. They can order you around, but you can't order them around. But, if you should avoid exacerbating inequalities in power over, you should avoid doing this. This puts one in an inegalitarian relationship with the dictator. But one has reason to avoid subjecting oneself to such

a relationship, and so one has reason to avoid obeying the dictator. Now, what is the nature of this reason? Certainly, one has prudential reason to avoid obeying the dictator. Inegalitarian relationships are bad for you, and you have reason not to do things that are bad for you. I am inclined to think that you also have a claim on yourself to avoid obeying the dictator. I think one can owe it to oneself to develop one's talents, or to avoid harming oneself. Likewise, I think one can owe it to oneself to avoid subordinating oneself. So, I suspect the reason not to subject oneself to asymmetric dictatorial power is the same kind of reason as one's reason not to subject others to such power.

Second, and perhaps more importantly, obeying a dictator doesn't only give them power over you. It also gives them power over other people. When your fellow citizens see you obeying the law, they should usually infer they are more likely to suffer reprisals for not obeying the law. This is simply because the cost of punishing disobedience is proportional to how many people are law-abiding. If disobedience to the law is universal, the dictator cannot punish everyone. So, if you obey the law, you will make your fellow citizens more likely to obey the law. This exacerbates the asymmetry of power between your fellow citizens and the dictator. And that exacerbates the relationships of subordination between them and the dictator. Thus, the argument doesn't really change much if we focus solely on power over rather than overall power. No man is an island: your obedience to the dictator affects how much power they have over your fellow citizens.

### **Expression**

In Chapter 1, we noted that democratic aspect could be spelt out in expressive terms rather than relational terms. It might be that the valuable thing about democracy, from the point of view of equality, is that it realizes the public expression of equality. I was critical of this view; I don't think it's a good one. But suppose one disagrees. Does the argument work on this conception of democratic equality? In particular, is it true that obeying non-democratically made laws expresses something problematic, from the egalitarian point of view?

This is a little difficult to assess. The problem is that, as we noted in Chapter 1, it's not entirely clear what notion of expression these theories should be taken to employ. But, unless we have a good fix on the relevant notion of expression, it's not entirely clear what expresses what. So it's not easy to tell what obeying non-democratic laws expresses. But we can get some traction on the issue. To do this it's helpful to look at the sorts of claims made about the relevant notion of expression. Thomas Christiano, as we've noted, is the most influential maker of such

claims. He thinks that such expressivist considerations ground a reason to obey democratically made law. That's because, when lawmaking is egalitarian, obeying it expresses equal respect for one's fellow citizens. In contrast, obeying your own judgement expresses your superiority. This is because, he thinks, everyone knows we're inclined to make self-serving judgements. We're inclined to judge what's in the common good in a way which benefits us. Suppose that we follow our own judgement rather than that of the general public. Then we're clearly liable to do what disproportionately benefits us. And that—he says—expresses our weighting our own interests more highly than others. And that in turn, he says, expresses an objectionable form of superiority. So, to avoid violating expressive norms, we must obey democratically made law.

I think that *if* this is true, then expressivist considerations will support the above argument. Suppose you obey a dictator's edicts. Then you follow their judgement rather than that of your co-citizens. But, if Christiano is right, following one person's judgement over that of your fellow citizens expresses the superiority of that person. So it seems that you express the superiority of the dictator. But you should express equal respect for all citizens. You shouldn't express the superiority of the dictator. So you have reason not to obey the law. This argument seems to transpose to both oligarchies and unequal democracies. Obeying the laws made largely by the rich seems, by these lights, to express more respect for their judgement than that of your other co-citizens. If you have reason not to do that, you have reason not to obey these laws. If democratic equality is spelt out expressively, and we take Christiano's arguments on board, then the argument above goes through. Of course, perhaps we should reject Christiano's arguments. Perhaps he is relying on too capacious a notion of expression. Yet, as I've indicated in Chapter 1, the relevant notion of expression *has* to be capacious. I myself doubt one can carve out a narrow enough notion to makes this view plausible without it supporting the above argument. This argument—that we have reason to avoid obeying non-democratically made laws—seems to me to go through on the more tenable expressivist conceptions of democratic equality.

### **Standing-Based authority**

Let's now see how robust this argument is to a final way of understanding the kind of power that matters to (in)egalitarian relationships. The notion of power in play in the above argument is a notion we might call *raw* power. On this notion, one's power consists in how much one is able to affect people's behavior. We can distinguish this from a different notion of power. On this notion, one's power depends on

people's ultimate assessment of your moral standing. If you can affect their behavior because they judge that you have elevated moral standing, then this contributes to your power. But if you can affect their behavior for some other reason—fear or avarice—then it does not. Call this *standing-based* power. We saw something like this distinction in Chapter 1. There we discussed whether inequalities in power were objectionable only in the context of differential judgements of moral worth. I impugned such an affirmative answer in that chapter. But suppose that impugnement was mistaken. Is my argument robust to this view?

I do not think that it is. That's because I doubt that many people nowadays obey the law due to such judgements. This seems particularly unlikely in the United States. I doubt that many Americans think that those with more political power have higher moral standing than the rest of us. But I also doubt that this is the case in most dictatorships. We saw why in the previous chapter: if you ask ordinary Chinese people why they obey the law, they never mention the elevated moral worth of party officials. They mention fear of punishment. And, sometimes, they point to the huge material gains party rule has furnished in the last forty years. They sometimes take this to give such officials the right to tell them what to do. So, when power is conceived in this way, obeying the law is unlikely to contribute to the power of those with influence over the law. Here is the only way I think the argument could really fail, consistent with the broadly egalitarian framework from Chapter 1. Thus, the argument of this section depends on rejecting this view.

Yet it's worth re-emphasizing the high cost of this view. Namely, if what I've just said is right, appeal to democratic equality is politically toothless. There are few contemporary autocracies where people obey the law because of the perceived elevated moral standing of the autocrats. China is not like this. Nor is Singapore, Russia, Rwanda. So this conception of democratic equality has very little contemporary political relevance. It precludes a system in which kings are obeyed due to their greater (perceived) moral standing. But it has little to say about institutional choice between feasible, currently existing systems. I myself take this to be a serious cost to thinking that this is all that matters to egalitarian relationships. It is sufficiently serious, I think, that we should reject this approach to democratic equality.

This upshot of this is that the argument for egalitarian anarchism is robust to many ways of spelling out egalitarian ideals. If one adopts those ideals in any defensible version, one should accept this argument. Thus, one has some egalitarian reason to avoid obeying non-democratic laws.

## 2.6 Instrumental Theories of Authority

My argument so far suggests that, insofar as a state fails to achieve democratic values, it will lack authority. In the previous section, I suggested we have positive reason to avoid obeying the laws of such states. In section 2.4 I argued that a slew of reasons for obeying the law do not apply in such states. If this is all correct, it seems very unlikely that we're under any obligation to obey those laws. In this section, I will discuss a final way to resist this conclusion. This way rests on an instrumentalist theory of authority: the idea is that if a political system has better consequences than any other feasible political system, one should obey the laws that that system generates. Political authority is rooted in results: the good consequences of certain political systems grant them authority.<sup>28</sup> The further thought is that some non-democracies might have such good consequences, and so might enjoy an instrumentalist basis for authority.

This account of authority seems subject to decisive objections. Succinctly, the best feasible political system might sometimes tell us to do things that in themselves have very bad consequences, and so we should not do. Let's illustrate this with a couple of cases. The first case simply trades on the fact that systems with very good consequences sometimes make mistakes. Suppose that you need a life-saving drug. The regulatory authority in your country works as well as could be feasibly expected: it swiftly approves safe, effective drugs and withholds approval of unsafe drugs. But in this case, there has been a bureaucratic snafu; the approval of the drug you need is being held up for longer than you can wait. You know for sure that the drug is safe and effective; the issue was just that some paperwork was filed incorrectly. Fortunately, you can buy the drug on the black market. In this case, I think the fact that the system *usually* works well is not a reason to not buy the drug. You know the system has failed to work in the particular case that you are in. The success of the system in other cases does not give you reason to comply with it in cases where you know it has made a mistake.

A second case trades on the fact that external factors can determine what the best political system is. Let's imagine that some country A lies in the shadow of its larger neighbor, B. Suppose that country A has a set of discriminatory laws in place: these laws oppress some ethnic group within the boundaries of the country. But it only has these laws in place because country B has credibly threatened to invade it if it gets rid of these laws. Such a war would be bloody and destructive and

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<sup>28</sup>This is similar to the view in Arneson (2003), although he focuses on legitimacy rather than authority. For further (critical) discussion of these views, see Huemer (2013, 81–86).

lead to A's inevitable defeat. Thus, the political system with the best consequences for the residents of A includes the discriminatory laws. Nonetheless, when these laws direct particular residents of A to discriminate in certain ways, they do not thereby have an obligation to discriminate. The fact that these laws form part of the best system does not seem to give people duties to obey them.

These cases strongly suggest that instrumentalist accounts of authority are incorrect. Now that of course does not imply that the consequences of different political systems are politically unimportant. But they are important for issues of institutional choice; we have reason to set up and maintain institutions with good consequences and tear down those with bad consequences. That needn't translate into a reason to obey the rules of the institutions with good consequences. I myself suspect that any appeal of instrumentalist accounts of authority rests on an exaggerated view of how law abidance affects institutional survival. Were individual cases of obeying the law to have a big impact on the survival of a political system, this might give us reason to obey the laws in good political systems. But they very rarely do, and so this at best gives us very weak reason to obey such laws. In reality, consequences matter to institutional design rather than authority.

I want to make a second problem with instrumental accounts of authority. It is very difficult to apply them to real-world political systems. It is extremely implausible that any existing system is the best of all feasible systems. I will later argue that the American state fails to achieve democratic values, and so lacks authority. So let us consider the application of instrumentalist account of authority to the U.S. It strains credulity that the system with the best consequences includes the electoral college. Why not elect the president by direct popular vote? Likewise, it is peculiar to think that a legislature of exactly 535 members has the best consequences. Why not have a 534 member legislature? This issue isn't specific to the U.S.: any real political system could be improved, and many could be radically improved. No political system has better consequences than any feasible improvement. So, on the face of it, these instrumentalist accounts of authority don't give any actual people reason to obey the law anyway. They do not generate political obligation in the real, non-ideal, world.

There are ways one might modify these accounts to avoid this issue. One might, for instance, say that the systems with authority need not be those with the *best* consequences, but only those with good enough consequences. For example, one might be struck by the claim that most autocratic states are better than anarchy: it is better to have some state than none at all. And one might think that this means such states have authority. Yet this is not a particularly plausible view. One might be stuck in an autocratic state which is somewhat better than anarchy, but which

is far worse than many feasible alternatives. It is simply implausible that one has a moral obligation to obey the laws of this state. If this state bans any attempt to improve its institutions, for example, it is implausible that that gives one moral reasons to refrain from such attempts. So a view of this sort needs to say the level at which consequences are “good enough” is higher than any improvement over anarchy. But identifying what does, then, count as “good enough” is very difficult, and any particular cut-off point is likely to seem arbitrary.

A second strategy would be to say that the systems with authority are just those of the best *kind* of system. For example, one might claim that elections have good consequences, and so electocracies are the best kind of system. On this view, that will give authority to any country with (fair) elections: such as the United States. Thus one might sidestep the imperfections of a political system taken as a whole and focus on the fact that it instantiates an especially good kind of institution. But implementing this second strategy is very difficult. The initial problem is that any particular political system instantiates various different kinds of institutions. The United States is not just an electocracy; it is a presidential system, it is a federal system, it is a system with a written constitution (*etc.*). It is unlikely that each of these kinds is better than alternatives. It is, for example, very plausible that parliamentary systems tend to have better consequences than presidential system.<sup>29</sup> So it seems like the defender of this strategy should single out a specific class of kinds the consequences of which generate authority. Perhaps the relative consequences of electocracy versus autocracy makes a difference to authority, but that of presidential versus parliamentary systems does not. Yet this again seems arbitrary. There seems no reason why one institutional dichotomy has significance that the other lacks.

A further issue afflicts anybody who would use this view to defend the authority of real-world electocracies, such as the United States. The issue is that it is controversial whether electocracy has better consequences than autocracy overall.<sup>30</sup> But what is undeniably true is that autocracies come in an enormous variety, and that the consequences of autocracy are of very high variance.<sup>31</sup> Some autocracies have terrible results; some have very good ones. So, plausibly, autocracies run by competent, well-motivated leaders will typically have better policies than real-world electocracies.<sup>32</sup> Thus, to defend the authority of electocracies, one must compare

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<sup>29</sup>For some of the evidence, see Linz (1990) and McManus and Ozkan (2018).

<sup>30</sup>For recent surveys of the evidence, see Doorenspleet (2019) and Marquez (2017, ch. 9).

<sup>31</sup>For a description of the variety, see Marquez (2017). For evidence of the high variance, see Almeida and Ferreira (2002).

<sup>32</sup>The best evidence for this is probable the East Asian growth miracles: in Singapore, South

their consequences to autocracies lumped together, not to the very best sorts of autocracy. But again it is hard to see what would justify this grain of comparison, and so again that saps the overall position of appeal.

This suggests that instrumentalist considerations won't rescue the authority of states that fail to realize democratic values. I take this to mean that such states are in a bad position to enjoy authority. More specifically, the attainment of democratic values makes a difference to whether people have a reason to obey the law. When a high degree of these values is achieved, they likely do. When they are not, they likely don't. In the final section we'll see how this matters to their legitimacy.

## 2.7 Legitimacy, Revisited

I've argued that non-democracies likely lack authority and that obeying non-democratic laws exacerbates objectionable inequalities. How does this bear on the legitimacy of non-democracies? Well, it's not going to be good news. In fact, there seem to me to be two ways in which this tells against the legitimacy of democracies. First, it undermines one way to defend state legitimacy. Second, it gives people, and the state itself, positive reason not to enforce the laws. This makes it less likely to be permissible to enforce those laws. I'll explain these two points and then I'll sum up my own view on the legitimacy of non-democratic states.

We'll start with the first point. As I've mentioned before, some duties are enforceable. People can coerce us in order to prevent us from violating such duties. The best example is our duty not to violate other people's physical integrity. You can threaten to punch me in order to stop me from attacking you. Third-parties, likewise, can coerce people in order to stop them from violating such duties. One way to derive state legitimacy from state authority is to argue that our duty to obey the law is enforceable in this sense. Now this is not plausible for every ground of state authority. Debts of gratitude, for example, are not enforceable; if we should obey the law because we owe gratitude to the state, that does not imply our obedience can be coercively enforced. But it will work for some such grounds. Specifically, as I've already mentioned, our duty not to subject people to inegalitarian relationships is enforceable. We can coerce people in order to stop such subjection. Additionally, I suspect obligations to do one's fair share are enforceable. One can coerce people into doing their fair share in a cooperative scheme they've benefited from. And perhaps some other grounds for authority also generate enforceable

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Korea, Taiwan and China human well-being improved tremendously under autocratic rule.

duties. This means that states that enjoy such authority also, plausibly, enjoy a measure of legitimacy. Non-democracies, if they lack such a basis for authority, are in a worse position than democracies to enjoy legitimacy.

Now let's turn to the second point. In the previous section I argued that when people obey non-democratic laws, that exacerbates objectionable inequalities. But coercively enforcing such laws surely increases obedience to them. It means that those with influence over them have more power. It gives them more ability to determine what others do. So, if one has reason to avoid exacerbating inequalities of power, one has reason to avoid enforcing such laws. This means enforcing those laws is less likely to be permissible. Enforcing them cements a hierarchy. One has weighty reason not to cement such a hierarchy. This is a second way in which non-democracies are in a worse position to enjoy legitimacy.

What should we make of the legitimacy of non-democracies in the light of this? If I'm right, they lack authority. So they can't base their legitimacy on their authority. And they lack democratic sources of legitimacy. And, indeed, there's moral reason not to coercively enforce their laws. This is certainly not good news for their legitimacy. It makes it much less likely that they're legitimate. The best remaining case for their legitimacy, it seems to me, is the instrumentalist case. We've already noted that state coercion stops thefts and murders and the not-very-pleasant state of nature. That makes it instrumentally good. Now I said previously that usually such instrumental goods didn't overcome people's claim against being coerced. But perhaps this was a mistake. Perhaps state coercion is sufficiently instrumentally good to make it permissible. This seems to me the best-case-scenario for the legitimacy of non-democracies.

The strength of this case depends on two points. The first point concern how weighty is the objection to coercion. The weightier the objection, the less likely that this instrumental value overrules it. The second concerns what exact instance of state coercion we're talking about. Perhaps civilization would collapse were all the police departments to shutter their doors. But it wouldn't if the prison guards let John Cheek out of prison. The specific instances of coercion which enforced his imprisonment don't seem very instrumentally valuable. Thus, we should distinguish between the setting up of coercive systems and the individual acts of coercion which constitute those systems. The former is very instrumentally valuable; the latter are often not. I am inclined to think that, in the face of the objection to coercion, this makes at least the latter impermissible. So I'm inclined to think that, even in the best-case-scenario, non-democracies lose large swathes of their legitimacy. Most of the coercive actions of officials in such systems are impermissible.

Now there are obviously ways to resist this conclusion. For a start, one could

deny there is any weighty objection to coercion in the first place. This is just to deny that there is a problem of legitimacy as I've presented it. Alternatively, one could maintain that, if a system of coercion has better consequences than any alternative, then that makes permissible the individual actions which that system issues.<sup>33</sup> This is an instrumentalist view of legitimacy, parallel to that of authority we discussed in Section 2.6. I think the issues that afflict both are parallel. First, the basic view seems subject to counterexamples. Suppose, for instance, that someone says that they'll cure malaria if you set up a system to take candy from children. The system has very good consequences. But it's still wrong when the cogs in the system steal children's candy. Second, it is hard to identify the applications of this sort of view to real-world political systems: no real world-political system has the best possible consequences, and so on the face of it this view does not grant legitimacy to any system.

We can conclude that democracies are in a far better position to enjoy legitimacy than are non-democracies. This is a sense in which they're deontically distinctive. It's a sense in which democratic failures matter to the normative status of those subject to putatively democratic states.

## 2.8 Conclusion

I've argued that the citizens of states which realize democratic values have a quite different normative status than those which don't. They're much more likely to have reason to obey the law. And it's much more likely to be permissible to coerce them in order to enforce the law. This is where the rubber hits the road as far as democratic values are concerned. It pins down why the achievement of these values matters for ordinary citizens. In Part II and Part III of this book I'll argue that the United States does not, in fact, realize these values to any very high degree. If what I say in this section is right, this undermines the legitimacy and authority of the American state. It means that those who coercively enforce American laws are more likely to be doing so impermissibly. It means that the rest of us have little reason to obey such laws. But getting to that conclusion will take some work. In the next chapter we'll start on the work. We'll look at the lack of popular control over elected representatives and why this lack of control matters.

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<sup>33</sup>This is how I interpret the view in Arneson (2003).

**Part II**  
**Elite-Level Failures**

# Chapter 3

## Popular Control

### 3.1 Introduction

On October 5th, 1986, Eugene H. Hasenfus jumped out of a plane. He was lucky to have jumped. A rocket had just hit the plane. Nobody else in it survived. But the jump was less lucky for the Reagan administration. Questions were raised about why CIA employees were jumping out of planes above Nicaragua. The Nicaraguan government, especially, wanted to know why this plane had contained scores of rifles, thousands of bullets, a few dozen grenade launchers and a hundred jungle boots. Congress also took a keen interest in the plane. After all, it had passed several laws prohibiting the federal government from supporting the right-wing rebels—the Contras—in Nicaragua. And those weapons sure weren't being dropped into the hands of the governing Sandinistas. So began the unraveling of the Iran-Contra scandal. It turned out that the Reagan administration had been selling arms to Iran and funneling the proceeds to the rebels in Nicaragua. At the same time, it was pressing its allies to respect its anti-Iran arms embargo. What was the ultimate fallout from all this? There was a congressional probe. A businessman went to jail: he'd cheated on his taxes. Reagan's vice president, George H.W. Bush, claimed that he'd been ignorant of the whole fiasco. He won the next election and pardoned everyone else involved.

The Iran-Contra Affair is a clear illustration of American officials being free of control. In this area of foreign policy, the Reagan administration did as it pleased. But the problem is not just limited to the Reagan administration, or foreign policy, or the presidency, or the 1980s. Many elected officials are largely free of popular control. In this chapter I pin down the nature and extent of this problem and

explore solutions. My first aim is to assess extent: how much popular control are federally elected officials under? I think the answer is: very little. Few elected officials are under tight popular control. My second aim is to explain the import of this. Why is it a problem that elected officials aren't under popular control? I think this gives rise to an egalitarian problem. It means the relationship between ordinary citizen and political elites is objectionably inegalitarian. My third aim is to explore solutions. The most promising solutions, it seems to me, is direct democracy. Institutions like initiatives and referendums help bypass political elites, thus ameliorating the inequality.

Let's start with a working definition of popular control. The notion of popular control we'll use is causal-counterfactual. The idea is that representatives are under popular control when how they use their political power—how they vote, what bills they push, what hearings they have and so on—is dependent on how ordinary citizens want them to use their political power. If citizens want them to push for public healthcare, then this will cause them to push for public healthcare. If citizens want them to skirt public healthcare, then this will cause them to skirt public healthcare. We'll give a more precise account of popular control in Section 3.5. But this will be enough to make headway on the question: how much popular control are representatives under?

## 3.2 How Much Popular Control Is There?

Several pieces of empirical evidence bear on this question. Overall, they suggest representatives are not under that much popular control. The simplest, and perhaps the strongest, piece of evidence just compares the roll-call voting behavior of congresspeople to their constituents' preferences. There's a strong bivariate correlation between the two. But the correlation all but evaporates once one controls for party. More liberal districts are electing Democrats and more conservative districts are electing Republicans. But, conditional on legislator party, there's very little association between constituent ideology and how legislators vote. Very conservative Republican districts have only mildly more conservative legislators than liberal Republican districts. Very liberal Democratic districts have only mildly more liberal legislators than conservative Democratic districts. Legislators representing ideologically indistinguishable districts vote very differently when they belong to different parties. This suggests that constituents are capable of *selecting* legislators who (very) roughly conform with their views. But they are far less capable of controlling them once in office. Voters can pick the party of their rep-

representative. But, once in office, they can't push them very far from the party line. Thus, constituents aren't controlling how their representative votes in Congress.<sup>1</sup>

Let's say a little more about how we compare constituent ideology and legislator voting behavior. We need two things to make this comparison: a summary measure of constituency ideology and a summary measure of how congresspeople vote. The first thing is, in theory, simple to obtain. You just ask a representative sample of each congressional district their preferences on a range of issues—abortion, healthcare, climate change *etcetera*. You then combine each person's answers together into a single measure of ideology. This measure represents the person's liberalism or conservatism. The average value of this in a district is the average level of liberalism or conservatism in that district. Of course, although this is in theory simple to obtain, in practice the task is mammoth. Fifty thousand people were surveyed in the work underpinning this finding.

The second thing is, in practice, simple to obtain. Congresspeople's roll-call votes are all recorded. Nowadays, you can look them up on the internet. From this, one gets a record of how congresspeople voted in tens of thousands of roll-call votes. Here it is the theory which is hard. The difficulty is creating a summary measure from this record. This measure is meant to represent how liberal or conservative congresspeople were. The current gold standard is an index called DW-NOMINATE.<sup>2</sup> DW-NOMINATE puts each congressperson on a scale from 0-1. If you get below 0.5, then you tend to vote with other people who get below 0.5. If you get above 0.5, then you tend to vote with others who get above 0.5. Thus, directly, it's just a measure of who votes with who. Often this is taken to also measure how liberal or conservative someone's voting record is.<sup>3</sup> This is, on its face, plausible. Ted Kennedy got unusually near the 0 pole. Jesse Helms got unusually near the 1 pole. And the measure correlates very strongly with the interest group ratings that purport to rate the liberalism and conservatism of voting records.<sup>4</sup> So we can be confident that DW-NOMINATE measures who votes with who. And plausibly it also measures the substantive ideological tenor of those

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<sup>1</sup>The clearest presentation of this argument, and the underlying evidence, is by Achen and Bartels (2016, 46–9).

<sup>2</sup>Poole and Rosenthal (1985) introduced this measure. They discuss it at length in Poole and Rosenthal (2007).

<sup>3</sup>Poole and Rosenthal (2007) label the poles 'liberal' and 'conservative'. And they often say they've developed a measure of ideology. But their official characterization of it is as a measure of party loyalty. See Poole and Rosenthal (2007, 55).

<sup>4</sup>American Conservative Action (ACA), for example, rates all representatives on the basis of how conservative their voting record is. The correlation between ACA ratings and DW-NOMINATE scores is over 0.9.

votes. On either interpretation the finding reported is a powerful one. Once party is accounted for, there's only a very weak correlation between constituent policy preference and how a representative votes. This suggests weak control of legislators by constituents.

Perhaps one doesn't find this convincing. These surveys do all presuppose that you can elicit policy views by asking about them. That isn't undisputed. Some people doubt the ability of surveyors to tap people's preferences.<sup>5</sup> But there's evidence about the weakness of constituency control which doesn't turn on survey data at all. There are two pieces of such evidence. First, congresspeople with the same district but of different parties vote very differently. So they can't both be responding to the prevailing preference in their constituencies. The prevailing preference can't direct both voting up a bill and voting down that bill. Second, when districts change party hands, the voting behavior of their representatives changes radically. Bafumi and Herro (2010) dub this "leapfrog representation." They found that when a Democrat gets replaced by a Republican, or vice versa, it looks like one extremist getting replaced with another. The new representative has a radically different voting record. Now it's possible that constituents change their views radically in-between elections. But that seems very unlikely. More likely is that congresspeople aren't particularly bound by what their constituents want. They are not under the control of constituents.

There's a selection of other, less weighty, bits of evidence of this sort. First, there's the fact that, as Keith Poole (2007) claimed, "members of Congress die in their ideological boots." He meant that they don't seem to change how they vote throughout their entire career in Congress. Their DW-NOMINATE score stays roughly steady. That's hard to square with constituent control. Congressional careers are long. Districts change a lot over such a career. But their member of Congress does not seem to change with them. Second, there's evidence that electoral pressure doesn't make congresspeople more responsive to their constituents. The evidence is that weaker congresspeople don't tack to the center and that congresspeople in their final terms—those not running for re-election—vote in roughly the same way as they did in prior terms. They just vote less.<sup>6</sup> Both suggest that the most obvious mechanism by which constituents could control their congresspeople does not transmit much control.

That's not to say that constituents have no influence whatsoever on their con-

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<sup>5</sup>See Achen (1975). See Kinder and Kalmoe (2017) for a contemporary assessment of these doubts. I take them to give a thoroughly convincing reply.

<sup>6</sup>See Lee et al. (2004) and Lott and Bronars (1993) respectively.

gressperson. There's some evidence they do. For a start, we did mention that there's a correlation between district preference and representatives' voting behavior even when accounting for party. That could be the product of constituent influence. But the better evidence concerns re-districting. Every ten years, the United States redraws its congressional districts. Several researchers have found that, when their district changes, how members of Congress vote changes (Leveaux Sharpe and Garand, 2001; Leveaux Sharpe, 2001; Hayes et al., 2010). But the effect sizes here are small. Their vote changes, but not dramatically. So this suggests some constituents have some impact on how their congressperson votes. But it doesn't suggest that constituents have a very big effect.<sup>7</sup>

So let's sum up. Overall, we have weighty evidence that constituents have little control over their representative. Their representatives voting behavior just doesn't track their policy preferences. This is weighty evidence that they're not under much popular control. But representatives, especially in the House, look like they're more likely to be under popular control than other members of government. Members of the House face election every two years. And, unlike the president, they're usually in office for the long-haul. They have a long sequence of elections ahead of them. So, if they're not really under much popular control, then that's weighty evidence that other elected officials escape such popular control. We'll later (Section 7.4) look at some ways to resist this line of thought. But, for now, let's take it as read: elected officials in general escape tight popular control. Why does that matter? That's the question of the next section.

### **3.3 Why Does Popular Control Matter?**

To answer this question, it will help to say something about what a representative democracy is. A representative democracy is any system in which citizens elect officials and those officials are then in charge of the state. The officials make the laws. They make policy. They command the day-to-day workings of government. They decide whether to go to war. This gives such officials enormous political power. To put this in concrete terms, the president and the 535 members of Congress could remake American society. They could dismantle America's paltry welfare state,

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<sup>7</sup>There's also some reason to be a bit cautious about this evidence. A lot of things change after a redistricting. You get a whole new session of Congress. And redistrictings don't come around that often. So it's hard to know exactly whether the change in district is driving the change in voting behavior or whether it is something else. Moreover, the one study which has examined a mid-session redistricting, finds no effect of redistricting on legislative roll-call votes (Lo, 2013).

or they could build a robust one. They could gut labor protections, or they could grant them real strength. They could buttress conservative moral values, or they could let them lapse. Each of these people has vastly more political power than any ordinary citizen. The political power of most ordinary citizens looks negligible compared to that of the greenest member of Congress.

These points are all obvious. Anybody who knows the slightest thing about America's political system knows these facts. Yet, on the face of it, they clash with the democratic ideals we spelt out in Chapter 1. In particular, they clash with the egalitarian part of democratic ideals. We claimed that one of the virtues of democracy is that it makes political power and authority relatively equal. It means everyone has roughly equal ability to influence what their government does. Everyone has a roughly equal part in government commands. This was valuable, so I suggested, due to its impact on our relationships. It precludes objectionably inegalitarian relationships and facilitates attractively egalitarian relationships. But some very basic facts about American democracy—and similar facts hold for any democracy on the face of the earth—guarantee an extraordinarily inegalitarian distribution of political power. Elected officials have vast political power; ordinary citizens have relatively negligible political power. So, *prima facie*, these basic facts about American democracy create huge problems for relational equality. They create objectionably inegalitarian relationships between citizens and representative. They preclude attractively egalitarian ones.

This is an important, and old, problem with representative democracy. Rousseau once claimed that the English are only free during elections and are at other times slaves (Rousseau, 1968, 3.15.5): perhaps he had this sort of problem in mind. The problem is how to reconcile representative democracy with egalitarian ideals.<sup>8</sup> But here is where popular control comes in. Popular control can serve as a mechanism to solve this problem. If how elected officials wield political power is under popular control, then their great political power is not objectionable. Why should we think that? There are two reasons. First, it follows from a more general claim. The more general claim says that, when how someone uses their power is under control, their having the power doesn't create an objectionable inequality. This claim draws intuitive support from some non-political cases. Consider what

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<sup>8</sup>Dworkin (2000, 190–200) also discusses this problem. He uses it as a springboard from which to abandon democratic egalitarianism. Similarly, Landa and Pevnick (2020b) take as their “point of departure” (2020b, 2) the perspective that representative democracy cannot avoid the inequalities that democratic egalitarians find disquieting. Thus, they think that representative democracy should be justified as a way of “facilitat[ing] rule by a particularly competent subset of citizens” (2020b, 1). This is also their view in Landa and Pevnick (2020a).

happens when you delegate power to your doctor or lawyer. How they use that power is under your control. Often this just means that they must use it to promote your interests. But not always. You can instruct a lawyer to plead guilty when this is not in your interests. You can forbid a doctor from giving you a blood transfusion. But in none of these cases is their power objectionable. And cases like this are common. When police officers are properly controlled by police departments, their power isn't problematic. When bureaucrats are properly controlled by legislatures, their power poses no egalitarian problem. In all these cases, their use of power is controlled. It seems very plausible that this is what explains why their power is not objectionable. So, this could explain why representatives' surfeit of power is not objectionable.

Second, there's a deeper explanation. The explanation is that what is really objectionable from the egalitarian point of view is not just inequalities of power. It is inequalities of *independently exercisable* power. One has independently exercisable power just when one's use of power is not under anyone else's control. It's only when someone can exercise their excess power independently that it poses an egalitarian problem. This is again supported by cases.<sup>9</sup> Suppose you're arrested by an officer of an oppressive regime. But you know the officer has no choice but to arrest you. Were he to disobey his orders, then the regime would viciously retaliate against *him*. Here, your relationship with the officer isn't problematic. He's not independently exercising his power. He's a mere tool of the regime. It's your relationship with whoever gives him the orders which is inequalitarian. And that's well explained if it's only independently exercisable power which creates an egalitarian problem. How does this apply to representative democracy? Well, the more is a representative's exercise of power under control, the less is it independently exercisable. And so the less objectionable it is from the egalitarian point of view.

Suppose we accept this view. Then why does it matter that elected officials are under very loose popular control? It matters for egalitarian reasons. Representatives' power, we've seen, threatens democratic equality. It risks making representatives like English aristocrats, Chinese party cadres, members of the Soviet nomenklatura elite: an elite class which wields political power with impunity. The crucial innovation in representative democracy is the presence of popular control. This is what distinguishes representatives from party cadres. This is what makes representatives' extra power anodyne. But then the failure of popular control means this extra power is not anodyne. Little distinguishes elected elites from unelected elites. The failure of popular control means representative democracy

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<sup>9</sup>We'll discuss this further in Chapter 6.

precludes democratic equality. That's the view I'll defend in the rest of the chapter.<sup>10</sup>

Is the failure of popular control also a problem for self-rule? Matters here are more muddled. Plausibly, tight popular control is often good for self-rule. If elected officials have to do what the people want, then this suggests that many policies will manifest the joint intentions of much of the citizenry. So, in a sense, weak popular control over representatives is bad for self-rule. But I don't think that it precludes self-rule. The key point is that mere selection of representatives is an adequate way to ensure self-rule. Suppose we share an intention to bring about certain policies. We elect someone committed to those policies. When they implement those policies, the policies flow ultimately from our joint intentions. That's true even if we have little control over them once they are in office. Thus, selection can ensure self-rule, but not equality. Equality requires more than just selecting our rulers and them running the show. Thus, the failure of popular control is mainly a problem for democratic equality. At least, so I'll argue in the next section.

### 3.4 Alternatives to Popular Control

I've claimed that popular control is the *sine qua non* of reconciling representative democracy with equality. But maybe that's wrong: might there not be alternatives? There might, but I have my doubts. In this section we'll look at four contenders. The first invokes the motivations of representatives. If their motivations are noble, the thought goes, their extra power is anodyne. The second invokes the justification for representatives' extra power. If their power is justified in the right way, the thought goes, it is anodyne. The third invokes the periodic chance of removing

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<sup>10</sup>For a similar view, see Ingham (2021). Ingham thinks that the sorts of power inequalities that contribute to inegalitarian relationships are inequalities in arbitrary power. One has arbitrary power when one's exercise of power is independent of one's "personal attitudes, values, interests and preferences" (2021, 6). Representative democracy, he suggests, can make it so how representatives exercise their power is independent of their personal attitudes. But I myself doubt that any exercise of power is independent of our personal attitudes. Consider the case in which I am a police officer under control of their department. I exercise my power as they do because I don't want to get fired. But not wanting to get fired is one of my personal attitudes: other people wouldn't mind a bit about leaving the police department. Similarly, representatives exercise their power as they do, even in the ideal case, because they want to get reelected. But this too is a personal attitude: some people don't care about reelection. And so representatives' exercise of power is dependent on personal attitudes. Thus I doubt Ingham's view really works: I favor the view in the text.

elected officials from office. This power of removal, the thought goes, makes their extra power anodyne. The fourth invoke the tenures of elected officials. When they rule for just a short period, the thought goes, their power is anodyne. I'll argue that none of these satisfactorily reconcile the extra power of elected officials with egalitarian ideals. The first two fail for two reasons. First, they clash with how we think about egalitarian relationships in personal cases. Second, they imply that obviously objectionably inegalitarian political systems are satisfactorily egalitarian. The second two fail for different reasons. These at best mildly ameliorate the objectionability of representative democracy. So I think popular control really is the *sine qua non* of reconciling representative democracy with equality.

Let's start with the appeal to motivations. Here's the thought: suppose we could reliably ensure that our representatives had certain motivations. We might care about two types of motivations. First, we might want to ensure that representatives were motivated by the interests of ordinary citizens. They weren't just in it for themselves. They weren't just in it for special interests. They wanted to promote the general interest. Second, we might want to ensure that representatives were motivated to do what ordinary citizens in fact want. When we want tax cuts, we elect representatives ideologically committed to tax cuts. When we want a new deal for the American people, we elect representatives ideologically committed to the New Deal. The thought is that this might reconcile representative democracy with equality. In particular, suppose representatives have one of these types of motivations. Then the thought is that there's no problem with them having much more political power than ordinary citizens.

We'll assess this thought in a moment. But first let's lay out the second thought. The second thought does not appeal to the actual motivations of representatives. It appeals to how representatives' excess power is justified. One way to justify it would be to cite the elevated moral standing of representatives. This would be a bad way to justify it. It would make their extra power objectionably inegalitarian. But there are other ways to justify it. Suppose, for example, we justified it on the basis of it conducing to our interests. We might, for example, appeal to thoughts about division of labor. It requires a lot of specialization to do anything well. That includes governing. So having people whose full-time job is governing facilitates good government. And it helps us all to have good government. So, it helps us all to have representatives with a lot of political power. Suppose we're actually disposed to justify representative government on this type of grounds. The thought is that then the extra power of representatives isn't a problem. What does it mean for us to be disposed to justify something in a certain way? The simplest way to spell this out is via the actual dispositions of ordinary citizens. Suppose when asked

to explain why it's morally permissible for representatives to have so much power, we're actually disposed to say that it promotes the common good. Then this is how the power of representatives is justified.

If either of these views were true, popular control over representatives wouldn't be necessary for equality. The first view suggests that power over the selection of officials can be adequate for equality. We can just select officials and let them run the show. We just need to pick the ones with the noble motivations.<sup>11</sup> The second doesn't even require that we select representatives with the right motivations. All it requires is certain dispositions on behalf of ordinary citizens. And citizens might well have those dispositions without controlling their representatives. So both views promise to reconcile representative democracy with equality. Unfortunately, the promise is ill-kept. Neither view is acceptable. Thus, neither can, in reality, reconcile representatives' power with the demands of equality.

There are two ways to see this. The first rests on intuitions about personal relationships. In personal relationships, neither noble motivation nor good justification make inequalities of power anodyne. Let's consider one of the paradigms of an inegalitarian relationship we appealed to in Chapter 1: a Victorian marriage. Suppose the husband in such a marriage has only noble motivations. They're very much inclined to promote their wife's welfare. Indeed, they're very much inclined to run their common lives as their wife wants. And suppose that this is, indeed, connected to how their power inequality is justified. Ask anybody in Victorian society, including the married couple. They'll tell you that it's best for the wife that the husband decides most of their affairs. Neither fact makes the power inequality in their relationship anodyne. The fact that the husband is the one who gets to decide their affairs is odious. They have an objectionably inegalitarian relationship, rather than an attractively egalitarian relationship. I think example like this are quite easy to multiple. Neither noble motivation nor good justification conditions makes inequalities in personal relationships anodyne. This seems to me weighty evidence that these conditions don't make inequalities in civic relationships anodyne.

The second rests on intuitions directly about civic relationships. The two conditions just described can be well-satisfied by societies which are deeply undemocratic. One could clearly have a non-democratic society in which the ruling class had noble motivations. They might really want to help ordinary citizens. They might really agree with ordinary citizens on the basic direction of society. And one could have such a society in which the justification condition is satisfied. Or-

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<sup>11</sup>Mansbridge (2003) calls this a *gyroscopic* conception of representation.

dinary citizens in such a society might well be disposed to say that rule by the ruling class does promote the common good. They might even appeal to division of labor thoughts when making this argument. After all, in such a society, the ruling class can devote all their energies to governing. They need not waste their time electioneering. Arguably, there actually are societies which don't depart too far from this model. We've already mentioned the Singaporean case. In Singapore the rulers have repeatedly claimed to be ruling in the public interest. They've massively improved the welfare of ordinary Singaporeans. This seems to be widely seen as the basis of their legitimacy. This possibility is far from a mere thought experiment. But, in any case, there is still an egalitarian objection to the political set-up of such a society. Intuitively, the rulers are not in egalitarian relationships with those they rule. They are in inegalitarian relationships with them. But both noble motivation and good-spirited justification conditions are met. So these conditions must not suffice to make inequalities anodyne.

Let's look at a third option. One salient difference between a representative democracy and, for example, modern China is that, in the former, the rulers can be removed by ordinary citizens. Or, to put the point more precisely, it's much easier for ordinary Americans to remove their rulers than it is for ordinary Chinese. The former can vote them out at election time. The latter might in a sense be able to remove their rulers. But it'd take a lot more time and a lot more danger. Perhaps this makes the extra power of representatives in a representative democracy anodyne. When someone can be easily prevented from having power over you, so the thought would go, it's not a problem that they have such power. So perhaps it's only the robust possession of power which presents an egalitarian problem. It's only when people cannot easily lose their power that this power is objectionable.

I doubt that this provides a particular effect way of reconciling representative democracy with equality. It's not just the robust possession of power that matters to the equality of a relationship. Not in many cases, anyway. Consider the following case. Suppose you're a slave with a choice of masters. You have a very wide choice, and you can swap master every four years. But during that time, you know none of the possible masters will respond to your wishes. They'll all treat their own wishes as sovereign. If you choose well, these wishes will align with yours. But were your wishes to become unaligned, it's their own wishes they'll always follow. I think that there's clearly something objectionably inegalitarian about your relationship with your current master. The mere fact that you can change who your master is doesn't make your relationship with that master anodyne. It doesn't make the power they have over you much less objectionable at all. Perhaps it makes it a little less objectionable. But I'm inclined to think this effect is relatively slight.

So it can't be just the robust possession of power which matters in this small-scale case.

Let's look at a final option. Perhaps an important difference between a lot of representative democracies and a lot of non-democracies is the length of term. Erdoğan looks like president-for-life. Biden might just be president for four years. This is clearly related to the possibility of removal. The realization of this possibility is what—sometimes—makes terms in representative democracies short. Perhaps short terms greatly ameliorate the objectionability of representatives' excess power. The thought is that what really matters is how powerful we are over our entire lifetime. Throwing the bums out of office periodically means that, for most of their life, they're not vastly more powerful than everyone else. Now this won't mean there's no problem with their being more powerful than ordinary citizens. But it does ameliorate the problem. It ameliorates the inequality in power when we treat that inequality on a lifetime basis.

This may be right. Throwing the bums out of office may help a bit. We'll discuss the normative issues here in greater depth in Chapter 5. But the prospects of appealing to this fact in a defense of American democracy seem slim. Representative aren't thrown out after a couple years. The average re-election rate in the House is 94%. The average length of tenure is about ten years. Similar facts are true of the Senate. For a point of comparison, the average Chinese *emperor* also spent about ten years in power (Khmaladze et al., 2010). These are not short tenures. Now, they're shorter than a lifetime. And in some political systems high office occasionally lasts a lifetime. But there is still a huge inequality between the lifetime allotment of power representatives enjoy and that ordinary citizens enjoy. Thus, length of tenure does little to ameliorate these inequalities.

Let's sum up. We've just looked at some alternative ways to reconcile representative democracy to equality. The first two suggestions were implausible. It's implausible that the noble motivations of powerholders make their power anodyne. It's implausible that good-spirited justifications of their power make it anodyne. We then looked at two more suggestions. We looked at whether the possibility of removing powerholders, or the short tenure of powerholders, could make their power anodyne. In both cases I suggested that this would at best mildly ameliorate the inequality of their power. It couldn't make it completely unproblematic. And, I suggested, in America this amelioration would not be so substantial. So I think popular control really is the key way to reconcile representative democracy with equality. Thus, the failure of popular control should be deeply worrying. It makes America's representative democracy inegalitarian.

### 3.5 What Exactly Is Popular Control?

We've been working with a fairly loose, intuitive account of popular control. It's time we got something more precise. To that end, I'll do three things in this section. First, I'll spell out the notion of control. Second, I'll spell out the sense in which, and the reason why, the relevant notion of control has to be popular. Third, I'll explore the feasibility of this notion of control. The point of this is twofold. On the one hand, it helps fortify the arguments I've already made. It will help us see why the evidence for Section 3.2 really does suggest low levels of popular control and help secure the claim that popular control can reconcile representative democracy with equality. On the other hand, it contributes to our understanding of the proper relationship between representatives and ordinary citizens. This is valuable regardless of its connections to our assessment of American democracy.

Let's begin by spelling out the notion of control. This is a reasonably intuitive notion. We're all familiar with things being under our individual control. It's under your control whether you keep reading this chapter. But you have no control over whether the sun rises tomorrow morning. This notion is scalar: you can have more or less control over things. You have a lot of control over whether you keep reading this chapter. You have some, but less, control over how long it takes you to finish. There's also an equally familiar notion of things being under a group's control. Apple's board has control over whether Tim Cook remains CEO. The angry mob has control over whether the castle gets razed. And this too is a scalar notion. Apple's board has a lot of control over Cook's tenure. It has less control over the company's 2025 profits. The notion of popular control is just an instance of these familiar notions. It's group control, where the group is a plurality of citizens.

Saying more about what control amounts to is thorny. It's natural to think that it involves some sort of causal-counterfactual dependence. And, in particular, it's natural to think that this is causal-counterfactual dependence on preferences.<sup>12</sup> Consider two options: reading and not reading. You have control over whether you read insofar as your wanting to read would make you likely to read and your not wanting to read would make you unlikely to read. And, plausibly, you have perfect control when preferring to read makes sure that you read, and preferring not to makes sure that you don't. Note that the preferences cause the readings (or likelihoods thereof). It's not just that whether you want to read and whether you read happen to co-vary. When you have control over something, your preferences

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<sup>12</sup>Natural, not forced. One alternative is to think that it's dependence on what you try to do. This would be more in line with our account of power in Section 1.2.3. I stick with preferences in the text because there's more evidence about what citizens want than about what they try to do.

have to exert causal pressure on the thing you control.

To extend this to the group case, we have to ascribe groups preferences. This is intuitively unproblematic. It makes sense to claim that Apple's board prefers that Cook stick around. It makes sense to say that the mob wants to burn down the castle. Thus, we can say a group controls something when that thing varies with what the group wants. Now, how exactly to ascribe preferences to groups is controversial. And some people have thought that social choice theory, with its impossibility theorems, makes it impossible to ascribe a group preferences.<sup>13</sup> But this seems to me a terribly counter-intuitive view. We ascribe preferences to groups all the time. It's true that giving a general account of how to ascribe preferences to group is difficult, and I'm not going to provide one in this chapter. But I think many accounts are viable.<sup>14</sup> I'll just assume that there's some way to make sense of the notion that groups have preferences, and so a good way to make sense of a group controlling something.<sup>15</sup>

Let's say more about the notion of *popular* control. Here what we want is the most minimal notion of popular control which would reconcile representative democracy with equality. The simplest suggestion is that popular control is just group control where the group is the entire citizenry. Thus, to realize this, how representatives wield their power would have to causally depend on how the citizenry as a whole wanted that power wielded. This would put the representatives under the control of a group. It would do the job of reconciling their extra power with the demands of equality. But this condition seems clearly too stringent. It misses out the possibility of each representative being under the control of only their constituents. This could surely count as a way of reconciling representative democracy with equality. So, we want a more minimal notion of popular control.

Fortunately, articulating such a notion is straightforward. Take any collection of equally powerful representatives. We can say that they are under popular control when a roughly similar size group of citizens controls each of those representatives. And nobody belongs to more than one such group. Why the 'roughly similar size'

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<sup>13</sup>This is the view in Riker (1982, 238–41).

<sup>14</sup>One straightforward suggestion is to adopt what's sometimes called the utilitarian social choice function. We first sum the intensities of group members' preferences for  $x$  over  $y$ . We then subtract from this the sum of the preferences for  $y$  over  $x$ . We say the group prefers  $x$  to  $y$  iff the result is positive and prefers  $y$  to  $x$  iff it is negative.

<sup>15</sup>In truth, notions of popular control can be formulated which dispense with the need to ascribe groups preferences. Ingham (2019, 57–121) formulates such a notion. On this notion, representatives are said to be under control when the shared preferences of different majorities can, as long as held with sufficient intensity, determine what they do. This notion of popular control would, for my purposes, work as well as the notion in the text for articulating the idea of group control.

requirement? Well, I assume that partaking in the control of a representative is itself a type of power. And I assume that how powerful it makes you depends on how many other people you share that control with. So to ensure that control over representatives doesn't lead to inequality amongst citizens, we would have to guarantee a rough equality of the number of other people with which each citizen shared this type of control. And this is exactly what the rough equality clause guarantees. In concrete terms, how could representatives be put under popular control in this sense? Members of the House all have same-sized districts. So, were each of them under the control of their constituents, they would be under popular control. The president's district is the entire nation. So, were they under everyone's collective control, they would be under popular control. The Senate poses a problem since States are of such disparate sizes. So senators could not easily be put under popular control in this sense. But that strikes me as more a problem with the Senate than with the definition. The Senate has never been (or even been thought to be) a very democratic institution. In any case, this seems to carve out a fairly reasonable notion of popular control.

I want to clarify three more things about this notion of popular control. First, let's make clear why the control has to be popular. Suppose representatives were controlled by bureaucrats, judges or generals. Such control would give such figures much more power than ordinary citizens. So it would just push the bump in the carpet. It would ameliorate the inequality between representatives and citizens. But it would exacerbate the inequality between citizens and bureaucrats, judges, generals. The only way to prevent this seems to be to give each citizen an equal share in the system of popular control. This ameliorates the citizen-representative relationship without making any other relationship worse. Thus, control must be wielded by the people rather than by anyone else. It is worth, at this juncture, also remarking that popular control over powerful judges and bureaucrats is just as important as popular control over representatives. This, in an ideal democracy, could be achieved via achieving popular control over representatives.

Second, I want to discuss the feasibility of achieving decent levels of popular control. Are such levels of popular control possible? I think so. The key point here is that control can be *virtual*.<sup>16</sup> We can have control without actively intervening. We can even have control without having a preference on an issue. What matters is that, were we to have such a preference, representatives would respond to that preference. Suppose, for example, we don't care what government officials did with the interest rate. We only care about macroeconomic stability. We might still

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<sup>16</sup>The point comes from Pettit (2012, 231).

have control over what officials do with the interest rate. We'd still have control if, *were* we to care about interest rate, they would set it to the level we wanted. This doesn't require that we actually do care about the interest rate.

This is an important point. It means that high levels of popular control are consistent with a lot of representative discretion. Representatives must yield when they disagree with popular opinion. But, when there is no popular opinion on an issue, there's nothing to which they must yield. Now on many publicly salient issues, the public likely has opinions. But on other less salient issues it's often doubtful whether the public has a view. The public doesn't have a view on every detail of policy. So, on this latter type of issue representatives can make the policies they think are best without impairing popular control at all. Thus, high levels of popular control are consistent with taking advantage of representatives' expertise. Popular control is not incompatible with the division-of-labor thought discussed in the previous section. Thus, decent levels of popular control seem achievable. I just doubt that they are actually achieved.

Third, I want to stress how the level of control affects the objectionability of inequality. Plausibly, only perfect control over representatives would make their extra power completely anodyne. It's unlikely that perfect popular control over representatives could be achieved in any system. So it's unlikely that representatives' power could ever be made completely anodyne. But that doesn't mean it's unfeasible to achieve high levels of popular control. High levels of popular control would make representatives' extra power substantially less objectionable. So, realistically, popular control can ameliorate the inequalities of representative democracy. On its own, it can't totally eliminate them. In this sense it's well-combined with short tenures and the possibility of removal. But I take the amelioration that popular control provides to be much more than that provided by these options.

Let me sum up. We've now got clearer on the notion of popular control. I think the findings reported in Section 3.2 are weighty evidence that representatives are not under very tight popular control. So, they provide weighty evidence that the relationship between representative and ordinary citizen is objectionably inegalitarian. But, in the next section, we'll discuss two ways to resist this. I think neither way is successful. So, ultimately, I don't think the findings in Section 3.2 are misleading. In the United States, I doubt that elected officials are under much popular control.

## 3.6 Is Popular Control Really So Loose?

The findings from Section 3.2 are weighty direct evidence for the claim that representatives are not under the control of their constituents. From this, I inferred that they weren't under popular control at all. In this section we'll look at two ways to interrupt that inference. The first points to how representatives might be under popular control without being under control of their constituents. They might be under control of party leaders, and party leaders might be under the control of the public. This would create a chain of control from citizens to representatives. It's just not the constituency link. The second point trades on the counterfactual nature of control. The idea is that constituents don't really have preferences about how their representative votes. But, if they did have such preferences, these preferences would determine the voting behavior of their representatives. So the evidence underplays the extent to which citizens enjoy popular control. They enjoy an extreme version of virtual control. We'll discuss these views in turn. I think both are interesting. Neither, however, is very plausible.

### 3.6.1 Party Government

Let's start with the first view. This view is rooted in a particular view of modern American legislatures. This view is that these legislatures are extremely partisan environments.<sup>17</sup> They're dominated by parties. But, more than that, the view is that party leaders have a huge amount of power in these legislatures. That power is of two kinds. First, they can sometimes exert direct pressure on how congresspeople vote. They can do this by offering carrots, like committee positions and party funding, whilst threatening sticks, like supporting primary challengers. Second, and much more important, party leaders control the agenda. They decide what bills get voted on. They decide what measures reach the floor at all. And they decide what measures gets packaged together. They can stick unattractive messages with attractive measures and so get the former through. This, the thought goes, gives a huge amount of power to party leaders. But how do they use this power? The idea would be that how they use this power is under popular control.<sup>18</sup> In particular, they use this power to get measures passed which the general public—in

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<sup>17</sup>See (Cox and McCubbins, 2005; Lee, 2009) for this type of view. To be clear, they hold the view that contemporary American legislatures are very partisan. They don't hold the view that America enjoys party government.

<sup>18</sup>This is a version of the idea that they use it to improve their parties brand name. See Cox and McCubbins (2005, ch.2).

the nation as a whole—likes. They avoid other measures. They do this precisely because they benefit the most from big national swings in their favor. Such swings help them keep, or gain, majorities, and this lets them keep offices and pass policy. So individual representatives may not be under the control of their constituents. But they are under popular control in another sense. They're indirectly under the control of the public, via being under the control of party leaders.

Is there any evidence for this view? Well, there's certainly evidence for parts of it. There's a lot of evidence that party leaders have a lot of agenda-setting power.<sup>19</sup> There's a little evidence that they can actually pressure rank-and-file representatives into doing what they want.<sup>20</sup> But there's somewhat less evidence that party leaders are under popular control. Indeed, one struggles to find evidence for this bit of the story. Perhaps the best evidence comes from observational studies. The most relevant study is perhaps Erikson, MacKuen and Stimson's *The Macro Polity*.<sup>21</sup> These authors look at whether, when national opinion gets more liberal, those in government enact more liberal policies. And they find they do. One explanation of this is that party leaders are under popular control. But there are other explanations. For example, it might be that representatives get voted out of office when they're out of step with national opinion. This could lead to this correlation without there being any popular control of party leaders. Alternatively, it might be that popular politicians drove public opinion on these issues. Public opinion might follow, rather than lead, elite opinion. As we'll see in Chapter 6, this is very common. Observational studies like *The Macro Polity* don't rule out this possibility. They don't tell us which way causation runs. So calling this the best evidence for this crucial piece of the view is not high praise. In truth, I don't know much reason to believe that party leaders are under popular control.<sup>22</sup>

There are also other reasons to think that, in the American context, this is not a plausible view. Chief among these is that it obscures *why* party leaders can set the agenda. There are two important points here. First, who has these powers depends on who the rank-and-file legislators want to have these powers. Rank-and-file legislators elect the party leaders. They decide who are the agenda-setters. Second, how substantial these powers are depends on how substantial rank-and-file legislators want them to be. It's they who determine the rules of their respective chambers. So it is wrong to think that it is really party leaders exerting themselves on

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<sup>19</sup>See, for example, (Cox and McCubbins, 2005; Lawrence et al., 2006, ch.4, ch.9).

<sup>20</sup>See (Burden and Frisby, 2004; Ansolabehere et al., 2001).

<sup>21</sup>See (Erikson et al., 2002, 303–11).

<sup>22</sup>See Bawn et al. (2012) for an alternative view on who party leaders respond to. They provide evidence that parties and their leaders the creatures of activists and interest groups.

ordinary representatives. The party leaders serve, and serve with the powers the do, at the pleasure of those ordinary representatives. This means the story above has to be changed in an odd-sounding way. The idea has to be that ordinary representatives ignore their own constituents' preferences. But they cede substantial power to party leaders so that they will be more responsive to public opinion on the national level. Now that's not totally incomprehensible. They might benefit much more from a nationally popular party than from themselves being locally popular. But it makes the story increasingly complex, and thus decreasingly plausible. I myself doubt the story of party government really does much to rescue popular control in the United States. It might help with popular control a little bit, but the help is only minor.

### 3.6.2 Very Virtual Control

Let's look at a second tack. One might think that the evidence I presented in Section 3.2 was misleading. It's not true that constituent's lack control over their representatives. Why think this? Well one tradition in political science doubts that ordinary citizens really have policy attitudes about much at all. The thought is that when they answer survey questions about their attitudes, they're really just making things up on the spot. So these survey questions don't really tap their attitudes.<sup>23</sup> Suppose this is true: ordinary citizens don't really have policy attitudes. Then the evidence I presented in Section 3.2 is consistent with those citizens enjoying a lot of *virtual* control. It could be that, were they to have opinions on the issues, then representatives would vote in line with those opinions. But, since they don't care either way, representatives vote how they wish. But we've seen that virtual control is perfectly good from the point of view of equality. So we might evade an egalitarian problem here after all. We just need to embrace the view that ordinary citizens don't have views on very much.

What should we say about this defense of American democracy? We should start by noting that, if it wins out, the victory is Pyrrhic. It would mean that American democracy has a hope of realizing equality. But it had very little hope of realizing much self-rule. To realize self-rule with respect to a policy, that policy has to be something people jointly intended to bring it about. But this defense says that ordinary citizens don't, generally speaking, have policy preferences at all. So

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<sup>23</sup>Philip Converse's 'No Attitude' thesis is most famously associated with this view (Converse, 1964) although he later clarified that this was not the thesis he intended to assert (see n.25 in this chapter). Zaller (1992, ch.5) presents a similar picture. And Achen and Bartels (2016, ch. 2) essentially seem to endorse this.

it is hardly likely that they jointly intend to bring about many policies. Thus, this defense would rescue one democratic value but wreck the other. Whether that improves American democracy swings on which of these values matters more. I think they both matter roughly equally: it does not seem to be much of an improvement to me.

Secondly, it is at best extremely controversial to think Americans don't have any real policy preferences. This isn't what they say if one actually asks them. Most Americans are quite willing to tell you what they think about abortion, government spending, healthcare and so on. The traditional evidence for this strong claim, then comes down to the following: often, the same people will tell you different things on different occasions. There's not a very strong correlation between what they tell you at one time and what they tell you at another.<sup>24</sup> This is what led people to say that Americans didn't really have policy attitudes. But this doesn't push one to think that they don't have anything *like* policy attitudes. For instance, they might have robust inclinations to take a stand on a certain issue. They might, for example, be 70% likely to tell you that they're against allowing abortion.<sup>25</sup> This is consistent with there being a small correlation between what they say at different times. And there's another piece of evidence for this suggestion. The overall support for some policy in a given area tends to be quite stable. This could be explained by stable disposition of the sort described. But it is mysterious if people have nothing like such dispositions.<sup>26</sup> Yet then the evidence from Section 3.2 doesn't look so misleading after all. It indicates that representatives aren't responsive to these dispositions. But that in itself is evidence that they are not under popular control. Indifference to inclinations is the first port of call on the way to indifference to preferences.

Let's sum up. I've just looked at two ways to defend American democracy from the charge of a lack of popular control. I think neither succeeds. So I think that elected officials in the United States are not under much control at all. This, I've argued, makes the relationship between representatives and ordinary citizens objectionably inegalitarian. It makes representatives a lot more like party cadres than they would be were they under popular control. Now, that is not to say that American democracy is in the same position as Chinese autocracy. A couple things ameliorate the inequality of representative democracy in the United States. And, indeed, the evidence I've provided is consistent with some level of popular control:

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<sup>24</sup>See, for example, Converse (1964).

<sup>25</sup> Long after his seminal 1964 paper, Converse (2000, 336–39) clarified that this is what he'd had in mind all along.

<sup>26</sup>Page and Shapiro (1992, 21–22) make this argument.

a low level. Thus, the relationship between ruler and ruled in America is not as inegalitarian as that in China. But it is a lot too close to comfort. And it is close enough, I think, to seriously impair the realization of democratic equality. In the final section we'll turn to what can be done about this. We'll turn to what sort of institutional reforms might ease this problem.

### 3.7 Institutional Reform

Suppose we accept my argument up to now. What sort of institutional reforms could make the situation better? Two kinds of reform seem possible. The first kind makes elections more competitive. The point of doing this is to put representatives under tighter control. The second kind are direct democratic reforms: these bypass representatives altogether. The chief point of doing this is to reduce the power of representatives. This reduces the inequality between them and ordinary citizens. In this section we'll discuss these institutional reforms. What I'll say about them is very tentative. I think it's very hard to predict how a given reform will affect equality. But we aren't completely in the dark. I think that both reforms might work. But the prospects of the latter are substantially better than the former. Thus the argument in this chapter provides most support for endorsing directly democratic institutions.

Let's start with the first type of reform. The basic thought here is that representatives lose some votes when they ignore their constituents' preferences. But, most of the time, they face a weak enough opposition that this doesn't much imperil their re-election. Thus they can spurn their constituents' will without much fear of losing office. This is why re-election rates in Congress are so high. We've already mentioned re-elections rate in the House of Representatives: over the last twenty years, they've averaged 94%. Over the last twenty years in the Senate, they've averaged 94%. The thought is that one can make elections more competitive. That means giving incumbents a heartier opposition, an opposition more likely to electorally defeat them. This will give them more incentive to respond to their constituents' preferences. So, it will put them under tighter popular control.

Let's note two ways to do this. The first is publicly financing election candidates. One reason incumbents are so secure is, plausibly, that they have broad donor networks. This gives them a financial advantage in elections. And this financial advantage helps them win.<sup>27</sup> Public financing could help erode, and perhaps

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<sup>27</sup>We'll provide some evidence that spending does indeed help in elections in the next chapter.

eliminate, that advantage. Now pinning down empirical evidence for this is difficult. Few states in the U.S. have public financing. But some evidence comes from the experience of Arizona and Maine. Both states adopted public financing in 2000. Afterwards, election in these states were a lot more competitive (Malhotra, 2008), so there is reason to believe that public financing would aid electoral competitiveness. The second concerns how district lines are drawn. One can draw district lines so as to maximize the number of competitive districts. If district lines were drawn with such a mandate in mind, then House districts would be more competitive. There's nothing revelatory about this: it would be the simplest, most straightforward way to make House districts more competitive.<sup>28</sup> Public financing and redistricting reform could both increase the competitiveness of elections.

Unfortunately, it's not clear that increasing electoral competition would prove a panacea. The problem is that representatives, currently, don't seem to be more responsive to their constituents when they face a greater threat of electoral defeat. We mentioned this in Section 3.2, but let's go over it in more detail. The starkest finding here is that representatives who are retiring don't vote differently. They turn up to vote less; but they don't change their voting behavior. These people transition from facing electoral competition to facing no electoral competition. That transition has no effect on how they vote. A second finding concerns the moderation of representatives. Lee et al. (2004) found that a legislator's electoral strength—their chance of winning re-election—had no effect on their policy platforms. Weaker legislators don't put forward more moderate platforms. This is evidence against the conjecture that more competitive elections would put representatives under tighter popular control. Now let me be clear: I don't think that this shows that increased competitiveness won't improve popular control. But it means the evidence that they will is not strong. So, although we should look kindly on such reforms, we should not be overly optimistic about their impact.

Let's turn to a second type of reform. The problem we face is that representatives have more independently exercisable power than ordinary citizens. A very straightforward solution to that problem is to take power out of the hands of representatives. Directly democratic institutions do exactly this. In the United States, the most widely used such institution is the initiative. The initiatives allow citizens to put proposed statutes to the popular vote. They do this by gathering signatures on a petition. When they gather enough signatures, their proposed law will go on

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<sup>28</sup>I take no stand on who should draw the districts. Many people think this should be in the hands of independent commissions (McDonald, 2006; Lindgren and Southwell, 2013; Carson et al., 2014). Others provide evidence that, somewhat surprisingly, it makes no difference if legislators draw them themselves (Forgette et al., 2009; Masket et al., 2012; Henderson et al., 2018).

the ballot in the next election. By a recent count, twenty-four states and over eighty percent of big cities use the initiative (Matsusaka, 2009, 2235). About 2500 state-level initiatives have got onto the ballot since 1904 (Institute, 2019). The popular referendum is also widely used. This allows citizens to put bills passed by the legislature up for a popular vote. Twenty-three states have the popular referendum. Neither exist at the federal level. At the federal level, lawmaking power is firmly in the hands of representatives.

These institutions equalize power in two ways. First, and foremost, they reduce the power of representatives. With the initiative, legislators are no longer the only people who can propose new legislation. With popular referendums, they are no longer the only people who can veto proposed legislation. Both reduce their power over government policy. Second, they give power to ordinary citizens. The initiative gives ordinary citizens the ability to propose new laws. Popular referendums give them the ability to veto old laws. Both make the distribution of power between ordinary citizen and representative more egalitarian. The inequality of this distribution is objectionable. This is a powerful consideration in favor of direct democracy. It promotes democratic equality.

I want to distinguish this argument from a different argument for direct democracy. Direct democracy is often defended on the grounds that it promotes self-rule, rather than equality. A recent paper, for example, grounds a defense of it in “the normative idea that public policies should reflect the majority will of the electorate” (Leemann and Wasserfallen, 2016). This is not part of my argument for direct democracy. I’m not claiming that direct democracy promotes self-rule; I’m claiming it promotes equality. Indeed, the evidence that it promotes self-rule is somewhat mixed. The relevant evidence concerns whether direct democracy leads to a closer match between public policy and voter preference. John Matsusaka finds that on fiscal policy, and on ten non-fiscal issues, access to the initiative is associated with more congruence between voter preference and state policy (Matsusaka, 2004, 2010). But Lax and Phillips (2012) find no such association. And they study more issues: thirty-nine in all.<sup>29</sup> So the evidence that direct democracy promotes such congruence is mixed. And, if it doesn’t promote such congruence, it’s unlikely to promote self-rule. This is why it’s important to be clear that my argument relies on no such congruence. I think direct democracy is desirable because it promotes equality, not self-rule.

Nonetheless, one might deny that direct democracy promotes equality. The

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<sup>29</sup>See Matsusaka (2018a, 134–7) for a discussion of these conflicting findings. He suggests the initiative might promote congruence on some issues but not on others.

most important objection hinges on the role of money in American usages of direct democracy. The worry is that corporations and the wealthy can determine the outcome of initiative campaigns by spending in support of their positions. David Broder puts the point forcefully: he claims that “wealthy individuals and special interests... have learned all too well how to subvert [the initiative] to their own purposes” (Broder, 2000, 243). If that’s true, then direct democracy may not contribute to equality overall. It will equalize the relationship between ordinary citizen and representative but at the cost of making less equal that between citizen and corporate leader. And there’s some evidence for Broder’s view. Spending money for or against a ballot proposition seems to increase the likelihood of that proposition winning and losing respectively.<sup>30</sup> So, in theory, corporate leaders have some capacity to mold government policy through direct democracy.

But two points must be kept in mind in response to this view. First, what matters is not whether corporate leaders have influence over the initiative process. What matters is whether they have *more* influence over this than over the legislature. And that is doubtful. The wealthy and corporate leaders have a lot of influence over federal legislators. We’ll look at this in depth in Chapter 4.2. But, for now, it suffices to point out that nobody thinks that, on the state level, the initiative makes state policy *less* congruent with voter preferences. The dispute is whether it increases congruence or does nothing at all. But that makes it unlikely that it exacerbates inequality in the way David Broder envisages.<sup>31</sup> Second, if the worry is about the power of money in initiative politics, then there’s a very simple solution: take money out of politics. We’ll also discuss this in Chapter 4.2. But the point is simple. Campaign finance reform could stop the wealthy and corporate leaders influencing initiative campaigns by spending money. So this objection to increasing the scope of direct democracy is a shaky one. It’s doubtful that directly democratic institutions exacerbate inequality between ordinary citizens and corporate leaders.

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<sup>30</sup>Early research found spending for a proposition wasn’t strongly associated with ballot results but that there was some association between spending against a proposition and its ballot prospects (Gerber, 1999). This finding seems to have been the product of endogeneity. Groups with deep pockets would only empty out their pockets on close-run propositions. Close-run propositions were of course more likely to lose, and so pro-proposition spending was not associated with victory. Studies using contemporary methods of causal identification have tended to find that spending both for and against a proposition has an impact (Stratmann, 2006; de Figueiredo et al., 2011; Rogers and Middleton, 2015).

<sup>31</sup>Relatedly, in a working paper, John Matsusaka examines the actual impact of all initiatives since 1904. He finds that “industry was better off as a result of 2 percent of initiatives, worse off as a result of 24 percent, and unaffected by 74 percent of initiatives (because they failed)” (Matsusaka, 2018b). This is hardly a picture of big business dominance.

And, even if they did, there would be a straightforward solution. Thus, it seems to me that there is a strong egalitarian argument for such institutions.

Now that doesn't mean that there's a decisive argument for adopting such institutions. Some people think that they have bad consequences. This is the main thrust of the objection to direct democracy in Achen and Bartels (2016, 73–85). They cite a few examples. They point out that term limits are often introduced by initiative. They think term limits have bad effects (2016, 77). They point out that open primaries were often introduced by initiative in the hope of making politicians more moderate. They think this hope lies unfulfilled (2016, 78–9). And, most convincingly, they claim that making all tax increases subject to referendum reduced fire protection services in Illinois. They argue this made residents worse-off (2016, 82–85). These are interesting examples to be sure, but they are just that: examples. There is little general consensus about the impact of direct democracy. Some people think it leads to better government; some don't.<sup>32</sup> Some people think it's bad for minorities; some don't.<sup>33</sup> Some people think it improves voters' knowledge; some don't.<sup>34</sup> The world awaits a compelling, comprehensive, assessment of the instrumental import of directly democratic institutions. I won't provide one here. But, without such an assessment, I do think that we should make use of what we know about how such institutions contribute to intrinsic values.

Thus, it seems to me that the most promising cure for this ill of American democracy is more democracy. The excess power of representatives is objectionable because they're free of popular control. The simplest solution is to strip representatives of power and give that power to ordinary citizens. Directly democratic institutions do just that. Now this cure is also no panacea. Feasible levels of direct democracy would surely still leave a big inequality between representatives and ordinary citizens. But nor is it merely palliative. Directly democratic institutions would, I think, genuinely ease the egalitarian problem created by the failure of popular control.

### 3.8 Conclusion

Let's sum up. I've argued that, in the United States, elected officials are not under very tight popular control. I've suggested that this creates a serious egalitarian problem. Popular control is the chief mechanism with which to reconcile represen-

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<sup>32</sup>See (Feld and Savioz, 1997; Blomberg et al., 2004) and (Dalton, 2008) respectively.

<sup>33</sup>See (Gamble, 1997; Hainmueller and Hangartner, 2019) and (Hajnal et al., 2002; Kim, 2019).

<sup>34</sup>See (Smith and Tolbert, 2004) and (Seabrook et al., 2015) respectively.

tative democracy with democratic equality. Without it, the relationships between ordinary citizens and representatives are objectionably inegalitarian. I then explored some institutional reforms which might help with this problem. The most promising such reforms, I suggested, were those of direct democracy. These, I suggested, reduce the power of representatives. They make the relationship between them and ordinary citizens less objectionable. They ameliorate the problem, even though they do not solve it entirely.

As I said in Section 3.3, the lack of popular control over representatives is not good news for self-rule. But nor does it preclude it. Self-rule, in this respect, is a less demanding value than equality. We can achieve self-rule via selecting representatives with goals which match our own. But we cannot achieve equality in this way. But that doesn't mean that we do achieve self-rule via selection. In the next section, we'll turn to who government policy really does respond to. The evidence indicates, I believe, a rather narrow role for ordinary citizens. It's not that we have no influence. But our influence is starkly limited. It's the rich and the leaders of powerful interest groups—mainly big businesses—who have most power. This exacerbates the inegalitarianism of American democracy. And it is a serious blow to self-rule. It starkly limits the extent to which we should see American policies as manifestations of the joint intentions of ordinary American citizens.<sup>35</sup>

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<sup>35</sup>Many of the ideas in this chapter overlap with Lovett (2021).

# Chapter 4

## Wealth & Interests

### 4.1 Introduction

Income taxes didn't always require a constitutional amendment. The first income tax in the United States helped to finance the civil war. The Supreme Court upheld it in 1880. But, by then, Congress had long since decided it needed no peacetime income tax: it had been repealed in 1872. The next such tax came in 1894. The run-up to passage was heated. Opponents attacked it in the House as "class legislation"—the tax fell on just the richest 85,000 of 65 million Americans. The tax bill passed, but the robber barons had better lawyers than did John Cheek. In 1895, the Supreme Court decided, by a 5-4 majority, that income taxes had become unconstitutional. It took eighteen more years to push through the sixteenth amendment. Initially this led to a steeply progressive tax system. In 1917, those making more than \$1 million dollars a year faced a tax rate of 65%. This time the rich responded by simply not paying the tax. They moved their wealth into special tax-exempt securities. They took dividends in stock rather than cash. They formed companies and partnerships to minimize their tax burden. Of the very richest who had filed tax returns in 1916, only ten percent still bothered to do so by 1921. In the face of tax avoidance and fervent lobbying, Congress quailed. By 1925, income tax rates on the very rich were down to 25%. Tax rates on capital gains, the source of much of the income of the very rich, had plummeted to 12.5%. The progressive tax system of 1917 had been destroyed.

This story played out again and again over the next century. The rich repeatedly pushed down their effective rate of tax. The tax burden on everyone else soared. Some of this was done illegally: the treasury loses some \$70 billion dollars each

year due to undeclared wealth held in tax havens. Much was done legally: the effective rate of tax for the richest 400 Americans on *reported* income was, in 2007, just 16.6%. Both are testament to the political influence of the rich. The United States government could shut down, or sanction, tax havens. It doesn't. The United States government could tax capital gains at the same rate as other income. It doesn't. On tax policy, rich Americans seem to wield an influence more proportionate to their wealth than their numbers.<sup>1</sup>

It's not just the rich who have a lot of power in America's democracy. So do interest groups. Consider, for instance, the National Rifle Association (NRA). The NRA has revenue of about \$400 million dollars. More importantly, it has about 5.5 million members (Gutowski, 2019). That's a lot of people, albeit a tiny fraction of the American population. But it gives the NRA much influence. Bill Clinton, for example, once suggested that the NRA "could rightly claim to have made Gingrich the House Speaker" (Clinton, 2004, 630). And we don't have to take Bill's word for it: academic work backs him up (Kenny et al., 2004). Surveys of Washington insiders add more evidence of the NRA's power. They identify it as one of America's ten most powerful interest groups (Birnbaum, 1997). This makes it no surprise that the NRA is often described, by specialists, as the most powerful player in gun policy (Spitzer, 2014). The NRA has pull over policy.<sup>2</sup>

The NRA mainly exerts this influence by mobilizing its membership. It usually does this through direct mailing and via the several magazines it publishes, often by stoking hard-to-justify fears of mass gun seizures (Melzer, 2012, 110–130). It also spends buckets of money almost all in support of Republican candidates. In the 2004 cycle, for example, this officially nonpartisan organization spent \$5 million on ads supporting Republican candidates and \$2 million on ads opposing Democratic candidates. It spent \$21,461 on ads supporting Democrats (Melzer, 2012, 227). The influence this gives the group with legislators has borne fruit. The past several decades has seen a virtual standstill on gun control legislation at the federal level and hundreds of gun control rollbacks on the state level (Hickey, 2013). What makes these successes more remarkable is that public opinion is largely hostile to NRA-backed policies. Most Americans support stricter gun control. Fewer than one in ten support laxer gun control (Gallup, 2019). Were it not for the NRA's political influence, it seems, the United States might have a gun policy more like that of countries which don't regularly suffer mass shootings.

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<sup>1</sup>This story is told in more detail by Winters (2011, 211–55). For a focus on the postwar period, see Saez and Zucman (2019, 45–66).

<sup>2</sup>Although it has been experiences serious financial difficulties recently. See Massoglia et al. (2021).

These stories illustrate two features of American democracy: both the rich and interest groups have a lot of political power. In this chapter, we'll explore both features of American democracy. We'll look at the evidence that each is indeed a feature of American democracy, how each impacts the intrinsic value of American democracy and some of the consequences of each feature. In Section 4.2–4.3 we'll focus on the power of the rich. In Section 4.4–4.5 we'll focus on the power of organized interest groups. As we'll see, these forces leave little room for the influence of ordinary citizens. The power of the rich and interest groups crowds out that of everyone else. That makes both features, so I'll argue, serious blots on American democracy. This chapter will involve more empirical and less philosophical argument than the rest of this book. That is because the argument that these features impair intrinsic democratic values is, especially in the first case, very simple. But any assessment of American democracy would be radically incomplete without an assessment of these two major influences on American politics.

## 4.2 Wealth

We'll start by looking at the influence of the wealthy. Larry Bartels once claimed that it was merely “most sentient observers of American politics” who suspected that money begets influence in the United States (Bartels, 2008, ix). The suspicion, in other words, is neither rare nor new. What's new is the evidence behind it. Only recently have we got good evidence of the disproportionate influence of the rich. In the past twenty years, a body of work has developed which paints an unhappy picture of American democracy. On this picture, the rich really do have much more power than the rest. That research separates, roughly, into two strands. The first looks at how policy connects to people's preferences. Whose preferences does policy respond to? The second looks at how the behavior of *policymakers* connects to preferences. Whose preferences do policymakers respond to? Both strands seem to show that, in America, the rich have much more influence than anyone else. Let's look at each strand in turn.

The most influential study in the first strand is Martin Gilens' *Affluence and Influence*. Gilens (2012) provides evidence that, at most, the preferences of the richest 10 percent of American citizens influence American public policy. He does this by examining what happens to policy when the preferences of the rich and the poor diverge. The idea is that, when rich and poor want the same thing, one cannot tell whether policy is responding to the preferences of the former, the latter, or both. Policy change in such cases is just as likely on each hypothesis. But

there are cases when rich and poor don't want the same thing. If policy breaks in favor of the rich in these cases, it's plausible to infer that it's the rich's preferences are driving policy. If it breaks in favor of the majority, then this is not plausible. Gilens finds clear evidence that, when the rich and poor disagree about policy, it's the former who win out. Indeed, he finds that when the richest ten percent disagree about policy with the remaining ninety percent, it's still the former who win out. He concludes that, at most, the richest ten percent of Americans have influence on American public policy. The influence of those below this rarefied stratum is statistically indistinguishable from nil. This is a shocking level of political inequality. If Gilens is right, nine out of ten Americans have next to no influence over policy. Influence over the law is extremely unequal.

Gilens isn't the only one who has come to such a conclusion. Rigby and Wright (2011) have applied a similar methodology to state politics. They look at whether state policies respond more to the preferences of the rich than the rest. Their findings are similar to Gilens's. According to them, state policies much better match the preferences of their wealthiest residents than those of everyone else. This improves the evidence that policy responds most to the preferences of the wealthiest. And case studies, like the one from Winters (2011, ch. 5) at the start of this chapter, provide evidence of a more qualitative sort. They suggest that this unequal responsiveness has happened in at least one important case: tax policy. In this case study, what's especially interesting is how it reveals the influence of the very richest: the richest 0.1% rather than the richest 10%. This is especially interesting, in part, because Gilens (2012) doesn't have any data on the preferences of the very rich.<sup>3</sup> So, the apparent influence those in the tenth percentile might be a mirage generated by their relative agreement with the very richest. The very richest might be the real holders of power.

How have others responded to this sort of work? There's been some push-back. Two examples are Soroka and Wlezien (2008) and Enns (2015). These authors independently argue that this differential responsiveness has few policy consequences. This is because the richest ten percent usually have the same preferences as everyone else. When the rich get what they want, they claim, everyone else enjoys "coincidental representation": they get what they want by accident. Whether this claim is true depends on exactly how influence patterns with wealth. If it is really the super-rich who have influence—the richest 1%, 0.1% or 0.01%—then congruence of preferences looks far less likely. The very wealthy likely lack

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<sup>3</sup>See Page et al. (2013) for some progress on this front. They suggest policy does better match the preferences of the super-rich than of the merely affluent.

preferences congruent with those of everyone else.<sup>4</sup> But, regardless, the point is moot in the present context. We're interested in where power lies in American democracy. It might be reassuring that the powerful don't differ in their desires from the disempowered. But that doesn't make the distribution of power any more equal.

Let's turn to the second strand of research. This is the strand which plumbs who *policymakers*—typically legislators—are responsive to. The most influential study here is in Larry Bartels's *Unequal Democracy*.<sup>5</sup> Bartels looks at whether senators are more responsive to their richer constituents than to their poorer constituents. He compares senators' voting behavior to their constituents' reported ideology (i.e. liberal or conservative). He finds no association between how senators voted and the ideology of their poorer constituents. He finds some association between how senators voted and the ideology of the middle classes. But the strongest association was between senatorial voting behavior and the ideology of those with high incomes. His study supports the view that, at least, the poorest third have almost no influence on how their senators vote. He himself concludes that “the modern Senate comes a good deal closer to equal representation of *wealth* than to equal representation of *citizens*” (Bartels, 2016, 245). What's so surprising about Bartels's study is that he found an association between wealth and roll-call votes. One might think that senators would be unwilling to give the wealthy disproportionate influence over this most visible aspect of what they do. According to Bartels, that thought is wrong. Even here wealth translates into influence.

Bartels is not the only one to have come to this kind of conclusion. Rhodes and Schaffner (2017) replicate Bartels' finding with the 2011 Senate and a different dataset. They also find that the preferences of the wealthy are much more strongly associated with how representatives vote than are the preferences of the poor. And several researchers have found evidence of economic biases in earlier, less visible, stages of policymaking. Rigby and Wright (2013) look at what issues candidates campaign on. Flavin and Franko (2017) look at what kind of bills legislators introduce. Both find that, with respect to these agenda-setting activities, politicians are much more responsive to richer citizens. These activities are critically important in determining what ends up becoming policy. A bill cannot get to a roll-call vote unless someone introduces it. A bill cannot become policy unless it is on the legislative agenda.

There's also been some push-back to this work. The most powerful comes

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<sup>4</sup>See Page et al. (2013).

<sup>5</sup>See Bartels (2008). Future references are to the 2016 revised second edition of this book.

from Lax et al. (2019): they argue that the power of the rich is conditioned and constrained by partisanship. It's only when the rich agree with a senator's co-partisans that they have an influence on how that senator votes. Since Democrat partisans tend to side with the poor and Republican partisans tend to side with the rich, this means that it's mainly through Republican senators that the rich wield influence. So Lax et al. (2019) infer that partisanship matters more than wealth. But they do accept some important limitations to their argument. First, they find much inequality of responsiveness *amongst* partisans. When rich and poor Democrats disagree, Democrat senators vote with the former 63% of the time. When rich and poor Republicans disagree, Republican senators vote with the former 78% of the time (Lax et al., 2019, 18). This suggests the rich do have much more influence than the rest. It might be conditioned by partisanship, but conditioned influence is still influence. Second, they recognize that roll-call votes are just one place at which the rich might exert influence. Their findings don't imperil the thought that the rich influence policymaker's agenda-setting activities. Nor do they imperil the thought that the rich influence policy through affecting who gets elected. So this study does tell against this strand of research. But it does not refute the conclusion the rich are much more powerful than the poor.<sup>6</sup>

Why are the rich so powerful? None of these studies settle that decisively. But they do test some hypotheses. Perhaps the rich know more about politics. Perhaps the rich are more likely to vote. Perhaps the rich contact their representatives more often or spend more time working for campaigns. Perhaps legislators share a common background with the rich and that makes them more receptive to their concerns. Each could help explain how the rich have more influence than the poor. But these hypotheses are not well supported by the data. Senators, somewhat surprisingly, do not seem more responsive to groups with higher turnout rates or to those who know more about politics (Bartels, 2016, 257–68). They're a little more responsive to those who contact them directly (Bartels, 2016, 263). But the match between these types of political participation and political influence is poor (Gilens, 2012, 232–40). Richer constituents are a little more likely to contact their legislators. But they seem to have disproportionately more influence. The wealthy background of legislators might provide some explanatory traction. But, as Gilens (2012, 238) points out, there's a weak connection between legislator background and legislator voting behavior. Legislators from aristocratic backgrounds are often liberal lions. Legislators from working class backgrounds sometimes bat for

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<sup>6</sup>In any case, if Lax et al. (2019) are right, then there's all the more reason to keep reading. In the next chapter we'll discuss the importance of differential responsiveness to partisans.

conservatism. Thus this seems unlikely to explain the entirety of the differential responsiveness.

The final hypothesis stares us in the face. Differential influence might arise from differential rates of donation. This is the hypothesis which seems to me best supported by the evidence. Let's start by noting its initial plausibility. Simply, most donors are wealthy. Over half earn more than \$150,000 per year. Over half have more than \$1 million in assets (Barber, 2016b, 18). One study, on 1996 donations over \$200 (the reporting threshold), found that over sixty percent of the money came from people with incomes over \$250,000 (Francia, 2003). So the hypothesis is consistent with the most easily obtainable data. Differential donations could explain why the rich have influence on policy and policymakers.

To investigate further, we have to look at mechanisms. There are two ways that donations might drive policy outcomes. The first is by having an impact on who gets elected. Donors could help elect people who share those preferences. The second is by buying preferential treatment. Those in office might be more likely to listen to the concerns of those who donate to them. I think there's quite good evidence that both happen. But there is much better evidence that the first happens than that the second happens. Let's look at the evidence for each mechanism in turn.

We'll start with the first mechanism. Do donors help elect those who share their preferences? The first piece of evidence that they do is the match between legislator ideology and donor preferences (Rhodes and Schaffner, 2017; Barber, 2016a). Donors really do donate to those who want what they want. In fact, how legislators vote usually matches the preferences of their donors much better than it matches those of their constituents (Barber, 2016b). The next question is whether these donations affect electoral outcomes. The evidence here differs with the type of election. Studies of the senate find that both incumbent and challenger spending improves vote share (Abramowitz, 1988; Grier, 1989; Moon, 2006). But there's controversy about House elections. Some have argued that only challenger spending has much impact on vote share (Jacobson, 1978; Gerber, 2004). Others think spending by both incumbents and challengers is effective (Erikson and Palfrey, 2000; Stratmann, 2009). The important point, for us, is that both views predict that donations affect electoral outcomes in House elections.<sup>7</sup> And it's not just Congress: Bartels (2016, 93–104) also finds an association between spending and vote share in presidential elections. He thinks that, without their monetary advan-

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<sup>7</sup>Levitt (1994) is the lone voice of denial. But see Stratmann (2019, 420) for an explanation of Levitt's discordant results.

tage, neither Nixon nor the younger Bush would have made it to the White House (2016, 100). So donations do seem to have an impact on electoral outcomes. Finally, there's evidence that the things money can buy improve election outcomes. For example, experimental studies have shown that get-out-the-vote efforts can increase vote share (Green et al., 2013).<sup>8</sup> Campaigns, by financing such efforts, must be able to improve their electoral chances. Cumulatively, this seems to me good evidence that donors do help elect those who share their preferences. And that's the common-sense view anyway. The huge effort politicians spend fundraising would be odd if it had no impact on their re-election chances.

Whether donors have more influence on representatives once in office is less clear. Our prior expectation, I think, should be that they do. As we just noted, American politicians put great stock in their fundraising. One schedule, released by the Democrat Congressional Campaign Committee, suggests that Members of Congress spend four hours a day calling donors. That is twice as long as they spend on floor work (Grim and Siddiqui, 2013). So it would be surprising were donors not treated better than non-donors. But social scientists disagree on the state of the empirical evidence. Ansolabehere et al. (2003) survey some forty studies on the matter. They point out that three-quarters found no significant association between campaign contributions and roll-call votes. They conclude that the former doesn't affect the latter. On the other hand, in a meta-analysis of the same studies, Stratmann (2005) reports that "the hypothesis that campaign contributions have no effect on voting behavior is rejected at the 1% level" (Stratmann, 2005, 146). Stratmann argues that although the evidence that each study provides individually is not strong, the evidence that they collectively provide is compelling. More recently, Kalla and Broockman (2016) present a field experiment indicating money at least buys access. They tried to schedule meetings between 191 congressional offices and active donors in the districts of those offices. They randomly assigned whether they revealed that the prospective attendees were active donors. When they did reveal this, they got meetings with much more senior personnel than when they did not. So, on balance, the evidence seems to me to support the view that money buys better treatment of *some* sort. But the evidence in this case is less strong than in the case of electoral outcomes.

Thus, this final hypothesis seems to me the most plausible explanation of why the rich have substantially more power than the poor.<sup>9</sup> The wealthy have power

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<sup>8</sup>Interestingly, there's equally good evidence that campaign communications don't change voters' minds (Kalla and Broockman, 2018). They mobilize: they don't persuade.

<sup>9</sup>Hacker and Pierson (2011) provide an illuminating historical account of rising economic and

over politics because they donate more. This gives them more influence on who ends up in office and gives them more influence over those in office. This is not a happy picture. It's especially unhappy if the magnitudes of the inequality are anything like that found by Gilens (2012) or Bartels (2008). The parlous consequences this picture has for the intrinsic value of American democracy might be obvious. But it's worth being explicit. If the rich have much more political power than the poor, then this severely impairs any positively valuable egalitarian relationships of between the members of different socioeconomic classes. Citizens of similar wealth might count as civic equals—Jeff Bezos and Charles Koch might be such equals—but it is difficult for an ordinary citizen to enjoy such a relationship with someone who is very wealthy. Extreme wealth buys political power. Yet the problem is not just that this prevents positively valuable egalitarian relationships. It also creates objectionably inegalitarian relationships. The Koch's great wealth puts them in a position of dominance vis-à-vis ordinary citizens. It gives them more power than, and indeed power over, such citizens. So inequalities of the type described by Gilens (2012) and Bartels (2008) impair both aspects of democratic equality.

They also likely impair the self-rule of ordinary citizens. Consider, for example, the pervasive influence on the tax code the very wealthy seem to have had. This robs economically ordinary citizens of influence over tax policy. This is because there's only so much influence to go around. Normally, if one group has predominant influence over policy, then that entails no other group has such influence. Thus, the outsized influence of the rich diminishes that of everyone else. Ordinary citizens have little influence over policy. But then their joint intentions must exert little influence over policy. Yet ordinary citizens enjoy self-rule only insofar as their joint intentions influence policy. This means fewer people enjoy much self-rule. Economically ordinary Americans rule themselves to a far lesser extent than do rich Americans. This is important because the findings I reported in Chapter 3 left room for citizens to enjoy a lot of self-rule. The finding reported in this section, unless they're wildly mistaken, substantially reduce that room.

So the picture this body of research supports—a picture of political power bifurcated along economic lines—is bad news for both democratic values. Now I'm not certain that this picture is right. I certainly don't think one must look at this research and conclude that at most the richest ten percent of Americans enjoy political influence. But nor do I think one can look at this research and conclude that money doesn't matter in politics. This research provides strong evidence for political inequality. In their account, this explanation also plays a starring role.

what most sentient observers believe: in America, the rich have much more influence than the rest. This vague claim alone grounds worries about the intrinsic value of American democracy. In the next section we'll explore the normative consequences of these findings.

### 4.3 Deontic and Institutional Consequences

How do these findings impact our political obligations and our institutional choices? Let's start with the former. In Chapter 2 I argued that we have egalitarian reason to avoid obeying laws which have been made unequally. And I argued that the more unequal was the lawmaking process the weightier was that reason. We can use these findings to help determine which laws, in the light of these arguments, we have most reason to avoid obeying. We just need notice that not all inequality is equal: some laws are made more unequally than others. It's these laws, those made most unequally, which we have most reason to avoid obeying. Let's look at exactly what these laws are.

We begin with state laws. Rigby and Wright (2011) provide evidence that political inequality differs in different states. It's most severe when it comes to economic policymaking in poor states. Rigby and Wright (2013) provide further evidence that both social and economic policymaking is more unequal in economically unequal states. Economic policymaking amounts to tax rates and spending priorities. Social policy amounts to issues such as abortion, gun control, the death penalty and so on. These findings suggest that how weighty the reason one has to disobey state law depends on what state one is in. One has more reason to disobey the laws in poorer, more unequal states. In other words, the laws of Mississippi are more suspect than those of Maryland. You have greater reason to spurn the former than the latter.

Can we pinpoint particular federal laws, or types of laws, over which influence has been especially unequal? To some extent, I think we can. At the start of this chapter, I told a story about the federal tax policy. According to this story, the tax code has been particularly influenced by the very rich. The very rich have, over several decades, shifted the tax burden down to everyone else. If this story is true, this gives us especially weighty reason to avoid obeying tax laws. Obeying such laws amounts to acceding to the influence of the very rich. But I don't think we can currently say anything more general than this. Gilens (2012, 97–123) systematically examines political inequality across federal policy domains. He finds essentially the same inequalities in religious, economic and foreign policymaking.

He finds somewhat less inequality when it comes to social welfare policy. But he puts this down to the fact that the preferences of powerful interest groups, like the AARP, are often aligned with those of the less well-off.<sup>10</sup> This is little testament to the influence of the poor in these domains. It's a testament to their luckiness. Thus, we can perhaps identify a weighty reason to avoid paying our taxes. But there's not much variation in our reason to avoid obeying laws across other domains.

Let's now turn to what sort of institutions would help diminish the excess influence of the rich. The picture I outlined in the previous section is one in which the rich have more influence over policy because they donate more to politicians. If this picture is right, then there is an obvious institutional solution: campaign finance reform. Reducing the influence of donations in elections would reduce the influence of the rich. The main way to do this is to reduce the capacity of rich people to donate money to causes or candidates. This would be simple to achieve. More stringent donation restrictions would do the job. One could wholly disallow individual donations or just lower the upper limit on such donations. Both would reduce the amount of money wealthy individuals could push into the political system.

At the same time, one might well want to provide money for political campaigns from other sources. One way to do this would be for the state to fund major-party candidates in elections. We already mentioned that Arizona and Maine have such public funding programs. They seem to have had clement effects on electoral competition (Malhotra, 2008). A second way would be a voucher scheme. Individual citizens could each be allocated a voucher for some level of campaign contribution (\$100, for example). They could divide that money between candidates as they see fit.<sup>11</sup> These reforms would likely reduce the influence of the wealthy in American politics. Thus, they would go some way to eradicating the plutocratic aspects of American democracy. This makes the case for campaign finance reform straightforward. It would likely help promote the realize of both democratic equality and of self-rule.

Pevnick (2016) provides the only significant argument against such reforms that I know of. In particular, Pevnick argues that campaign spending increases political knowledge. So restricting campaign spending would impair such knowledge. He thinks the more people know about politics the better. This grounds, as he

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<sup>10</sup>“AARP” used to stand for “American Association of Retired Persons.” No longer: in 1999 the organization noticed that a third of its members still had jobs. So it decided that “AARP” would not stand for anything.

<sup>11</sup>See Hasen (1996) for an in-depth description of such a system. In 2015, Seattle instituted such a program for city elections.

puts it, a “presumption” against campaign finance restrictions.<sup>12</sup> I think that there are two good replies to this argument. The first focuses our attention to democracy’s intrinsic values. In Chapter 6 I argue that low levels of political knowledge have a clear negative impact on self-rule but no such impact on democratic equality. But I’ve just suggested that lax campaign finance laws severely exacerbate both. So tighter campaign finance laws would likely improve equality and not worsen self-rule. Now this isn’t guaranteed. The knowledge reduction might have a far bigger impact on self-rule than does the influence of the rich. But this is surely unlikely. So, such restrictions look likely to promote intrinsic democratic values.

But perhaps citizen ignorance causes severe instrumental disvalue. It might be problematic for that reason. To this comes the second reply. Pevnick’s claim that campaign spending improves political knowledge rests on some empirical work done in the early 2000s. He cites work by Coleman and Manna (2000). They found a positive correlation between the amount of money spent in a congressional district and the political knowledge of those in the district. And he cites work by Brians and Wattenberg (1996) and Freedman et al. (2004). They both found a positive correlation between people’s exposure to political advertising and their political knowledge.<sup>13</sup> But these authors point out that the impact of spending and advertising isn’t very large. Coleman and Manna (2000, 771) think that challenger spending “provides a modest help reducing the massive name recognition advantage incumbents enjoy.” When challenger spender moves from the mean to *two* standard deviations above it, name recognition of the challenger rises from 7% to 14%. Freedman et al. (2004, 734) say the effects of advertising are “relatively modest.” When exposure to political advertising is one standard deviation below the mean people have a 3.4% chance of recalling who’s running and when it’s one standard deviation above the mean they have a 6.8% chance (2004, 730). This suggest that very large changes in total expenditure or advertising leads to at most small absolute changes in a thin type of knowledge: name recognition. Campaign finance restrictions would, at worst, detract but moderately from political

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<sup>12</sup>Pevnick argues in general against egalitarian arguments for campaign finance restrictions. And my argument for them is in part an egalitarian argument. This is because I think democratic values are in part egalitarian values. But it’s one in which we take equal distribution of power to be constitutive of egalitarian relationships. Pevnick confines the discussion of this type of argument to a short footnote (Pevnick, 2016, n.55). He doesn’t discuss it at length. The main point he makes in this footnote is that we shouldn’t take the value of egalitarian relationships to trump all other values. This is plausible enough. But it hardly means that their value isn’t a weighty reason to endorse campaign finance restrictions. So I don’t take Pevnick’s more general discussion of egalitarian arguments to bear that weightily on my argument.

<sup>13</sup>See Pevnick (2016, n.35, n. 36).

knowledge.

The upshot of this is that any presumption against campaign finance restriction is not a very weighty one. Such restrictions might diminish political knowledge a little bit. But the diminishment is really only small. And they're likely overall beneficial to democracy's intrinsic value. So the case for some form of campaign finance reform seems strong. Now I haven't said what form such reform should take or to what extent it would reduce inequality in American democracy. These seem to me thorny empirical questions. But such reform seems like a clear step in the right direction. And the stakes are large. The picture of American inequality which emerges from the work we just discussed is the picture of an oligarchy. No such political system can hope to realize much of what makes democracy intrinsically valuable.

## 4.4 Organized Interests

We began this chapter by talking about the NRA. This is a group which, many think, has had an enormous impact on gun policy in the United States (Spitzer, 2014, 91–183). Interest groups often seem to wield power over public policy in the United States. Some of the evidence for this amounts to individual case studies about particular policy domains, like gun control. But there's also more systematic evidence. Gilens and Page (2014) provide one important tranche of such evidence. They take advantage of the dataset on policy changes Gilens amassed for his *Affluence and Influence*. They explore whose preferences policy change is associated with. Unsurprisingly, given that they're working with the same data, they confirm what Gilens found in his (2012): policy change is associated with the preferences of the rich rather than the preferences of the majority. But they also find a strong association between what interest groups want and where policy ends up. When interest groups support a policy proposal, that proposal is much more likely to become policy than when they oppose it. When they oppose a proposal, that proposal that proposal is very unlikely to become policy. Gilens and Page (2014) take this to be evidence of the power of interest groups. They think that what interest groups want is one the major forces shaping policy in American democracy.

But, in the eyes of Gilens and Page (2014), not all interest groups are created equal. They split interest groups into two categories. Business-orientated groups include businesses, associations of businesses or professional associations. Airlines, the Chamber of Commerce and the American Medical Association (AMA) are all included in this category. Mass-based groups include unions, citizen groups

and identity groups. The AFL-CIO, the NRA and the AARP are all included in this category. Gilens and Page find a much stronger association between policy change and the stances of the former than those of the latter. Policy changes much more often to match the preferences of business-orientated groups than to match those of mass-based groups. They conclude that business-orientated groups play the major role in interest group influence. Most interest group power inheres in the hands of such groups.

The basic contours of the universe of Washington interest groups add to the plausibility of this story. In total, about twelve thousand interest groups lobby the federal government. Most are business-orientated groups. About six-thousand of them are corporations or business associations. About one thousand represent occupations. About five hundred a piece represent education and health sectors. These are usually universities and hospitals. About five hundred are groups, like the NRA, that fight for what they see to be in the public interest.<sup>14</sup> Another four hundred and fifty represent racial, ethnic or religious groups. And about two thousand represent state, local and foreign governments.<sup>15</sup> Meanwhile, business groups make up 70% of lobbying expenditure and 50% of cash donations.<sup>16</sup> So business-orientated groups dwarf other groups in numbers and outmatch them in financial firepower. If such advantages translate into political influence, then the story Gilens and Page provide should not surprise us.

Matt Grossman's *Artists of the Possible* presents another testament to the power of interest groups. Grossmann (2014) surveys every book or article which reviews at least a decade of policy history in a particular issue area. This gives him 268 policy histories. These recount how policies came to be enacted in that area and what lead to those enactments. The idea is that the people who write such histories—history professors, political scientists, economists, sociologists, issue experts—have a good idea about what influenced the policies they study. By aggregating all these causal claims, he thinks, we can generalize about who has power over American public policy.

His findings are grim reading for those who think ordinary citizens should have a lot of power. He sees policymaking as the product of networks of governing elites. These elites are largely immune to external influence. Public officials—presidents, members of Congress and agency heads—make up most of the nodes

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<sup>14</sup>The NRA sees the second amendment as America's first freedom. Gun control, they think, is the first step on the road to serfdom. See Melzer (2012, ch. 3).

<sup>15</sup>For these figures, see Schlozman et al. (2012, ch.11). Schattschneider (1960, ch.2) presents an influential earlier count of different interest groups. He comes to essentially the same conclusion.

<sup>16</sup>All figures are from Schlozman et al. (2012, 439).

in these networks. But interest groups also play an important role. Indeed, he finds that, in about half of significant policy enactments, at least one policy historian cites interest groups as important actors (2014, 88). Meanwhile, they feature in about a third of all explanations for significant enactments (2014, 159). In both cases this is roughly on par with Members of Congress. This speaks to the substantial power of organized interests. In contrast, in three-quarters of policy enactments not even a single policy historian cites public opinion as a factor.

But the picture in Grossmann (2014) is not as business focused as that in Gilens and Page (2014). Grossman finds that corporations and business associations are cited in fewer policy enactment than are other interest groups. At least one policy historian mentions them in about twenty percent of policy enactments. Advocacy groups are mentioned in about thirty percent of enactments (2014, 88). Now there is an important difference between Gilens and Page's 'mass-based' groups and Grossman's 'advocacy' groups. The latter includes professional associations like the AMA as well as groups like the NRA. So some of this difference might be down to the power of professional associations. But such associations make up a small part of the sample of business-orientated groups in Gilens and Page (2014).<sup>17</sup> So there remains some tension between the picture Grossman presents and that Gilens and Page present. On Grossman's picture businesses are powerful. But they don't have the overweening power Gilens and Page attribute to them.

Grossman's picture is more in line with some other studies of interest groups than is that of Gilens and Page. Berry (1999) argues that citizen groups were largely responsible for shifting the Congressional agenda onto 'postmaterialist' concerns after the 1960s.<sup>18</sup> By this, he means that they drove policy focus on civil rights, environmentalism, consumer protection and family values. He thinks this because interest groups were often the original advocates of bills in these areas and such groups were, often, on the winning side of conflicts with business (1999, ch. 4). Baumgartner et al. (2009) also claim that citizen groups have more power than their numbers suggest. They talked to hundreds of lobbyists and government officials about 98 randomly chosen, but active, policy conflicts. *Inter alia*, they asked these people who the major participants were in each conflict. Citizen groups made up twenty-six percent of major participants and unions made up six percent. Businesses and their associations made up thirty-five percent and professional as-

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<sup>17</sup>The AMA, the America Association of Trial Lawyers and the Independent Insurance Agents of America are the only clear-cut professional associations in Gilens and Page's list of twenty-nine "business-orientated groups."

<sup>18</sup>By "citizen groups" Berry means "lobbying organizations that mobilize members, donors, or activists around interests other than their vocation or profession" (1999, 2).

sociations made up eleven percent. They suggest that these numbers indicate the relative power of different groups. If so, business-orientated groups are a little less predominant than Gilens and Page (2014) suggest. They're still powerful for sure. But they share power with other groups.

The upshot of this is that there is good evidence that interest groups play a big role in American policymaking. Much political power in America lies in the hands of interest groups. There's less consensus on the relative power of different types of interest group. Some evidence suggests that businesses predominate. Other evidence suggests that power is distributed more equally among different kinds of interest groups. On this latter view, citizen groups and unions have a lot of political power. In the next section we'll see the consequences of this for American democracy. I won't try to decide the issue on which there is a lack of consensus. Rather, I'll assess how the power of business groups and non-business groups impacts the quality of American democracy. Generally, I think the news is bad. The power of both types of interest groups pushes American further away from the ideals of democratic equality and self-rule.

## **4.5 Interests and Democratic Values**

Let's start with the power of businesses. The problem this creates for democratic values is not hard to see. When businesses have a lot of power, that means business leaders have a lot of power. It puts political power into the hands of the Chief Executive Office of General Motors. It puts it in the hands of the Chairman of the board of Goldman Sachs. This exacerbates an already unequal distribution of power. And that impairs both positive and negative aspects of democratic equality. This in turn impairs self-rule. If business leaders are determining government policy, then ordinary citizens are not. The influence of titans of industry crowds out the influence of the rest of us. It reduces the extent to which those citizens are self-ruling. If Gilens and Page are right, then that is very bad news for American democracy indeed. Business power poses a serious threat to the attainment of intrinsic democratic values. But it also makes Grossman's picture bad news for American democracy. On his picture American business leaders still have a lot of political power. So on all plausible views business power impairs American democracy.

Now let's turn to non-business interest groups. Consider, in particular, groups like the NRA or the AARP or the AMA. There is a picture of such groups on which their power is anodyne. According to this picture, every such group corresponds

to a segment of the public. The power of that interest group is roughly proportional to the size of the segment and the leaders of the interest group just push the preferences of the segment that they represent. They don't have any autonomous influence over government. They're mere conduits through which the influence of the public flows.<sup>19</sup> Were this picture correct, then the power of these groups—let's call them advocacy groups—wouldn't pose any threat to democratic values. On this picture, their influence doesn't crowd out the influence of ordinary citizens. So it would do nothing to impair self-rule. And the leaders of such groups would be under popular control in the sense described in Chapter 3. How they exercise their influence would be under the control of groups of citizens. So it would pose no egalitarian problem. Unfortunately, this picture is very likely incorrect. Advocacy groups are not at all like how this picture depicts them.

The first problem with this picture comes down to the leadership of advocacy groups. There might have been a time when most advocacy groups were membership-driven associations and their leaders were effectively controlled by those members. That time is no longer. Theda Skocpol, in her book *Diminished Democracy*, characterizes modern advocacy groups as “professionally managed, top-down civic endeavors” (Skocpol, 2003, 232). In her telling, the memberships of such groups exert little control over them. The members are mainly just donors. They're uninvolved in the internal management of such groups. And even the members' money is not essential. These groups can target new donors and receive a lot of their funding from foundations (Skocpol, 2003, 206–209). Indeed evidence from a different study—one we'll discuss further in a moment—suggests that about half of these groups have no members at all (Grossmann, 2012, 31). Such professionally managed, top-down interest groups provide little solace for those who care about intrinsic democratic values. They are not mere channels for public influence. Thus their power likely crowds out, rather than complements, that of ordinary citizens. And their leaders are not under popular control. Thus, their power exacerbates inequalities in the distribution of power. So, if advocacy groups fit this description, their power has similar implications for the intrinsic value of American democracy as does that of businesses.

But perhaps advocacy groups are not as elite led as Skocpol suggests. Perhaps they do often transmit the preferences of those they claim to represent. Nonetheless, there's a second problem with the picture. The level of organized advocacy

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<sup>19</sup>This picture is a little like the optimistic pluralism in Truman (1951) and Dahl (1961). One difference is that Truman (1951) emphasized the purported power of disorganized interests: the power of which is not born out in the above studies.

group representation a demographic group receives isn't even close to proportional to the size of that demographic group. The best evidence comes from another study by Matt Grossman: his *The Not-So-Special Interests*. His measure of the level of representation a group receives is a composite of the number of organizations which claim to represent them, how often those organizations are mentioned in Washington media reports and how involved they are in national policymaking. He finds essentially no connection between level of representation and the size of a demographic groups (2012, 51–53). Instead, he finds that group-level participation predicts level of group representation. When the members of the group as a whole participate more in politics, feel more efficacious, are more attentive to the media and play a larger role in local civic associations, then that group gets more Washington representation (2012, 53–72). It's not the size of your demographic groups that matters: it's the political capacity of its members.

Even when a disadvantaged demographic group gets represented by an organized body it's not clear sailing. Groups, after all, represent a lot of different constituencies. The National Association for the Advancement of Colored People (NAACP) has to decide whether to push for things which benefit their well-off constituents, their poorer constituents, or the majority of their constituents. Strolovitch (2007, ch. 4) provides evidence that advocacy organizations are more likely to do the former than either of the latter.<sup>20</sup> Roughly speaking, they're twice as likely to push strongly for policies which help their most advantaged constituents than for those which help majority of their constituents. They're four times as likely to push for issues which help the majority of their constituents than those which help their least advantaged constituents (2007, 91). That means, for example, that the NAACP focuses more energy on promoting affirmative action in higher education than policies, like welfare reform, which help their poorer constituents. This suggests that, even within an advocacy group, the less advantaged constituents of that group have relatively little power. If advocacy groups do transmit the preferences of the people they claim to represent, they do not transmit them all with equal fervor. They focus on transmitting those of their more advantaged constituents.

The upshot of this is not good for intrinsic democratic values. It means that, even if the managerial view of advocacy groups is off the mark, they're still severely defective from the point of view of these values. The most direct defect is egalitarian: they give more power to some citizens than others. Citizens of advantaged demographic groups can exert more influence via the interest group system. This

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<sup>20</sup>Note that, unlike Grossman, she doesn't include occupational groups in her definition of advocacy organization (2007, 34).

impairs both aspects of democratic equality. It makes it harder for there to be cross-group relationships of civic friendship. It threatens to create objectionably inegalitarian relationships. This, in turn gives rise to a problem of self-rule. If these citizens have more power over government, then other citizens have less. Members of less politically active, less advantaged demographic groups exert less influence through the interest group system. So they are less likely to see their intentions made manifest in government policy.

It is perhaps worth emphasizing one point about this line of reasoning. The point is not that some people exert less power through the interest group system because they, as individuals, participate less. One might deny that this would be a problem for democratic equality. One could deny this if one insisted that democratic equality didn't require equal power but just equal opportunity to gain power. I argued against such a denial in Chapter 1. But my argument here doesn't depend on my argument there. This is because the findings I've reported suggest that group-level attributes affect individual power. What matters, for example, is that other members of one's demographic groups don't participate much in politics. This saps an individual's ability to exert influence through the interest group system. But there's no good sense in which individuals have the opportunity to make their groups as a whole much more politically active. Few of us have the abilities of a Martin Luther King. Thus the problem this poses for democratic equality can't simply be solved by re-evaluating my arguments in Chapter 1. More generally, it seems to me that the universe of advocacy groups, as it's actually structured, provides little succor for those who care about intrinsic democratic values.

Let me sum up. If what I've just said is true, then the power of interest groups over American public policy does not hold much good news for American democracy. Insofar as this power lies in the hands of businesses, the bad news is obvious. When business molds public policy, that's bad for both democratic equality and self-rule. It gives corporate leaders excess power and crowds out the influence of ordinary citizens. But putting power into hands of advocacy groups does not seem to much improve the situation. Largely, this means putting power into the hands of the autonomous, professionalized staff of such organizations. This creates roughly the same problems for the intrinsic value of American democracy as those created by business leaders having power. When this is not the case it creates problems of a different kind. This is because of the unrepresentativeness of the universe of advocacy groups. This unrepresentativeness threatens to give more power to certain groups of citizens than to others. Thus, it exacerbates inequalities between ordinary citizens. The power of interest groups is, then, another problem for American democracy. It impairs its achievement of intrinsic democratic values.

I have only conjectures about how to ameliorate this problem. First, the campaign finance reforms we discussed in Section 4.3 might also help here. This is because the power of interest groups, especially business groups, perhaps comes in part from their ability to financially support different candidates. Reduce that ability, and you reduce their power. Second, providing legislators more legislative resources might also help. This means providing legislatures larger staffs and more independent policy experts. This would help on the assumption that part of the power of interest groups comes from their ability to back their allies up with a store of policy expertise, political intelligence and legislative labor.<sup>21</sup> Such back-up makes their allies more effective on their issues in the legislature. And it encourages these allies to work more on their issues. Giving legislators more independent resources would, plausibly, help reduce the efficacy of such backing. Third, one could simply reduce the amount of contact legislators were permitted to have with lobbyists. One could restrict the contact between large organized interests and lobbyists to, for example, congressional testimony. This would reduce the access through which much lobbying exerts influence. But the efficacy of these proposals is mere conjecture. It's unclear to me how workable they are in practice or how attractive they are overall. It is much less obvious how to roll back the power of interest groups than it is to roll back the power of the wealthy.

## 4.6 Conclusion

We've just explored two features of American democracy: the rich have a lot of power and interest groups have a lot of power. Both impair the extent to which American democracy attains intrinsic democratic values. In Chapter 3, I argued that the state of American democracy generated an egalitarian problem. It impaired the equality of the relationships between citizens and elected officials. The features I've discussed in this chapter also present such a problem. They make inequalitarian the relationship between the rich and the rest. They make inequalitarian the relationship between leaders of powerful groups and the rest of us. But these features additionally pose a problem for self-rule. The fact that the rich and interest groups have so much independent influence over policy crowds out the influence of ordinary citizens. It leaves far less room for the views of ordinary citizens to drive policy.

Now that doesn't mean ordinary citizens have no influence over policy. But the

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<sup>21</sup>Hall and Deardorff (2006) defend this view.

studies I've cited in this chapter suggest that the influence of most people is scant. For example, Gilens and Page (2014) argue that, once we control for the preferences of the rich, the preferences of everyone else have no statistically discernible impact on policy. And Grossmann (2014, 92) finds public opinion gets cited by even a single policy historian as a factor in just a quarter of politics enactments. This is hard to square with a picture of the American polity in which ordinary citizens enjoy much self-rule.<sup>22</sup> The contrary picture of American policymaking, the one which emerges from this and the last chapter, depicts a relatively small number of influential politicians, interest group leaders and wealthy citizens who autonomously determine policy. Policymaking, on this contrary picture, is largely the preserve of a small number of various types of elites. It is not the preserve of ordinary citizens. In the next chapter, we'll discuss a partial exception to this contrary picture. We'll discuss the influence of co-partisans on representatives in the legislature. This, I think, lets some ordinary citizens influence policy. But it creates specific problems of its own.

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<sup>22</sup>There is a somewhat celebratory literature on the association between public opinion and policy. See e.g., Shapiro (2011). But this literature does little to establish that public opinion *causes* policy. What tends to be celebrated is a match, possibly coincidental, between majority opinion and policy. Moreover, often, the reported match is itself somewhat underwhelming. For example, Monroe (1998) finds that, in the most recent time period he studied, policy cohered with majority opinion in just 55% of cases. Deciding policy on a coin flip would get you coherence in 50% of cases. Yet Shapiro (2011, 991) celebrates this as indicating "something systematic at work." Needless to say, this is a rather low bar for jubilation. Thus, this literature seems to me to do little to justify a genuinely sunny view of American's self-rule.

# Chapter 5

## Democracy and Time

### 5.1 Introduction

In 2007, the housing market crashed. It did in the United States, anyway. As a result, millions of homeowners could not pay their mortgages. The foreclosure rate skyrocketed. Eventually, in July 2008, a homeowner relief bill found its way onto the floor of the House of Representatives. It would funnel three hundred billion dollars to homeowners on the brink of default—of eviction. All the House Democrats voted for the bill, but only some Republicans did. Those Republicans who did were those who had a lot of mortgage defaults in their district. They were responding to their constituents. Yet they weren't responding to all their constituents equally. Republican representatives were mainly responding to the default rate of their *Republican* constituents. When it was mostly Democrats defaulting in their districts, they were not likely to vote for mortgage relief.<sup>1</sup> Democrats' complaints fell on deaf ears. This is common. Politicians listen more to their own supporters than to anyone else. Let's combine this with an obvious fact: which party is in power alternates. Sometimes Republicans are in power and sometimes Democrats are in power. Together, these facts generate an interesting phenomenon. The distribution of political power among ordinary citizens alternates over time. When Democratic politicians are in power ordinary Democratic citizens have more power. When Republican politicians are in power ordinary Republican citizens have more power. Call this phenomenon *alternation*.

Let's also consider a second phenomenon. Cast your mind back to November 2016. Republicans seized power in every elected body of the federal government.

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<sup>1</sup>See Mian et al. (2010) for a description of this case.

They won the presidency. They won a twenty-three-seat majority in the House. And they won, just about, a two-seat majority in the Senate. By this point, House Republicans had tried to repeal the Affordable Care Act (ACA) over sixty times. Now they finally had their chance. It looked like it'd be easy. But, in March 2017, the first repeal bill failed in the House. Centrists thought it too extreme; the Freedom Caucus thought it not extreme enough. Three months later, a second bill squeezed through the House by four votes. The ball was now in the Senate's court. The initial plan, in the Senate, was to repeal ACA and replace it with something else. But, under Senate rules, to even debate replacement required sixty votes: this put replacement off the table. Yet the Senate did vote, by a whisker, to open the debate on a straight repeal. That set the stage: straight repeal could pass with a simple majority. But, when the curtain rose, three Republicans voted against it. The Republicans, despite holding all branches of elected government, failed to secure a key plank of their 2016 platform. In the 2018 elections, the House changed hands. Republicans, it seems, missed their chance to repeal ACA. This illustrates a second phenomenon. The party in power finds it hard to change policy. Past policy tends to stick. Call this phenomenon *inertia*.

These two phenomena are the topic of this chapter. My aim is to explore how they matter to the intrinsic value of American democracy. My view is that alternation poses a straightforward problem to this value. It makes egalitarian relationships between cross-partisans more difficult. Thus, it degrades democratic equality. It does not, however, impair self-rule. Inertia, on the other hand, does impair self-rule. Yet its impact is more mixed than that of alternation. When inertia arises from constitutional entrenchment, it substantially impairs self-rule. But when it arises from the proliferation of veto players, like in the case above, it probably does not impair self-rule. Of course, in the United States, inertia arises from both sources. So this is less than a complete comfort. The overall upshot is that we should be more worried about alternation than inertia. But both phenomena impair the intrinsic value of American democracy.

Here's the plan for the chapter. In the next section I'll say more about the phenomena. In Section 5.3 we'll see how they matter according to different conceptions of democratic equality. In Section 5.4 I'll argue for one of these conceptions of democratic equality. In Section 5.5 we'll see how these phenomena matter to self-rule. In Section 5.6 we'll turn to institutional design. I'll argue that the impact of these phenomena gives us reason to maintain minority vetoes, like the Senate filibuster, and adopt directly democratic institutions. So we will add to, and fortify, the institutional proposals which emerged in Chapter 3.

## 5.2 Alternation and Inertia

The first phenomenon is alternation. Succinctly, power changes hands. In the United States, power alternates between Democrats and Republicans. This happens because offices alternate between the Democratic and Republican parties. Sometimes Democrats have majorities in the Senate and the House. Sometimes Republicans do. Sometimes Democrats hold the presidency. Sometimes Republicans do. But the alternation of power is not just an alternation between elites: it is alternation of power for ordinary citizens. That's because officeholders are much more responsive to their co-partisans than to anyone else. Tough luck being a Democrat trying to get the ear of a Republican congressman. Your chances are slim. Officeholders listen to the concerns of their supporters rather than to those of all their constituents. The difference in responsiveness is large. Levitt (1996), for example, finds that senators treat the preferences of their co-partisans as three to four times weightier than those of their other constituents. So, let's say that a party is in power when it holds majorities in Congress, and the presidency. When Democrats are in power ordinary Democratic citizens have more power. When Republicans are in power ordinary Republican citizens have more power. The power of ordinary citizens alternates.

I want to make two points clear. First, the issue is that supporters of different parties have different levels of ongoing influence over policy. They have the same influence over which party gets into power. But, between elections, supporters of the in-power party have more political influence. Only their policy preferences get a hearing from those in power. Second, most of the empirical research on this phenomenon has concerned rank-and-file congresspeople. The study cited in the introduction, by Atif Mian and his co-authors, concerns members of the House. Many other studies concern senators.<sup>2</sup> I'll assume that what goes for rank-and-file congresspeople also goes for the parties themselves: which policies each party pushes depends more on what its partisans want than what anyone else wants. I assume this for two reasons. On the one hand, party leaders have a big influence on what the party does. But they used to be rank-and-file congresspeople. It would

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<sup>2</sup>See, for example, (Shapiro et al., 1990; Bishin, 2000; Kastellec et al., 2015). As we mentioned in the previous chapter, Lax et al. (2019) also find that senators are most responsive to their co-partisans. They think that this conditions and constrains the influence of the affluent. The work on the senate has been mainly quantitative. This is complemented by some piercing qualitative work on the House. Fenno (1978) provides the best example of this work. He spent eight years following members of Congress around their home districts. This let him to observe what moved these congresspeople. He is largely responsible for popularizing the thesis on which I'm relying.

be surprising if they completely changed their behavior upon assuming leadership. On the other, rank-and-file congresspeople pick and can remove party leaders. So it would be surprising if those leaders did not share the cares of these legislators. Thus, I assume that the parties are most responsive to their own partisans than to either independents or cross-partisans.

The second phenomenon is inertia. It is hard to change policy. In particular, it's hard for the party in power to change policy. Even when a party has majorities in the House and the Senate, and holds the presidency, it finds changing policy difficult. We can think of this in majoritarian terms. Even when most members of the in-power party want some new policy enacted, the chances of doing so are not high. In part, this is due to the institutional framework of American democracy. There are a lot of veto players in the U.S. system: there are a lot of people who can say "no" to a putative policy change. This makes it more likely that someone will veto any proposed policy change.<sup>3</sup> That's one reason why Republicans found it so hard to repeal ACA in 2016. The president had veto power, party leaders had veto power, any majority in the House had veto power and any group of forty senators had veto power. Often, you just can't write legislation which satisfies all those veto players. So, it's hard for the in-power party to change policy.

But institutional arrangements aren't the only source of inertia. Some policy is constitutionally entrenched. Let's return to the example of the income tax. Before 1913, the United States government was largely financed by tariffs and bonds. That's because the Supreme Court ruled, in 1895, that income taxes were unconstitutional. It took the support of two-third majorities in both houses of Congress and three-fourths of state legislatures to allow such a tax. This made the United States a laggard; Britain had an income tax in the 1840s. Constitutionally entrenched policies are especially hard to change. More generally, in the United States, the party in power finds it hard to enact new policies.

These two phenomena are my focus. They are closely connected. Increasing inertia, *ceteris paribus*, diminishes alternation. To see this, notice that the magnitude of alternation is determined by how much more powerful the in-power party is than the out-of-power party. Now notice that, when you increase inertia, you decrease the power of the in-power party. But when you do this *ceteris paribus*—when you hold everyone else's power fixed—it decreases the extent to which the in-power party is more powerful than the out-of-power party. Thus, it decreases

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<sup>3</sup>See Tsebelis (2011, 17–63) for the theoretical framework behind this suggestion. See Tsebelis (2011, 161–206) for empirical evidence that the number of veto players is related to what I'm calling inertia (he calls it, perhaps more optimistically, 'policy stability').

alternation. That means there is a trade-off between inertia and alternation: increases of the former often decrease the latter.

But note that the trade-off only goes one way. Decreases in alternation needn't increase inertia. That is because the magnitude of alternation isn't *fully* determined by the gap of power between those in power and those out of power. It's also in part determined by how much the in-power party listen to those outside their party. Were they equally attentive to all, there would be no alternation in power between ordinary citizens. So, one can reduce alternation without increasing inertia. One just needs to make those in office more attentive to cross-partisans. But increasing inertia, holding all else fixed, will in general decrease alternation. This gives us a grip on the two phenomena: let's now turn to how they matter to democratic values, and thus to how those values interact with time.

### 5.3 Equality and Time

We'll start with equality. We've been working with a relational egalitarian conception of democratic equality. This view stresses the value of avoiding inegalitarian relationships and attaining egalitarian ones. We should avoid relating to one another as members of different castes relate to one another. We should instead relate to one another as friends ideally do. Inequalities of power constitute inegalitarian relationships. When someone has more power than you, that risks making you their inferior. Similarly, inequalities of power preclude egalitarian relationships. It's difficult to be friends with someone who is far your superior in terms of power. Thus, democracy achieves its value by equalizing the distribution of power. This facilitates egalitarian relationships and avoids inegalitarian relationships. I won't generally distinguish these two types of relationships in this chapter: both are impaired by inequalities of power. The key point, then, is that democracy helps us relate as equals.

That's the story we told in Chapter 1. But this story leaves unsettled how democratic equality interacts with time. Let's consider two different accounts of how time and equality interact. *Time-relative* egalitarianism says that egalitarian relationships require equal power at each time.<sup>4</sup> If people have unequal power at any time, then there's an egalitarian problem. It is problematic for one person to wield asymmetric power over another person, to have an asymmetric ability to affect

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<sup>4</sup>The terminology is originally from McKerlie (1989), although his discussion concerns distributive equality. Lippert-Rasmussen (2018) uses these terms in a discussion of relational equality.

their actions, at any time in particular. In contrast, *complete-lives* egalitarianism says that egalitarian relationships merely require equal power over people's entire lives. This means we take how much power each person has at each time in their life and then sum that up. If two people's sums are equal, then there is no egalitarian problem. Thus, you having power over me at one time can be balanced out by my having power over you at another time. So, at root, views differ in the time period over which egalitarian relationships require people to have equal power: one says it is an instance and the other a lifetime.

These are two extreme views. Views can be less extreme in two ways. First, they might say that the relevant time period is somewhere between an instant and a complete life. It could just matter how power is distributed over two-day, two-month or two-year periods of time. Second, they might say that many different time periods matter differently. The best versions of these views pick a time period over which it is most important for power to be equally distributed. They then say it's decreasingly important to have equal distributions of power over time periods increasingly distinct from this special time period. One such version might say that the complete life is the most important time period, 99% of a complete life is somewhat less important, 98% is still less important and so on. A competing version says that equal distributions of power at each moment is the most important thing, but if one can't do that equal distributions over days is better than over weeks and over weeks is better than over years and over years is better than over complete lives. There are clearly many views here. For convenience, I'll mainly stick with comparing the extreme views. It's reasonably obvious how what I'll say applies to more moderate views.

Let's see how the choice between these views matters to what to make of our phenomena. On time-relative egalitarianism, alternation impairs equality. When Democrats are in power, they cannot be in egalitarian relationships with Republicans. Their relative power forestalls it. They're in an analogous position to that a temporary master would be to someone who was, temporarily, their slave. The same is true when Republicans are in power: they can't relate as equals to Democrats. Democratic equality requires equality at each time. In contrast, on complete-lives egalitarianism, alternation is anodyne. Republicans and Democrats are in power a roughly equal amount of time. So, over the course of their whole lives, we should expect their differential power to cancel out. Thus time-relative egalitarianism condemns alternation while, on complete-lives egalitarianism, it is harmless.

What do these views say about inertia? This depends on another distinction: a distinction between two accounts of what it is for one person to have power over

another at a time. The most natural account of power is *temporally bounded*. Such an account says that I have power over you at a time insofar as I can affect what you do at that time. This is how the power relationships in our paradigm inegalitarian relationships work. In master-slave relationships, caste relationships and patriarchal marriages, the more powerful person can affect how the less powerful person acts at each time. Thus, time-relative views say there's an egalitarian problem with such asymmetries at any time, and complete-lives view says there's an egalitarian problem with the sum of such asymmetries at each time being unequal. But inertia doesn't create either sort of egalitarian problem in any remotely obvious way. It consists in it being less easy for in-power parties to change policy, but that does not exacerbate inequalities either at a time or over complete lives. Thus, on this way of understanding power, on neither view is there an egalitarian problem with inertia.

A second account of power at a time is *temporally broad*. This account says that I have power over you at a time insofar as I can affect what you do at that time or at future times. Thus, even if I cannot affect what you do now, I have power over you if my actions affect what you do in a year's time. A key place these two accounts come apart is when you haven't yet been born. In such cases I might not be able to affect what you do right now (you don't exist), but I may have enormous influence over what you do in the future. I may be able to structure your future options or abilities, and thus determine your future actions. Temporally broad accounts of power make inertia look suspect on both views of democratic equality. Inertia lets older people face the status quo that younger people face when they become able to vote. This gives older people a lot of power over younger people before the younger people reach maturity. It doesn't give them asymmetric power over younger people after they reach voting age: at that point, all have one vote. But it gives them asymmetric power over them before this time. The complete-lives view says that leads to an imbalance of lifetime power, and the time-relative view says (peculiarly) that it leads to an imbalance of power at the earlier times. So both views, on a temporally broad account of power, see a problem in inertia.

Temporally broad accounts of power have deeply implausible consequences. First, they imply that I have the objectionably asymmetric power over you when I'm about to die. In this situation, I can affect your future actions and you can't affect any of my future actions (for I have none). But this is absurd; merely having no future actions to affect is not a way to put you in an inegalitarian relationship. Second, they imply that the choices parents make for their children, before they are born, put them in an inegalitarian relationship. Consider mere geographic choices. Where parents decide to live has an enormous impact on where their child will de-

cide to live: very many people live near where they grew up. But this doesn't give parents power over their children in any way relevant to inegalitarian relationships. The ability for parents to asymmetrically affect their children's actions in the future, after they are born, is irrelevant from the point of view of equality. Thus, I think we should conclude that temporally-broad accounts of power are unsustainable. We should say that to have power over someone at a time consists in being able to affect what they do at that very time.

If this is correct, then inertia is not problematic from the point of view of equality. Whether alternation is problematic depends on how time interacts with democratic equality. According to time-relative egalitarianism, alternation severs egalitarian relationships: it means Democrats and Republicans don't relate as equals at any time. According to complete-lives egalitarianism, alternation does not at all impair such relationships: differences in power balance out over time. So, which of these views is better? We'll turn to that now.

## 5.4 Which Egalitarianism?

It seems to me that time-relative egalitarianism is far superior to complete-lives egalitarianism. Complete-lives egalitarianism is subject to devastating counterexamples. Here's one such counterexample. Suppose John and Jim alternate between being master and slave.<sup>5</sup> At one time John is the master. He uses coercion to get Jim to do exactly as he says. But, at other times, Jim is the master. The situation is reversed. This seems to me clearly problematic from the point of view of egalitarianism. It would be an improvement if neither were ever master or slave. It would be an improvement if, at all times, they had equal power. So time-relative egalitarianism is the better view.<sup>6</sup>

Some real-world cases support this point. Consider what happened, for instance, after the Communists won control of China. They embarked on a series of campaigns against previous elites. One of the first was the land reform campaign.<sup>7</sup> The campaign aimed to break down old systems of hierarchy and deference. The method was public humiliation. Landowners were huddled in the center of a village, forced to their knees, and screamed at for hours and hours by local people: usually their former tenants. The intent was to get them to publicly confess, and

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<sup>5</sup>Wilson (2019) also discusses such a case. McKerlie (1989) discusses a very similar case, although in relation to distributive equality.

<sup>6</sup>Bidadanure (2016) also defends this view.

<sup>7</sup>For some heartbreaking first-person accounts, see Yiwu (2009).

show remorse, for their crimes. But the confessions had to be complete and the remorse sincere. These “struggle sessions” would continue until they were judged sufficiently remorseful. In later years, they were hauled out for more struggle sessions whenever the political climate was inclement. These landowners had previously been superiors. Before the revolution, they’d oppressed their tenants. Yet there is clearly an egalitarian problem here. That suggests that egalitarian relationships do require equal power at each time. And that tells strongly in favor of time-relative egalitarianism.

Now, these cases might be resisted. One could point to the fact that such cases contain autonomy violations. Temporary masters violate the autonomy of their temporary slaves. Victorious revolutionaries, often, violate the autonomy of those they’ve overthrown. One could say the problem in these cases is entirely down to such violations, rather than any egalitarian issue. But this does not seem to me a promising position. There are similar cases which don’t seem to involve any autonomy violations. Employment relationships provide some examples. In most firms, bosses have power over employees. This is often problematic from the point of view of equality. It makes the relationship between bosses and employees inequalitarian.<sup>8</sup> And the problem with such relationships remains when we alternate who gets to be boss. If I’m boss one half of the year, and you’re boss the other half, our relationship is still imperfect. It would be more egalitarian were we to always manage the business on equal terms. Yet there need be no autonomy violations in these cases. Temporary bosses need not violate the autonomy of their employees; they’re not like victorious revolutionaries. So, the problem here can’t be a problem of autonomy violations: it is an egalitarian problem. Thus, many cases suggest that egalitarian relationships are best when egalitarian at every time.

Yet, even if the evidentiary weight of these cases is admitted, there might be countervailing cases. Indeed, Lippert-Rasmussen (2018, 130-35) has argued that there are such cases. His most powerful case concerns child-adult relations. In such relationships the child is related to as an inferior for a large amount of time. The parent has substantial power over the adult when the child is young. Yet this, as Lippert-Rasmussen points out, isn’t problematic (2018, 133–134). He thinks that this suggests that egalitarian relationships only require equality across complete lives rather than at particular times. We should explain this by pointing to the fact that, although the parent is the superior to their child during the latter’s youth, they are not later on. The imbalance, he suggests, cancels out. Thus, Lippert-Rasmussen thinks that these cases provide evidence for complete-lives egalitari-

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<sup>8</sup>See Anderson (2017) for further discussion of this case.

anism over time-relative egalitarianism.

However, it seems implausible that the imbalance *does* cancel out. Parents power over their young children is enormous. They decide what they eat, what they wear, where they live, who they socialize with and what they learn. Most adult children simply do not have this sort of all-encompassing power over their aged parents. They may have no asymmetric power over their aged parents at all. So complete-lives egalitarianism doesn't seem to explain why parent-child relationships are anodyne. A better explanation, it seems to me, is achieved by getting clear on the scope of relational equality. Obviously, we don't need to relate to everything as an equal. We needn't relate to cats and dogs as our equals. It's only beings of certain capacities to whom we need to relate as equals. A natural view is that these are rational capacities, the capacity to weigh reasons appropriately and come to good practical judgements. Children, young children especially, don't have these capacities to the required extent. This helps why there's no problem with having power over a child. Thus, we can make adequate sense of our intuitions about child-adult relationships even when we accept time-relative egalitarianism.<sup>9</sup> We just need to claim, as is anyway plausible, that we don't need to relate as equals to things that fall below a certain threshold of rationality.

Let's consider a second type of problem case. This is the case of turn-taking. Suppose we're going on holiday. You want to go to Rome; I want to go to Paris. One way to decide where we go is to take turns. You get to decide where we go this time; I get to decide next time.<sup>10</sup> Why is this a problem case? Because it might be thought that at the very moment of making the decision, this gives us unequal power. At that point, you alone get to determine what we do. But there's clearly no egalitarian problem here. There is nothing at all problematic about taking turns in making vacationing decisions. These points are collectively incompatible with the claim that egalitarian relationships require equal power at each time.

The right response to this case, it seems to me, is to deny that turn-taking of this type involves unequal power. It usually doesn't. When it's your turn to take the decision, it's not really you alone who determines what we do. I could renege on the turn-taking agreement. I could take my toys and leave (presumably to Paris). We only end up going to Rome because I choose to comply with your decisions. This choice—to comply—has just as much influence on our holidaying destination as your own. So, turn-taking of the relevant sort doesn't involve unequal power. Now, of course, there are cases a little like this which do involve unequal power.

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<sup>9</sup>For more about this case, see Section 1.2.1.

<sup>10</sup>Scheffler (2015, 25) mentions this case.

Suppose that, when it's one of our turns to decide, we back up our decision with force. Then my choice to comply with your decision to go to Rome seems less important. We'd have gone whether I wanted to or not; I'd have been forced to go. But the egalitarian *bona fides* of this sort of relationship look suspect. If this is how a turn-taking arrangement works, it doesn't seem to realize a good relationship. So, cases of turn-taking don't pose a problem after all. Thus, it seems to me that egalitarian relationships do require equality at each time. And that supports time-relative egalitarianism.

Let me sum up. I've argued that time-relative egalitarianism is superior to complete-lives egalitarianism. This tells us how democratic equality interacts with time. It requires that we have equal power at each time. And this tells us what our two phenomena mean for the intrinsic value of American democracy. Inertia poses no intrinsic threat to democratic equality. But alternation does pose such a threat. Those of the in-power party have more power than, and wield power over, those of the out-of-power party. This breaks up egalitarian relationships across party lines. It means that when the Republican party is in power, ordinary Republicans are in a position of domination. When the Democratic party is in power ordinary Democrats are in a position of domination. Cross-partisan relationships are objectionably inegalitarian relationships.

I want to discuss two final points about this conclusion. First, suppose it is infeasible to achieve equal power at each time, or perhaps instrumentally undesirable. One might have instrumental reasons to delegate some power to a decision-maker, for example. In such cases, it does seem that alternating who has more power ameliorates the power inequality. When one cannot achieve equal power at every time, a second-best option is to alternate who has gets to make decisions. If this is true, then the version of time-relative egalitarianism I sketched in Section 5.3 is a bit too crude. We shouldn't say that equal power at a time is the only thing that matters to inegalitarian relationships. We should instead say that it matters much more than equal power over complete lives, and perhaps enjoys some sort of lexical priority. But, even on this view, any departure from equal power at a time is a serious egalitarian failing. The failing can be ameliorated, but not erased, by balancing out such departures. Thus, this view has the same political consequences as the cruder version of time-relative egalitarianism.

Second, let us explore how consent interacts with inequalities of power. In Chapter 1 I suggested that one cannot permanently waive one's claim to non-subordination. But one might be able to waive it temporarily: one might be able to validly consent to people having power over you. Perhaps the best reason for thinking this is somewhat salacious: some sexual relationships involve domination

and subordination. But there is nothing generally wrong about such relationships between consenting adults. Specifically, the consent of the subordinate partner means the dominant partner does not wrong them. And so one might think claims against subordination can be waived. This suggests that time-relative power inequalities might be anodyne when the subordinate partner has consented to such inequalities. And this is politically important because, in some cases, we might think that people validly consent to alternation: perhaps they validly consent to being sometimes under the power of other people.

There are two replies to this. For a start, it is doubtful that people do validly consent to alternation. Alternation, crucially, depends on officeholders listening to their own supporters more when they are in power. I don't know any reason to think we actually consent to this. Certainly, ordinary citizens don't explicitly consent to this, and it is not obvious why one would think that they tacitly consent. So that saps the political import of this line of thought. Additionally, subordination is not only a source of claims, but also of value: it is bad in itself. I suspect that even inegalitarian relationships that people consent to are bad in themselves. It is bad to be under the power of someone else even if one has consented to it. On this view, what should we think about BDSM relationships? We should see such relationships as involving *pretend* inequalities in power. In acceptable versions of such relationships, the subordinate partner can withdraw from the relationship at any point. This means how the relationship proceeds depends on continuing choices by both parties; the dominant partner is only pretending to have asymmetric power over the subordinate partner. So such relationships are a little like turn-taking: they look like they involve power inequalities, but, fundamentally, they do not. Thus, alternation would be concerning regardless of whether citizens consented to the power inequalities it creates.

## 5.5 Self-Rule and Time

Let's now turn to our second democratic value: self-rule. We've been working with a conception of self-rule which hinges on joint intentions. The idea is that some people enjoy self-rule when the laws manifest their shared intentions. We identified two reasons this was valuable. One was based on freedom. The idea here was that, when the laws manifest your joint intentions, coercive enforcement of those laws impair your freedom less. And it's valuable to avoid having your freedom impaired. The other was based on self-authorship. The idea here was that when a law manifests your joint intention, you count as author of that law. And

it's valuable to be author of what the government does, and the outcomes of what the government does. Thus, the value of self-rule has both negative and positive aspects. Negatively, it escapes the bad of unfreedom. Positively, it garners the good of joint authorship of our social and political affairs.

This left open an important point. It left open how self-rule interacts with time. In particular, we left open when it is that the joint intentions must bring about the laws. Consider *time-relative* accounts of self-rule. These say that our joint-intentions and the policies which manifest them must be contemporaneous. We're only self-ruling at some time when the policies we live under at that time manifest joint intentions we have at that time. If we brought about those policies in the past, but then changed what we wanted, we no longer count as self-ruling. In contrast, *past-permissive* accounts of self-rule say that we're self-ruling at a time if the policies we live under at that time manifest joint intentions we had at some time. Being subject to policies we no longer want needn't be a problem. Those may be policies we ourselves brought about. When they are, we'll count as self-ruling. So these views differ in the relative times at which the joint intentions and the policies they bring about must occur.

These are two extreme views. More moderate views differ in the length of grace period they allow. The grace period is how long ago we can have set policies that we no longer endorse, but still count as self-ruling. One moderate view says that we're self-ruling as long as we brought about such policies within the last year. Another says that we have to have brought them about within the last two years. A third puts it at three years. And so on. Clearly, there are many moderate views. But, insofar as the time-relative views are more plausible, the grace period must be relatively small. Insofar as the past-permissive views are more plausible, it should be relatively large. So, for convenience, we'll stick to comparing the extreme views. It will usually be reasonably obvious how what I say applies to more moderate views.

The political implications of these views differ when it comes to evaluating inertia. Let's start with the time-relative account. Here we need to distinguish between two ways one can increase inertia. First, one can increase inertia while holding all else fixed. This means one can make it more difficult for the in-power party to affect policy without making it any easier for the out-of-power party to do so. Whenever an entrenched constitution settles policy, it does this. In the United States, for example, the party in power can't ban the possession of handguns. But this doesn't make it easier for anyone else to legislate on gun control. The fact that an entrenched constitution settles the matter takes power away from the in-power party without empowering anyone else. On the time-relative view, such *ceteris*

*paribus* increases in inertia likely impair self-rule. They reduce the ability of the in-power party to change the policies that they've been bequeathed. So, they make it more likely that policies don't manifest the current joint-intentions of members of the in-power party. Such members will more often be lumbered with policies that they now disavow.

Second, one can increase inertia *by* making it easier for the out-of-power party to affect policy. One could, for example, give them the ability to veto all or certain policy proposals. This is bad for the self-rule of the members the in-power party. It cuts the chances that their joint intentions will be made manifest in policy. But it's good for the self-rule of members of the out-of-power party. It increases the chance that the joint intentions of members of the out-of-power party are made manifest in policy. So, a diminishment of self-rule for some is compensated by an increase for others. Now, if the out-of-power party represented far fewer people, this would be bad for self-rule. But, in the United States, that isn't the case. The Democratic and Republican party have roughly the same number of supporters. Often, at election time, slightly more people will have *voted* for the in-power party. But the parties' bases—the people they listen to most when in office—are of roughly the same size. So I doubt that we should expect this way of increasing inertia to be overall bad for self-rule. So, when *ceteris* isn't *paribus*, increases of inertia needn't impair self-rule, on the time-relative view.

Let's turn to how the past-permissive view assesses inertia. On this view, not even increasing inertia, *ceteris paribus*, must impair self-rule. This is because such increases can just mean we're more likely to be stuck with policies we've made in the past. And that poses no problem for past-permissive self-rule. If government policies came from us, even if we now disavow them, we still count as self-ruling on the past-permissive view. Now, that's not to say all kinds of inertia are anodyne on this view. When inertia flows from the entrenchment of very old constitutions, likely it won't be. The Second Amendment doesn't manifest the joint intentions of anyone alive. At most, it manifests the joint intentions of the Framers' generation. But, in other cases, inertia presents no problem to self-rule on the past-permissive view. So, we have two accounts of self-rule. Which account is right determines what kinds of inertia matter to self-rule.

How should we decide between these accounts? We should look at which one would, were it achieved, better realizes the values underlying self-rule. Both seem to capture the value of authorship-promotion. Consider the time-relative account first. When we achieve self-rule in this sense, at every time the policies manifest our intentions at that time. This seems like an excellent way to count as author of the policies at each time. But the past-permissive account of self-rule also seems

to capture this value well. When we achieve self-rule in this sense, at each time the policies manifest intentions we at least used to have. Now we might not have those intentions now. But that doesn't seem like it undercuts our authorship of those policies. When you're author of something—a book, a paper, a law—you remain author of it even when you disavow it. Analogously, the same seems plausible for government policies. Changing our mind about government policies makes us no less their author. So both accounts of self-rule capture the authorship-promoting value of self-rule.

But they don't capture the freedom-protecting value equally well. In particular, the past-permissive account fails to fully capture this value: self-rule is less freedom-protecting when your intentions don't now match the laws. This again is clear from personal cases. Suppose, as a teenager, I hire a hitman. I tell this hitman to shoot me down if I ever leave the straight and true path of academia. Twenty years on I'm slaving over philosophy papers. But that's just due to the price on my head. In this case, my freedom seems impaired. My past self diminished my future freedom. So, it seems my freedom is impaired when I'm coerced into acting in line with intentions I merely used to have. Fundamentally, the issue here is that the sense in which your will should be the ultimate determinant of your action is that your *current* will be that determinant. If your past intentions determine your actions, intentions you no longer have, that does not protect your freedom.

The past-permissive view clashes with this, for the past-permissive view sees no problem in your being coerced to act in line with intentions you no longer have. In contrast, the time-relative account of self-rule does capture this value well. Suppose the hitman is only threatening me because I currently want him to threaten me. The freedom-destroying impact of that threat seems neutered. He's not really trying to get me to do anything out of line with what I already intend to do. He's not really preventing my living my life in accord with my own will. The upshot of this is that we should favor the time-relative conception of self-rule. This conception of self-rule better tracks the things which make self-rule valuable. And the upshot of *that* is that increasing inertia, *ceteris paribus*, is bad for self-rule. When you make it harder for the in-power party to change policy, and hold everything else fixed, you impair the achievement of self-rule.

I want to address one worry about this view: does it imply that self-binding is generally problematic? Suppose that Ulysses has his sailors tie him to the mast to stop him responding to the sirens' song. Or suppose you throw away your cigarettes or make a public pledge to give ten percent of your income to charity. You do this to bind your future self to abstinence or philanthropy. Given the considerations I've presented, should we see these actions problematic? The view I've advanced says

that none of this is problematic from the point of view of authorship promotion. When Ulysses ties himself to the mast, he is the author of his being tied up. He is not the author of it at the point he is constrained. But his current situation is a manifestation of his past intentions and that makes him self-author. One can be author of one's life without authoring every moment of one's life at the time it happens. Thus, self-binding doesn't tend to impair self-authorship.

Whether self-binding impairs one's freedom is a little more complicated. In ordinary cases of self-binding one has some intentions that can only be satisfied by doing as one is bound to do. Ulysses wants to make it home to Ithaca. Plausibly, he retains this aim despite the call of the song; it would just be overwhelmed by his other aims were he not tied to the mast. So the tying does not stop his will from being the ultimate determinant of his actions. It just makes it so that one thing he wants—to get home—wins out over something he doesn't want. The same goes for throwing away one's cigarettes. When you are addicted to cigarettes and want to stop, it's natural to think you both want to smoke and don't want to smoke. Your will is fragmented.<sup>11</sup> Throwing one's cigarette away doesn't stop your will from determining your actions, it just ensures one fragment wins out. In these cases, we shouldn't think self-binding is freedom-destroying. Now, of course there are possible cases of self-binding where we imagine that one completely switches what one wants in the future: Ulysses only wants to follow the song, and no longer wants to return home. But these cases are not common, and in them it seems plausible to say that self-binding does impair freedom. One can accept everything I have said, then, while retaining a plausible view about the normative status of self-binding.

Let's turn to alternation. How do high levels of alternation matter to self-rule? High levels of alternation mean that, at each time, the power differences between citizens of different parties are large. Let's compare this to a situation in which that power is distributed more equally at each time. Imagine that legislators paid equal attention to all their constituents. This would increase the power of citizens of the out-of-power party but decrease the power of the in-power party. There seems little reason to think that this would be either overall good or bad for self-rule. It would help the self-rule of those out of power. But it would diminish that of those in power. The former would be more likely to see their intentions made manifest in policy, but the latter would be less likely. These effects, it seems to me, should roughly balance out. And that holds on either time-relative or past-permissive accounts of self-rule. Thus, we should conclude that alternation doesn't much matter to this democratic value. High levels of alternation juggle around who gets

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<sup>11</sup>Frankfurt (1971) gives a version of this kind of "split-personality" account of addiction.

to enjoy the value at what time. But, overall, they neither contribute nor detract from it.

Let me sum up. I've defended a time-relative account of self-rule. On this account, to be self-ruling, our joint intentions, and the policies they bring about, have to be contemporaneous. This tells us what inertia, in particular means for the intrinsic value of American democracy. The meaning depends on how that inertia comes about. When inertia comes from a *ceteris paribus* reduction of the power of the in-power party, then it undermines self-rule. The inertia flowing from constitutional entrenchment is the best example of this: entrenchment reduces the chances of anyone getting their will made manifest in policy.<sup>12</sup> But when inertia comes from empowering the out-of-power party it need not pose such a problem. The inertia flowing from the many veto players in the American system is the best example of this. This will likely reduce the self-rule of those in-power. But that is compensated by increasing that of those out-of-power. So some sources of inertia are bad for American democracy; some are not. Overall, the news for American democracy here is mixed. It's certainly not unequivocally good: much inertia in the American system comes about in the deleterious way. But it is less bad than we might have feared. In the next section, we'll turn to how this matters to issues of institutional design.

## 5.6 Institutional Design and Time

What institutions can ameliorate the threat temporal phenomena pose to American democracy? Let's start with a point about how alternation and inertia are connected. This was a point we made in Section 5.2: there's a trade-off between alternation and inertia. Increasing inertia, holding all else fixed, decreases alternation. So, we have to work out when we should take this trade. Fortunately, I think we can identify at least one case where we should clearly take this trade: when the increase in inertia is created by empowering those who are out of power. In such a case, the increase is not overall bad for self-rule. It does impair the self-rule of those in power. But it compensates for this by helping those out of power. Yet, the increase ameliorates alternation. Thus, it is good for democratic equality.

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<sup>12</sup>This is not, however, the only example. Some people think that the size of the legislative agenda matters a lot to how easy the in-power party finds it to change policy (Baumgartner and Jones, 1993). The bigger the agenda can be, the more malleable is policy. On this view, measures which reduce the size of the agenda (e.g., by reducing the number of public hearings on policy) will also impair self-rule.

So these trades help with one democratic value without harming the other. This makes them trades that we should take.

Let's make this more concrete. Consider minority vetoes. In particular, consider the type of minority vetoes created by supermajority decision rules. Such rules mean that a bill can only be enacted into law when over half the members of a legislative body vote for its enactment. These make it more difficult for in-power parties to pass policy. So, they increase inertia. But they do this by empowering out-of-power parties. They give out-of-power parties the power to veto policy proposals. Minority vetoes let them prevent certain policy enactments. So, they don't increase inertia and hold all else fixed. They increase inertia by empowering the out-of-power party. So, there's little reason to think that such vetoes must impair self-rule. But they do diminish alternation. They do this by reducing the gap in power between the in-power and out-of-power party. So they help democratic equality. This means minority vetoes promote one value without hindering the other. Thus, we should favor minority vetoes.

Now, that's not to say that every type of minority veto will be desirable. Imagine we gave each Member of Congress the ability to veto legislation. This would realize a particularly extreme type of supermajority rule: unanimity rule. And it would be a way of giving more power to the out-of-power party. But we might expect this to damage self-rule. That's because it would be fiendishly complicated to ensure unanimity on any particular issue. Such a reform would likely prevent any new proposals being enacted into law. In this case, increasing the power of the out-of-power party doesn't much increase their chance of achieving self-rule. That's because the increase makes it almost impossible for anyone's joint intentions to be made manifest in policy. But more moderate minority vetoes needn't do this. Suppose we require majorities of three-fifths or two-thirds to pass bills. This, in effect, just means the concerns of the out-of-power party have to be considered in drafting legislation. It doesn't mean that the legislative process must grind to a halt. It just means both the in power and out-of-power party have influence over what gets passed. Minority vetoes of this form seem likely to improve the self-rule of those out-of-power. So, there seems little reason to think that they'll be bad for self-rule overall.

What are the concrete implications of this? In the United States, the most salient implication concerns the Senate filibuster. The current rules of the United States Senate allow any senator to speak on any topic indefinitely until three-fifths of senators vote to shut off debate. This now means that the Senate operates on a supermajoritarian basis. One needs a sixty-vote supermajority to pass most bills. That gives a minority party the ability to veto policy change. So, if minority vetoes

are good for intrinsic democratic values, the Senate filibuster is also good for such values. Specifically, the Senate filibuster reduces the inequality of power between those of the in-power and out-of-power party. It thereby contributes to democratic equality. Now, it does reduce the self-rule of those of the in-power party. It reduces the chances that their joint intentions will be made manifest in government policy. But we shouldn't expect this to be bad for self-rule overall. That is because it does this by increasing the chances that the intentions of the out-of-power party will be made manifest in policy. So, the filibuster seems good for one democratic value and not bad for the other. Observers of American politics will be aware that the abolition of the filibuster is very much on the table. These considerations give us reason to oppose that abolition.

Now this conclusion comes with some caveats. For a start, I've provided some considerations which support minority vetoes. But I haven't provided an all-things-considered defense of them. They might be intrinsically good for democratic equality. But the inertia they promote might be very instrumentally bad. And this badness might outweigh any intrinsic good they realize. Clearly, such circumstances have happened in American history. The inertia created by the Senate filibuster, for example, has often done far more bad than good. Southern senators regularly relied on the filibuster to kill civil rights legislation. In the 1940s, this made the instrumental case for abolishing the filibuster decisive. It meant that any intrinsic democratic values promoted by the filibuster was clearly outweighed by its instrumental disvalue.<sup>13</sup> An all-things-considered defense of minority vetoes has to address such instrumental matters: I have not offered such a defense.

Yet, for all that, I do not think we should be too quick to conclude that minority vetoes are instrumentally disastrous. 2021 is not 1947. The political environment that made the filibuster the tool of odious ends no longer exists; Dick Russell no longer rules the Senate. Thus, the bad history of minority vetoes, in the United States, is weak evidence that they'll have a bad future. And I myself don't know of much stronger evidence. There is some evidence that the inertia created by minority vetoes harms politicians' reputations.<sup>14</sup> But it's not obvious that this is a bad thing. And it's also not obvious that we should generally expect inertia to have bad policies outcomes. Policy change is not an endless march towards Camelot.

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<sup>13</sup>It also, I suspect, forfeited the claim Southern senators and their supporters had to enjoy minority vetoes. Segregation subordinated Black Americans; you cannot rely on claim to non-subordination when one will use the satisfaction of that claim to subordinate others. Subordinating others forfeits such a claim.

<sup>14</sup>See Binder (2003, ch. 6).

The in-power party can make policy worse as well as better.<sup>15</sup> So, undoubtedly, the instrumental considerations which bear on minority vetoes remain weighty. But which side of the scales they weigh on is not clear. In these circumstances, intrinsic considerations might well determine issues of institutional choice.

The second caveat concerns the normative import of democratic equality. This is twofold: democratic equality is good, and people have a claim on us not to subject them to asymmetries of power. The latter is what gives us weighty reason to support minority vetoes; they help us better satisfy people's claims. As I'll discuss at length in Chapter 7, these claims are forfeitable. When your yourself subordinate people, this forfeits your claim against being yourself subordinated. At minimum, that means other people can subordinate you in order to stop you from subordinating others. As we'll see, there is reason to believe that some actors in the US context have indeed forfeited their claim against subordination. The Republican Party, by suppressing voters and undermining electoral democracy, have forfeited this claim. That means that Democrats do not have as weighty moral reason to support minority vetoes as they otherwise would. Those vetoes still, I think, contribute to a democratic value. But thus value is not a value their opposition have a claim on them to uphold. So, the parlous nature of political competition in the United States weakens the case for supporting minority vetoes in this context.

Let's turn to some other institutional responses to our temporal phenomena. I've said that there's a trade-off between inertia and alternation. But, as I mentioned in Section 5.2, the trade-off only goes one way. Increasing inertia diminishes alternation. But we can decrease alternation without increasing inertia. If we could stop officeholders weighing the preferences of their own supporters more heavily, then there would be no problem of alternation. Plausibly, making elections more competitive would help do this.<sup>16</sup> In competitive races—races incumbents face fierce opposition—officeholders have more incentive to look for support across the aisle. In Chapter 3 we mentioned a couple of institutional reforms which would likely help with this. One such reform was campaign finance reform. Public funding of candidates is associated with more competitive elections. A second swung on redistricting. If one draws House district with an eye to making them competitive, then one will very likely end up with more competitive districts. Thus, the phenomena we've discussed in this chapter adds to the case for these reforms. They'll

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<sup>15</sup>This is, perhaps, an ideological matter. Grossmann (2014, 114–117) argues that, historically, most policy enactments move policy in a liberal direction. So liberals should be perhaps more inclined than conservatives to think that inertia is instrumentally bad.

<sup>16</sup>Both Levitt (1996, 438) and Mian et al. (2010, 1983–4) conclude that congresspeople in competitive races pay more attention to their non-supporters.

help democratic equality without harming self-rule.

Finally, let's look at a way to cut through this trade-off. The institutional trade-off is a trade-off between institutions in a representative democracy. It arises because we can expect *representatives* to pay more attention to their own supporters than to anyone else. So we can cut through the trade-off by bypassing representatives. We talked about how to do this in Chapter 3. Directly democratic institutions put decision making power in the hands of ordinary citizens. Two such institutions are used often: the initiative and referendums. The initiative lets ordinary citizens put proposed statutes on the ballot paper. They do this after getting a certain number of their fellow citizens to sign a petition. Referendums come in two flavors. We previously mentioned popular referendums. These involve citizens singling out particular laws for approval or repeal. The laws are again those which are the subject of successful petition drives. But there are also legislative referendums. They involve legislatures proposing laws for popular vote. Both initiatives and referendums ameliorate alternation. They do this by reducing the power of officeholders. This makes the supporters of those officeholders less powerful and their non-supporters more powerful. Both measures ameliorate the inequality between ordinary citizens.

How do these measures affect inertia? They affect inertia differently. It's plausible that referendums exacerbate inertia. This is because they introduce another veto player into the policymaking process.<sup>17</sup> Consider legislative referendums. Not only does a majority of the legislature have to approve the law for these to go through. A majority of voters also have to do so. The same goes for popular referendums. Not only do a majority of legislators have to approve a law of it to pass. Either nobody has to oppose it enough to organize a successful petition drive, or a majority of voters have to approve it after such a drive. So the trade-off remains when it comes to referendums. They ameliorate alternation but exacerbate inertia. Yet this is one of the cases where you should take the trade. It is a trade which boosts the power of partisans of the out-of-power party, even though it decreases that of those of the in-power party. What about the initiative? This is the device which cuts through the trade-off. The initiative doesn't introduce any extra veto players into politics. It instead introduces a new source of policy proposals: those who can launch a successful petition drive. There's no obvious reason why this would exacerbate inertia. So the initiative ameliorates alternation at the same time as ameliorating inertia. It does what representative institutions seem incapable of doing.

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<sup>17</sup>See Tsebelis (2011, ch. 5) for a discussion of the logic here.

Let's sum up. If what I've just said is right, we have an extra argument for certain directly democratic institutions. In particular, we have a straightforward argument for the initiative. This ameliorates both alternation and inertia. And we also have an argument for referendums. These ameliorate alternation at the cost of exacerbating inertia. But, in this case, that is a good trade. So we should favor both types of directly democratic institutions. I've also argued for measures which help improve representative institutions. Minority vetoes, in particular, improve the distribution of power between the party in-power and that out-of-power. And that ameliorates the inequality between ordinary citizens of different party stripes. Thus the representative part of this system would ameliorate alternation at the cost of exacerbating inertia. The directly democratic part of this system would, via the initiative, ameliorate both these problems.

## 5.7 Conclusion

My aim in this chapter has been to understand how some temporal phenomena—alternation and inertia—impact the value of American democracy. In doing that, I've argued for particular conceptions of these values. I've argued that time-relative egalitarianism is better than complete-lives egalitarianism. I've argued that time-relative accounts of self-rule are better than past-focused accounts. The former means that alternation impairs democratic equality. It sunders egalitarian relationships between cross-partisans. The latter means that, when inertia arises from a reduction in everyone's power, self-rule is frustrated. The most salient example of such inertia is that which flows from constitutional entrenchment; when the constitution prevents new policies being enacted, this impairs a democratic value. Thus, both phenomena impair the value of American democracy. I've also argued that these conclusions matter to institutional design. They provide a novel defense of both minority vetoes and direct democracy. Thus, the temporal aspects of democratic decision making both impair American democracy and suggest how to ameliorate this impairment.

This completes Part II of this book. Let's take stock. We've spent a lot of time talking about political elites. I've painted a rather grim picture of what such elites are like. In my telling, elected officials in the United States are free from popular control. They form an autonomous cadre in the hands of which political power lies. But this cadre is not totally immune to external influences. It is influenced by the rich and by interest groups. And members of this cadre are also disproportionately responsive to their own supporters. All this makes America a

society of severe political inequality. It means power and authority are not evenly distributed. This, in turn, means that American citizens can't enjoy self-rule with respect to very many policies. Policy is the product of those in power: it is only rarely the consequence of what ordinary citizens want. These facts alone suggest that American democracy doesn't realize the democratic values we discussed in Chapter 1 to any substantial degree. And that, so I've argued, undermines the authority and legitimacy of the American state.

We could stop painting the picture here. Our picture of American democracy would then be that of a political system rotting at the top; broken at the level of political elites. But I think this would be a misleading picture. The problems run deeper than that. In Part III of this book we'll see that the problems with American democracy do not just inhere in an autonomous cadre of governing elites. They inhere in the thoughts, feelings and actions of ordinary citizens. How we vote, how we interact with cross-partisans and how we reason about politics all serve to impair the attainment of democratic values. We'll start, in the next chapter, with a set of citizen defects which have been the focus of much of the tradition critical of democracy: defects in our intellectual engagement with the political sphere.

**Part III**

**Mass-Level Failures**

# Chapter 6

## Cognitive Shortcomings

### 6.1 Introduction

Ordinary citizens have been disappointing political scientists for at least a century. And I don't just mean *qua* undergraduates: I mean *qua* citizens. The main problem is how we think about politics. We have an array of cognitive shortcomings. We're uninformed. We don't have true beliefs about political matters. We're irrational. We bend the evidence to show our side in the best possible light. And we're malleable. We let political elites determine our political opinions. The aim of this chapter is to explain how and why these shortcomings matter. Here's my story: I think they impair our political autonomy. They impair our ability to make autonomous political choices. This impairment matters most to our self-rule. Self-rule requires that each of us has an autonomous influence over what government does. When we don't exercise our influence autonomously, we don't achieve self-rule. Our cognitive shortcomings diminish the extent to which we rule ourselves.

In the rest of the chapter I'll spell out, and defend, these claims. The chapter is split into four parts. In the first part we'll fix the notion of political autonomy and explain how it matters to both self-rule and democratic equality. In the second part we'll look at how our low level of information, and our irrationality, impair our ability to make autonomous choices. In the third part, we'll look at how our malleability does the same. Finally, in the fourth part, we'll examine how this matters to American democracy. We'll address the impact of our shortcomings on both self-rule and democratic equality. I'll suggest that they lack any clear impact on equality. That's because different defects counterbalance. Those who are less informed tend to be more rational and less malleable. But they have a large and

negative impact on self-rule. Thus, the quality of America's citizens matters to the quality of its democracy. It exacts a high price in the achievement of a core intrinsic democratic value.

I'm far from the first to address how ordinary citizens think about politics. As I said, we've been disappointing political scientists for at least a century. Many have thought that our cognitive engagement with politics impairs American democracy. We've seen that Lippmann (1925) made much of widespread, intractable, ignorance on political matters. Schumpeter (1942) took us to task for our political reasoning. Both issues make Caplan (2007), Somin (2013) and Brennan (2016a) skeptical of the value of American democracy. But, in my view, these writers have not addressed the matter quite adequately. The problem is that they've denied, or ignored, democracy's intrinsic value. So they've taken the significance of our shortcomings to be purely instrumental. Usually, they've said that these shortcomings matter just because they make government less likely to pursue good policies. But that, I think, misses out something important. Citizens' shortcomings matter not just because of their causal consequences. They threaten the attainment of these intrinsic values. My distinctive aim in this chapter is to explain how our cognitive shortcomings matter to the intrinsic value of American democracy.

## 6.2 What Is Political Autonomy?

We'll start by getting a fix on the notion of political autonomy. This is just autonomy, or authorship, with respect to political choices. These are the choices by which one exercises influence over politics. How one votes is a particularly important political choice. But there are other kinds. Whether to protest, donate or run for office are all important political choices. All involve the exercise of influence over politics. What is it for a choice to be autonomous? Your choice is autonomous when it flows from your core values. It's hard to say exactly what this sense of 'flowing' is. But it requires your choices to match your core values: they must be what those values dictate. And that matching can't just be down to luck. The connection between your choices and your core values has to be robust.<sup>1</sup> Equally, your choices have to be the product of *your* core values. They can't really be the product of someone else's values. You can't just be someone else's marionette. So autonomy precludes at least two things. It precludes an inappropriate

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<sup>1</sup>In section 1.3 I suggest that 'flowing' is manifestation. That idea also applies here, although one needn't endorse it to understand the notion.

relationship between your choices and your core values. And it precludes an inappropriate relationship between your choices and someone else's values. It requires that your choices flow, in a distinctive way, from your core values.

We better tighten our fix on the notion of autonomy. One good way to do this is by paradigm cases. Unwilling addicts are one such case. The unwilling addict doesn't, most fundamentally, want to take heroin. But their cravings drive them. When faced with the choice, their cravings overwhelm their deep desire not to take heroin. They end up shooting up. The unwilling addict is of diminished autonomy. This is because their actions do not appropriately connect with their core values. Another paradigm case involves coercion. Consider the classic case of the highwayman. Dick Turpin puts a gun to your head and draws "Your money or your life?". When you give him your money, your choice lacks autonomy. This is because the coercion put you under the external control of Mr. Turpin. It means your actions flow from his values in an inappropriate way. In this way, external control quite generally undercuts autonomy.

A second way is to note some general features of autonomy. First, the relevant notion of autonomy is scalar, not binary. People can be more or less autonomous.<sup>2</sup> They're not divided into the autonomous and non-autonomous. A well-informed, rational person free of external control is highly autonomous. But lacking a few of these features needn't make one completely lack autonomy. It just diminishes one's autonomy. Second, there are many different loci of autonomy. Choices can be autonomous. But so can actions, preferences and entire lives. These are likely interrelated. For example, a choice is autonomous insofar as it's driven by autonomous preferences. An action is autonomous insofar as it is the output of an autonomous choice. A life is autonomous insofar as it's comprised of autonomous choices. My main focus will be the autonomy of choices. That's because this feeds most directly into our democratic ideals. Democratic ideals, I think, demand that citizens can make autonomous political choices.

The notion of autonomy just described should not be alien. And I think that it's intuitively important. But the really important thing is the notion's theoretical role. My main claim in this section is that this notion matters to the achievement of intrinsic democratic values. Let's start with self-rule. It seems intuitively very plausible that a non-autonomous citizenry doesn't achieve much of the value of self-rule. We'll consider two kinds of cases. The first is a real-world case. The Liberian election, 1997, is the example. The country had just suffered eight years of civil war. The war's initiator—Charles Taylor—was one of the candidates. He

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<sup>2</sup>For this point, see Haworth (1986, 83).

ran, chillingly, with the slogan “He killed my ma, he killed my pa, but I’ll still vote for him.” The message was that, if he didn’t win the election, he’d plunge Liberia back into war. This wasn’t lost on the electorate: he won with 75% of the vote.<sup>3</sup> This is coercion writ large. As a result, we shouldn’t take citizens to have voted for him autonomously. There was an inappropriate connection between their choices and Taylor’s values. This is why we shouldn’t take the Liberian people to have enjoyed much self-rule in 1997. Intuitively, it seems the value of self-rule requires autonomous choices.

Let’s consider another, fictional, case. Sometimes, especially in the mid-century, science fiction writers would describe societies comprised of completely apathetic citizens.<sup>4</sup> These were citizens who spent all their days watching television of the mindless entertainment variety. They knew very little about the world beyond the television screen. These societies had voting and elections. But the voters had little idea what any of the parties stood for. They had little ability to connect up their core values, if they had any, with their voting behavior. Plausibly, the voting choice of such people wouldn’t be autonomous in the right way. This undermines the extent to which such citizens could achieve the value of self-rule. It doesn’t seem like they could get much out of voting. They would be unable to hook up their vote to their core values. Thus, again, it seems autonomy matters to the value of self-rule.

So much for intuitions. But the case isn’t just intuitive. In Chapter 1, I spelt out two sources of the value of self-rule. I think that it’s very plausible, on both sources, that autonomy is required to achieve this value. Let’s start with freedom. The idea here was that attaining self-rule means that the law manifests your own will. This, the thought went, ensured that the coercive enforcement of the law does not preclude your will still being the ultimate determinant of your actions. This just means that the ultimate determinant of your actions will be your joint will rather than an individual will. And this means coercive enforcement of the laws needn’t be a very onerous blow to your freedom. But for this to be plausible, the will that the laws manifest better be an autonomous will. Being forced to obey an edict one has made non-autonomously is not a way to secure personal freedom. Suppose Dick Turpin makes you command yourself to give him your money. This is not a way of making his coercion anodyne. Thus, political autonomy looks necessary to achieving the freedom-protecting value of self-rule.

The other source of the value of self-rule lay in self-authorship. Here, the idea

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<sup>3</sup>For more on this sad episode, see Meredith (2011, 568).

<sup>4</sup>For example: Fahrenheit 451.

was that self-rule helps one become the author of one's social and political institutions. This, the thought went, is valuable in the way self-authorship is usually valuable. It's valuable to create your own life, rather than just drift through it. But again, what seems to really matter here is the autonomous creation of your own life. Someone who makes important life choices under the pall of appalling ignorance, or makes them deeply irrationally, is drifting through their life. Consider someone who makes career choices without knowing what any of the careers involve. Intuitively, this person is not the author of their career. So self-authorship also requires autonomy. Thus, political autonomy seems necessary to achieving the authorship-promoting value of self-rule.

Let's turn to equality. Here my thesis is that what matters to democratic equality is an equal distribution of autonomous influence over government. If some people can influence government autonomously, but others can't, then democratic equality is impaired. Some theorists of democratic equality explicitly endorse this thesis (Kolodny, 2014b, 310). And it also seems to me to have some intuitive ballast. Let's think about the second, fictional, case discussed above. Suppose just half the citizens are completely ignorant about what government does. Half the citizens spend all their time mindlessly watching *The Great British Bake Off*.<sup>5</sup> But the other half have a keen political sense. They know a huge amount about politics and can cast their vote in a way calculated to get what they wanted. Then there does seem to me an egalitarian problem here. This seems not to fully realize the ideal of democratic equality.

Here, the distinction between the positive and negative aspects of democratic equality is helpful. The positive aspect involved the value of putting ourselves into worthwhile egalitarian relation. The paradigm examples of such relationships were friendships. The negative aspect was the value of avoiding objectionable inegalitarian relationships. The paradigm examples of such relationships were social hierarchies. Inequalities of the sort described may well not put people in the objectionably inegalitarian relationship. The well-informed half of the citizenry might not count as social superiors of the other half. But these inequalities do seem to impair the positively valuable egalitarian relationships. The well-informed half of the citizenry will have trouble standing in these relationships with the other half. So autonomous influence might matter to the positive part of the egalitarian ideal but not the negative part. If we are to stand in relations like civic friendship, we must have equal autonomous influence over political matters.

This position seems to me buttressed by how personal relationships work. Sup-

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<sup>5</sup>Note the adverb; I don't mean to imply all such watching is mindless.

pose your partner has much greater ability to autonomously influence what you do together than do you. Suppose, for instance, you always decide what to do together by playing rock-paper-scissors. You're no good at rock-paper-scissors; you never do any better than chance. But, remarkably, your partner is far better than chance. They've cracked the uncrackable game. You don't have much ability to autonomously influence what you do. You don't know how your actions (i.e., always going rock) will affect what you do. But your partner has much greater influence to affect what you do. So you always end up doing what your partner wants. It's fitting to describe this situation as one in which your partner has much more power than you. And it's plausible that that impairs the character of the relationship. You should stop making big life decisions via rock-paper-scissors. Doing so makes your relationship, in this case, worse. This supports the claim that autonomy matters to the achievement of democratic equality. It's the autonomous exercise of influence which we need for the positive aspect of this value.

That completes the case for the claim that political autonomy affects the achievement of democratic values. In the next section, I'll argue that citizen's shortcomings impair their political autonomy. But let's end with a caveat. As I'm treating things, political autonomy is a fulcrum. My explanation of why our shortcomings matter rests on political autonomy. But, at least in this argument, one could do without a fulcrum. One could think that our cognitive shortcomings impact the attainment of these values independently, but this doesn't run through their impairing political autonomy. This seems to me less elegant than the explanation I'll propose. It seems to miss out an important commonality between how these shortcomings matter. But the ultimate upshot of this view would be the same as my view. Our shortcomings matter. They impair democratic values. And this view alone seems to me extremely plausible. But, for now, we'll continue spelling out the more elegant view.

### **6.3 Information and Irrationality**

Let's start by sketching the information level of ordinary citizens. One of the most venerable findings in survey research is that Americans are ill-informed about politics (Berelson et al., 1954, 308). The sense in which they are ill-informed is, simply, that when you ask them questions about politics, they get them wrong. Or they just admit they don't know. They don't have true beliefs about political

matters.<sup>6</sup> They cannot, for example, accurately describe the institutional set-up of the United States. They can't identify who important political actors are. They couldn't say what policies different politicians support. The authors of the most comprehensive contemporary assessment of the evidence conclude, *inter alia*, that "large numbers of American citizens are woefully underinformed" (Delli-Carpini and Keeter, 1996, 270). Converse (2000, 331) sums up the state of scholarly consensus when he says that "[w]e hardly need to argue about low information levels any more." Americans just aren't well-informed on important political matters.<sup>7</sup>

It's not just that Americans are uninformed about politics. Their information is also unevenly distributed. Some Americans are better informed than other. And this information tends to pattern with other sources of advantage. We can see this, again, by seeing how accurate different people are when asked questions about politics. Men are 1.35 times more accurate than women. Rich citizens are 1.59 times more accurate than poor citizens. White citizens are *twice* as accurate as Black citizens (Delli-Carpini and Keeter, 1996, 156–61). This distribution of information seems to exacerbate pre-existing political inequalities. It seems to put those who anyway have less power at an even greater disadvantage.<sup>8</sup> Again, Converse sums the situation up aptly. He says "[t]he pithiest truth I have achieved about electorates is that where political information is concerned, the mean level is very low but the variance is very high" (Converse, 2000, 331). People don't have much information, and what they do have is spread around very unequally.

American citizens aren't only ill-informed. They're irrational. This irrationality stems from their propensity to engage in motivated reasoning. Motivated reasoning occurs when non-accuracy goals motivate how one reasons. An accuracy goal is the goal of having accurate beliefs. There are a couple important non-accuracy goals. The first is the defense of pre-existing beliefs, especially pre-existing political beliefs. We seek out evidence and interpret new evidence so that it supports what we already believe. A second goal is a group-serving goal. In the United States, party is a very important political group. Citizens will bend the evidence, and their exposure to the evidence, so that it shows their party in the best possible light. We aren't driven by the goal of having accurate political beliefs.

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<sup>6</sup>Typically, political scientists don't distinguish between true belief and knowledge. The distinction doesn't make an enormous difference to practical politics. But, still, there is such a distinction. In this chapter I will mark it by using the term 'information' and its cognates for mere true belief and 'knowledge' for true belief plus justification plus anti-Gettier conditions.

<sup>7</sup>For recent summaries of the evidence, see Caplan (2007) and Somin (2013). The consensus is not absolute, though. For a general critique of this literature see Lupia (2016).

<sup>8</sup>This point originally comes from Downs (1957, ch. 12).

We're driven by goals like defending our pre-existing beliefs and our political side.

What does that look like in practice? Consider one of the experiments Taber and Lodge (2006) conducted. These researchers got participants to sit down in front of a computer. The participants were able to use the computer to reveal either arguments for or arguments against gun control. They got to pick which arguments they saw. Those who were already against gun control chose, mainly, to look at arguments against gun control. Those who were already for gun control chose, mainly, to look at arguments for gun control. They were then asked to rate the strength of the arguments. People rated the arguments they looked at—those supporting their existing position—as much stronger than did people who didn't already have the position the argument supported. And people came out of this with more extreme attitudes. Those who had initially opposed gun control were now even more opposed to gun control. Those who had initially supported gun control were now even more supportive of gun control. This illustrates that first non-accuracy goal. People gathered and interpreted evidence so that it backed up what they already thought.

Many lab-based experiments have identified motivated reasoning about politics. One sees this in experimental set-ups like the ones above (Taber and Lodge, 2006; Lodge and Taber, 2013). But one also sees it in quite different set-ups. David Redlawsk and his co-authors have often found the existence of motivated reasonings in set-ups designed to simulate real-life campaigns (Redlawsk, 2002; Redlawsk et al., 2010). Psychologists outside of political science departments have studied the phenomenon with set-ups too varied to quickly summarize (Lord et al., 1979; Kunda, 1990; Ditto and Lopez, 1992). And it's not only in the lab where the phenomenon can be identified. Survey experiments, usually using nationally representative samples, also provide evidence of widespread motivated reasoning. Consider, for example, the experiment reported by Healy et al. (2014). They asked respondents which bureaucrats were to blame for intelligence failures in the run-up to 9/11. They found that people were unwilling to attribute blame to co-partisans. They were very willing to attribute blame to cross-partisans: the authors attribute this to motivated reasoning. This is just one example. Many different survey experiments provide evidence of motivated reasoning in the field (Jacobson, 2010; Nir, 2011; Bolsen et al., 2014; James and Van Ryzin, 2017). Motivated reasoning seems common: we often reason in pursuit of non-accuracy goals.

### 6.3.1 ...and Autonomy

Why does this matter? It matters, I think, because one is better able to make an autonomous choice when one knows more about the outcome of your choices. Or, to put it another way, ignorance impairs autonomy. This claim seems apparent in cases.<sup>9</sup> Let's start with a personal case. Suppose you've just graduated from college. You're deciding whether to become a banker or a philosopher. But imagine you know very little about what either career involves. Perhaps you know that banking has something to do with money. Perhaps you know that philosophy has something to do with books. But that's it. You don't know the day-to-day of either career, nor the sorts of hours you'd work nor the type of people you'd work with. Then your capacity to choose autonomously seems diminished. In this case, you will less enjoy the value of authoring your choice than had you known more. Your ignorance impairs your autonomy.

Such cases seem equally powerful when it comes to political choices. Suppose, for example, you're deciding who to vote for. But you don't know anything about the different candidates. You don't know what policies they support. You don't know their history. You don't know what groups they're associated with. You're severely ignorant. Then it seems to me that this impairs your ability to make an autonomous voting decision. If you had more relevant knowledge, then you would be better able to choose autonomously. This again supports the idea that knowledge matters to autonomy. When you lack knowledge relevant to a choice, your autonomy is diminished.

What kind of knowledge is relevant to a given choice? There are many possible views here. But the most attractive view seems to me one that says that relevant knowledge is that which bears on which of one's options align with one's core values. Thus, few people need to know the candidates' hair colors in order to know whether to vote for them. Few people are at root committed to only electing redheads. But one needs to know some things about the candidates. Suppose one's core values implicate policy. Then one needs to know the candidates' policy positions. If one is at root opposed to military interventionism, one needs to know their foreign policy stance. If one is at root pro-choice, one needs to know their stance on abortion. Or suppose one's core value just concern performance issues. One only really cares about how the economy is doing. Then, it helps to know each candidates' track record, or how competent an economic manager they have been in the past. In both cases, certain facts will help determine what vote choice

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<sup>9</sup>I take it also to be contained in Raz's claim that "an autonomous person is aware of their options" (Raz, 1986, 382).

best aligns with one's core values. Knowledge of these facts will help put you in a position to vote autonomously.

Let us say more about citizens' core values. We can shed some light on what these are by looking at the correlations between people's answers to survey questions. For instance, people's responses to survey questions about the virtues of "traditional family ties," tolerance of "newer lifestyles" and adjusting one's "views of moral behavior" to societal change all correlate (McCann, 1997, 570). Underlying core values can explain these correlations. For example, we can posit an underlying level of moral traditionalism to explain this. That roughly means a level of attachment to traditional moral values. This approach draws validity from the fact that people tend to keep their levels of traditionalism across multiple surveys. In contrast, their answers to individual questions are notoriously unstable (Converse, 1964). This suggests the posited values really do exist. Different authors have attributed to citizens different core values using these methods. McCann (1997) attributes people various levels of egalitarianism and moral traditionalism. Goren (2013, 89–122) thinks attitudes towards limited government and the international use of force are core values. And he also attributes people varying levels of moral traditionalism. The key takeaway from this is that knowledge of the matters mentioned in the previous section does seem relevant to these values.

This makes it straightforward to see how citizens' low level of information bears on political autonomy. Citizens often get it wrong when you ask them about seemingly relevant facts. They misstate candidate's policy positions. They mischaracterize candidates' past. They fail to understand exactly how their political institutions work. This is clearly incompatible with their knowing these facts. To know a fact, one must at least have a true belief about it. They don't have true beliefs about political matters. So, they don't have political knowledge. This lack of knowledge impairs their ability to make autonomous voting choices. It doesn't eradicate it: they surely know some things relevant to their voting choice. After all, maybe how good looking each candidate is does matter a little bit to who they should vote for. But they can make a less autonomous choice than had they known more. And the more that their ignorance encompasses relevant knowledge, the less able are they to make an autonomous decision.

This also explains why voter rationality matters to political autonomy. Voter irrationality does not matter directly. It's not that voter rationality immediately impairs autonomy. But irrationality undermines knowledge. Even if one has a true belief, if it was arrived at irrationally then one lacks knowledge. This is not a controversial claim. It is simply the claim that justification is necessary to knowledge. To see it illustrated, reconsider to the career decision case. Imagine that you come

to believe that you're best off being a banker. But you don't have any evidence for this. What you did was call up an astrologer and have them compare the positions of the celestial orbs to your date of birth. The result: you should go work for Goldman Sachs. Now suppose that serendipity struck. For you, banking would be the more satisfactory career. Nonetheless, you clearly don't know that banking is the more satisfactory career. The fact that your belief is not supported by the evidence, that it was formed irrationally, means it does not amount to knowledge.

Moreover, in this case, you don't seem to be in any better position to make an autonomous choice than were you to suspend judgement on what career would be best for you. Forming true beliefs through astrology doesn't put you in a better position to be autonomous. Thus, true belief is not sufficient for making autonomous choices. It really is knowledge that matters. You have to know about the outcomes of your choices. It is now clear why citizen irrationality impairs autonomy. Irrationality means that, very often, political beliefs are rationally suspect. They've been arrived at via motivated reasoning. This means that, true or not, such beliefs don't amount to knowledge. But it is knowledge that puts one in a position to make autonomous choices. Thus, such beliefs will not put citizens in a position to make autonomous choices. Citizens' cognitive shortcoming, then, undermines political autonomy by undermining citizens' knowledge.

We'll now turn to some objections to this position. We'll start with some philosophical objections and then turn to some empirical objections.

## **6.4 Objections and Replies**

### **6.4.1 Autonomously Chosen Ignorance**

The first objection, at root, says that the knowledge condition on autonomy is too crude. The condition ignores the fact that ignorance can be autonomously chosen. Suppose the ignorant graduate could have learnt about his relevant career options. But he chooses not to do so. Then perhaps his ignorance doesn't diminish his ability to make an autonomous choice. In general, perhaps ignorance only impairs autonomy when it is not autonomously chosen. Moreover, perhaps citizens have every opportunity to become politically well-informed. Thus, their ignorance must be autonomously chosen. Then their ignorance may not impair their ability to make autonomous political choices.

It seems to me that this objection can be well met. We first observe that it just isn't very plausible that autonomously chosen ignorance has no effect on one's

autonomy. Consider, for example, the following case. Suppose you've deliberated long and hard about your future career. You know all about banking and all about philosophy. But the deadline approaches. It's April 15th: you have to choose whether to go to graduate school. Yet now suppose someone offers you an amnesia pill. This pill will erase all your knowledge about both careers. You'll still have to choose careers; you just won't have any of the knowledge relevant to the choice. If you take the pill, your ability to make an autonomous choice seems diminished. You'd be in a better position to choose autonomously were you not to take the pill. So, intuitively, even autonomously chosen ignorance seems to impair the autonomy of choices.

We can support this intuition by considering how other autonomy-impeding conditions work. To take a clichéd case, suppose I sell myself into slavery. Then my choices when enslaved are non-autonomous. But my lack of autonomy is itself the product of an autonomous choice. So an autonomously chosen but autonomy-impeding condition—enslavement—impairs the autonomy of my choices. Or suppose I autonomously choose to be lobotomized. This makes me incapable of deliberating rationally. In this case my choices when lobotomized are non-autonomous. So an autonomously chosen but autonomy-impeding condition impairs the autonomy of my choices. Autonomously choosing an autonomy-impeding condition does not usually make that condition harmless. By analogy, we can infer the same goes for ignorance. Ignorance, autonomously chosen or not, destroys the ability to make autonomous choices.

Yet, somehow, the voluntary assumption of the autonomy-impeding condition does still seem to make it less autonomy-impeding. Can this be explained? It seems to me that it can. We first distinguish between the autonomy of a choice and the autonomy of a whole life. An autonomous life is made up of autonomous choices. But different choices contribute to the autonomy of a life to a different extent. For example, autonomously choosing whom to marry matters more than autonomously choosing your brand of toothpaste. Now here's the crucial bit. Plausibly, how much the non-autonomy of a choice detracts from your lifetime autonomy depends, in part, on how much that non-autonomy was itself autonomously chosen. So, suppose that you've chosen to suffer an autonomy-impeding condition. Then, the fact a later choice isn't very autonomous detracts less from your lifetime autonomy than it otherwise would. But that doesn't rescue the autonomy of those later choices. They remain of diminished autonomy.

Let's see how this works in the case of political ignorance. Suppose a citizen autonomously chooses ignorance. Perhaps they decide to become a monk. They cut themselves off from the temporal world. They know little about what happens

outside their monastery. This probably does not detract much from their lifetime autonomy. Monks needn't live less autonomous lives than the rest of us. But it detracts from the autonomy of their political choices. If they find themselves in the voting booth, they cannot make an autonomous choice. They don't have the knowledge to do so. And this means they cannot partake in the democratic values I've discussed. Ignorance, autonomously chosen or not, matters to autonomy.

### 6.4.2 Is Motivated Reasoning Irrational?

The second objection targets just a part of this position: the claim that motivated reasoning undercuts knowledge. I've just assumed that motivated reasoning is irrational. But, the objection goes, this assumption is misguided. Motivated reasoning is perfectly rational. So, it doesn't matter how widespread such reasoning is. Citizens' autonomy is untouched. This objection seems to me hard to maintain. It seems obvious that motivated reasoning often undercuts rationality. Just consider, for example, the study described in the previous section. Here, those who were antecedently against gun control sought out argument against gun control. They judged these arguments to be stronger than their competitors. And this increased their confidence in the badness of gun control. It seems to me that something has obviously gone wrong here. People's beliefs, at the end, do not look rational. And the point generalizes. It's just *intuitively clear* that many of the products of motivated reasoning are irrational.

But this objection does get something right. It's hard to put our finger on exactly why motivated reasoning undercuts rationality. That's because the ways motivated reasoning actually works are, in certain contexts, completely anodyne. Motivated reasoning, for example, is often associated with confirmation bias. This consists in seeking out evidence which supports your pre-existing beliefs. When subjects against gun control, in Taber and Lodge (2006), sought out arguments against gun control argument, they were suffering confirmation bias. But, sometimes, confirmation bias is anodyne. Imagine, for example, that you're Descartes, deciding whether you know there's an external world. You certainly think you do. So you search out all the arguments supporting this belief. But you find them lacking. So your faith in your knowledge is shaken. This case of confirmation bias is rationally harmless. Descartes' *Meditations* does not proceed in a clearly irrational way.

Equally, motivated reasoning is often associated with something called the prior attitude effect. This occurs when one's prior attitude on an issue affects how one evaluates novel evidence. This is made manifest by those against gun control judging arguments which oppose gun control as relatively strong. But again, there

are cases where this seems anodyne too. Here is such a case: I am certain that  $0 \neq 1$ . I'm at least as confident in this as I am in anything else. But it's quite easy to find compelling-looking arguments that  $0=1$ .<sup>10</sup> I can see where some of these arguments go wrong. But, for some of them, I can't. Yet I am sure that they do go wrong. I'm basing my confidence that these arguments go wrong on my prior belief that  $0 \neq 1$ . The upshot of these points is that it's not entirely obvious *why* we should think motivated reasoning is irrational. It would be nice, then, to have an explanation of how motivated reasoning undercuts rationality.

We have two options here. We could look for a *sui generis* rational requirement which motivated reasoning violates. I think the best option here are evidence-gathering requirements. Many people think that there are rational requirements about what you may believe given your evidence. You should have the beliefs supported by that evidence. But it also seems plausible that there are requirements about what evidence you must gather. For example, you should go out and gather some evidence. And you're required not to gather misleading evidence. You go wrong when you gather misleading evidence. Or, at least, you go wrong when you gather evidence you could tell in advance would be misleading. Both confirmation bias and the prior attitude affect will violate this requirement. They both instantiate gathering misleading evidence and so both violate the requirement to gather non-misleading evidence.<sup>11</sup>

This is perhaps obvious in the relevant cases of confirmation bias. So I'll just explain why it is also plausible in the case of the prior attitude affect. The key point is that this effect seems to arise from how people search for arguments. Compare what happens when someone sees an argument against their pre-existing position and one for that position. According to Lodge and Taber (2013, 149–169), they spend much longer thinking about the argument in the former case. What are they

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<sup>10</sup>For example: <https://www.youtube.com/watch?v=4ZpUjcLJEqw>.

<sup>11</sup>For an extended defense of such a requirement, see Flores and Woodard (manuscript). See Goldberg (2017) and Worsnip (2019) for some interesting further discussion of evidence-gathering norms. My own view is that these norms all follow from a more fundamental evidence-gathering norm: "maximize expected future accuracy!" The idea is that we all ought to, epistemically speaking, gather evidence in a way that in expectation will make us most accurate in the future. Plausibly here our future accuracy should be discounted the further in the future it is: getting accurate tomorrow is a more urgent goal than getting accurate ten years hence. And we assess your accuracy by looking at how close your general picture of the world is to reality: we don't just count up how many beliefs you have and give you points for the true ones and subtract points for the false ones. We assess accuracy holistically (for a related view, see Treanor, 2013). Thus, one should avoid gathering non-misleading evidence because, in expectation, gathering misleading evidence will make your picture of the world a less accurate reflection of reality.

doing with that time? They're thinking up counter-arguments. They're thinking up reasons the argument against their position might be unsound. They very rarely do this with arguments for their position. But arguments are evidence and thinking up arguments is a way of gathering such evidence. And this way of gathering evidence gives them misleading evidence. They're left with rebutted arguments against their pre-existing stance and unrebutted arguments for it. So here, plausibly, they've violated a rational requirement to avoid gathering misleading evidence.

But these claims are controversial. Specifically, it's controversial whether there are rational requirements on evidence gathering. So it's good that there's a second option. We can just rely on the claim that motivated reasoning contingently destroys rationality. If non-accuracy goals drive you, then you seem likely to violate other epistemic norms. Most obviously, consider the norm: be accurate! Understand this as the epistemic demand that you have accurate beliefs. It would be a jaw-dropping coincidence if one came anywhere close to satisfying this norm despite not aiming at accuracy. Alternative goals need not align with this norm at all. So, we can expect that those driven by non-accuracy goals rarely meet this norm. Motivated reasoning, then, seems likely to lead to the violation of quite quotidian norms of rationality. That's enough to be confident that it impairs people's rationality, even if there aren't *sui generis* norms that it tends to violate.

### **6.4.3 Do Surveys Elicit Information?**

We now turn to some empirical objections to the position I've outlined. These objections contend that I understate the level of political information among American citizens. The first such objection target the surveys that underpin the view that Americans have little information about politics. The method behind such surveys is simple: you ask people some factual questions. Then you see if they get the right answer. If they don't, you infer they don't can't accurately answer the question. This method presupposes that asking people the right questions is a good way to find out what they believe. But one might object to this presupposition. Perhaps we can't find out what citizens think about something by asking them about that thing. Perhaps, then, these surveys don't really bear on citizens' knowledge.

There seems to me two important ways to ground this objection. First, one might point out that people are lazy, and searching memory takes effort. They might not bother to search their memory to answer these questions. There's some evidence that that happens. Prior and Lupia (2008) find that if you give people small incentives, they get more answers right. In their sample, incentives made subjects get eleven percentage points more answers correct. Second, one might

point out that it can be unclear when an answer is right or wrong. This is especially so when survey questions aren't multiple choice. Gibson and Caldeira (2009) suggest that, in some such surveys, around 70% of answers marked as incorrect could be marked as "nearly correct". So maybe you can't find out how accurate people's beliefs are by just asking them questions.<sup>12</sup>

There's undoubtedly some truth in this. Probably Americans aren't as ill-informed as commentators sometimes suggest. But I doubt these caveats defeat the conclusion that Americans are uninformed. Take the first one. An eleven-percentage point improvement is a big one. Yet the difference between only 44% of people being able to name any branches of government and 55% isn't vast. In neither case do Americans have much information much about politics. Concurrently, open-ended survey questions might be sometimes difficult to assess. But most survey questions are multiple choice. These are not difficult to assess. So I myself don't think these points rescue the knowledge of American citizens.

#### 6.4.4 Different Core Values

Let's turn to another set of empirical objections. Perhaps citizens' core values aren't the ones described above. It's true that some people might really value egalitarianism or moral traditionalism. But some people don't. There're two salient ways people might differ. First, they might be single-issue voters. Maybe they only care about abortion policy. So, to vote in line with their core values, all they need to know is which party is pro-choice and which party is pro-life. They don't need any of this other information. And maybe they do have such domain-specific information. Second, maybe they have more quotidian concerns altogether. They just want general prosperity. They don't care about *how* general prosperity is achieved. They want results: they don't care about methods. Then all they need to know is which party is likely to get the results. And maybe they do have such result-orientated information. Maybe, in other words, citizens are information specialists: they know a lot about the issues that are important to them.

These objections fail, I think, on empirical grounds. Let's start with single-issue voters. Citizens are not usually highly informed about specific domains. Their levels of information across different domains are highly correlated. Citizens who're ill-informed about trade policy are usually ill-informed about social policy too (Delli-Carpini and Keeter, 1996, ch. 4). So when we're ill-informed in one domain, we're not focusing our attention on the issues we really care about.

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<sup>12</sup>Lupia (2016) contains an invaluable discussion of these issues.

We just don't have much information about anything. Now, of course, some topics receive more attention from certain citizens. Likely, seniors are better-informed about social security than teenagers.<sup>13</sup> And some citizens *are* information specialists: some have a huge amount about of information about a single issue. But most are not. The electorate isn't fragmented into groups of issue specialists. Low levels of average information don't obscure high levels of specialized information.

What about results-orientated information? Here the problem is more basic. How a politician plans to achieve some outcome *is* relevant whether they are likely to achieve that outcome. Those proposing dodgy methods aren't likely to get good results. So our lack of information of methods matters. More than this, it's very difficult to get results-orientated information. To get it, one needs to know which methods work. For this, it might help to be informed about economics. But many citizens are essentially innocent of such information. They know very little about economics (Caplan, 2007, 23–114). So citizens are in a bad position to have results-orientated information.

There are some less esoteric facts which might bear on results. Track-record is the salient one. Perhaps how well a party has governed in the past is (strong) evidence of how well it'll govern in the future. Perhaps. But citizens also often lack the information which would allow them to judge track-record. Let's just take economic conditions. Half of us can't guess the current employment rate to within 5 percentage points. Fewer than a third can get the inflation rate right to within the same margin (Holbrook and Garand, 1996).<sup>14</sup> That encompasses almost the entire variance in each measure over the last fifty years. It's no trivial error. The point generalizes to other conditions. We just lack a lot of the information which bears on results. So, regardless of whether voters are single-issue focused or results orientated, they lack relevant knowledge.

### 6.4.5 Do Surveys Ask the Right Questions?

Let's turn to a final empirical objection. Maybe political scientists have asked people the wrong questions. Political science surveys, some people have said, are a bit like pop quizzes. They ask people who the candidates are. They ask what candidates' policies are. They ask how governmental institutions work. They ask what national economic conditions are like. But maybe this misses out a lot of

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<sup>13</sup>Henderson (2014) provides some evidence for this.

<sup>14</sup>We do better on whether these rates have gone up or down. But we're still quite inaccurate. See Conover et al. (1986).

relevant information. It misses information about local economic conditions. It misses information about candidates' demographic characteristics. And it misses information about the judgement of opinion leaders. Yet perhaps such information is enough for voters to know which vote choice coheres with their core values.<sup>15</sup> Suppose you find out that local luminaries like a candidate. That could be excellent evidence you should vote for that candidate. Thus, perhaps citizens can dispense with the information plumbed by standard surveys. They can rely largely, or entirely, on the information that such surveys ignore.

No doubt there's some truth in this. Citizens undoubtedly have information of the sort described. It undoubtedly bears on what vote coheres best with their core values. But the key question, for us, is a question of magnitude: on average, how much does such information bear on that coherence? Now this is an extremely hard question to answer directly. It's impossible to evaluate everything voters know. But we can answer the question indirectly. We can look at whether, when voters are uninformed by political scientists' standards, they vote as they would were they well-informed. If they don't, then that's direct evidence that the knowledge tapped by these surveys makes a difference to how people vote. And this is indirect evidence that this knowledge can't just be substituted for by street-smarts. Information about who local luminaries like doesn't replace the type of book-learning that surveys tap.

In my view, the empirical evidence does not sustain the objection. Consider, for example, the findings in Lau and Redlawsk (1997). They identify which candidate best matches voter's issue positions, groups affinities and personality assessments. They find that voters voted for the best-matching presidential candidate about 75% of the time, and this improves among the better informed. They were "pleasantly surprised" by these results (1997, 594). But such surprise makes sense only against low expectations. The elections they study all had just two serious candidates. One would expect voters voting randomly to vote for their best match about 50% of the time. This suggests that voter's actual level of information helps them vote as if they were better informed in at most a quarter of cases. In the other case, they were just lucky. This coheres with results reported in Bartels (1996). Bartels uses statistical simulation to estimate the probability each voter would have voted for some candidate, were they fully informed.<sup>16</sup> He finds that actual voters deviate from this level by, on average, about ten percentage points. Had they voted randomly, they

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<sup>15</sup>Probably the most influential advocates of this idea are Popkins (1991, 44–72), Sniderman et al. (1993, 19) and Lupia and McCubbins (1998).

<sup>16</sup>He uses interviewer assessments of respondents' knowledge. He is relying on the correlation between these assessments and other measures of political knowledge. See Bartels (1996, 203).

would have deviated by about twenty percentage points. As he puts it, their actual levels of information reduce “the average magnitude of their deviations from a hypothetical baseline of “fully informed” voting by about 50%” (1996, 217).<sup>17</sup> This isn’t nothing. But it means that, were voters better informed, they would vote very differently.

The upshot of this is that the information that surveys tap likely bears very weightily on what vote matches voters’ values. After all, voters act as if it does: they vote very differently when they have this information. They act as if book-learning is not replaceable by street-smarts. Thus, I doubt political scientists have been asking only the wrong questions. I think they’ve been plumbing information relevant to citizens’ choices. The lack of such factual information undermines their ability to make autonomous political choices. But at this point I’ll leave the matter up to the reader to judgement.

It is time to move on to a different citizen defect.

## 6.5 Malleability

Ordinary citizens have policy preferences. We say we do, anyway. But where do we get them from? Very often, we get them from political elites. Indeed, often we just toe the party line. Democrats tend to adopt the policy positions which Democratic politicians espouse. Republicans tend to adopt the policy positions which Republican politicians espouse. The crucial thing is that we choose policy based on party, not party based on policy. We’re followers rather than leaders. We take our cues from the top. We don’t drive policy from the bottom. In other words, we’re *malleable*. Our preferences are molded by the preferences of political elites. That, anyway, is what many political scientists have come to believe. Many political scientists think that the origins of our political beliefs lie in the heads and tongues of political elites.

Why believe this? The strongest evidence for it comes from the panel studies in Lenz (2012).<sup>18</sup> A panel study is a special type of survey in which you ask the same respondent the same questions at different points in time. Each time you ask the respondents is called a wave. Lenz was able to find nine panel studies in which a political issue became important between survey waves. Take, for instance, what to do with Social Security contributions. This issue became prominent in the 2000

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<sup>17</sup>Rapeli (2016) provides a recent review of how information effects vote choice. For similar effects on policy preferences, see Althaus (2003).

<sup>18</sup>The development of the view itself, though, owes most to Zaller (1992).

election on October 3rd. That was the date of the first televised debate. Bush and Gore sparred over it. Bush wanted to let people invest their social security contributions in the stock market. Gore did not. Before the debates about 70% of the public supported investing. After the debate, Gore supporters changed their positions radically. Almost all the strongest Gore supporters who learnt of his position adopted it. But those Bush supporters who had antecedently opposed investment became much more likely to favor it. In this case, the candidates' positions were unambiguously driving citizens opinions. And this is not the only case he investigates. He looks at nine further cases. In seven of these he finds unambiguous evidence that elites were molding public opinion. In the remaining two he doesn't find such evidence. But this, he argues, is explicable by special features of those cases.

There are two others kind of evidence for our malleability. First, there's experimental evidence. Cohen (2003) provides some of the strongest evidence of this sort. He presented fictional policies to ordinary Democrats and Republicans and asked them whether they supported or opposed those policies. In one version of the experiment, he told people that the very conservative policies were advanced by Democratic politicians. He found that Democrats supported those policies and Republicans opposed them. In another, he told people that very liberal policies were advanced by Republican politicians. He found that Republicans supported those policies and Democrats opposed them. Thus, in the lab, party endorsement seems to drive people's views of policies. Second, there's abductive evidence. If elites really do drive public opinion, then we should expect public opinion to exhibit certain patterns. You need to be informed about what your elites think before you can copy them. So more informed partisans should be quicker to adopt the opinions of same-party political elites. Berinsky (2009) finds exactly this in a study of how wartime public opinion patterns. He finds the public opinion about specific wars patterns in the way we would expect were people taking their cues from elites. So, overall, the evidence that we get our opinions from elites is varied and convincing. Elites mold our political attitudes.

How do elites do this? There are two schools of thought on the matter. The first comes out of the political science literature on heuristics and shortcuts.<sup>19</sup> The idea here is that citizens are looking for cognitive shortcuts. They're looking for ways to come to accurate beliefs without wasting too much time thinking about politics. Party cues provide an excellent shortcut. The citizen might think that their party

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<sup>19</sup>We mentioned some of this in Section 6.4.5. See (Popkins, 1991; Sniderman et al., 1993; Lupia and McCubbins, 1998).

is usually right. So simply adopting that position is a good way to get an accurate belief for a minimum of cognitive effort. Toeing the party line is, on this view, a good accuracy-goal driven heuristic. The second school is more pessimistic. It comes out of the motivated reasoning literature. We've already seen how this works. The idea is that citizens are motivated to have the attitudes which align with their partisan side. When they find out political elites on their side have a certain policy position, they do their best to convince themselves of that policy position. They *inter alia* twist the evidence to back up their side's view. On this view, they're driven by less epistemically wholesome goals than accuracy. They just want to make their side look good, even if only to themselves.

No doubt elites exert influence via each mechanism sometimes. But when these ideas have been squared off against one another it has been the latter which wins out. The crucial test has been a test of how much mental effort party cues induce. The first idea—the heuristics and shortcuts hypothesis—suggests that party labels should make it easier for citizens to come to a policy position. It should cut down the time they have to take to work out their stance on an issue. But the second idea—the motivated reasoning hypothesis—suggests it should take longer. This is especially so when they initially disagree with the party line. They then have to go through the laborious task of convincing themselves that their party has it right after all. Several studies have found that, in the lab, the second thing is what happens (Petersen et al., 2013; Bolsen et al., 2014). People take longer to come to a policy position when faced with party cues than when not faced with such cues. So no doubt elites work their influence by each mechanism sometimes. But this is some evidence that motivated reasoning is the more common mechanisms of elite influence. Elites mold our preferences, and they often do it by taking advantage of our irrationality.

### **6.5.1 ...and Autonomy**

Why does this matter? I think it impairs the autonomy of those preferences. And I think this impairs the autonomy of choices driven by those preferences. This is because I think that there's an independence condition on autonomy. Autonomous preferences must be, in some sense, free from external control. This condition explains why coercion diminishes autonomy. When Dick Turpin points the gun at your head, one is definitely not free of external control. One is subject to his will. It also explains why autonomy is impaired in some other clear cases. Consider a case of manipulation. Suppose you buy Campbell's tomato soup every day without fail. And suppose you do this due to subliminal advertising. Every advert you watch

flashes "BUY CAMPBELL!" at the end. This causes you to buy the soup. Here your actions seem to be of diminished autonomy. That's also because they are not independent. They are under the control of the Campbell Soup Company. This external control undercuts their autonomy. So, a lack of independence undercuts autonomy. And the extraordinary influence of elites, I think, disables citizens' independence. Thus, it threatens their autonomy.

Let me be clear about the conception of autonomy I'm advancing. Some people think of autonomy ahistorically. On this view, it doesn't matter how your attitudes ended up the way they are. All that matters are how they are.<sup>20</sup> I am advancing an account of autonomy on which it does matter how one got the attitudes one has. Forming them due to coercion or to subliminal messaging undermines the autonomy of choices driven by those attitudes. There seem to me clear intuitive grounds to prefer historical accounts of autonomy to ahistorical ones. To take another case, consider indoctrination. Imagine you are a committed communist: you think (private) property is theft and capitalism alienates workers from the fruits of their labor. Certainly you can have these views completely autonomously. But suppose that you have them only because you were brainwashed. You were captured in war, and during interrogation they implant your views by using a host of deft tricks. In this case, your views are not fully autonomous and nor are the choices made on their basis. This is inexplicable if we think of autonomy ahistorically. It is only explicable if there are historical conditions on autonomy: if attitudes formed due to certain kinds of interpersonal influence are of diminished autonomy regardless of their nature. I endorse this sort of historical account of autonomy.

What kinds of interpersonal influence impairs autonomy? This is a key question for evaluating when the influence elites have over public opinion is the relevant kind. Not all such influence is malign. Suppose that elites influenced public opinion through argumentative persuasion. They gave good arguments for their positions and we adopted them on the basis of these arguments. We judged and weighed the reasons elites presented to us. And we reliably adopted the beliefs supported by the good reasons. This would do nothing to impair our autonomy. But that is probably not how elite influence usually works. Broockman and Butler (2017) provide some interesting evidence of this.<sup>21</sup> They convinced U.S. State legislators to send letters to constituents they disagreed with on a policy issue. They

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<sup>20</sup>For this sort of view, see Frankfurt (1971). For other historical accounts of autonomy, see Dworkin (1988, ch.1), Christman (1991) and Mele (1995, ch.9).

<sup>21</sup>The results in Cohen (2003) are also evidence for this. He found that elite endorsements of a policy have a huge influence on people's policy preferences, even when those endorsements don't come along with any arguments.

found that legislators, just by stating their own position, moved their constituent's opinion on the issue. They didn't need to give any argument at all. Indeed, more argument for the legislators' position didn't add anything to the persuasive effect of the letters. This is not argumentative persuasion at work. Constituents weren't being convinced by the reasons in support of their legislator's position. They were simply adopting it.

So let's put argumentative persuasion aside. I just pointed to two ways in which elites do influence citizens. On the one hand, citizens might just adopt elite positions as a cognitive shortcut. On the other, citizens might adopt it via motivated reasoning. I suggested both happen, but that the latter is likely more common. Influence that goes via motivating reasoning is, I think, one of the kinds of influence that impairs autonomy. This follows from a general principle: when you influence someone's attitudes via such an irrational mechanism, then that impairs their autonomy.<sup>22</sup> Playing on someone's irrationality is sufficient to impair their autonomy. Many cases support this thought. We just mentioned the case of subliminal advertising. Here, the advertiser makes you want tomato soup by bypassing your rational capacities. Your desire, in this case, is not based in reason. But there are other famous cases too. Consider poor Othello. Iago plays on Othello's irrational jealousy and thereby induces him to murder Desdemona. Here Iago is exploiting Othello's lack of reason. This exploitation impairs Othello's autonomy. Or consider a skillful demagogue. Imagine that the demagogue exploits the irrational fears of his audience. The audience irrationally fears some social group. The demagogue stokes this fear and justifies his grab for power by the need to resist this group. Here the demagogue is manipulating the audience and is thereby impairing their autonomy. The general point, to re-iterate, is that when you get someone to want or believe something by exploiting their irrationality, then you impair their autonomy. But motivated reason is not a rational way to form beliefs. So when elite influence exploits people's inclination to engage in such reasoning, this amounts to exploiting their irrationality. Thus, it impairs their autonomy.<sup>23</sup>

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<sup>22</sup>To be clear, I don't think that this is the only autonomy-impairing kind of interpersonal influence. Coercion doesn't impair autonomy in this way. For more discussion of the problem with coercion, see Section 1.3.5.

<sup>23</sup>One might describe this sort of elite influence generally as a kind of manipulation. This will be so on the so-called "trickery" account of manipulation (Noggle, 2020). On this view, when you influence someone by making their attitudes fall short of an ideal, you manipulate them. An irrational attitude falls short of the ideal of rationality, so exploiting motivating reasoning is, on this account, manipulative. The trickery account is widely endorsed (see e.g., Noggle 1996; Barnhill 2014; Mills 2014; Hanna 2015), but some deny it (see e.g. Susser et al. 2019b and Klenk, manuscript). And some even deny that manipulation always impairs autonomy (Klenk and Hancock, 2019). So I

Now let me emphasize the sense in which motivated reasoning is irrational. Here we must distinguish between epistemic and practical rationality. Epistemic rationality concerns how you should go about forming beliefs. Practical rationality concerns how you should go about acting, given you have certain beliefs. Motivated reasoning needn't be practically irrational. It is, after all, usually rather nice to believe that one is on the side of the angels. If motivated reasoning helps you maintain that belief without impairing your ability to realize concrete ends, then perhaps it can be practically rational. But it is epistemically irrational. Our belief forming processes should be aimed at accuracy. That was the argument in the previous section: bending the evidence in order to see our partisan side in the best light is an epistemically irrational way of dealing with that evidence. Thus, when elites influence us via exploiting our inclination to do this, they are working through our epistemic irrationality. And that impairs our autonomy no less than exploiting our irrational fears and jealousies does. Thus, a core mechanism of elite influence is autonomy-destroying.

Let's turn to influence that proceeds via cognitive shortcuts. The status of this is less clear. But I'm inclined to think that it also raises a worry. Let's bring out the worry with an example. Suppose you meet a master rhetorician. They're eloquent and charismatic and clever. They can convince you of anything they want. They decide, on this occasion, to convince you of what you have good reason to believe. They decide, for example, to convince you that you should eat your greens. They do this by pointing to your reasons to eat your greens. They don't deceive or misdirect you: they work through your rational capacities. You do end up thinking you ought to eat your greens (now you just need to beat akrasia). There seems to me something unsettling about this case. After all, you're putty in the hands of this rhetorician. They decided on this occasion to work through your rational capacities. But they could have easily decided otherwise. The method by which they've influenced you does not reliably track your reasons. It seems to me that this impairs your autonomy. More generally, let's say that a mechanism of interpersonal influence reliably gives you a correct, reason-based attitude when it couldn't easily have failed to give you such an attitude. When a mechanism of interpersonal influence is not reliable in this sense, it seems plausible that that influence impairs your autonomy.<sup>24</sup>

Now here's the worry. When you believe whatever party elites tell you, because

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avoid the term "manipulation" in the text, and address directly the kinds of interpersonal influence that *are* autonomy-impairing.

<sup>24</sup>See Gorin (2014) for this type of view about manipulation.

you trust those elites, you're in a similar position as when subject to the master rhetorician. You could easily have ended up with a false belief or one based on bad reasons. After all, from your perspective, this is what happens to the rank-and-file on the other side of the party line. When they trust elites of their party, they've been led astray. Yet there but for the grace of God goes you: you could easily be subject to such misguiding elites. Indeed often you are. Your same-party elites are surely not always right. Often, if you just believe what they tell you, you will form false beliefs. So, availing yourself of shortcuts looks suspect from the point of view of autonomy. It is not a reliable way to form a reasonable attitude. Even when it gives you correct attitudes based on good reasons, it could easily have failed to do so. As I've said, I'm inclined to think that this means such reliance imperils your autonomy. If that is right, then following elite cues is not a way to preserve your independence. It is not a reliable enough method for doing as you have reason to do.

Thus, not every way of influencing someone is akin to manipulation. But the ways elites actually influence citizens are. They likely exert influence in one of two ways: either through our motivated reasoning or through our reliance on shortcuts. Both types of influence impair our autonomy. The former means elites are exploiting our irrationality. The latter means our attitudes aren't reliably accurate and reason-based. The first point seems to me more important; I suspect motivated reasoning is the more common channel of elite influence. And I am much more confident that this channel of influence impairs autonomy than does the other. But in both cases our malleability seems like more bad news for our political autonomy.

Let's now address a couple of objections to this position.

## **6.6 Objections and Replies**

### **6.6.1 Mens Rea**

Here's the first objection: autonomy-destroying external influence has a mental component. The person who exerts influence has to have certain mental states for it to impair autonomy. Consider coercion. Suppose someone locks you in a room. If they did this to extort money, then it counts as a case of coercion. It's a special imposition on your autonomy. But imagine that, instead, they had no idea you were in the room. They locked you in by accident. Then it's no case of coercion. Now it might still impair your autonomy somewhat. But it does so no more than if the wind were to have blown the door shut. It doesn't impair your autonomy in the

distinctive way interpersonal influence can impair your autonomy. It doesn't make you someone else's tool. The thought is that whatever this mental component is, political elites are missing it. So their control over our political attitudes poses no special threat to our autonomy.

What exactly is the missing mental component? Well, the coercion case suggests that elites have to intend to influence our actions and attitudes. When they take positions, they're trying to mold our views. Otherwise their influence can't possibly count as autonomy-destroying. But elites surely have such intentions. Political elites don't talk to journalists and make speeches for the fun of it. They are trying to affect public opinion. So the objection better not hinge on elites missing the intention to influence ordinary citizens' opinions.

Perhaps the missing mental component concerns exactly how that influence works. One thought is that, for interpersonal influence to be autonomy-destroying, the influencer must intend it to work in a suspect way. Perhaps they have to be trying to influence you in a way which undermines your autonomy. Consider, for example, the soup advertiser. We might think that they are only impairing your autonomy with their subliminal advertising when they themselves think of what they're doing as impairing your autonomy. If they don't, we might think, they aren't impairing your autonomy. And we might deny political elites think of their influence in any such way. So we might deny that their influence could impair our autonomy.<sup>25</sup> This thought would sustain the objection. But it's not a promising thought. Clearly the advertiser can impair your autonomy without thinking that they're impairing your autonomy. They might have no conception of what autonomy is. Nonetheless, by showing you their crafty subliminal advertising, they're putting you under their control. Interpersonal influence can impair autonomy even when the influencer doesn't conceptualize it as impairing autonomy.

So is there any further mental component to autonomy-destroying influence? I'm unsure. But, if there is, I suspect it comes down to a type of recklessness. For example, suppose elites impact your attitudes with a disregard for whether their impact works through rational mechanisms. They don't mind if they induce the attitudes they want through such mechanisms. But they're not counting on it. For them what matters is inducing the attitude: any means will do. This type of recklessness seems indicative of autonomy-destroying influence. Thus I suspect that, if autonomy-destroying influence does have a further mental component, it comes

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<sup>25</sup>Noggle (1996) has a view a little like this about manipulation. See Barnhill (2014) for some useful critical discussion.

down to a disregard for the mechanisms through which that influence functions.<sup>26</sup> But this seems to me bad news for the objection. It might be that some political elites do mind how they influence citizens' attitudes. Some elites might really care about exerting influence only through argumentative persuasion. But I suspect that most political elites are less scrupulous. I suspect that they care most about shifting public opinion; any means will do. They don't much mind if you come to agree with them through poor reasoning. But, if that's true, I doubt we can save our autonomy by an appeal to the good nature of political elites.

### 6.6.2 Covert Influence

Let's look at a second objection. I've appealed to several sufficient conditions for autonomy-destroying influence. I've claimed that when influence runs through irrational mechanisms or leaves one with fragile attitudes—attitudes that could easily be non-autonomous—that tends to impair autonomy. But perhaps these claims are false. Perhaps we can come up with a different account of the paradigm cases which motivate this condition. One alternative idea is that autonomy-destroying influence is covert influence.<sup>27</sup> On this account, one impairs someone's autonomy when one influences them to an extent or in a manner of which they're unaware. Were the Campbell Soup Company to guide your purchasing decisions through subliminal messaging, you would be unaware that they were affecting you: you would not even know you were being advertised to. Perhaps that is what makes subliminal messaging manipulative. More generally, the view under discussion says that when someone influences your attitudes and you don't know how or that they're influencing you, then your autonomy has been impaired. The further idea is that we're perfectly well aware that political elites influence us, and we know how they influence us. So that influence does not impair our autonomy after all.

I do not think that this is a plausible account of autonomy-destroying influence. There are many cases where interpersonal influence impairs autonomy without that influence being covert. Consider, for example, a case of temptation. Suppose you and I are competing for a promotion. I know about your prior struggles with alcohol addiction, and I attempt to get you to drink. I offer you excellent cocktails, I often drink in front of you, and I vividly describe the deliciousness of drink. My aim is not so much to trick you into a relapse, but rather to ensure that the manager sees you drinking: they're aware about your struggles too and will surely take

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<sup>26</sup>See Baron (2014) and Klenk (2021) for this view in the case of manipulation.

<sup>27</sup>For this sort of account of manipulation, see Susser et al. (2019a,b) and Goodin (1980, 9).

your drinking to disqualify you. My strategy is quite obvious to you, but it works nonetheless: you indulge in a negroni. Word gets back to the manager, and I win the promotion.<sup>28</sup> Here it seems my influence has been autonomy-destroying. By tempting you into drinking, I've undermined your autonomy. This is evidence that overt forms of influence can impair one's autonomy. The view under discussion is implausible.

Yet, even putting that aside, it is doubtful that the influence of elites is overt in the relevant sense. The best evidence comes for this comes from Cohen's 2003 experiments. As we've discussed, elite influence, in these experiments, practically determined people's policy preferences. Participants would support policies very out-of-line with their stated ideologies when told they were supported by co-partisan elites and oppose policies exactly in-line with those ideologies when told that those policies were opposed by co-partisan elites. Critically, Cohen also asked these participants the extent to which different factors contributed to their attitudes towards these policies. They said that the beliefs of their co-partisans contributed relatively little. They were quite willing to say that such beliefs had an influence on other people's attitudes (2003, 819). But they (incorrectly) claimed that the "specific details of the [policy] proposal" or "their own personal philosophy of the role of government" had a much bigger influence on their own attitudes than did the views of other Democrats or Republicans (2003, 811). This is evidence that citizens are simply not aware of the extent to which their attitudes are determined by political elites. If it impairs someone's autonomy to influence them when they don't know you're influencing them, then elite influence does impair citizens' autonomy. It is covert in the sense relevant to the view under discussion.

We should conclude that our malleability very likely does impair our political autonomy. Elite influence over preferences often counts as an autonomy-destroying form of external control. More generally, I've argued that our cognitive shortcomings quite broadly undermine our political autonomy. They all undercut our autonomy.

## 6.7 Democratic Values

How does all this affect how well American democracy attains intrinsic democratic values? I think their impact is most straightforward, and important, in the case of self-rule. I've already argued that to achieve the value of self-rule we have to

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<sup>28</sup>For similar cases, see e.g., Gorin (2014, 80–81), Barnhill (2014, 60) and Klenk (2021, 7–12).

be able to autonomously influence government. If our joint intentions bring about government policy, but this doesn't occur via our individually autonomous choices, then we don't achieve much of this value. But, so I've argued, generally speaking we are uninformed, irrational and malleable. All the factors undermine our ability to make autonomous political choices. So our shortcomings undermine our ability to attain the values of self-rule. It's not just the lock elites have on power which poses an obstacle to our achievement of self-rule. The problems with how we think about politics also undermine our ability to achieve this value.

Now that's not to say they completely get rid of it. I argued that our cognitive shortcomings diminish autonomy, not that they erase it. How deep a diminishment we should judge it depends on how severe our shortcomings are. I think the evidence indicates that these really are quite severe. Most of us are ill-informed about politics. Most of us reason about politics quite irrationally. And many of our opinions seem to come from political elites. Collectively, these shortcomings are not just a mild departure from the ideal. They make it very difficult for many people to make autonomous political choices. So they pose a severe obstacle to achieving much of the value self-rule. They put this value, to a large extent, out of reach.

How do these shortcomings impact equality? In Section 6.2, I argued that (at least) the positive ideal of democratic equality required an equal distribution of autonomous influence over government. So, how do our shortcomings bear on this distribution? Let's start with political information. In Section 6.3, we noted that political information is unequally distributed. And we noted that those with more power anyway tends also to be better informed. Considered on its own, that impairs equality. It exacerbates the inequalities between those with more and less political power. So, at first glance, this seems to impair democratic equality.

But matters are muddier on second glance. We should consider political information in concert with our other shortcomings. That is because more information tends to make people less rational and more malleable. Consider irrationality. Better informed people engage in more motivated reasoning (Taber and Lodge, 2006). That's because they do it more effectively. They use their extra information to convince themselves that what they want to believe is true. So, their extra information might not really count as knowledge, in the philosophically relevant sense of the term, at all. Their knowledge may be undermined by their irrationality. Thus, their information won't pay-out in protecting their autonomy.

A parallel point goes for malleability. Better informed people are more influenced by elites (Zaller, 1992; Berinsky, 2009). That's because they know what elites think. And you need to know what elites think to copy them. So the di-

rect effect of being uninformed may be to impair autonomy. But, indirectly, it has a protective function. It protects from irrationality and malleability. What's the upshot of this? It blocks the conclusion that the distribution of citizen shortcomings exacerbates inequality amongst ordinary citizens. Lack of information tends to exacerbate existing inequalities. But irrationality and malleability ameliorate them. It's not obvious which effect is greater. So it's not obvious whether citizen shortcomings make the relationships between ordinary citizens less egalitarian.

That does not mean such shortcomings have no bad implications for democratic equality. As I stressed in Part II, it's not just inequalities between ordinary citizens which matter. It's also inequalities between ordinary citizens and elites. And here our shortcomings do seem likely to exacerbate inequalities. Political elites tend to be well-informed about policy. Lack of information doesn't much diminish their power. Moreover, the malleability of ordinary citizens increases their power. It is hard to know how much office holders engage in motivated reasoning. But incentives diminish, albeit don't eliminate, such effects (Prior and Lupia, 2008). And political elites have some incentive to have accurate political beliefs. Their accuracy actually impacts policy, in a way that that of ordinary citizens' beliefs rarely does. So they're likely less vulnerable to motivated reasoning than are the rest of us. Our shortcomings likely put us at a more severe disadvantage vis-à-vis such elites: they exacerbate the inequality of power between ordinary citizen and elected officials.

But the issue here looks a little minor compared to the phenomena we've already discussed. The picture I painted in the previous chapters was one in which a small cadre of elites hold a near-monopoly on political power. This poses a very substantial barrier to equality between elites and ordinary citizens. The extra barriers posed by citizen shortcomings looks rather small. Simply put, these shortcomings are not the most serious component of inequality between elites and ordinary citizens. Now they might make a substantial *causal* contribution to this inequality. They might in part explain why the inequalities described in Part II obtain. I take no stand on this. But their constitutive contribution to those inequalities looks relatively small.

This discussion has concerned how our shortcomings impact the distribution of autonomously exercisable influence. But perhaps that focus is myopic. In Chapter 1, I claimed that there were other constraints on positively valuable egalitarian relationships. In particular, I claimed that there was a welfare constraint on such relationships. Participants in such relationships have to care about one another's welfare. And that means, in part, being motivated to promote or protect on another's welfare. One might think that citizen ignorance, especially, violates this

constraint. That is because citizens should expect to vote for worse candidates given this shortcoming. But worse candidates have worse policies, and worse policies can be a terrible blow to one's fellow citizens.<sup>29</sup> So perhaps our shortcomings do matter to egalitarian relationships after all. Perhaps they violate the requirement that we care sufficiently about the welfare of our fellow citizens.

I do not think that that is right either. I think the level of knowledge (for example) that we must reach, in order to care appropriately about our fellow citizens' welfare, is actually rather low. That level is a function of two things: the cost of obtaining political knowledge and the chance such knowledge will make an actual difference to our co-citizens welfare. The first is not trivial: it's hard work being well-informed about politics. You have to spend a lot of time reading things like *Politico* and *The New York Times*. That is all time stolen from your other activities. But the second is trivial. The chance such knowledge makes a difference is very small. This is because the chance your vote makes a difference is very small. Rarely do individual votes decide elections. Thus we needn't be very well-informed to evince an appropriate level of respect for our fellow citizens' welfare. The same goes for our other shortcomings. The positive aspect of democratic equality imposes lax requirements on good citizenship.<sup>30</sup> And it's not like citizens are completely uninformed or completely irrational or completely malleable. Thus, I suspect that most citizens meet these lax requirements. Our shortcomings don't impair democratic equality in this way either.

Let's sum up. Our cognitive shortcomings, so I've argued, pose a high barrier to our achieving much of the value of self-rule. They mean that even when our intentions impact policy, we don't get that much value from this. I take this to be their primary import. This is why they matter most. Their connection to equality is more tangled. The distribution of political information exacerbates inequality amongst ordinary citizens. But that of irrationality and malleability ameliorate it. Now these shortcomings probably widen the gap between political elites and ordinary citizens. But they are far from the most serious contributor to that gap. And these shortcomings are probably not severe enough to impair the positive aspect of democratic equality. Thus, our shortcomings matter much more for self-rule than equality. In the next section we'll look at a final pair of objections to this overall view. I think neither are particularly convincing. So I think this overall view is the right one.

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<sup>29</sup>This line of argument has some similarity with that in Brennan (2011, ch. 4). But Brennan does not draw a connection to democratic equality.

<sup>30</sup>We'll return to this matter in Chapter 8.

## 6.8 Objections and Replies

### 6.8.1 Only Access Matters

Here's the first objection. Above, I've claimed that autonomy matters to equality and self-rule. But maybe that's wrong. Maybe what really matters is *access* to autonomy. On this view, we can achieve self-rule by just giving people access to autonomy. Whether they take up that access doesn't matter. Likewise, we can achieve equality by solely equalizing access. Whether people equally take up that access is, again, irrelevant. But, plausibly, the phenomena I've been discussing don't really imperil access to autonomy. After all, people *could* get better informed. They *could* reason rationally. They *could* make up their own minds on political matters. So, in some sense of 'access', they have access to high degrees of political autonomy. And if access in this sense is all that matters, then that means democratic ideals aren't in danger after all.

This view seems to have little plausibility in the case of self-rule. It does not seem plausible that mere access to political power does much at all to bring about self-rule. Suppose turnout in elections dropped to zero. But imagine the government kept running elections year-in and year-out regardless. Everyone could vote. But nobody chose to do so. There are very few such circumstances, I think, in which people would count as self-ruling. Imagine a government comes into power (presumably by a coin toss) and enacts its program. That program would not manifest the intentions of the citizenry. And this wouldn't help the freedom-protecting or authorship-promoting values of self-rule. So this objection looks like a non-starter when it comes to this value.

But it is more promising when it comes to equality. Indeed, we discussed the view associated with this objection in Chapter 1. The view associated with this objection says that only the opportunity for power matters to democratic equality. In that chapter I gave some arguments against that view. But it'll be helpful to state a salient argument here. Suppose we let an examination determine access to public power. Only those who passed the test got to vote.<sup>31</sup> You can get the vote as long you demonstrate a certain amount of knowledge about politics, the ability to reason about it rationally and the power to make up your own mind. There's a sense in which everyone can do this. So there's a sense in which everyone, under

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<sup>31</sup>Brennan (2016a, 210–14) advises we try out just this. In a sense, China's regime implements something like this model. You have to pass extremely competitive exams to get into public office in China. In 2018, for example, about 900,000 took the National Public Servant Exam: there were 14,500 open positions (Xinhua, 2018).

such a regime, has access to political power. This is exactly the same sense in which everyone has access to autonomy. But, in this case, it seems obvious that democratic equality is not achieved. Access to power, in this sense of ‘access’, is not sufficient for equality. Thus, I don’t think this objection goes through when it comes to equality. It’s not just opportunity for power which matters to equality: it is actual power.

### **6.8.2 What’s Relevant?**

Here’s the second objection. Perhaps not all kinds of ignorance matter to democratic ideals. Suppose I don’t know exactly how different policies will turn out. So I don’t know exactly what vote best coheres with my core values. But suppose I do know where different candidates stand. So I know how my vote is liable to affect policy. One might think that this sort of ignorance doesn’t detract from self-rule at all. And suppose some citizens knew much more about how policies will end up than did I. Then, one might think, this doesn’t seem to make me less than their equal. Thus, it’s only certain kinds of ignorance which impact democratic values.

If this is true, then my account of relevant knowledge from my discussion of political ignorance is wrong. Knowledge which bears on how one’s actions match one’s core values doesn’t matter to autonomy. Only knowledge which bears on the short-term effects of one’s actions matters. This objection, if sound, would force us to change the account of relevant knowledge. But this wouldn’t force us to change our conclusions. That’s because citizens lack much relevant knowledge, even on this more circumscribed notion. For example, we often don’t know the parties’ policy positions. So we’re ignorant of how our vote affects policy. Thus the remaining discussion would go through undisturbed.

But I doubt this objection is sound. After all, suppose citizens knew more about how their vote coheres with their values. That certainly looks like an improvement to self-rule. If I knew how different policies were to turn out, then I could better rule myself. And, in the above case, it also seems to me like an improvement to equality. If the poorly informed were better informed, it seems to me that this could make this situation more egalitarian. Thus, I doubt we need further circumscribe what knowledge counts as relevant. I think the original account of relevance is right. But, even on a more circumscribed notion, ignorance still matters to democratic values.

## 6.9 Conclusion

Let's sum up. In this chapter we have for the first time turned the spotlight on ordinary citizens. And we've turned it to a feature of ordinary citizens which has been discussed extensively: the defective ways in which we cognitively engage in politics. I've argued that our cognitive shortcomings pose a very serious problem for our political autonomy. They greatly reduce our ability to make autonomous political choices. This doesn't, so I've suggested, pose that much of an issue for democratic equality. But it poses a serious issue for self-rule. It makes it very difficult for American democracy to realize much of this latter value. It makes it very difficult for American citizens to rule themselves. This, then, is how our cognitive shortcomings matter to American democracy. They prevent, or at least greatly diminish, self-rule. Americans would be in a far better position to be self-ruling were their cognitive engagement with politics of a higher quality.<sup>32</sup>

Are there ways to solve this problem? Unfortunately, in this case, the outlook is bleak. This is clearest in the case of political information. Levels of such information are about as low today as they were at the dawn of survey research (Delli-Carpini and Keeter, 1996, ch. 3). But since then we've seen seismic changes in the political, social, economic and technological character of America. In 1940 five percent of Americans went to college; today fifty percent do. In 1940 fewer than half of Americans finished high school; today over ninety percent do. In 1940 people had to get their political information once a day from their local newspapers; today, any piece of political information is almost available to almost everyone at almost every time. These changes have not made a dent in average levels of political information. In the light of this, it is not clear what feasible reforms would. I suspect the same is true of the other cognitive shortcomings I've discussed in this chapter. They are here to stay.<sup>33</sup>

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<sup>32</sup>Many of the ideas in this chapter overlap with Lovett (2020).

<sup>33</sup>Somin (2013, ch. 7) makes essentially the same argument.

# Chapter 7

## Polarization

### 7.1 Introduction

American politics has become extremely polarized. The parties are further away from each other than they have been for generations. The difference between them now makes up a vast ideological chasm. Ordinary Americans have come to hate the members of the other party. They think that cross-partisans are stupid, selfish and a danger to the country. This has led to political strategies aimed at winning power rather than making good policies. Democrats and Republicans no longer work together to craft policies that benefit everyone: they oppose the other side's policies in order to advantage themselves politically. In this environment, the Republican Party in particular has become increasingly authoritarian: it has become willing to undermine democratic institutions in order to make political victory more likely. All this has woeful implications for American democracy: it snuffs out America's ability to realize democratic values.

This story, or at least its elements, is now commonly heard on television, from newspapers, and in books.<sup>1</sup> In this chapter, we going to evaluate its plausibility. To begin with, we need to disambiguate between types of polarization. The story above describes four phenomena. The first is *ideological polarization*. This consists in the political parties getting further apart ideologically. The second is *affective polarization*. This consists in the growing animus between ordinary citizens of different partisan affiliations. The third is *partisan polarization*. This consists in political elites doing what improves their party's electoral chances over

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<sup>1</sup>See, for example, Brooks (2019). According to Levendusky and Malhotra (2016), there are about 20% more stories about polarization nowadays than there were twenty years ago.

what improves the welfare of ordinary Americans. And the fourth is the *growing authoritarianism* of the Republican party. This perhaps should not be seen as a kind of polarization at all. But it is sufficiently entwined with the previous three phenomena as to be worth treating at the same time. The main aim of this chapter is to evaluate which of these are, in fact, problematic, and in what way.

There will be more bad news than good news. Overall, polarization is very bad for American democracy. But there is some good news: ideological polarization does not undermine intrinsic democratic values. In fact, it promotes the value of self-rule. The more distinctive the parties, the better can Americans rule themselves. However the other phenomena all deeply undermine democratic values. Affective polarization replaces relationships of civic friendship with those of enmity. This strikes against the positive aspect of democratic equality. Partisan polarization adds to this problem. And the growing authoritarianism of the Republican party threatens non-Republicans with subordination. The story above, then, is more right than wrong. Polarization, as I will show, seriously impairs democratic equality.

I have a second goal in this chapter. Polarization in the U.S. has not been symmetrical. The Republican Party, rather than the Democratic Party, has been the driving force behind many of these phenomena. This has special import for partisan polarization and Republican authoritarianism, because of what it does to the duties of Democrats. In a well-functioning democracy, political actors are under certain norms concerning how they compete politically. But the contravention of these norms by the Republican party means that they are no longer binding on non-Republicans. Asymmetric transgressions against democratic values, in short, transform the normative situation of other political actors. In section 7.4 and 7.5, I will spell out this transformation. But first, let us explore the way in which polarization is good for democratic values.

## 7.2 Ideological Polarization

In 1968, George Wallace famously complained that “[t]here’s not a dime’s worth of difference between the two parties!” He was right. In the 1960s, the parties were ideological doppelgängers. They agreed about a wide range of policies. They did not have sharply distinct governing philosophies. Some issues which now divide the parties, like abortion and gun rights, were not even on the agenda. Others, like civil rights, had more intraparty than interparty import. Civil rights divided the Democrats; it did not divide Democrats from Republicans. But towards the

end of the decade this began to change. The parties became more ideologically distinct. The Democrats, increasingly, became the party of liberalism. The Republicans, to an even greater extent, became the party of conservatism. Republicans pushed a small-government, socially traditionalist governing philosophy. Democrats pushed a big-government, socially tolerant governing philosophy. The parties, over a forty-year period, moved apart ideologically. In the modern day they provide far more distinctive policy platforms than they did in the 1960s.<sup>2</sup> This endpoint is what I'm calling ideological polarization: divergence on substantive policy issues amongst the political parties. This is an elite-level phenomenon: it consists in political elites advancing more distinctive policy programs.

How do we know that elites have polarized in this sense? In Chapter 3 I described a widely used measure of congressional voting behavior: DW-NOMINATE. This is a summary measure of the voting record of each member of Congress. What it summarizes is who votes with who: those who get above 0.5 tend to vote with other people who get above 0.5, and those who get below 0.5 tend to vote with other people who get below 0.5. On this measure, legislators from different parties have been getting further apart for fifty years.<sup>3</sup> Now that doesn't guarantee that the parties have been becoming more extreme. But more extremity is an excellent explanation of the divergence. And it's an explanation buttressed by two points. First, these scores only directly tell us who votes with who. But they match intuitive judgements about who's most ideologically extreme. Ted Kennedy gets a very low score; Jesse Helms gets a high one. Second, these scores correlate highly ( $r > 0.9$ ) with the assessments of congressional voting records from ideological interest groups. When the American Conservative Associate (ACA) says that someone has an extreme voting record, then so does DW-NOMINATE. The two points make it plausible that these scores tap legislator ideology.

One still might doubt this. The main worry is that this measure cannot distinguish between partisan and ideological polarization. That is because, on many issues, it is politically valuable to stick with members of one's party. Consider, for example, corruption investigations. There's no ideological charge to such things: no ideology is for more corruption. But there is a partisan charge. Corruption investigations usually benefit the party not being investigated. So votes on such investigations induce deep partisan splits. This is partisan polarization in action:

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<sup>2</sup>For a more detailed description of how this happened, see Rosenfeld (2018).

<sup>3</sup>For a review of the literature see Hetherington (2009, 415–19). For some other important works see Poole and Rosenthal (2007, ch. 4) and Theriault (2008, ch.2). For evidence that the Republican party has become more extreme than the Democratic party, see Mann and Ornstein (2013) and Barber and McCarty (2013).

people side with their party in votes on such investigations because doing so helps their party win power. The worry is that the entire divergence picked up by DW-NOMINATE scores is down to this. Yet, fortunately, we can alleviate this worry. We do this by helping ourselves to the work of Frances Lee (2009, ch.3). Lee distinguishes between ideological and non-ideological issues. Corruption is one example of the latter. Space exploration and executive oversight are others: no ideology opposes executive oversight. She shows that polarization is about twice as pronounced on ideologically charged issues. The best explanation of this is that the parties are far apart ideologically. The divergence of DW-NOMINATE scores is not just a matter of partisan warfare: it is part substantive policy dispute.

I believe that ideological polarization is, in one important respect, a good thing. It helps American democracy better attain the value of self-rule. Here's my basic argument. Ideological polarization affects people's choice sets: it changes the options that they can choose between. But the properties of these choice sets matter to how self-ruling they are. In particular, their diversity and their quality matter. Ideological polarization increases their diversity and probably doesn't negatively impact their quality. Thus, overall, it is likely good for self-rule. In the rest of the section, I'll discuss this argument in depth.

### **7.2.1 Self-Rule and Choice Sets**

Let's start by reminding ourselves what self-rule is and why it's valuable. Some citizens enjoy self-rule with respect to some political event when that event manifests their joint intentions. This is valuable for two reasons. First, it means that the coercion related to that event is less a blow to their freedom. When the event is a law, for example, its coercive enforcement impairs their freedom less. Second, it means that they stand in an authorship relationship to that event. That event is not something entirely alien to them: they are responsible for it. This is the story about self-rule I laid out in Chapter 1. The thesis of this section is that these values are—often—better achieved when the political parties are further apart.

The key point is that ideological polarization changes the nature of voters' choice sets. When there is little such polarization, voters face relatively similar options. Each party will enact similar policies. But, when there is a lot of ideological polarization, voters face more distinctive options. The parties will enact quite different policies. The crucial question, then, is how the properties of a choice set matter to self-rule. Here's how we'll approach the question. We will look at how the properties of individual's choice sets affect their capacity to achieve the values associated with self-rule. We want a notion of self-rule which tracks these values.

Thus, we'll say that one is in a better position to be self-ruling when one's choice sets have these value-promoting properties.

Let's start with authorship. What features of your options matter to your authoring something? For a start, the more diverse your options the better are you able to be a self-author. Your options are diverse when they are very different. What matters here is not the number of options available to you. Being able to choose between five hundred identical cereals doesn't give you diverse options. Rather it's how distinctive your options are. To see this, imagine that you have two job offers: banker for Goldman Sachs or banker for Morgan Stanley. These are very similar jobs. They're both good jobs, at least for a certain kind of person. But, if these are your only options, you're in a worse position to be a self-author than had you more distinctive options. Suppose, for example, you were instead choosing between Goldman and academia. Then your ultimate choice contributes more to your self-authorship. It makes your career more fully your own. Thus, more diverse options let you be more author of your own life.<sup>4</sup>

It's natural to explain (and defend) this in terms of difference-making. When your options are very similar, which one you choose doesn't make much of a difference. If you'd chosen differently, or not at all, your life would have ended up much the same. But when your options are very dissimilar, which one you choose makes a huge difference. If you had chosen differently, your life would have been very different. You would have ended up as an investment banker rather than as a professor. And, crucially, how much a choice contributes to self-authorship is a matter of how much that choice makes a difference. When your life would have ended up pretty much the same whatever you chose, the choice isn't much of a manifestation of self-creation. So, the more diverse your options, the more your choice makes you a self-author.<sup>5</sup>

But diversity is not the only feature of one's options which matters to self-

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<sup>4</sup>Raz (1986, 375) makes a similar point.

<sup>5</sup>For a vivid political case of the import of diversity, consider the choice that faced the Dominican voter in 1942. Trujillo had ruled the country for about a decade. But, since 1938, he had done so out of office. In 1942, he decided it was time to retake the presidency. Naturally, he would run under the banner of the incumbent Dominican Party. Yet he was under pressure, from the United States, to make the election free and fair. This led him to authorize—indeed create—an opposition party. But suspicions were raised when it was noticed that the opposition party was called the Trujillo party. Suspicions were inflamed when it was noted that Trujillo was its presidential candidate. As it happened, Trujillo won one hundred percent of the vote: 190,229 votes under the opposition banner and 391,708 votes under the incumbent banner. The Dominican voter could freely and fairly choose between Trujillo or Trujillo. I take it that this choice was not diverse enough to give the Dominican people much self-rule. See Wiarda (1968, 66) for an account of this episode.

authorship. Their quality also matters. Quality matters in two ways. First, it seems that having very bad options doesn't much help make you a self-author. Consider again the medieval thief. That each of their options is so bad is reason to think that they're not in much of a position to be a self-author. And this would hold even were their options much more diverse. Suppose they were deciding between losing their right hand and spending five years as a galley slave. These options are quite different. But again it seems they're not in much of a position to be self-authoring. The natural explanation of this is that, if one of your options is not minimally decent, then your having those options doesn't help you be a self-author. Indecent options don't count for the purposes of self-authorship. Thus, you must have multiple minimally decent options to be a self-author.<sup>6</sup>

How do we determine what a minimally decent option is? One way to do this is objectively. If, objectively, an option is sufficiently morally bad, or sufficiently bad for the chooser's well-being, one might adjudge it not minimally decent. The chooser's opinion about their options needn't matter.<sup>7</sup> Yet this seems counterintuitive in some cases. All my options could, objectively, be morally terrible. But I might not see things that way. Perhaps I am a war leader, who revels in the slaughter of my enemies. My bellicosity has left me with only violent options; but that that seems like no bad thing to me. Such a person, in my view, could be author of their own lives: they would typically author a morally reprehensible life. So, I prefer a subjective account of minimal decency. On this view, an option is minimally decent as long as the chooser does not think it is too noxious, too unpalatable. It is their attitudes which are critical. Your self-authorship, then, is in part dependent on you seeing your options as decent.

The second way quality matters, I believe, is that simply having *better* options puts one in a better position to be a self-author. You're in a better position to be a self-author when you're choosing between a set of individually very good options than a set of merely minimally decent options. In the former case, your choice will more manifest your values. How the value of one's set of options is determined here is not by their average value or their median value or even their sum value. It is closer to the value of one's best option. To see this, suppose you have the option of being a galley slave or being in the Rolling Stones. The fact that you have the rowing option doesn't drag down the quality of your choice set in the relevant sense. Subtracting this option—forcing you to be in the Stones—would not put you in a better position to be a self-author. Thus, you are in a better position to be

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<sup>6</sup>Raz (1986, 373–77) also endorses this thought.

<sup>7</sup>This is how I interpret Raz (1986, 378).

a self-author when your options are better, where this is understood as especially sensitive to the value of your best option.

These points all to go for the freedom protecting value of self-rule too. Suppose you make some choice out of a very limited, low-quality set of options. And suppose you're coerced into following through with that choice. This coercion seems like a pretty large blow to your freedom: it seems like a much larger blow to your freedom than had you more diverse, higher quality options. For example, imagine that you're choosing the method of your own execution. The execution is set, you just get to decide how you go. The fact that you don't have any decent quality of the choice means that the execution counts as a pretty serious blow to your freedom. Your getting guillotined is hardly a manifestation of your intention. It is more a manifestation of your circumstances. And, equally, the better your options are the less the coercive enforcement of your choice seems to impair your freedom. If you had truly wonderful options, we might not much care about the coercive enforcement of the one you ended up choosing. Thus, the diversity, minimal decency, and maximum value of your options matters here too.

Let's now see how this matters to ideological polarization. The import of diversity is straightforward. Growing ideological polarization just consists in parties getting more distinctive. So, this growth has made citizens' options more diverse. This puts them in a better position to be self-ruling. We can make the point concrete. Imagine citizens were faced by two high-indistinguishable, centrist, parties. These parties agree on all central issues of policy. Their disagreements are trivial. They disagree only on whether the minimum wage should be \$7.25 or \$7.35 per hour. Huge public battles are fought over a ten cents difference on minimum wage policy. The issues which make any such policy desirable are given no airing. In this case, the lack of diversity between citizens' options detracts from their self-rule. We should lament their bland centrism. Were the parties to polarize, were they to disagree more deeply about more important issues, citizens would be in a better position to be self-ruling. There is a clear-cut way, then, that growing ideological polarization has been good for self-rule: it makes citizens options more diverse.

The import of having minimally decent options is ambiguous. On the one hand, the polarization of initially centrist parties means that those on the political extremes likely have more minimally decent options. Previously, they may have found both centrist parties sufficiently noxious, sufficiently unpalatable, for them to count as having no such options. As one of these parties has shifted towards them, they have acquired at least one decent option. On the other hand, those on the center-left and center-right might have lost a minimally decent option. Con-

sider people on the center-left. As the Republican party has veered rightwards, it may from their perspective no longer count as a minimally decent option. Voting Republican is, for them, sufficiently noxious that they now have but one decent option: voting Democrat. Which of these effects is more important is hard to say. Assuming there are more people in the center than the extremes, the latter will have affected more people. Yet, plausibly, moving from zero decent options to one decent option is more good than moving from two decent options to one such option is bad. So, ideological polarization seems no more likely to have worsened this aspect of quality than to have improved it.<sup>8</sup>

The import of having high maximum value options, again, favors ideological polarization. Ideological polarization will, often, improve the value of people's best option. We can see this in a simple case. Assume that there are two parties, the ideological space is unidimensional, and citizens are uniformly distributed across this space. Assume, also, that the value of an option for each voter is entirely determined by its distance from that voter in this ideological space. In this setting, putting both parties in the center won't maximize the value of citizens' best options. We need to spread the parties more evenly in ideological space. Precisely, we want to place one party halfway between the left pole and the middle, and the other party halfway between the right pole and the middle. This will minimize how far, on average, voters are from their closest party and thus maximize the value of their best option. Insofar as the quality of their options in general is especially sensitive to this value, this will also maximize the quality of their options. The point generalizes to other settings. To maximize the quality of citizen's option, as conceived of as dependent on the value of their best option, we'll often want a substantial dose of ideological polarization.

We can now sum up how ideological polarization matters to self-rule. The diversity and quality of citizens' options matters to how self-ruling they can be. Ideological polarization plainly improves diversity. It gives citizens genuinely distinctive choices. Its impact on quality is more complicated. In some ways, and in some cases, ideological polarization can help quality; in others it can hinder it. Thus ideological polarization is clearly good in one respect and is just as likely to be good as bad in the other. So, it is more likely to be non-instrumentally good than bad.<sup>9</sup> The last forty years of ideological polarization, in this respect, looks

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<sup>8</sup>Notably, on the objective view of minimal decency, ideological polarization will often not matter at all. Two centrist parties can, presumably, both be morally reprehensible.

<sup>9</sup>Note that, if what I've said is right, introducing a third party would be excellent for self-rule. I don't belabor this possibility, because third parties face so formidable a task in winning American elections.

worthy of more celebration than lamentation. Political elites divided by ideology most likely make citizens better able to rule themselves. When there is not a dime's worth of difference between the parties, the cost is exacted in self-rule.

Let's quickly address an objection to this conclusion. Suppose one adopts a preference satisfaction conception of democratic values. On this conception, democracy is only valuable insofar as it gets people policy close to what they want. It doesn't matter whether they themselves help bring about that policy. Then the problem with ideological polarization is that it means people will likely be getting policies further from what they want. But few philosophers endorse this conception of democratic values. One reason is straightforward: benevolent dictatorships can realize this value. Dictators can enact what the people want. Yet dictators don't realize any aspect of democracy's intrinsic value. So to rely on this is to rely on an extremely dubious account of democratic values. Of course, this isn't a full argument against this account. And I'm not going to give such an argument here: this ground is well-trodden.<sup>10</sup> But my conclusion about ideological polarization does rely on rejecting the preference satisfaction conception of democratic values.

### **7.2.2 Who Controls the Choice Set?**

I'll consider one more objection to this line of thought. This concerns control over the options one is choosing between. Suppose, when deciding your career, you made a prior choice about what choices to have. You spent all your time with the investment bankers and ignored your professors (more fool you). Thus, it was your own prior choices which determined the properties of your present choice set. In this case, those properties might not matter at all. The fact that your options are limited may impair neither your autonomy nor your self-authorship nor your pursuit of worthwhile projects. Analogously, the same may go for the political case. Suppose the electorate determined the structure of elite competition. Then perhaps the nature of their electoral choices doesn't matter at all to self-rule. They've set that nature. And perhaps, in the United States, the electorate does determine that structure of elite competition. Thus, the diversity and quality of their electoral choices may not matter. The actual level of ideological polarization may be irrelevant to how much self-rule Americans can achieve.

This objection is interesting. And perhaps the normative premise is correct: perhaps, when the electorate determines the nature of their electoral choices, the properties of their choice set are less important. But I doubt the empirical premise

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<sup>10</sup>For a succinct critique, see Kolodny (2014b, 206–8).

is correct: I doubt that, in the United States, the electorate determines the structure of elite competition. For why would one think this? The best argument in its favor points to the primary system. In the United States, candidates for both major parties are elected in primaries. And perhaps this gives the electorate influence over the structure of competition. The thought is that, via participating in the primaries, ordinary citizens have determined the options that they're faced with on election day. But there are two reasons to be skeptical of this argument. The first is institutional. In most states in the United States, only registered party-members can vote in a party's primary. And in most states, you can only vote in one primary: you can't vote in both. Both reduce the extent to which each individual has an influence over the options they're faced with. They have a direct influence over the identity of one of the candidates, but not over that of the other.

The second, more important, reason concerns participation. Few people vote in primaries. In the last thirty years, about 20% of voters have participated in primaries.<sup>11</sup> Thus, few people directly wield the influence they get via primaries. Now, if *opportunity* for influence is all that matters, then perhaps this is not so worrying. Everyone could vote in at least one primary. But this seems especially implausible in the case of self-rule. It's not just the opportunity to mold government which makes us co-author of our environment. We have to have actually influenced our government. But the vast majority of Americans have not exercised such influence via primaries. So the mere existence of such primaries doesn't rescue the values of self-rule. For most people, primaries go unused. Thus, there is little reason to think the electorate have determined the structure of elite competition.

Perhaps that's too quick. There is another argument in favor of this empirical claim. Anthony Downs, famously, envisaged a world in which competitive parties would be pushed towards the ideological position of the median voter (Downs, 1957). The idea was that voters vote for the party closest to them in ideological space. And parties want to win elections. So, they'll position themselves closest to the majority of voters. When there are just two parties, this means parties will occupy the ideological position of the median voter. Thus, the ideological position of voters determines where parties position themselves. Now, empirically speaking, this does not seem like a good argument given the evidence we've just seen. Forty years of polarization sit uneasily with Downs' vision. A theory inconsistent with the evidence isn't good grounds on which to defend an empirical

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<sup>11</sup>Calculated from: <https://www.pewresearch.org/fact-tank/2016/06/10/turnout-was-high-in-the-2016-primary-season-but-just-short-of-2008-record/>

claim. But there is a more important normative point here. The point is that, even were Downs' theory true, it's doubtful that it would give voters the right type of influence over the choice situation. The Downsian mechanism lets voter influence be unwitting. Voters needn't *do* anything to influence the parties' positions. They certainly needn't have their preferences in order to mold elite competition. Their influence over party position can be entirely accidental.

This seems insufficient for voter's influence over their choice sets to matter in the relevant way. Consider this in a personal case. Suppose my prison guards really want to please me. They always, as a result, offer me the meal they know I like best. But they never give me a choice of meals: they always present my meal as a *fait accompli*. There's a *sense* in which I determine what meal I get: were I to change what I wanted, they'd get me something different. But this doesn't seem like the kind of sense which gives me any of the values of self-rule. For an effect on a choice situation to matter, it has to be a deliberate, informed effect which is independent of external influence. More generally, in my view it has to be an autonomous effect in the sense characterized in Chapter 6. Were the Downsian mechanism to be operative, I doubt this condition would be met. I doubt people have the preferences they do in order to ensure that, or even in the knowledge that, those preferences influence party positioning. And, as we saw in the previous chapter, it's also unlikely that they have these preferences independent of external influence (Lenz, 2012). Thus, even were Downs' vision accurate, the nature of our electoral choices would still matter to how much self-rule we could achieve.

But it's anyway unlikely that the Downsian mechanism determines the structure of elite competition. So, what does determine this structure? More specifically, what has caused the last forty years of ideological polarization? It's impossible to really be sure about this. But there seem to be two important factors. Neither factor indicates much influence, in the relevant sense, of ordinary citizens on this structure. The most important factor, I suspect, is the polarization of activists.<sup>12</sup> From the 1970s, the activists in each party became more ideologically extreme. Democratic activists became more liberal and Republican activists became more conservative. This polarization of activists, plausibly, lead to the polarization of political elites. In the short term, elites need activist support to do well in primary and general elections. Successful elites tend to be those whose views are in line with those of activists. And, over the longer term, officeholders are almost always former activists. Thus, the more extreme is the pool of activists, the more extreme do elites become over time. This growing extremity of activists induced extremity

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<sup>12</sup>See Theriault (2008, ch.6) and Layman et al. (2010).

among elected politicians. Yet this seems to realize little input from the general public. Very few people are activists, even if many could become activists. So most ordinary citizens had little influence on this process.

Why did activists polarize? I suspect that this had two sources. To begin with, it had a source in the polarization of political thinkers: the kind of people who published in *The New Republic* and *The National Review*. They had polarized by the 1950s (Noel, 2014). Fewer liberal writers took conservative positions and vice versa. This was especially clear for the former. During the 1950s, there was a conscious effort by conservative thinkers to fuse small government libertarianism, moral traditionalism and anti-communism into a single conservative ideology (Nash, 2006). Activists, plausibly, adopted such ideologies. Additionally, from the 1960s onwards conservative activists began to take control of key parts of the Republican Party apparatus (Rosenfeld 2018, ch. 4,6; Noel 2014). By the late-1970s entrenched their control of the party's platform and nomination procedures (Schoenwald 2001) They purged it of liberals and made it more extreme. This led to reciprocal (although weaker) processes in the Democratic Party: liberal activists gained power in the Democratic Party, although never won control of it. The result was each party had a relatively extreme activist base. Again, there is little input for ordinary citizens in this process.

A second factor driving ideological polarization is geographical sorting. Over the last fifty years, Americans seem to have sorted geographically.<sup>13</sup> Democrats tend to live next to Democrats and Republicans tend to live next to Republicans. This seems contributed to ideological polarization in Congress. It's meant that—in the House especially—congresspeople have more uniform constituencies. That has let them to be more extreme. But again this geographical sorting probably wasn't driven by the intention to mold elite competition. Few Democrats move to Manhattan to make Manhattan's Members of Congress more extreme. Geographical sorting probably wasn't done with even the knowledge that it would affect elite competition. And, so I've suggested, without knowledge and intention, influence over choice sets doesn't much matter. Thus, I suspect that ordinary citizens have not had much influence, in the relevant sense, over the choices they're faced with on election day. The properties of those choice sets matter to their self-rule.

Let me sum up. The picture I've just painted is one in which ordinary citizens are presented with a choice between two parties in each election. Few of them

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<sup>13</sup>See Bishop (2009) and Theriault (2008, ch.5). Klinkner and Hapanowicz (2005) argue that, by historical standards, this sorting isn't that extreme. But their analyses do nonetheless show recent geographical sorting.

have exerted much actual influence on the choices they're faced with. Elites hammered this out amongst themselves, perhaps with activist input. It is for just this reason that the nature of their choice set matters. If they'd molded the options they were themselves faced with, the nature of those options would perhaps not much impact their self-rule. Yet, so I've argued, this nature shouldn't be a worry: in the United States, voters have reasonably diverse options. This is the product of recent increases in ideological polarization. Thus, we have reason to welcome such an increase. In at least one important respect, it is good for intrinsic democratic values. Now, of course, what is intrinsically good may be instrumentally bad. I am going to argue that other kinds of polarization are bad, and ideological polarization may play a causal role in sustaining them.<sup>14</sup> But that would not detract from the fact that it contributes to the value of self-rule.

### 7.3 Affective Polarization

We now turn to affective polarization. This is a divide in feeling rather than thought. It is a matter of cross-partisans disliking one another. Such dislike seems to have been growing since the 1960s. There are several ways to identify this growing animus. One is with feeling thermometer ratings (Iyengar et al., 2012, 2019). When you ask Americans how warmly they feel towards members of the other party, they report much more fridity than they used to. The coldness in cross-partisan feeling is striking relative to feeling towards other groups. There is more coldness between cross-partisans than between different religions, races or classes. A second is with implicit attitude tests. These suggest that Americans have greater implicit biases against cross-partisans than against those of other races (Iyengar and Westwood, 2015). A third is by eliciting loaded judgements. Americans today are much more likely to say that cross-partisans are stupid, selfish, mean and hypocritical than they are to say these things about co-partisans or independents (Iyengar and Westwood, 2015). The overall picture is that Americans dislike cross-partisans. Loathing flows across party lines.

That animus manifests itself in action. Americans are wary of both personal and economic relationships with cross-partisans. On the personal side, they shun cross-partisans on dating applications (Huber and Malhotra, 2017). They find it difficult making friends with cross-partisans (Chopik and Motyl, 2016). They tend not to marry across the party aisle (Iyengar et al., 2018). On the economic side,

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<sup>14</sup>If it does or not is highly disputed. See Mason (2018) and Lelkes (2018) for arguments that it doesn't.

they avoid employing cross-partisans (Gift and Gift, 2015). They demand more money to work for cross-partisans (McConnell et al., 2018). They avoid buying from them (Panagopoulos et al., 2016). Partisan animus, in other words, is not just survey-question deep. Americans don't just express hostility to cross partisans; they act on it. Notably, this is a mass-level phenomena: it does not consist (solely) of political elites disliking one another. Rather, it consists in animus between ordinary Americans of different parties.

I've argued that one type of polarization—ideological polarization—is in several respects good. I think this second type of polarization—*affective polarization*—is very bad. In this section, I explain why. In part, this is because it precludes valuable egalitarian relationships. It impairs the positive aspect of democratic equality. But that is not the only problem with affective polarization. It not only prevents good relationships, but also facilitates bad ones. Jason Brennan (2016a) has called these bad relationships 'civic enmity'. My story differs from Brennan's, but I think his term is apt. Affective polarization puts us in objectionable relationships. Thus, affective polarization makes citizens' relationships worse.<sup>15</sup> Let's start by fleshing out the first point.

### 7.3.1 Precluding Civic Friendship

In Chapter 1, I argued that democracy could facilitate a certain kind of friendship: civic friendship. This is the positive aspect of democratic equality. To get a grip on this relationship, it helps to think about personal friendship. Personal friendships have many components. To be friends with someone you have to care about their welfare. You have to be disposed to make their life better if you can. You have to care about their autonomy and you must be committed to treating them as an equal. When all the components of personal friendship are in place, a friendship is in place. And this is a good thing to have: it makes your life better to have friends. Civic friendship is just the civic analogue of personal friendship. It's

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<sup>15</sup>How will my story differ from Brennan's? In two ways. First, Brennan thinks that democratic co-citizens are inevitably enemies (Brennan, 2016a, 235–45). I think some are inevitably rivals, but that rivalry alone is harmless. Second, Brennan thinks partisan contempt is unfitting because the disputes between parties "are tiny" (Brennan, 2016a, 232). I agree that these disputes look tiny compared to, say, the dispute between the Bolsheviks and the Tsar. But they have a lot of moral import: people live or die on the basis of which party wins these disputes. I think this import could, in theory, make partisan contempt fitting. I have a different explanation of why cross-partisan contempt is unfitting: it isn't based on policy disputes at all. So our views are similar in tenor but differ importantly in detail.

a positively valuable relationship with can have with our fellow citizens. Like personal friendship, it is made up of certain components. We have to, for example, care about the well-being and be committed to the equality of our fellow citizens to have civic friendships with them. But when all these components are in place, we enjoy a positively valuable egalitarian relationship with our fellow citizens. Democratic equality doesn't just consist in avoiding objectionably inegalitarian relationships. It put us in a position to achieve attractively egalitarian relationships.

Affective polarization precludes cross-partisan civic friendships. This is for two reasons. Most directly, it is because (as I argued in Chapter 1) there are affective constraints on friendships. When it comes to personal friendship, one probably has to feel positively towards your friends. You have to like them; you have to be fond of them. A relationship in which neither party likes the other is not a good friendship. For civic friendship, the constraints are plausibly a little weaker. You might not have to like civic friends, but you cannot loathe them. You cannot have contempt for them or feel largely negative emotions towards them. Friendships, generally, precludes such emotions. Yet affective polarization consists in exactly these emotions. Cross-partisans do loathe one another. Thus, affective polarization impairs cross-partisan civic friendships. It prevents these friendships from crossing party lines.

The second way affective polarization bears on civic friendship concerns appraisal respect. There are certain constraints on how we must appraise our friends. Imagine you receive some ambiguous news about the behavior of one of your close friends: the news is consistent with them either have behaved very poorly or having behaved justifiably. Both a permitted views on your evidence. It would be a breach of friendship to jump to the negative conclusion. We owe it to our friends to be generous in our appraisal of them. The same goes for civic friendship. Civic friendships require appraisal respect for our fellow citizens: we should have positive beliefs about them when the evidence permits it. But the negative attitudes associated with affective polarization work against this. Americans see cross-partisans as stupid, selfish, mean and hypocritical: these beliefs are surely not mandated by their evidence. Affective polarization induces a failure of cross-partisan appraisal respect, and in this way prevents friendships from spanning party line.

This is the first problem with affective polarization. It prevents us standing in certain valuable relationships to our co-citizens. Thus, it prevents American democracy from achieving much of the positive aspect of democratic equality.

### 7.3.2 Facilitating Civic Enmity

The second problem with affective polarization is that it facilitates enmity. Most of us are familiar with examples of this relationship. Your enemy might be a despised neighbor, a hated co-worker, an abhorred competitor. These relationships seem noninstrumentally bad. A life full of enmities is a worse life. It is good for you not to have enemies, in a sense parallel to it being good for you to have friends. Friendship is intrinsically good, enmity intrinsically bad. Now, two things seem to suffice to make you someone's enemy. First, you work against them. This means you do things which tend to make their life worse, or just prevent them achieving their goals. Your actions frustrate their desires. Yet that alone does not make someone an enemy. Consider top athletes. Often, they do things that frustrate each other's desires. They defeat each other in tournaments. But they needn't be enemies. Second, then, you have a negative attitude towards them. You despise, hate or loathe them. You feel contempt for them. Mere rivals don't have such attitudes. When they do, they become enemies. Plausibly, it is bad to have enemies: it is bad for one's relationships with others to be marked by conflict and contempt.

Let us apply this to politics. Electoral competition alone makes cross-partisans rivals. Insofar as they aim to get their party into office, they are working against one another. Democrats work against Republicans' desired candidate. Republicans work against Democrats' desired candidate. Both are trying to frustrate the others' goals. But such rivalry alone is not problematic. There is nothing problematic about the rivalry between Nadal and Federer. Yet affective polarization adds to such rivalries. It consists in cross-partisans having animus, contempt, loathing for one another. This turns such rivalries into enmities. By so doing, it makes cross-partisan relationships noninstrumentally bad. There are very many such relationships, for very many co-citizens identify with a party. Thus, affective polarization creates many bad relationships. It transforms many anodyne rivalries into objectionable enmities.

One might resist the thought that these cross-partisan enmities are bad. One line of resistance relies on the idea that sometimes enmity can be justified. Sometimes, it is fitting to feel contempt for people and permissible to work against them. Suppose, for example, that you find out your neighbor is a white supremacist. It may well be fitting to, on this basis, feel contempt for them. It will be permissible to work against their political goals. Enmity towards them may in this sense be justified. More generally, when someone has reprehensible values, it may be justifiable to be their enemy. And one might also think that, when one's enmity is justified, then it isn't bad. It makes your life no worse to have well-chosen enemies.

Now we apply this to politics. One might claim that the members of one party have reprehensible values. So, it will be justifiable to be enemies of the members of that party. Cross-partisan enmities aren't bad after all.

I think this objection fails: I doubt that relationships of enmity are anodyne even when justified. To see why, reconsider the case of the white supremacist. It would be better never to have to be this person's enemy. This gives you reason, antecedently, not to interact with them very much. It perhaps gives you reason not to be their neighbor in the first place. By avoiding such interactions, such proximity, you can avoid having to be their enemy. This is well-explained if even justified enmity is bad. It is hard to explain if it is anodyne. Now, unjustified relationships of enmity may still be especially bad. When you have unfitting contempt for someone, this is worse than when you have fitting contempt for them. When you impermissible work against someone, this is worse than when you permissibly do so. Yet I suspect that this is because it makes your life worse to have unfitting attitudes and do impermissible actions. That doesn't mean that justified enmity is wholly anodyne. It is still bad in itself.

Let's turn to a second line of resistance. This line claims that what is bad in justified enmity is not the enmity itself, but rather the conditions that make enmity justified. What is bad with the relationship between you and your white supremacist neighbor is not that you feel contempt for them, but rather that such contempt is fitting. The attitudes and actions that constitute enmity are not problematic above and beyond the conditions that make those attitudes fitting. On this view, the reason you have to avoid interacting with your white supremacist neighbor is that contempt for them is made fitting not just by their values, but also by your interaction with them. You should avoid interacting with them not so you don't become their enemy, but rather so it would not be fitting to become their enemy. Politically, this would mean that the real problem is the conditions that make cross-partisan enmity fitting. The actual enmities, if fitting, are evaluative epiphenomena: they would not make the problem any worse.

I think this view is false too. To see why, consider cases where it is fitting to be someone's enemy and also fitting to not be. These are cases where your neighbor does not have reprehensible enough values to make enmity required. Perhaps they are not a white supremacist, but are merely "racially insensitive." In such a case, perhaps it would not be unfitting to have a little bit of contempt for them. But it would also not be unfitting to show them a little grace; it would be permissible to not have any contempt for them, and to instead look on them kindly. I think in these cases it is much better to show a little grace. It is a bad thing to have negative attitudes towards someone as soon as it is permissible (but not required)

to do so. This is inexplicable if it is only the conditions that justify enmity that are problematic: these conditions don't depend on what you actually do. It is easy to explain if enmity itself is bad.

So there are normative objections to both lines of resistance. But I think both fail for an additional reason. Both views rest on the thought that actual patterns of cross-partisan contempt are fitting. That is doubtful. This is because someone's reprehensible values make contempt for them fitting only when that contempt is indeed based on their having those values. If you hate a white supremacist because they didn't go to college, then you're in the wrong. You may fittingly hate them on the basis of their views. But it's unfitting to hate them on the basis of their ill-education. Yet dislike of cross-partisans is probably not based on their ideology. There are two reasons to think this. First, such dislike is no more pronounced amongst those with more extreme policy positions. Democrats who differ most on policy with Republicans don't dislike them more. Thus, it would be a surprise were such dislike to be grounded in differences in values. Second, increased affective polarization does not seem to have come along with a big increase in the divergence of ordinary citizens' policy attitudes. Democrats and Republicans do not seem to differ more on the issues than they did in the past. Their disagreements are now just laced with vitriol. This would be a surprise were people's vitriol grounded in disagreement on values.<sup>16</sup>

So what does drive contempt for cross-partisans? It's most plausible to see it as a manifestation of out-group bias. This is how its leading theorists construe it.<sup>17</sup> They think that we identify with some partisan groups and in opposition others. When we identify with a group of any kind, we feel favorably towards that group. When we see a group as opposed to those we identify with, we often view its members negatively. These feelings are driven by group psychology. Thus, even if members of a party do have reprehensible values, it's unlikely that our actual attitudes of contempt for them are fitting. Those attitudes are based in facts about group membership. But those facts do not justify contempt. It is not appropriate to feel contempt for someone just because they're not in your in-group. But, if

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<sup>16</sup>For both points, see Mason (2018, 51–54) and Lelkes (2018). Lelkes in particular is replying to Rogowski and Sutherland (2016), Webster and Abramowitz (2017), and Bougher (2017). These three studies claim that affective polarization is driven, in some sense, by ideological divergence. I think Lelkes criticisms of these studies are generally convincing. To add to what he says, most of the evidence in these studies is adduced as support for the view that ideological divergence *amongst elites* drives affective polarization. This doesn't suggest ordinary citizens are responding to the ideologies of other non-elites. So these studies don't support the hypothesis under discussion.

<sup>17</sup>See (Iyengar et al. 2012, 407–8; Lelkes 2018, 68–9; Mason 2018, 1–17).

that is the case, affective polarization puts citizens into relationships of unjustified enmity. Even if justified enmity is not a bad relationship, unjustified enmity is. And so the relationships affective polarization constitutes are bad in themselves.

To sum up, affective polarization is bad because it makes citizens' relationships worse. It severs attractively egalitarian relationships and replaces them with objectionably adversarial relationships.

## 7.4 Partisan Polarization

We now turn partisan polarization. This is an elite-level phenomenon: it consists in officeholders generally treating partisan advantage as more important than the public good. As I'll document in this section, this phenomenon is asymmetric. It has been mainly driven by Republican rather than Democratic behavior. It is Republicans who have most often treated party advantage as more important than the public good. In this section, I'll lay out the phenomena (with an emphasis on its asymmetrical character) and then explore its normative significance.

Let's start with some narrative history. We can, very roughly, date the era of increasing partisan polarization to the election of Newt Gingrich to the House of Representatives, in 1978. The problem with the Republican Party at the time, he said, was "that we don't encourage you to be nasty" (PBS, 2021). Accordingly, he led the censure of Democratic Congressman Charles Diggs in 1979 and took down Democratic Speaker Jim Wright, on a barrage of ethics charges, in 1989. In his resignation speech, Wright decried how "grievously hurtful to our society [it is] when vilification becomes an accepted form of political debate and negative campaigning becomes a full-time occupation" (American Rhetoric, 2021). This did not dissuade Gingrich. In the run up to the 1994 midterms, he gave his fellow party members a list of words they should use when describing Democrats: *bizarre, decay, anti-flag, anti-family, pathetic, cheat, radical, sick, traitors* (Mann and Ornstein, 2013, 39). The Republican Party subsequently won a majority in the House of Representatives for the first time in forty years.

This midterm victory gave Gingrich the speaker's chair. He used his newfound power to relentlessly attack the Democratic president, Bill Clinton. Gingrich's first assault consisted in a pair of government shutdowns. He closed the government first for five days in 1995 and then again for twenty-one days in 1996, furloughing 800,000 workers and 284,000 workers respectively (Brass et al., 2018, 16–17). The consequences were serious: Three hundred and sixty-eight national parks were closed; 200,000 passport applications went unprocessed and \$3.7 billion of fed-

eral contracts were adversely affected (Brass et al., 2018, 27). Eventually, in the face of a public backlash, Gingrich agreed to reopen government. His second big assault came in 1998. He organized the first impeachment of a president in over a century. This time the public backlash would cost him the speakership: he resigned after a poor Republican midterm performance in 1998. But by then he had cemented spurious investigations and government shutdowns as core Republican Party strategies.

Another dangerous strategy emerged after the 2008 election. Barack Obama's main policy goal was healthcare reform. Republicans were implacably opposed. In explaining his opposition, South Carolina Senator Jim DeMint said that "if we're able to stop Obama on this it will be his Waterloo. It will break him" (Smith, 2009). Later Senate Minority Leader Mitch McConnell said that "[t]he single most important thing we want to achieve is for Obama to be a one-term president" (Barr, 2010). It wasn't primarily the policy they objected to, but rather its political dividends for Obama. Gripped by such partisan animus, House Republicans in 2011 and 2013 held the raising of the debt ceiling hostage. In 2011 they demanded budget cuts in return for maintaining the full faith and credit of the United States government. In 2013 they demanded that Obama defund his signature policy, the Affordable Care Act, in return for authorizing the further issuance of debt. Both bits of brinkmanship lead to the downgrading of the U.S. government's credit rating. After the first of these crises one retiring Republican staffer, Mark Lofgren, lamented that his party has become "like an apocalyptic cult" (Lofgren, 2011): Republicans were willing to imperil the global financial system for a partisan victory.

This narrative history illustrates partisan polarization. Debt ceiling brinkmanship and government shutdowns both worsen the operation of government. They thus make ordinary Americans worse-off. This history is also evidence of the asymmetric nature of partisan polarization: these behaviors are both solely Republican ones. We can get more systematic evidence of this in the case of a third strategy: obstructionism. Obstructionist strategies emerged among House Republicans in the late-1970s and was then carried by them to the Senate (Lee 2009, ch.3; Theriault 2013). Republicans who came from the House to the Senate after 1978 were more likely to resist nominees from opposition presidents than was anyone else (Theriault, 2013, ch.8). They were much more likely to stall legislation by voting against cloture (ibid). They often shifted their stated positions to avoid compromising with Democrats: they negotiated in bad faith. And they offered, and supported, an exceptionally large number of non-legislative amendments on bills (Theriault, 2013, ch.9). These are amendments that are proposed not to be made into law, but rather to delay the legislative process. Such tactics impair Congress's

ability to legislate, and so trade good policy for party advantage. They exemplify that, for Republican officeholders especially, winning power takes precedence over making good policy.

One might resist this interpretation of Republican behavior. Perhaps congressional Republicans employ such tactics in service of what they see as good policy. They might think conservative policies are better for everyone. So perhaps they aim at partisan advantage not for their own benefit but for everyone's benefit. They want to win power in part so they can use the tools of government to benefit Democrats. This may accurately describe the motivations of some congressional Republicans. But the idea that most of them are so motivated seems to me rather doubtful. First, it clashes with how quickly most elite Republicans were to jettison conservative policy commitments during Trump's tenure. If congressional Republicans were so motivated by the thought that free trade (for example) was critical to the public good, it is a surprise that they would agree to trade barriers so quickly (Everett and Levine, 2019). Second, it clashes with the demonizing language congressional Republicans use to talk about Democrats. They call Democrats "sick" and dub them "traitors": this is remarkable behavior towards someone whose well-being you care deeply about. The better hypothesis, it seems to me, is that congressional Republicans are relatively indifferent to the well-being of Democrats.<sup>18</sup> Their tactics are driven by their weighing partisan advantage over the public good.

How does this matter to democratic values? It is incompatible with civic friendships between Republican officeholders and ordinary Democrats. This is because it involves those officeholders failing to give the interests of those Democrats sufficient weight. When Republicans obstruct legislation or shutdown government in order to win power, they are dismissing the well-being of their compatriots. It is impossible to do that while maintaining a civic friendship. There is a further question about whether this impairs the civic friendships between ordinary Democrats and ordinary Republicans. I suspect that it does. That is because, plausibly, ordinary Republicans are *complicit* in the partisan warfare waged by Republican officeholders. One is complicit in wrongdoing when one does something that one knows, or should know, contributes to that wrongdoing.<sup>19</sup> Ordinary Republicans do not punish Republican officeholders for treating party advantage as more important than good policy: they do not refrain from voting for them in primaries or general elections. They know, or should know, that this contributes to such behavior. So they are complicit in this behavior. Such complicity impairs civic

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<sup>18</sup>There is also some direct empirical evidence for this. See e.g. Mian et al. (2010).

<sup>19</sup>For more on complicity, see Lepora and Goodin (2013).

friendships. It would impair one's friendship with someone to be complicit in something very deleterious to their interests. Thus, partisan polarization generally impairs cross-partisan civic friendships.

### 7.4.1 Political Justification

This has import for the proper nature of political justification. Intuitively, it is inappropriate to justify policy on partisan grounds. Imagine that Joe Biden had defended the American Rescue Plan Act of 2021 by pointing out that sending \$1,400 checks to every American would help the Democratic Party vote. There would, on the face of it, be something wrong about this. It is not the right kind of justification for government policy. Rather, we should try to justify public policy on public grounds.<sup>20</sup> A public ground for a policy is a consideration all reasonable citizens could accept as a sufficient reason for endorsing that policy. Here a reasonable citizen is one who has defensible beliefs, beliefs are above the bar of moral and epistemic acceptability. White supremacists are unreasonable; traditional conservatives are not.<sup>21</sup> Someone could accept some consideration as a reason if they could rationally come to see it as such a reason without drastically changing their beliefs. In this sense, non-Democrats could not accept a policy's benign electoral consequences for the Democratic Party as sufficient reason for endorsing the policy. They think that such consequences are a reason to oppose the policy. In contrast, they might well accept the good economic effects of the policy or the fact that it relieves people of abject poverty as sufficient grounds for endorsing the policy. These then are public grounds.

What counts as a justification for a policy? There are many different notions of justification, but I have in mind a motivational notion.<sup>22</sup> A consideration is

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<sup>20</sup>Rawls (1993) made this idea prominent. He treats it as the entire basis for political philosophy. That's not my view: I just think it expresses one norm among the many that govern political competition in well-functioning democracies. My view, in other words, matches that in Enoch (2015, 138–40).

<sup>21</sup>Rawls (1993, 48–65) takes a reasonable citizen to be one who accepts the idea that society should be a fair system of cooperation among free and equal citizens, and that there will be reasonable disagreement about the good among these citizens. My gloss on reasonableness is intended to be consistent with, but not committed to, this more concrete gloss on the notion.

<sup>22</sup>For this way of thinking about political justification, see Lister (2013, 15–23) and Leland and Wietmarschen (2017). One could instead think of justification dialectically, as the reasons citizens give one another when debating policy. I take this to be Rawls's view from e.g. Rawls (1997). Adopting this view would require some changes to my argument, but the basic idea behind it would remain intact. My suspicion, however, is that the motivational notion is more fundamental than the

someone's justification for a policy when it in fact motivates their proposing or supporting that policy. Thus there would have been an issue not merely with Biden publicly defending the American Rescue Plan Act on partisan grounds. There would be an issue with such partisan considerations motivating them. These are simply not the kind of considerations one would ideally have when acting in the public sphere. There might well be other restrictions on political justification. But the one under discussion is one that constrains the motivations of political actors. It forbids them from proposing or supporting policy for non-public reasons.

Why should we try to justify public policy on public grounds? My view is that it is grounded by the value of civic friendship.<sup>23</sup> The core idea here is that, when one is friends with someone, one is obliged to respect their judgment, and that means that, when you do things that affect the relationship, you take their judgment into account. One can make this plausible by considering personal cases: consider friendship in the context of a marriage.<sup>24</sup> Imagine that you and your partner are deciding where to send your child to school. Your partner wants to send them to a Catholic school, because they think it's important that your child is raised in the faith. But you aren't religious. You think your child shouldn't have Catholicism thrust upon them. You want to send them to a secular public school. It would be inappropriate, in this case, if your partner enrolled your child in a Catholic school in order to make them Catholic. When their actions affect projects critical to the relationship, such as raising a child, they typically should only act on considerations you could accept. The norms of the relationship require that your partner not ignore your values. This would be to disrespect your judgment. So, friendships are subject to something like a demand of public justification.

Analogously, when we're in civic friendships with our co-citizens, we should respect their judgment on issues that affect the relationship. Doing otherwise impairs civic friendship. Yet public policy surely affects our relationship with them. It affects the norms of such a relationship since those norms are in part a function of state laws.<sup>25</sup> And it affects the joint projects we have with other members of the relationship. That project consists in governing the state. So, respecting our co-citizens' judgment means only justifying policy to them on grounds that they could accept. If we push policies on the basis of reasons they would reject, then we are ignoring their judgment. There are of course exceptions to these requirements.

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dialectical one.

<sup>23</sup>For this sort of view, see Ebels-Duggan (2010), Lister (2013) and Leland and Wietmarschen (2017). It may also have been Rawls's view. See Rawls (1997, 772).

<sup>24</sup>Lister (2013, 107–108) also considers this case.

<sup>25</sup>For this point, see Scheffler (2018, 16–19).

If your co-citizens have odious values, or exhibit intractable failures in reasoning, then civic friendship needn't demand that you justify policies on the grounds that they could accept. But, in the absence of such failures, you should avoid simply inflicting policy on your co-citizens against their better judgment. The demand of public justification of policy is underpinned by the norms of civic friendship.

We are now in a position to see how partisan polarization, and especially asymmetrical partisan polarization, matters practically. As already noted, it (together with affective polarization) severs relationships of civic friendship. This means that political actors are no longer subject to the requirement of public justification. Yet here the asymmetrical nature of the phenomenon is of critical import. Republicans bear most of the blame for sundering cross-partisan relationships of civic friendship. Yet when one does wrong one should not benefit from one's wrongdoing. Rather, one is under a duty to repair the wrongdoing; in this case by repairing the friendships. This precludes Republicans from permissibly advancing policy justified on purely partisan grounds. If they were permitted to do this, they would have benefited from their own wrongdoing. Thus, asymmetric politics makes for asymmetric normative situations: Democrats are freed from the demand of public justification although Republicans are not.

What, concretely, does that mean? It permits partisan justifications for certain policies. Consider, for instance, current proposals to grant Washington, D.C. and Puerto Rico statehood.<sup>26</sup> Plausibly, there could be good public justifications for these proposals. But it is naïve to think that this is actually what motivates support for such proposals. Such proposals are advanced because their enactment would yield states that would reliably vote Democratic. That would add Democratic senators to Congress and improve the Democratic Party's chances in presidential and House elections. That is to say, their real justification is clearly partisan. Such a justification would be impermissible in a well-functioning democracy. It would violate one of the norms of civic friendship; the norm requiring us to respect the judgment of our fellow citizens. But such a justification can be perfectly sound in the contemporary United States.

The same point applies to current proposals to expand the size of the Supreme Court.<sup>27</sup> Such an expansion would allow the current Democratic president, Joe Biden, to add liberal judges to bench. That would create a liberal majority, which would facilitate decisions that favor Democratic policy goals. There might be a sound public justification for increasing the number of judges in the Court. But,

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<sup>26</sup>See Wines (2021) and Fineout (2021).

<sup>27</sup>See Herndon and Astor (2020).

again, the actual motivation behind this proposal is surely not such a justification. It is the desire to advance Democratic policy goals. Those policy goals are not goals held by all reasonable citizens. So some such citizens would surely reject the claim that this consideration was a reason for such a policy. Thus, this motivation would be impermissible in a well-functioning democracy. Yet, again, it is perfectly permissible in the United States. Democrats are free to advance policies such as these on non-public grounds.

## 7.5 Republican Authoritarianism

Finally, let's explore the growing authoritarianism of the Republican party. This is both a mass- and elite-level phenomenon. On the elite-level, it consists in voter suppression policies and the attempt to overturn the results of the 2020 election. On the mass-level, it consists in support for such elite actions and the condonation of political violence. This is a clearly asymmetrical phenomena: no parallel disregard for democratic values is visible in the Democratic party. In this section, we'll lay out this phenomenon and explore its normative import.

Let's start by looking at voter suppression. Since the mid-2000s, Republican politicians on the state-level have enacted policies aimed at suppressing Democratic turnout (Anderson, 2018, ch.2). One class of such policies are voter identification (ID) laws. These laws usually require people to present a government-issued identification in order to vote. Millions of Americans, especially poorer Black Americans, lack such identification (GAO, 2015, 21–27). This imposes an extra cost on such people in order for them to vote. Monetarily, the cost is small but not trivial: A Government Accountability Office report suggests that such IDs cost up to \$58, dependent on state and type of ID (GAO, 2015, 126).<sup>28</sup> But the cost in time and effort can be large. This is because, while imposing such requirements, Republican governors often shut down local offices, such as offices of the Department of Motor Vehicles (DMV), from which people can get identification (Anderson, 2018, ch.2). This means that people have to travel tens or even hundreds of miles to get identification. That is often unfeasible for those who rely on public transportation. Such laws probably depress turnout by between two and four percentage points (GAO, 2015, 35–57), and so tilt races towards Republican candidates.

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<sup>28</sup>Typically, in principle, one can get free identification when one is getting it in order to vote. But often doing so requires presenting other documents, such as birth certificates, which themselves are costly to get (GAO, 2015, 31–33).

There are many other voter suppression policies. The most blatant are voter roll purges. Since 2010, tens of millions of names have been removed from voter rolls (Brater et al., 2018). This has happened due to the actions of Republican Secretaries of State. The stated goal of these purges was to remove ineligible voters from voter registration lists. But many were removed because they voted infrequently, or because their name in the voter registration database did not exactly match that in the DMV database, or because they shared names with someone from another state. In other words, they were disenfranchised for poor reasons. In all these cases, disenfranchisement fell disproportionately on minority voters (Anderson, 2018, ch.3). Other policies restrict access to polling stations (Anderson, 2018, ch.4). Republican legislatures in Ohio, Indiana, Florida, and North Carolina have cut the time one is able to vote before election day. Many of these states assign fewer electoral resources per capita to minority communities. And many states have eliminated or moved polling places. This is why there are long lines in front of polling stations.

This voter suppression campaign manifests a deeper disregard for democratic institutions by elected Republican officials. Clearly the worst offender here has been Donald Trump. After winning the 2016 election, Trump claims that “I won the popular vote if you deduct the millions of people who voted illegally” (Seipel, 2016). In the run up to the 2020 election, he claimed that it would be “the most IN-ACCURATE & FRAUDULENT Election in history” (Niedzwiadek, 2020). During the vote count, he continually accused the Democratic party of “trying to steal the election” (Baker and Haberman, 2020). Over the next several months he repeated these claims incessantly. Such claims were of a piece with prior Republican accusations of voter fraud. After the 2000 election, for example, Senator Christopher “Kit” Bond (R-Mo.) alleged that a “major criminal enterprise designed to defraud voters” was underway (Minnite, 2010, 135). This justified his backing of voter ID laws. For at least twenty years, Republican officials have regularly cited voter fraud to justify voter suppression (Anderson, 2018, ch.2). There is a long history, in the Republican party, of denying the legitimacy of election results for partisan advantage.

Such claims affect the actions and attitudes of ordinary citizens. Most strikingly, in January 2020, they incited a mob into storming the United States Capital Building in an attempt to violently overturn the 2020 election. Five people died and the building had to be evacuated. Despite this, support for Trump among rank-and-file Republicans remained stalwart. By September 2021 almost eighty percent of Republicans believed that Biden has not legitimately won the 2020 election (Agiesta and Edwards-Levy, 2021). Similarly, Republicans have become in-

creasingly willing to condone political violence. According to one poll, a majority now support such violence to advance certain Republican policy goals (Cox, 2021, 6). According to another, thirty percent of Republicans (compared to ten percent of Democrats) now agree that “true American patriots must resort to violence in order to save [their] country” (PRRI, 2021). These attitudes are growing: Republicans are much more likely to condone such violence, and deny the legitimacy of their opposition, that they have been in the past (Lührmann et al., 2020). The authoritarianism of Republican party elites has trickled down into the attitudes of rank-and-file Republicans.

The import of this for democratic values is straightforward. In Chapter 1 I defended the view that a core part of democracy’s value was that it helped prevent subordination. These actions undermine this value: they subordinate, and threaten to subordinate, non-Republicans. This is simplest to see when it comes to voter suppression policies. Purging voter rolls disenfranchises, and so subordinates, people directly. Voter ID laws restrict access to polling stations and increase the cost some citizens have to bear in order to influence the outcome of elections. Yet power in the sense relevant to subordination is surely sensitive to such costs.<sup>29</sup> If it is more costly, on average, for minority voters to cast a vote, then that reduces their power to influence their fellow citizens through the ballot box. Examples make this clear. If Georgia charged Black people \$10 for voting, this would subordinate them. It would do so by making their exercise of the vote more costly, and so reducing their political power. Many voter suppression policies are just more subtle ways of imposing costs on certain groups for voting. Accordingly, they have the same import. They reduce the political power of those they impose costs on, and so they subordinate them.

The issue with Republican officials and rank-and-file voters denying the legitimacy of their opponents, and condoning violent attempts to subvert election results, is no less serious. Here, the problem is that they impose risk. Denying the legitimacy of Democrats makes Republicans more likely to engage in political violence after electoral defeat. By failing to condemn such violence after the fact, officials make its reoccurrence more likely. All this increases the risk that American democracy will collapse in the face of a violent mob or, more likely, a legislative coup.<sup>30</sup> That imposes a risk of subordination on non-Republicans. If American democracy collapses, they will most likely be subordinated in whatever

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<sup>29</sup>Goldman (1972, 247–57) also makes this point.

<sup>30</sup>For similar worries, see Levitsky and Ziblatt (2018), McCoy and Somer (2019) and Svobik (2019).

political system takes its places. So Republican behavior imposes a risk of subordination on even those who evade or can easily bear the cost of voter suppression policies. The growing authoritarianism of the Republican party thus undermines (and threatens to undermine) the negative aspect of democratic equality.

Let's turn to the ethical implications of this. I believe that it undermines Republicans own claim to non-subordination. The general principle this conclusion rests on is that, if one wrongs someone (or risks wronging them) in some specific way, then one undermines one's own claim against oneself being wronged in that way.<sup>31</sup> This is because one undercuts one's standing to complain about such wrongs. Thus, if you physically attack someone, you undermine your own claim against such physical attacks. The person you attack can attack you in self-defense. Others can attack you in other-defense. Equally, if you break your promises or continually lie to people, then you cannot complain when others break their promises or lie to you. This undermines your own claim on faith and honesty. Likewise, if you subordinate someone, or threaten someone with subordination, then you undermine your claim against subordination. Thus, when Republicans subordinate their fellow Americans, that undermines their claim to non-subordination.

This undermining is somewhat complicated. Having subordinated someone in the past doesn't mean that one has no future claim against subordination whatsoever. To see this, consider the case of slaveowners. It is, typically, morally wrong to enslave even those who have owned slaves in the past. Former slaveowners have a weaker claim against subordination than other people. This is because they have little standing to complain about being subordinated. But, still, they have some claim against subordination. In contrast, there is nothing wrong with subordinating someone solely to prevent them from subordinating others. Such a person, insofar as they continue to threaten to others with subordination, has no claim against their own subordination. So Republicans undermine their claim against subordination in the sense that they weaken their claim against it in general and entirely erase it when subordinating them stops them subordinating others.

Let us consider one counterargument to this claim. This argument points out that it is the actions of Republican officeholders that most directly threaten their fellow Americans with subordination. So, one might accept that that such officeholders undermine their claims against subordination but deny that ordinary Republican voters undermine any such claim. The reply to this, again, invokes complicity: ordinary Republican voters are complicit in the wrongdoings of those

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<sup>31</sup>This principle is also at the root of the rights forfeiture theory of punishment. See e.g. Wellman (2012).

they elect. The anti-democracy platform of the contemporary Republican Party is no secret. Its content is widely reported. So Republican voters know, or should know, that voting for Republican candidates contributes to the subordination of their fellow citizens. Thus Republican voters contribute to subordination when they know, or should know, they are so contributing; this suffices for complicity. But being complicit in a specific wrongdoing also undermines one's own claim against being subject to such a wrongdoing. So, ordinary Republican voters' claim against subordination is undermined by their complicity in subordinating others.

One might dispute that all Republicans are complicit in their party's wrongdoing. After all, consider a voter who is convinced that the Democratic policies are economically disastrous. They might oppose the growing authoritarianism of the Republican Party, but judge that it is better to risk authoritarianism than court economic disaster. Should we really say such a voter must be complicit? I think that that depends. Such a voter does contribute to the subordination of their fellow citizens. But they can offset this contribution. Imagine that this voter publicly opposed the voter suppression efforts of their own party or, in Republican primaries, voted against politicians who denied Democrats' legitimacy. This would free them from complicity in the subordination of their fellow citizens. If you contribute to a wrongdoing in one way, but offset that contribution in some other way, this can cancel one's complicity in the wrongdoing. Unfortunately, most ordinary Republicans have done nothing of this sort. After all, an overwhelming majority of Republicans still believe that the 2020 election was fraudulent. So although some Republican voters might not be complicit in their party's wrongdoing, most still are. That forfeits their own claim against subordination.

What are the concrete consequences of this? The first consequence is institutional. In Chapter 5, I argued that minority vetoes, and specifically the Senate filibuster, could be justified by a concern with subordination. In a system without minority vetoes, the majority party has a practical monopoly on political power. This creates an inequality between the members of the majority party and those of the minority party: it subordinates the former to the latter. Minority vetoes help ameliorate this inequality, and thus this subordination. But, if Republicans undermine their claim against non-subordination, they undermine their claim to such an amelioration. At minimum, that means Democratic politicians have no moral reason to respect the Senate filibuster when doing so threatens the subordination of other Americans. Thus, they have no moral reason to respect the filibuster on issues of voting rights. More generally, it seems plausible that the continual Republican ability to obstruct government in the Senate aids their undermining of American democracy. That undercuts their claim to enjoy the institutional ba-

sis of such obstruction: a minority veto in the Senate. So, plausibly, Democratic politicians lack moral reason to refrain from wholesale abolition of the filibuster. Republicans have undermined the claim, a claim against non-subordination, that would underpin such a reason.

The second consequence is practical. In Chapter 2, I argued that we have reason to avoid obeying exacerbating inegalitarian relationships, and that obeying the laws can exacerbate such relationships. This is important because the Republican slide into authoritarianism makes Republicans social superiors. By disenfranchising minority voters, by making it costlier for them to vote, the Republican Party creates an inequality of power between Republican voters and these other voters. It puts the latter in a relationship of subordination. But you have reason to minimize such relationships of subordination. So, you have reason to minimize the power of Republicans: indeed, others have a claim on you that you do exactly this. Yet obeying Republican-made laws increases the power of Republicans. So it increases the inequality of power between Republicans and those whose votes they have suppressed. That means you have positive reason to avoid obeying Republican-made laws: doing so avoids exacerbating relationships of subordination.

In sum, then, both partisan polarization and growing Republican authoritarianism impair democratic equality. Both impair democratic values: the former severs civic friendships, and the latter creates inegalitarian relationships. Yet the asymmetrical nature of the phenomena is most interesting normatively. It means that Democrats, but not Republicans, are freed from the constraints of public justification. And it means that Republicans, but not Democrats, have undermined their own claim to non-subordination.

## 7.6 Conclusion

I've argued, in this chapter, that ideological polarization helps facilitate the value of self-rule. That's the good news. But there are limitations on how good this news is: there remain substantial barriers to achieving this self-rule. Ideological polarization doesn't loosen the grip of elites on public policy. And it doesn't turn people into well-informed, rational and independent citizens. It's still to be welcomed. But in the face of these existing barriers I doubt much self-rule can be achieved. The good news is not good enough to secure much of this part of democracy's value.

Affective polarization, I've argued, precludes civic friendship and instantiates civic enmity. Partisan warfare also impairs civic friendships, and the growing

authoritarianism of the Republican Party subjects people to relationships of subordination. So there is clearly more bad news here than good. And the bad news raises distinctive problems for democratic values. Specifically, in Part II we saw that there were severe barriers to egalitarian relationships between elites and ordinary citizens. We also saw (in Chapter 5) that there were some barriers to those relationships between cross-partisans, but one might reasonably think this didn't make such relationships impossible. The bad news in this chapter cements the barriers of this latter kind. It means the relationships between cross-partisans are marked by mutual contempt, and (somewhat less mutual) complicity in wrongdoing. This greatly diminishes the extent to which the United States can achieve civic friendships, the positive aspect of democratic equality.

Let's now turn to a final set of obstacles to civic friendships: the motivations driving our votes.

# Chapter 8

## Voter Motivations

### 8.1 Introduction

Sometimes we vote on the issues. Consider a voter who detests gun control. They might, on this basis, vote Republican. Their opposition to gun control drives their vote choice. They vote Republican because they share the Republican party's policy position. But sometimes we instead vote on performance. Consider a voter who loves the booming 1990s economy. They might, on this basis, vote for Clinton. Their assessment of the incumbent's performance drives their vote. They vote for Clinton because, well, it's the economy, stupid. And, sometimes, we vote on group identities. Consider a Catholic from 1960. Perhaps they cannot stomach voting against their church. They might, on this basis, vote for Kennedy. They vote for Kennedy because he is a Catholic, like them. Their group identities drive their vote. These voters differ in the basis on which they vote. They differ in the reasons they have for voting the way they do. Policy issues drive issue voters. Performance issues drive performance voters. Group identities drive group voters. But which type of voter motivation is best for democracy?

That question is the primary question of this chapter. It plumbs how the prevalence of different voter motivations impacts democratic values. But this question is primary in a purely pragmatic sense. Answering it helps us answer two questions of great import. First, it helps us answer the core question of this book. How well does America realize democratic values? We just need to put our answer to the primary question together with empirical evidence about how common each type of voting behavior is. Second, it helps us answer a more personal question: how *should* we vote? The answer to this depends, in part, on how actual voters

can contribute to democratic values. Thus, our interest in the primary question is a functional interest. Its answer shines a light on more pressing matters.

Let's make two things clear about this primary question. First, when I talk of 'voter motivation' I am talking about the reasons on which people base their vote. A reason, in this sense, is a psychological state which drives our actions. Much of what we do is driven by such reasons. Often, such reasons matter morally: when I give my partner a gift, I do it because I want them to enjoy the gift. This makes my act commendable, or at least permissible. If I gave them a gift because I wanted them to feel beholden to me, my act would not be commendable. The argument of this chapter is that voters' reasons matter to democratic values. Second, when I talk of 'democratic values' I am—as usual—talking about non-instrumental democratic values. These are features which make democracy valuable besides its causal consequences. More than intrinsic values matter to democracy. Instrumental values matter too. But intrinsic values are one of the things which matters. Thus, we can re-phrase the primary question. It is: what type of voter motivation, were it widespread, would best contribute to intrinsic democratic values?

These three types of voting have been the subject of sustained empirical investigation. Yet, for all that, they have not been the subject of much normative investigation. When political scientists evaluate them, they do so in terms of instrumental values. For example, they explore which motivation will produce the best policy.<sup>1</sup> They ignore how these motivations matter to intrinsic democratic values. Meanwhile, political theorists have written a lot about voting but little about voter motivations. Rather, they've addressed whether citizens ought to vote in the first place. The driving problem here is that each vote has a very small chance of making a difference to an election. So: is it rational to vote at all?<sup>2</sup> They have spent much time on this question. But they have rarely explored what should motivate those who do vote.<sup>3</sup> Jason Brennan (2011) has investigated a connected topic. He has examined whether those who vote ought to know about politics.<sup>4</sup> The connection, as we'll see later, is that voter competence and voter motivation interact in contributing to democratic values. But voter competence, on its own, tells us little

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<sup>1</sup>For example, see the Achen and Bartels (2016, ch. 4) discussion of retrospective voting.

<sup>2</sup>For the problem see Downs (1957, 274). For three different responses, see Parfit (1984, 73–75), Goldman (1999) and Guerrero (2010).

<sup>3</sup>An exception is those working in the 'Public Reason' tradition. Such writers claim that state action is legitimate if and only if it is supported by a justification all reasonable people accept. Among those who think this, Rawls (1993, 235) denies that motivation matters much to how we should vote. Quong (2011, 274–90) contends that it does.

<sup>4</sup>Brennan thinks so. See Arvan (2010) for a reply.

about voter motivations. So voter motivations have been neglected. I suspect that that neglect is unfair. Voter motivations, I will argue, matter to democracy.

Here's the plan for the chapter. In Section 8.2, I'll say more about the nature and prevalence of our three types of voter motivations. We focus on issue voting, performance voting, and group voting because each is the topic of a large empirical literature. In Section 8.3, we'll remind ourselves of some important features of our two core intrinsic democratic values: equality and self-rule. In Section 8.4, we'll identify how different types of voter motivations matter to these values. In Section 8.5, we'll turn to how these types of voter motivation interact with voter competence. In Section 8.6, we'll see what this means for American democracy. Finally, in Section 8.7, we'll see what that means for how individual Americans should vote.

## 8.2 Types of Voter Motivation

The three kinds of voting we will focus on are voting on the issues, voting on performance and voting on group identities. We focus on these not because they are the only possible motivations voters could have. Rather, we focus on them precisely because they have been the subject of such sustained empirical investigation. Issue voting is at the core of spatial modelling of voting behavior (Downs, 1957, ch.8). Early empirical researchers took it to be an influential driver of voting (Campbell et al., 1954, 112–136). Voting on performance became a topic core to the study of voting behavior in the 1970s. A vast literature plumbs, in particular, whether and how voters respond to the economic performance of incumbents (Kramer 1971; Fiorina 1981). Voting on group identities was a preoccupation of the early empirical literature on voting behavior (Berelson et al. 1954, 54–87, Campbell et al. 1954, 88–112). Recently, it has again become a prominent focus. Achen and Bartels (2016) claim that, in the political sphere, group identities form “the very basis of reasons” (2016, 213). This empirical literature allows us to assess the prevalence of each kind of voter motivation. As we'll later see, that will help us to evaluate the quality of American democracy and the duties of American citizens. But first I'll say more about each kind of voting.

We'll begin with issue voting. This is voting on the basis of shared policy platform or issue positions. Consider Democrats who voted for Obama because they wanted public healthcare. They were issue voting. Or consider Republicans who voted for Trump because they wanted to build a wall. They too were issue voting. Their agreement with that candidate on the issues drove their vote. They

wanted certain policies enacted. These candidates said that they would enact them. This is why they voted for the candidate. How often does issue voting happen? The preponderance of evidence indicates that it doesn't happen very often. There are two weighty pieces of evidence for this.<sup>5</sup> The first turns on what voters say when you ask them what they like about different candidates. They rarely mention policy issues. Fewer than 20% mention any issue positions at all. So issue positions seem unlikely to drive vote choice. The second is that voters themselves likely lack firm positions on most issues. Their expressed issue positions are inconstant. At one time, they'll say that they're all for, for example, federally provided universal employment. At another they'll say that they're all against it. Voters seem to be constructing an opinion on the fly.<sup>6</sup> But opinions constructed on the fly surely don't drive vote choice. This evidence suggests that issue voting is relatively rare: it happens more often in textbooks than ballot boxes.

Not everyone is convinced by this evidence. Some people think that issue voting happens quite often. They point out that voters' issue stances correlate with their vote choice. Voters vote for the party who shares their issue stances. And so these people infer that voters' issue positions drive who they vote for.<sup>7</sup> But, in turn, many find this argument unconvincing. The problem is that this evidence doesn't establish the direction of causality. People often take their issue position from the party who they're going to vote for. They conform their policy stance to the party line. So these correlations might be due to people's vote choice driving their policy preferences rather than their policy preferences driving their vote choice.<sup>8</sup> And there's good evidence that this is what's going on. In some cases, one can identify exactly when people find out that they don't share their preferred candidate's issue position. Afterwards, they more often change their mind on the issue that stop liking the candidate.<sup>9</sup> So, it seems to me unlikely that issue voting happens very often.

Now let's turn to performance voting. This is voting based on the expected performance of the candidates.<sup>10</sup> It is voting on one's expectations about their

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<sup>5</sup>The first of these pieces comes from Campbell et al. (1960) and the second comes from Converse (1964). For contemporary updates, see Lewis-Beck et al. (2008, ch. 10) and Kinder and Kalmoe (2017).

<sup>6</sup>See Zaller (1992) for more discussion.

<sup>7</sup>See Ansolabehere et al. (2008) for an influential example of this argument.

<sup>8</sup>For this reply, see Achen and Bartels (2016, 41–45).

<sup>9</sup>This is discussed at greater length in Chapter 6. The direct evidence for it is from Lenz (2012, ch. 3, 8). But see Cohen (2003) and Berinsky (2009) for supporting evidence.

<sup>10</sup>For the "performance" terminology, see Lenz (2012, 2).

performance at promoting widely shared goals. Think of those Democrats who voted for Clinton because they thought he'd boost the economy. They were performance voting. Or consider Republicans who voted for Bush because they thought he'd make America safer. They too were performance voting. These people might have had no view on which policies will help with prosperity or safety. They might just have had views on which candidate will best promote such goals. Often, such views are based on assessments of prior performance in office. These are called retrospective assessments. But they might also be based in the perceived personal qualities of candidates: their integrity, intelligence, competence and so on. All these things can ground assessments of a candidate's expected performance.

The consensus is that performance voting is extremely common. The best evidence for this involves retrospective voting on the economy. A huge number of observational studies look at this. Incumbents suffer when the economy is diving. They flourish when it's rising.<sup>11</sup> There are also some panel survey studies on performance voting. These studies interview the same individuals many times. This lets them see whether performance assessments change before vote intention changes or vice versa. Lenz (2012) is a landmark study. He shows that, when people think the economy is doing badly, they later reduce their approval of incumbent presidents. The former seems to be causing the latter. It's a short jump from this to the conclusion that economic perceptions also drive vote choice.

Let's turn to group voting. This is voting on the basis of group identities. Catholics voted for Kennedy. White southerners voted for Wallace. Black people voted for Obama. It is standard to understand this in terms of social identities.<sup>12</sup> Social identities start with self-categorization: we see ourselves as members of certain groups. And they add to this an emotional charge: we care about our group memberships. How does that affect voting behavior? Well, when we have such a social identity, we're driven to achieve positive distinctiveness for it. That means we're driven to "maintain or achieve superiority over an out-group" (Tajfel and Turner, 2004, 378). We want to raise the status of our group above that of other groups. In the electoral context, getting a group member or affiliate into office is the main way to do this. Having a president who comes from your group enhances your group's status. Thus, we often vote for fellow group members or affiliates of our groups. When I talk about group voting, I mean voting so driven by social identities.

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<sup>11</sup>See Key (1966); Kramer (1971); Fiorina (1981) for the seminal works on this. See Achen and Bartels (2016, 93–98) for a recent discussion of this classic literature. See Lewis-Beck and Stegmaier (2018) for a recent overview of the later literature.

<sup>12</sup>See, for example, Achen and Bartels (2016, 228–29) and Mason (2018, 1–17).

Why construe group voting like this? Because it comports well with social identity theory. This theory is rooted in experiments Henri Tajfel did in the late 1960s. Tajfel set out to plumb the origins of group conflict. He assigned people to groups arbitrarily. In one such experiment, he did this by asking them which of two abstract artworks they preferred. After picking, the subjects were told they were either in the group which liked Klee or that which liked Kandinsky. He then asked them to allocate money among the other subjects. They could choose to ensure either that (a) everyone got the maximum amount of money, or (b) their group got more money than the other group, but less than the maximum possible. He found subjects favored (b). They preferred their group to be worse off in absolute terms but better off relative to other groups.<sup>13</sup> These experiments showed, first, that it's easy to motivate people by group identities. In Tajfel's experiments, subjects never even saw members of either group. They were told only that they had similar taste in art. And they showed, second, that when driven by such identities, we don't just want our group to do well. We want it to win: we want it to be superior to other groups. The claims are at the core of social identity theory. The first makes it likely that identities are operative in political contexts. The second suggests that we should understand that operation in terms of status enhancement. Thus, this more basic psychological theory grounds our construal of group voting.

Group voting also seems to be very common. Race, religion, gender, geography are all common bases for group voting.<sup>14</sup> But perhaps the most common type of group voting is voting on party identification. Those who identify as Democrats vote for the Democratic party. Those who identify as Republicans vote for the Republican party. Why think of this as a kind of group voting? Because party identification behaves like a social identity. It's more like Catholicism than it is like Libertarianism.<sup>15</sup> People avow their party identifications in survey interviews. They talk about their party in terms of 'we'. They feel attacks on their party as personal insults. They get a party identification by early adulthood. They usually stick with it for the rest of their lives. Party identification looks for all the world like a social identity.<sup>16</sup> Thus, since it has a pervasive impact on vote choice, group identities have such an impact.

In sum, on the strength of this evidence, group and performance voting happen often. Issue voting is rarer. I want to end this section with two final, clarifi-

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<sup>13</sup>For the striking original finding, see Tajfel et al. (1971). It has been widely replicated. See, for example, (Billig and Tajfel, 1973; Locksley et al., 1980; Gagnon and Bourhis, 1996).

<sup>14</sup>Achen and Bartels (2016, ch. 7) lay out some case studies supporting this.

<sup>15</sup>Campbell et al. (1960) is the canonical source of this idea.

<sup>16</sup>See Green et al. (2002, 32–40, ch. 3) for this evidence.

catory, points. First, I wish to stress again that these three kinds of voting don't exhaust voters' possible motivations. Perhaps voters also vote based on candidate charisma, or on their perceived self-interest. But we have less empirical traction on these issues than on the three types of voter motivation just canvassed.<sup>17</sup> And, as the evidence I've cited indicates, many of these kinds of voter motivations clearly matter. They have a big impact on how voters behave. So, they're a good place at which to start. They carve out important drivers of voter behavior—ones the prevalence of which we have some grasp on. Thus, understanding of the normative significance of these kinds of voter behavior will put us in a position to answer concrete normative questions about real world democracies.

Second, many voters no doubt have multiple of these motivations. They are motivated in part by the issues, in part by performance, and in part by group identities. Sometimes, these motivations may be entangled. One might, for example, have one's policy position because of one's group identity. Perhaps one opposes gun control because one identifies as a white man.<sup>18</sup> Or, to take another example, one's group identity might lead one to prioritize certain performance issues. Perhaps one think terrorism is the top priority, because one identifies as a Republican.<sup>19</sup> Nonetheless, we can disentangle the impact of different motivations. In theory, although rarely in practice, we can say of individual voters the relative force of these factors. We can say whether they were driven more by the issues, or by performance, or by group identities. In both theory and practice we can say, for the electorate as a whole, which of these motivations has the biggest impact on vote choice. That is what the empirical work just cited attempts to do. We'll return to this issue in section 8.4. But that is all we'll need to do to answer our normative

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<sup>17</sup>In this connection, I want to make a remark about self-interest as a voter motivation. There is a large literature, stemming from Kinder and Kiewiet (1981), on whether performance voters are *pocketbook* voters or *sociotropic* voters. Pocketbook voters vote for incumbents when they think that they've personally been doing well. Sociotropic voters vote for incumbents when they think that the national economy has been doing well. This distinction is sometimes equated with that between self-interested and altruistic voting (see e.g. Brennan 2011, 162–63; 2016a, 49–51; 2016b). But that is a mistake. Sociotropic voters, as Kiewiet and Lewis-Beck (2011) argue persuasively, may be entirely self-interested. They may be voting for the candidate who they see as good for the national economy solely because *they themselves* will do well when the national economy is doing well. Indeed, this point is made clear by Kinder and Kiewiet's initial paper on this topic. They stress that “[t]he distinction between pocketbook and sociotropic politics is *not* equivalent to the distinction between a self-interested and an altruistic politics” (Kinder and Kiewiet, 1981, 132). Thus, we know frustratingly little about how prevalent self-interest is as a voter motivation.

<sup>18</sup>Melzer (2012) claims that this is common.

<sup>19</sup>This is consistent with survey data. See Jones (2019).

questions. Yet, before turning to that, it will be helpful to say more about what makes democracy valuable.

### 8.3 Democratic Values, Revisited

A clear fix on the values I outlined in Chapter 1 makes the import of different sorts of voting behavior is transparent. The first value was equality. I advanced a relational egalitarian conception of this value. The idea is that democracy improves the quality of our relationships. Democratic societies, the thought went, can be societies of equals in a way that other societies cannot. There are two aspects to this ideal: a negative and a positive aspect. The negative aspect is that democracy allows us to avoid certain objectionably inegalitarian relationships. The paradigm examples of these relationships are those which constitute social hierarchies. Caste societies make up an especially odious case. There's something objectionable about the relationship between a Brahmin and a Dalit. Democracy helps prevent the existence of such relationships. The positive aspect is that democracy allows us to achieve certain attractively egalitarian relationships. The paradigm examples of these relationships are things like friendship or modern marriages. The thought is that there's something distinctively valuable about a friendship. Democracy can help bring about a civic analogue of such relationships. So there are two ways democracy improves the quality of our relationships. On the one hand, it prevents objectionably inegalitarian relationships. On the other, it promotes attractively egalitarian relationships.

What attitudes, exactly, are necessary for the civic analogue of friendship to be in place? I didn't give complete answer to this. But two claims I made will matter in this chapter. First, citizens must be committed to avoiding the objectionably inegalitarian relationships.<sup>20</sup> They must be committed to avoiding positions of superiority over their fellow citizens. And this commitment must affect how they act. This is made plausible by the analogy with friendship. A friend who thinks nothing of lording it over you is not really a friend. Second, citizens must not only think about their own welfare. They must care about that of their fellow citizens. Again, this draws plausibility from the analogy with friendship. You're not friends with someone if you don't care about how their life goes.<sup>21</sup> So both these claims draw support from the analogy with personal relationships. But they

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<sup>20</sup> Viehoff (2014, 359–61) endorses a connected claim: he thinks citizens must avoid the inequalities in power which partially constitute the objectionably inegalitarian relationships.

<sup>21</sup> Scheffler (2015) explores this claim at length. It's also defended in Viehoff (2014, 353).

also have independent appeal. When some citizens don't have these motivations, something seems to have gone wrong. Such citizens don't seem to be in the positively valuable relationships. Thus, I'll assume that these are two constraints on the positive aspect of the egalitarian ideal. This will make up a major part of our assessment of different voting behaviors. There are some motivations which are just incompatible with having these commitments.

We now turn to a second democratic value: self-rule. The conception of this I advanced hinged on joint intentions. A joint intention is just an intention one shares with others. When we together intend to paint a house, raise a child, start a business we have a joint intention. Now suppose some citizens have a joint intention to bring about some political event. This could be an action of government or an outcome of government action. And suppose that their having this intention brings about this thing (in the right way). The idea was that we could then say these citizens were self-ruling with respect to that event. I gave two explanations for why that was valuable. First, I suggested it protected citizen's freedom. It made government coercion less liable to make them unfree. Second, I suggested it makes them authors of their political and social affairs. It helps them stand in an active, agentive relationship to these affairs. That's enough reminding. We can now get on to seeing how different types of voter motivation impact these values.

## 8.4 Evaluating Voter Motivations

First, we look at issue voting. Suppose everyone voted on the basis of policy issues. Imagine policy stances motivated peoples' vote choice. How much would this facilitate democratic values? I think the answer is: a lot. Let's start by looking at how it would affect self-rule. Consider the people who, in 1932, voted for Franklin Delano Roosevelt (FDR). Imagine they did so because they wanted unemployment relief. This is a prerequisite for their having a joint intention to enact employment relief. It's a prerequisite for that intention bringing about unemployment relief. So enactment of employment relief might manifest the joint intentions of FDR voters. So, these people may be self-ruling with respect to unemployment relief. More generally, issue voting is a prerequisite for policy manifesting joint intentions. The more widespread is issue voting, the better positioned are people to be self-ruling with respect to particular policies.

Now, widespread issue voting does not guarantee such self-rule. Issue voters might not *jointly* intend to enact any policies. To see this, suppose that Bratman's account of such intentions is right. Bratman (1992) thinks that some people have

a joint intention to  $\phi$  when (a) they each intend that they together  $\phi$ , (b) they have jointly compatible plans for contributing to  $\phi$ -ing and (c) they're not coerced into  $\phi$ -ing. Issue voters might fail to meet these conditions. They might, for example, only think of their own contribution to policy. They might not intend that they together with others enact policy. But, in truth, these conditions are not that hard to meet. FDR voters could have easily intended to bring about unemployment relief with other FDR voters. Their individual plans to contribute to this—voting for FDR—are jointly compatible. And nobody was coerced into voting for FDR. So widespread issue voting doesn't ensure that voters have the joint intentions self-rule requires. But it puts them in a good position to have such intentions. It helps enable them to be self-ruling.

Yet there is a more important way in which issue voters might fail to achieve the value of self-rule. They might be very incompetent. Suppose that they don't know much about FDR's policies. They have an inkling that he's the one offering a New Deal to the American people. But they can't really remember. Might it not have been, they wonder, Hoover who was banging on about a deal? But, on the basis of the inkling, they vote FDR. Here, they're not very competent voters. If they aimed to help enact the New Deal, their actions didn't very reliably contribute to this goal. They could have easily voted for the candidate who would stymie it. We'll talk more about such incompetence in the next section. But, for now, I'll just register the belief that when issue voters are incompetent in this way, they achieve little self-rule. Voter incompetence means policies at most match, rather than manifest, voters' joint intentions. Thus, widespread issue voting aids, without assuring, the achievement of self-rule.

Let's turn to equality. Citizens need certain attitudes to achieve the positive aspect of democratic equality. They must have some care for the welfare of their fellow citizens. They must be committed to avoiding inegalitarian relationships. Issue voters can fall short on these commitments. Consider people who voted for Wallace in 1968 because they liked his segregationist platform. These people were issue voters. But they don't achieve the positive aspect of democratic equality. They violate both conditions. They were not sufficiently concerned for the welfare of their fellow citizens. They were not sufficiently committed to the avoidance of inegalitarian relationships. So, for issue voters to help achieve this value, they can't vote on the basis of odious commitments. But issue voting is compatible with such abstinence. Issue voters might well vote on issues which aren't odious. So, not all issue voting is consistent with the positive egalitarian value. But there's no inherent tension between issue voting and democratic equality. Issue voting, when combined with the other attitudes, does facilitate such equality.

Second, we look at performance voting. Suppose everyone votes on the basis of expected performance in office. Expected performance motivates vote choice. How much does this facilitate democratic values? We'll start with self-rule. Self-rule is a little less well achieved by widespread performance voting than by widespread issue voting. That's because it's only outcomes which can now manifest people's intentions. Suppose people voted for FDR, in 1932, because they thought he would be a better economic performer than Hoover. That's a low bar. But it paid off handsomely. FDR didn't just enact unemployment relief. He helped pull America out of the Great Depression. In this case, the economic upturn might well manifest the joint intentions of FDR voters. But the actual policies FDR implemented would not have manifested these intentions. More generally, performance voting fits with outcomes, rather than policies, manifesting voters' intentions.

Why is this worse than issue voting? Well, to explain that we have to make some more assumptions about issue voting. I assume that few people want a set of policies with total disregard for the outcomes of those policies. They think that those very policies will produce some desired outcomes. So they also have the intention to produce an outcome. So, for such issue voters, both policies and outcomes manifest their joint intentions. That's why they have a leg-up on performance voters. For performance voters, only the outcomes manifest the intentions. Performance voters might well be responsible for large parts of their social environment. But issue voters—at least given certain assumptions—are responsible for larger parts. But I want to be clear on my view here: the leg-up is the size of a small leg. Issue voting beats out performance voting on achieving self-rule. But the margin of victory is not large. Both seem to me respectable ways of achieving this value.

Let's turn to equality. Issue voting and performance voting are in the same position when it comes to equality. Performance voting doesn't guarantee the achievement of the positive aspect of democratic equality. Some people performance vote on the basis of inegalitarian commitments. Their performance voting won't aid this value. Some vote on sheer self-interest. They ask not what a candidate can do for their country, but just what the candidate can do for them. This doesn't help the achievement of democratic equality. But performance voters need not exhibit such misbehavior. They might vote for who they think will produce the best outcomes for all their fellow citizens. They might vote for Clinton because they think he'll make everyone better off. So widespread performance and issue voting are consistent with democratic equality. Neither ensure it, but both can facilitate it.

Finally, we look at group voting. Suppose everyone votes on the basis of their group identities. They vote for candidates affiliated with the groups with which

they identify. And they do this to boost the relative social standing of their group. How does this affect democratic values? We start with self-rule. This type of voter motivation, were it widespread, would not be good for self-rule. When you group vote, neither the policies of government nor the outcomes of those policies manifest your intentions. You didn't intend to bring about any particular policies. You didn't intend to bring about any particular outcomes. You voted on the basis of group affiliation. So group voters don't enjoy self-rule with respect to policies or their outcomes. Now it's not that they enjoy nothing. When they get someone affiliated with their group into office, this can count as the manifestation of their intentions. Any ensuing change in social hierarchies can also count as manifesting their intentions. But, generally, such changes aren't enormous. Obama's election didn't transform race relations in the United States. So this seems less important than policy or policy outcomes manifesting their intentions. It makes voters, at best, responsible for but minor changes in status hierarchies. Thus, widespread group voting would not much help the achievement of self-rule.

Now let's consider equality. Is widespread group voting consistent with the positive aspect of democratic equality? This depends on the type of group voting. There are three types. First, there's *maintaining superiority*. Suppose one identifies with a group which holds a privileged place in a social hierarchy. One votes as one does to maintain this group's elevated place in the hierarchy. This is surely incompatible with a commitment to social equality. You can't be both committed to social equality and motivated by maintaining the status superiority of your group. This is exactly a vote motivated by a commitment to social *inequality*. In the United States, some instances of racial voting give us concrete examples of this. The United States is a racially stratified society. It isn't white people who suffer the racial oppression. So consider the case of white people who vote on the basis of their racial identity. This is a case of maintaining social superiority. If such voting is widespread, then that impairs the realization for the positive egalitarian value.

Second, there's *creating superiority*. Suppose one identifies with a group which holds neither a high nor low place in the social hierarchy. One hopes one's vote will facilitate a realignment in status hierarchies. It will help this group gain status and, in particular, become superior to other groups. This again is incompatible with a commitment to social equality. Such voting behavior is part of a commitment to social inequality. The best concrete examples of this is voting on the basis of party identification. In the United States, party groups hold roughly similar levels of social status. So, consider Republicans who vote for the Republican candidate to raise the social status of Republicans. They're attempting to create social superior-

ity. This is incompatible with a commitment to social equality. Widespread group voting of this type would also impair the positive aspect of democratic equality.

Third, there's *ameliorating inferiority*. Suppose one identifies with a group which holds a low place in the social hierarchy. One votes for a group-affiliated candidate to ameliorate the status inferiority of this group. One hopes that, if the candidate wins election, the group will gain status. The status gain won't make that group superior to other comparison groups. Rather it will make it closer to their equal. This seems completely consistent with a commitment to social inequality. The driving force here isn't a desire for social superiority. It is a desire for equality. In the United States, much race-based voting exemplifies this. Consider Black voters who voted for Obama. This needn't have hurt the positive aspect of democratic equality. In this case, elevating one's group's status amounted to diminishing America's racial hierarchies. This is surely a motivation compatible with egalitarian commitments. So, widespread group voting of this type is quite consistent with democratic equality.

So different kinds of group voting interact differently with democratic equality. Voting in order to ameliorate the inferiority of a group is compatible with the positive aspects of equality. One can have attractive egalitarian relationships with people moved by such motivations. But voting in order to protect or produce the superiority of a group clashes with this aspect. This type of voting manifests a lack of commitment to equality. One cannot have a civic friendship with those who wholly lack such commitments. One's civic friendships are impaired with those who have only very weak such commitments. So, how group voting impacts the positive aspects of equality depends on the type of group voting in play. Now that doesn't mean group voting impacts the negative aspect of democratic equality. I doubt it does. Group voting, by itself, never puts people into relationships of subordination. But it can prevent relationships of civic friendship. It thus impairs the positive, but not the negative, aspect of democratic equality.

Let me conclude the section by returning to an issue I raised in section 8.2. We've been exploring the question of how the prevalence of different voter motivations impacts democratic values. But these motivations are often combined in individuals: often, single voters are moved to some extent by all three types of motivation. How does that affect our discussion? To account for this, the key thing we need to be able to do is evaluate how much each motivation matters on average. The larger the average impact of issue voting, and to a lesser extent performance voting, the better positioned is a democracy to achieve self-rule. The more can citizens' social and political affairs manifest their joint intentions. The larger the average impact of privileged group identities, the worse positioned is a

democracy to achieve the positive aspect of democratic equality. This, in effect, answers the first question of this chapter. Roughly speaking, issue voting is best, followed by performance voting, followed by group voting. And that answer puts us in a better position to assess how voters' motivations affect the value of American democracy. But we're not yet in a quite good enough position. For how these motivations matter to democratic values depends on how competent voters are. So we now turn to voter competence.

## 8.5 Voter Competence

Let's say that someone is competent with respect to a certain aim when they reliably do what promotes that aim. They do what promotes that aim in many contexts. Let's say that voters are competent insofar as they're competent with respect to the aims which underly their vote. In this section, we will look at how voter competence modulates the contribution those aims make to democratic values. This is crucial to do for two reasons. First, it tightens our grip on how voter motivation and democratic values relate. It tells us when certain motivations successfully contribute to those values. Second, we need to do this to understand how voter motivation contributes to the value of American democracy. There are well-known doubts about the competence of American voters.<sup>22</sup> If voter motivation only contributes to democratic values when voters are sufficiently competent, then that matters to our assessment of that contribution. So, what's required of voter competence for voter motivation to contribute to democratic values?

It depends on the value. Let's start with self-rule. Suppose voters wanted to vote for the candidate who would perform best. But imagine that they're utterly incompetent. They judge candidates on the basis of good looks or how well tank helmets fit on their head.<sup>23</sup> But head size does not predict which candidate will be the best performer. Yet suppose the lucky thing happens: a majority of voters do end up voting for the best performer. As previously noted, intuitively this means that the good performance doesn't manifest their joint intentions in the sense necessary for self-rule. For this type of manifestation, their vote and the good performance has to be more reliably connected. Voters, in general, have to be competent in order for the value of self-rule to be achieved. Now, that's not to say that there's a sharp cut-off at which they achieve the anointed standard of competence. Rather

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<sup>22</sup>See, for example, Brennan (2011, ch. 7).

<sup>23</sup>Good looks do sometimes drive vote choice. See Ahler et al. (2017) for some recent evidence. The import of head size turns on your take on Michael Dukakis's ill-fated presidential push.

we should think of it in scalar terms. The more competent voters are, the more of the value of self-rule they can attain. So, when voters are quite incompetent, their issue and performance voting contribute little to self-rule.

I think this point is clear in personal cases. Imagine that you start a business. But, let's suppose, you are not a very good businessperson. You hire layabouts, invest in fads, advertise on Myspace. Left to your own devices, you'd quickly run your new business into the ground. But, fortunately for you, you're a Rockefeller. And your indulgent uncle is both a very good businessman and very, very rich. He works behind the scenes to rectify your mistakes. He hires hard workers. He contacts the right politicians. He intimidates your competitors (he's a Rockefeller, too). This makes your business a moderate success. In this case, it seems to me that you're not the author of this success. That's because you were so unreliable at achieving it. You were only saved by fortuitous family connections. So, that success doesn't really redound to your credit. In this personal case, incompetence seems to undercut the achievement of authorship. That's evidence that, in the political case, incompetence also undercuts the achievement of authorship. When people aren't competent with respect to their goals, in both cases, they are less the authors of those goals. The achievement of those goals merely matches, rather than manifests, their intentions.<sup>24</sup>

Let's turn to equality. Here I want to build on a point I made in Chapter 6. I suggested there that you didn't need to be that knowledgeable or rational to meet the demands of the positive aspect of democratic equality. As I see it, this was a special instance of a more general point. Achieving positive equality does not impose very stringent constraints on voter competence. The key issue here is whether incompetent voting is incompatible with the attitudes that the positive egalitarian value require. If you're incompetent, does that imply you lack a commitment to equality? Does it imply that you don't care appropriately about your fellow citizens' welfare? At first glance, the answer seems to be a clear "no". One can have goals one is no good at achieving. Suppose you really care about your nephew's welfare. But they live in England and you live in the land of the free. You just can't keep up with their life. The tyranny of distance defeats you. So you never get them the right Christmas presents. You get them films when they want games; sugar candy when they want chocolate; scarfs when they want "jumpers". You're not very good at contributing to their welfare. But that doesn't imply that you

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<sup>24</sup>I am inclined to see voter competence as one of the component parts of the notion of political autonomy discussed in Chapter 6. Low levels of competence mean low levels of political autonomy. But we don't need to rely on this view for the purposes of this chapter. We just need an intuitive connection between voter competence and these democratic ideals.

don't care about their welfare. You can care about things you're not very good at promoting. So, at first glance, voter competence needn't matter to how voter motivations impact democratic equality.

But perhaps first glances deceive. There are cases where your incompetence does indicate a lack of concern. Suppose you could easily find out what your nephew wanted. You just need to phone your sister. Then your incompetence suggests you don't care that much about your nephew's welfare. Your unwillingness to pick up the phone in part constitutes a lack of substantial concern. Two things seem to be going on in these cases. First, it's not very costly to become competent. You just need to dial the sibling. Second, this minor cost really boosts the chances of achieving the relevant goal. Calling your sister will make you much more likely to give your nephew good presents. So, when increasing your competence is relatively easy, and would substantially improve the chances of achieving some goal, lack of competence constitutes you're not putting much weight on the goal at all.

But these conditions are violated when it comes to voting. Most importantly, the chance such competence will improve the welfare of your fellow citizens is very small. This is because the chance your vote makes a difference is very small. Individual votes almost never decide elections. Even if you were the most competent voter in the world, that would in expectation yield a tiny benefit to your fellow citizens. Yet the cost of become a competent voter is not nil. You have to spend a lot of time reading the news, following the primaries, watching the debates. This is all time taken from other, more valuable, activities. Thus, I suspect you can be an incompetent voter while having the attitudes that the positive egalitarian values require. Incompetence doesn't constitute a failure to care appropriately about your fellow citizens welfare or to be committed to equality.<sup>25</sup> Although self-rule is only achieved by reasonably competent voters, the positive aspect of democratic equality imposes minimal standards of voter competence.

## 8.6 The American Voter

We can now see how the motivations of the American voter contributes to democratic values. After that, we'll be in a position to answer the more personal question: how should you vote? But we'll start with the values. We first address self-rule. Given the paucity of issue voters, only the performance voters can realize this value. How many of those are there? Well, when you ask voters what they like

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<sup>25</sup>We made essentially this point in Chapter 6.

about candidates, about forty percent mention performance issues. About thirty percent mention topics like the economy. Up to ten percent mention candidates' personal qualities.<sup>26</sup> So this seems an upper bound for the number of performance voters in the American electorate. And it's a respectable upper bound: forty percent of voters is a lot of voters.

Yet, unfortunately, I doubt that these voters enjoy much of the value of self-rule. The problem is that, I think, many of them are rather incompetent. To see this, we draw from Christopher Achen and Larry Bartels' *Democracy for Realists*. They argue, persuasively, that American performance voters are "myopic" and "blind". They're myopic in the sense that, when they vote retrospectively, they vote on short-term performance. They're blind in the sense that they punish incumbents for things out of their control. Fixating on short-term performance and kicking incumbents for acts of God are not, I suspect, reliable ways to pick good performers. So I suspect American performance voters are not competent performance voters. And that means that they don't achieve much of the value of self-rule.

What's the evidence for voters' myopia and blindness? Let's start with myopia. Now everyone knows that economic performance correlates with incumbent vote share. But economic performance can be different over different time periods. It might be good over four years, but less good over the last two years. So Achen and Bartels (2016, 146–76) test what period of economic performance is associated with incumbent vote share. They find that an extra percentage of real income growth in the six months before the presidential election is associated with a big bump in incumbent popular vote margin: seven and a half percentage points. But income growth at other times isn't associated with any change in the incumbent's vote margin. Voters are just responding to economic conditions around the time they're voting. It's tough luck being an incumbent who juiced the economy in just the first three years of your term. That cuts no ice with voters. Voters only care what you've done for them lately.<sup>27</sup>

Now turn to blindness. Again, the best piece of evidence for voter blindness comes from Achen and Bartels (2016, 116–146). Incumbents, they reason, have no control over the weather. They might be able to make it metaphorically rain. But making it literally rain is beyond their purview. So they look at how, in the United States, incumbent vote share tracks rainfall. And they don't just look at this over

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<sup>26</sup>See Lewis-Beck et al. (2008, ch. 10).

<sup>27</sup>Both Healy and Malhotra (2009) and Montalvo (2011) report similar outcomes with respect to natural disasters and terrorist attacks respectively. Healy and Lenz (2014) argue that this is a manifestation of the "end" part of peak-end effects.

the last ten or twenty or thirty years: they look at the whole 1897–2000 period. Very high and very low rainfall are each associated with lower incumbent vote share. In their telling, voters are punishing incumbents for bad weather. They’re punishing them for droughts and floods over which they have no control. This is not a reliable way to pick good performers.<sup>28</sup> So American performance voters likely achieve little of the value of self-rule. American democracy, then, can attain little of this value. The American voter puts the value of self-rule largely out of reach.

But what about democratic equality? In particular, does American voting behavior impair the positive aspect of democratic equality? Let’s start with the impact of performance voting. Here competency matters. But the competency constraint I advanced was minimal. Indeed, I think that even myopic and blind voters can meet it. After all, myopic and blind voters aren’t *completely* incompetent: they still managed to kick out Hoover. They just have a low level of competency. But there is a tiny chance that their vote makes a difference. So this low competency is consistent with having the attitudes that the positive egalitarian value demands. It needn’t mean that voters don’t care appropriately about their fellow citizens or aren’t sufficiently committed to equality.

Let’s turn to group voting. Here the outlook is much gloomier. The first problem arises from the pervasive impact of partisan identification on voting behavior. I noted above that voting on the basis of party identification is voting in order to elevate your own social group above other social groups. It’s a case of creating superiority. That’s incompatible with a commitment to social equality. This is bad news for the positive value of equality in American democracy. In Chapter 7 we already saw one barrier to cross-partisan egalitarian relationships. We pointed out that attitudes of mutual contempt were hostile to such relationships. Now we add another barrier. Partisans on each side are trying to make themselves superior to those on the other. They cannot at the same time forge valuable egalitarian rela-

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<sup>28</sup>A large, albeit contested, literature supports the view that voters vote blindly. See Healy and Malhotra (2013, 295–98) for a review. The most interesting criticism of this work, in my view, comes from Ashworth et al. (2018). They suggest that voters might respond to natural disasters—like floods and droughts—because they provide new information. Perhaps, before a natural disaster, voters can’t directly observe the competence of either incumbent or challenger. But perhaps it’s justifiable for them to assume that incumbents are more competent than challengers. And perhaps natural disasters let them directly observe the quality of incumbents. This might sometimes reveal that incumbents are incompetent. Thus, when voters vote incumbents out after natural disasters, they might be responding to surprising facts about incumbent incompetence. If this is what’s going on, then that’s good news: it undermines the worries about voter blindness in the text. But, having said that, Ashworth and his co-authors are yet to empirically corroborate this suggestion.

tionships across party lines. Substantively, that is of enormous import. Partisan identification is probably the strongest influence on voting behavior. Since it severs positively valuable egalitarian relationships, only a few such relationships can span party lines. Cross-partisan relationships cannot be civic friendships.

Yet things are worse than that. To see why, we have to look at some more empirical evidence. And we'll need to turn to current affairs: we'll need to turn to the 2016 election of Donald Trump. One of the most crucial points about Trump's rise is its connection to white identity. In the primaries, white voters more attached to their white identity were much more likely to vote for Trump. He won the general election with a majority of fifteen points amongst white voters. Again, white identifiers were most likely to vote for him. The reason is not obscure. His rhetoric was littered with both implicit and explicit racial appeals.<sup>29</sup> These appeals helped cement Trump as the candidate of white Americans. He swept to office on a wave of white identity voting.<sup>30</sup> White identity voting, as we noted above, is incompatible with relationships of equality. You cannot stand in an egalitarian relationship with someone while trying to cement your superiority over them.

Trump contributed to this wave. But he didn't create it. About thirty to forty percent of white Americans say that being white is very, or extremely, important to their identity (Jardina, 2019, 63). And white identity voting mattered well before Trump. It seems to have reduced the vote for Obama as well as for Black candidates in other elections (Petrow et al., 2018). For at least a decade, then, millions of white Americans have voted on the basis of protecting their lofty place in America's racial hierarchy.<sup>31</sup> And it's doubtful that white people are the only members of privileged group to vote on the basis of the group identity. For example, Trump won by twelve percentage points amongst men. The more sexist someone was the more likely they were to vote for him (Schaffner et al., 2018). Thus it seems plausible (although the evidence is less strong) that male identity also mattered to vote choice. In short, group identity voting in America is not the preserve of oppressed groups. The members of privileged groups often vote their group identity.

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<sup>29</sup>The New York Times keeps a list of Trump's racist comments. See Leonhardt and Philbrick (2018).

<sup>30</sup>The story here comes from Jardina (2019, 230–47).

<sup>31</sup>There's some evidence, from Wong and Cho (2005, 712–15), that white identity was less politically efficacious in the 1972–2000 era. On the other hand, the beginning of this era included millions of votes for George Wallace, a man who, in his own words, “toss[ed] down the gauntlet before the feet of tyranny” right before declaring “segregation today...segregation tomorrow...segregation forever” (Wallace, 1963). So it would be bold to suggest that white identity voting is new to American politics.

This is even worse news for the positive aspect of democratic equality. Voting behavior rends positively valuable egalitarian relationships between partisans. And it also seems to, often, prevent them between the more and less privileged. That means those relationships can't hold between each American citizen. Now that doesn't mean they can't hold between anyone. Not every white person votes on their white identity. Not every partisan votes on party identity. Those who don't can share the positively valuable egalitarian relationships. But millions of people do vote on such bases. So the American voter strikes a blow against the positive aspect of democratic equality. That doesn't impair the negative aspect of the democratic equality. But, all the same, it is a big blow to the intrinsic value of American democracy. In light of the attitudes of cross-partisan mutual contempt, discussed in Chapter 7, I suspect that this value is very poorly realized by American democracy. This is the upshot of these phenomena for the core question of this book.

## **8.7 How Should Americans Vote?**

We're now in a position to give a partial answer to the question: how should Americans vote? The answer will be partial. We'll look at just the reasons democratic values give rise to. I think that the value of self-rule can give rise to two types of reasons with respect to voting behavior. First, it can give rise to a self-interested reason. You yourself benefit from achieving this value. But you only achieve this when your fellow citizens put you in a position to achieve it. They must have the intentions which would underpin a joint intention. And they must have formed those intentions competently. Otherwise it doesn't matter how you vote. The incompetence of your fellow citizens puts the value of self-rule out of reach. But neither condition is usually met in the United States. American voters, as we've seen, often lack the motivations they need to achieve the value of self-rule. They're often group voters. And those who are performance voters are rarely competent performance voters. So, in the United States, self-rule provides little self-interested reason to vote on particular motivations.

Second, the value of self-rule can give rise to an altruistic reason. Generally, we should help out our fellow citizens. If our doing something helps them achieve some good, we have reason to do the thing. One of our reasons to pay our taxes is that it helps us get good roads, parks, schools. It helps out our co-citizens. Thus, were American voters good competent issue voters, you'd have reason to be such a voter yourself. This would help them achieve the value of self-rule. But

again as we've seen, American voters are not competent issue voters. So being such a voter doesn't help them achieve self-rule. You can only help those who help themselves. So you lack this altruistic reason to be a competent issue voter. Thus I doubt the value of self-rule gives American voters any reason to vote in certain ways. It would in an ideal democracy. In an ideal democracy it would give American voters reason to be competent issue voters. But in our deeply non-ideal, real-world case, it is normatively inert.

Now one might resist this. Suppose you endorse a view like rule-consequentialism. On this view, one should act in line with the rules which, were they widely accepted, would lead to the best consequences. Imagine, for example, that your college needs a million dollars to stay open. If every member of the college gave the college a thousand dollars it would stay afloat. This would be to great benefit overall. So you should give the college a thousand dollars. And you should do this even when you know you're throwing your money into the abyss; you know that your perfidious colleagues will never chip in. This sort of view says that you should be a competent issue voter despite it achieving nothing. For if everyone accepted the rule "be a competent issue voter", then we would achieve the value of self-rule. Thus my position won't be congenial to people with such rule-based moral views. But I am skeptical of such views. The cases at hand are exactly those where they seem to go wrong. In these cases, following such rules seems pointless. So, the relevant cases seem like counterexamples to such views. That is not secure footing from which to resist the position I've put forward.

Let's turn to equality. This gives rise to reasons connected to the constraints on egalitarian relationships. You shouldn't do things which sever your egalitarian relationships. Now, were America entirely devoid of egalitarian civic relationships, this too wouldn't matter. But that is not the picture I just painted. Millions of people may vote on party identification and privileged identities. But millions also do not. You still have reason to avoid severing your egalitarian relationships with these latter people. That means you shouldn't vote on certain group identities. Voting on party identification seems out. Voting on whiteness or masculinity is definitely out. Such voting precludes a commitment to equality. In short, you can't be the type of group voter who votes on the basis of privileged group identities. Now that doesn't preclude voting on unprivileged group identities. Ninety-six percent of Black voters voted for Obama. They needn't have been doing anything wrong. But it precludes much group voting all the same. So equality imposes constraints on your motivations. Does it also impose constraints on your competence? Only minimal ones. This is because acquiring competence is costly and the chances of it making a difference are low. Thus you needn't hit the books to

meet the requirements of democratic equality.<sup>32</sup> Equality mainly requires you to manage the motivations underlying your vote.

So we've shed some light on how we ought to vote. Insofar as achieving democratic values is important, we have reason not to vote on certain motivations. In ideal democracies, this reason would be quite constraining. We'd have reason to be competent issue voters. But the non-ideal nature of American democracy makes a crucial difference. It means democratic values impose quite lax standards on voting behavior. As long as we don't vote on relatively privileged identities, we are likely doing all that such values require of us. Of course, many of us fall short of even these standards. Many voters vote on white identity. Many more are driven by party identity. But the standard is not, in principle, hard to meet.

## 8.8 Conclusion

Let me sum up. We've looked at what sort of voting behavior is best for democracy. I've argued that widespread issue voting is best, followed by performance voting followed by group voting. I've also argued that this voting is best when competent. But American democracy, so I've suggested, does not fit this description very well at all. Voting behavior alone greatly diminishes America's capacity to achieve self-rule. Now, this doesn't put the negative aspect of democratic equality any further out of reach. Voting behavior alone does not put us in objectionably inegalitarian relationships. But it cements the worrying conclusion of the previous chapter. Democracy should facilitate some positively valuable relationships. But American democracy does not much facilitate these relationships. These relationships don't, in America, hold between cross-partisans. And they often don't hold between the members of privileged and unprivileged groups. This doesn't rule out such relationships completely. But the picture left of American democracy bears little resemblance to universalistic picture of civic friendship I sketched in Chapter 1. This is the final failure of American democracy I'll discuss. The next, concluding, chapter will be summary and synthesis. We'll sum up how American democracy fails to realize democratic value and why these failures matter.<sup>33</sup>

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<sup>32</sup>Brennan (2011, ch. 3), of course, argues that voters have reasons to be competent which aren't grounded in self-rule or equality. I haven't engaged with his argument here.

<sup>33</sup>The present chapter is in substance the same as Lovett (forthcoming).

## **Part IV**

# Chapter 9

## Conclusion

### 9.1 The Picture

My central thesis has been that there are many serious ways in which American democracy fails and that these ways matter. We're now in a position to summarize the ways and how they matter. We'll start by painting, in broad brush strokes, the picture of American democracy which emerges from the previous chapters. Let's begin at the level of elites. Power over government is, on this picture, monopolized by a small cadre. Elected officials, interest groups leaders and the personally wealthy are the powerbrokers of U.S. politics. These groups are largely immune to external control. It's obvious that the personally wealthy are so immune. But so are the first two. Interest group leaders often means corporate leaders. There's no pretense of popular control in these cases. Sometimes this means the leaders of advocacy groups. But they too often have little substantive connection with ordinary citizens. They're professionals managing mailing lists of the well-to-do; not organizers managing cross-class associates. Meanwhile, elected officials are responsive to some of their constituents. But only weakly and only to some. They have, and exercise, a large amount of autonomy. And the some they are responsive to are their co-partisans. Ordinary citizens across the party aisle have little influence on their elected representatives. On the elite level, the picture is of a small cadre of decision makers who, when they respond to anyone, respond to their own supporters.

The picture gets no prettier at the mass level. We're winning no prizes for how we think about politics. We're ill-informed. We don't have much information about political matters. We're irrational. We treat political reasoning as a game

of group defense. And we're malleable. We let political elites mold our opinions. When we do engage in politics, we tend to engage in it with more emotion than cognition. Now that's no problem in principle. But, in practice, that emotional engagement manifests grotesquely. We form viciously negative attitudes towards those on the other side of the party aisle. We're contemptuous towards them. We don't wish to form relationships with them and are even willing to discriminate against them. When we vote, we're not driven by the issues or, often, the performance of officials. We're driven by the desire to put our social groups above others. On the mass-level, the picture is of ordinary citizens ill-equipped for the demands of political thought, indulgent of acrimony and—too often—driven by base motives.

Where does this leave our democratic values? Let's start with the negative egalitarian value. This value inheres in the avoidance of objectionable inegalitarian relationships. These are the relationships characteristic of dominance hierarchies. They're relationships in which some participants have much more power than others. The power of elites strikes the greatest blow to this value. The lack of popular control over government officials makes the relationship between them and ordinary citizens objectionably inegalitarian. It makes this relationship akin to other relationships of deep inequality. The power of group leaders and the wealthy adds more of such relationships to the mix. These people, through their power over government, have power over the rest of us. The problem is exacerbated by who elected officials respond to when they respond to anyone. They respond to their co-partisans. This gives the relationships between ordinary citizens across party aisles an inegalitarian cast. When Democrats are in power ordinary Democrats have more power. When Republicans are in power ordinary Republicans have more power. The relationship between ordinary Democrats and Republicans is thus made inegalitarian.

Let's turn to the positively egalitarian value. This value inheres in the promotion of valuable egalitarian relationships. These are relationships akin to friendship or modern marriage. Participants in such relationships relate on terms of equality. They are committed to relating on such terms. And they're committed to each other's lives going well. The existence of inequality itself tends to impair these valuable relationships. The inequalities between elites and ordinary citizens likely preclude such relationships. The inequalities between partisans of the in- and the out-of-power parties make such relationships difficult. But the behavior of ordinary citizens exacerbates the problem. The contempt cross-partisans hold for one another snuffs out these valuable relationships. Meanwhile, citizens' voting behavior strikes another blow to civic friendship. Millions of people vote to defend

their privileged position in America's various group-based hierarchies. This precludes the egalitarian commitments egalitarian relationships need. So how much these positively valuable relationships can flourish is at best boxed in. They fail to flourish between cross-partisans, and they fail to flourish between many members of different social groups.

Let's turn to self-rule. How much self-rule do Americans achieve? The answer has to be: not much. This is in part supported by the picture of American policymaking as elite dominated. If a small cadre of autonomous elites drive policy, then ordinary American citizens do not. Government policies cannot, under these conditions, manifest the joint intentions of many citizens. They might match those intentions. But there can't be much causal connection between what ordinary citizens want and what happens. Yet it's not just features of elite level politics which detract from self-rule. To be self-ruling, we must have autonomous influence over politics. But the quality of our cognitive engagement with politics mars any such autonomy. Our cognitive shortcomings cut the autonomy out of our exercise of political influence. Equally, to be self-ruling with respect to some political event, our intentions to bring about that event has to drive the exercise of our political influence. But, for many of us, no such intention drives our vote. Many of us vote on the basis of our group identities. This is ill-suited for making government policy manifest our collective intentions. Self-rule, then, is difficult to achieve with the type of citizens America has to work with.

What is the upshot of all this? At the start of this book I said that America comes nowhere near realizing intrinsic democratic values. This is the upshot. America's political system realizes very little of what makes democracy intrinsically valuable. Few Americans count as self-ruling. The concentration of power in a small number of hands and how ordinary citizens engage in politics saps self-rule. Meanwhile America's political system is full of objectionable inequalities. The most severe are between elected officials and the rest of us. Almost as severe are those between the wealthy, group leaders and ordinary citizens. And the most wide-ranging are those between cross-partisans. At the same time, how ordinary citizens behave confines civic friendships to relatively small, disjointed spheres. Partisans of similar social groups can have such relationships. But relationships between others are fraught: our emotions and motivations prevent such relationships. America, in sum, realizes little of these democratic values. Moreover this isn't an aberrant or novel condition of American democracy. Most of the failures of American democracy are longstanding: they mean the U.S. has likely never realized much of democratic value.

Now, none of this is to say that America's political system doesn't realize any

of the relevant values. Rather, we should understand these points comparatively. I gave a few relevant comparisons at the end of Chapter 1. First, America realizes little of these values relative to what we might expect. It is *surprising* how little of these values American democracy achieves. America's conception of itself often celebrates its democratic traditions; it is a shock those traditions have yielded so little of democracy's value. Second, America realizes little of these values relative to what would be feasible. It would be possible for power to be shared more equally and for ordinary citizens to engage more respectably. The United States is falling far short of its potential. Third, the amount of these values American realizes is not large relative to other things of values. We should be more impressed by the beauty of the Grand Canyon than the intrinsic value of American democracy. The latter should attract relatively little of our approbation. American democracy, in all three senses, realizes relatively little of what makes democracy valuable.

That, in broad brush strokes, is the picture I've defended in the previous chapters. But these brush strokes give up on the fine detail. They occlude how each democratic failure connect up to each democratic value. Yet that is easily summarized: table 9.1 does the job. The left-hand column in the box gives a list of democratic failures, or putative failures. These are the empirical phenomena which one might think affect an intrinsic democratic value. The top row gives a list of values. A cross in the intersecting box indicates that, holding all else equal, the empirical phenomenon impairs the value. A tick indicates that, on the contrary, it promotes the value. A line indicates that, as far as my arguments go, it does neither to any substantial degree. A list of crosses, ticks or lines separated by dashes indicates that which one occurs depends on the exact case. Two notes in interpreting this table: first, note the importance of the *all else equal* clause. In some of these cases altering one phenomenon should be expected to alter others. The table does not capture this. It captures the impact of altering one phenomenon without altering anything else. Second, the straight lines mean I haven't argued that a phenomenon must impact the relevant value. But I don't pretend to have given all the possible argument that one might think are plausible. Thus, one should think of the straight lines as open questions rather than settled answers.

This captures many, and I suspect most, of the important ways in which American democracy falls short of democratic ideals. I think that a cursory knowledge of other democratic systems makes it clear that American democracy is not alone in falling short of such ideals. In many democracies, power is wielded by a small cadre of autonomous elites. In many democracies, ordinary citizens engage with politics with vitriol and little cognitive care. In many democracies, voters are motivated by group identities. America is not unique in its failures. As I said at the

start of the book, I believe that America's failures illuminate those of other political systems. An understanding of the American case contributes more generally to the theory of democratic failure. But I won't examine the quality of other democracies here: I leave that to the reader. Instead, we now turn to why the low quality of American democracy matters. And we'll start with the most practically important way it matters: the ways it matters for how us ordinary citizens ought to act.

<b>Democratic Failures</b>			
	<b>Negative Egalitarian</b>	<b>Positive Egalitarian</b>	<b>Self-Rule</b>
<b>Decision making</b>			
Weak popular control	X	X	X
Power of the wealthy	X	X	X
Power of interest groups	X	X	X
<b>Time</b>			
Alternation	X	X	-
Inertia	-	-	-/X
<b>Cognitive Engagement</b>			
Level of information	-	-	X
Level of irrationality	-	-	X
Leaves of malleability	-	-	X
Distribution of information	-	X	-
Distribution of irrationality	-	✓	-
Distribution of malleability	-	✓	-
<b>Polarization</b>			
Ideological polarization	-	-	✓
Affective polarization	-	X	-
Partisan polarization	-	X	-
Republican authoritarianism	X	X	-
<b>Voting</b>			
Issue voting	-	-	✓
Performance voting	-	-	✓
Group voting	-	X	X
Incompetent voting	-	-	X

Table 9.1

## 9.2 Democratic Duties

Let's start with how we should orientate ourselves towards those on the other side of party lines. I've argued that our contempt towards cross-partisans is gratuitously harmful. It makes all our lives worse, and it is itself unfitting. And I argued that this stops valuable civic relationships spanning party lines. Thus, we have weighty moral and prudential reason not to feel contempt for cross-partisans. This sounds like reasonably common-sense moral reasoning. Yet it seems to me an injunction not even honored in the breach. One often sees contempt expressed towards cross-partisans. One rarely sees anyone feel guilty about expressing such contempt. But, if I'm right, such contempt is objectionable. We should treat it as such. Taken to heart, this would change how many of us orientate ourselves towards members of the other party.

A second set of issues comes from the asymmetry of various kinds of polarization: the fact that the Republican Party is sliding into authoritarianism and its officeholders put political advantage above the public good. The former undermines the claim ordinary Republicans have to non-subordination and gives Americans reason to avoid obeying Republican-made laws in particular. The latter means Democrats are not subject to a demand of public justification. Although in a well-functioning democracy they would be obliged to only advance policy justified on public grounds, in the United States they are free to advance policy with primarily partisan justification. In short, the asymmetric political behavior makes for asymmetric normative situations.

A third important upshot of the preceding discussion concerns voting behavior. I argued that democratic values gave us reason not to vote on the basis of relatively privileged group identities, including party identity. Such motivations undercut what's left of our positively valuable egalitarian relationships. In a perfect world, democratic values would be much more demanding than this. They would give us reason to vote on the basis of those issues we thought were best for everyone. But we don't live in a perfect world. In the imperfect world that we live in, few people vote on the policy issues. This means that our individual issue voting would not much contribute to democratic values. To contribute to such values, we have to be contributing together with others. Thus, we ourselves have little reason to vote on the issues. So the implications for voting behavior have the form of constraint rather than direction. We must not vote on privileged group identities. But, consistent with that, we may have a wide range of motivations.

These three points matter. But they aren't the most important normative upshots of the quality of American democracy. The most important upshots concern

the authority and legitimacy of the American state. In Chapter 2, I argued that both are bound up with its democracy. Let's re-cap the argument concerning authority. There were three strands to the argument. First, I claimed that democratic values provided a foundation for state authority. There is weighty egalitarian reason to obey democratically made laws. The value of other people's self-rule also gives us some reason to obey those laws. Second, I argued that many non-democratic accounts of authority hinge on democratic values. I argued that associative, fair play, promissory and gratitude accounts of authority work only in political systems which achieve high levels of democratic value. Third, I argued that you have egalitarian reason to avoid obeying non-democratic laws. Obeying these laws counts as treating the powerful as superior to your fellow citizens. Together, these arguments imply that democracy is intimately bound up with authority. It's more bound up with authority than perhaps many have realized. States which achieve a lot of democratic value likely enjoy authority. Those which achieve little likely do not.

If I'm right, then America is in the second camp. That makes it unlikely that its state enjoys authority. It makes it unlikely that we ought to obey American laws. Indeed, if I'm right, then we have positive reason to avoid obeying such laws. In Chapter 4, I explored exactly which laws we have most such reason to avoid obeying. This exploration was tentative because the evidence is not decisive. But the laws of poorer, more unequal states seem more suspect than those of richer, more equal states. And, on the federal level, tax law, in particular, seems as suspect a body of law as one is likely to find. These particular claims swing on particular empirical findings. But the more general arguments are more robust. The upshot of these general arguments is that the American state lacks authority.

Some will want to resist this by pointing to the instrumental value of the American political system. The thought here is that, since the American political system has good consequences, that grants it authority. I addressed this idea in Section 2.6. On the one hand, I argued that we don't have reasons to obey specific laws just because the the political system in general has good consequences. We have reason to set up political systems with good consequences. But such systems can make mistakes: they can tell us to do things with bad consequences. We don't, I argued, hav reason to do such things. On the other hand, I argued that it was difficult to apply these instrumental theories of authority to any real-world political system. This is because no real-world system has the *best* consequences out of all feasible alternatives. There are, or example, many ways to improve the American political system. Yet that makes it hard to give a plausible theory for exactly how the instrumental value of real-world political systems gives them authority. So

such instrumental considerations do not seem to save the authority of the American state.

Let us turn to legitimacy. In Chapter 2, I also argued that legitimacy was bound up in democracy. Two points had real import here. First, the main challenge to state legitimacy is that coercion impairs individual freedom. But self-rule can perhaps ameliorate this impairment. Thus, self-rule can help disable the main challenge to legitimacy. Second, authority can provide a basis for legitimacy. If we have an enforceable obligation to obey the laws, then this makes it permissible to coerce us in order to induce our obedience. Several of the grounds for authority in an ideal democracy would give us enforceable obligations to obey the law. And so an ideal democracy would likely be a legitimate democracy. Together, these points put a state which realizes little of democratic value in a much worse position to enjoy legitimacy. Likely, far fewer instances of coercion on its behalf will be permissible.

Thus, the failures of American democracy erode the legitimacy of the American state. They make coercive enforcement of American laws less likely to be permissible. Now I haven't come to any conclusions about which cases of state coercion are permissible. I suspect that this must be decided on a case-by-case basis. Some cases might be sufficiently instrumentally valuable to be justified. But many will not. What these arguments do is deprive the latter cases of non-instrumental justification. Thus they make it very likely that these cases are impermissible. A concrete example is opportune. America imprisons over two million people. Per capita, it imprisons about the same number of people as does North Korea.<sup>1</sup> The instrumental case for this seems slight. These arguments make non-instrumental considerations far less likely to justify it either. Thus, they make such mass imprisonment, and the individual examples of coercion which make it up, far less likely to be permissible. This is one example. The more general point is that these arguments make it more difficult to justify state coercion.

All this means the failures of American democracy matter. They affect how we should manage partisan conflict, how we should vote, how we should relate to the law, how we should view the coercive apparatus of the state. These are not small issues. They constitute much of our political lives. These are the most practically important consequence of the failures of American democracy.

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<sup>1</sup>Hawk (2012) estimates that there are 150,000 to 200,000 prisoners in North Korea. Thus North Korea imprisons 600–800 people per 100,000. The United States imprisons about 650 people per 100,000.

### 9.3 Designing Democracy

What is to be done to improve American democracy? I sketched a vision of an improved democracy in Part II of this book. This vision was not meant to be an altogether inspiring vision. I don't think the institutions I've defended would push America onto the higher echelons of democratic value. But it was meant to be a vision comprised of feasible institutional proposals which would ameliorate America's democratic failures.<sup>2</sup> The central point here is that many of America's democratic failures inhere in her representative institutions. Legislators, by favoring their own supporters, create inequality between partisans of different parties. And, more importantly, legislators are free from serious levels of popular control. This creates inequality between them and everyone else. There are two general ways to ameliorate these failures. The first is to bypass representative institutions. This is what the institutions of direct democracy do. Referendums and the initiative would redistribute power from the hands of legislators into the hands of ordinary citizens. Now I don't claim that this will help ordinary citizens achieve much self-rule. But I do claim that it will help soften inequality. Thus, I endorse an old Progressive claim about direct democracy: the cure for the ills of democracy is, in part, more democracy.

The second is to failure-proof representative institutions. That means adopting or maintaining institutions which compensate for the egregious behavior of legislators. I've suggested several such institutions. One is minority vetoes. These redistribute power from the in-power party to the out-of-power party. They are desirable because legislators listen most to their own supporters. Thus, this redistribution helps with democratic equality. A second is campaign finance reform. Reducing the role of money in politics would likely reduce the influence both of the rich and of interest groups. This would contribute directly to democratic equality and self-rule. And, indirectly, we saw some evidence that it would make elections more competitive. That could increase the extent to which legislators are under popular control and reduce their propensity to attend only to their own supporters. A third is redistricting. It is technically simple to draw House districts so as to maximize competitiveness. If increased competitiveness has these good effects, then such redistricting is desirable. Thus both these approaches—failure-proofing

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<sup>2</sup>Methodologically, my approach is in the spirit of what David Wiens (2012) calls "institutional failure analysis." In his words: "we can isolate three main phases of the failure analysis design process: (1) identify a failure (i.e., a flawed product or service); (2) diagnose the failure (i.e., analyze the character and cause of the failure); (3) design an artifact to overcome identifiable failures, including potential future failures." (2012, 54). This is the process I've carried out.

and bypassing—would, I suspect, improve the quality of American democracy.

Let's be clear. These things would improve the quality of American democracy in that they would aid the achievement of intrinsic democratic values. I'm not saying that they would cause huge improvements in the quality of public policy. Now it would of course be vaguely ridiculous to propose changes which would make for much worse policy. Intrinsic democratic values are worthwhile, for sure, but perhaps less worthwhile than health, security, shelter. But I see little reason to think that this is too large a risk. Politics don't usually fall apart when they grant their citizens the chance to put bills on the ballot. The earth would not end with the advent of campaign finance reform. Thus, I think the case for the proposals I've put forward is a strong one. They would substantially contribute to intrinsic democratic values without making the heavens fall.

We now turn to a different issue. I have suggested that the cure for the ills of democracy is more democracy. But, often, we don't get to choose between more and less democracy. Often, we choose between representative institutions and non-democratic institutions altogether. My position has important consequences for such choices. It undercuts some of the reasons to favor representative institutions in these cases. Here's why: some people think that democratic values ground a weighty reason to favor such institutions. When elected officials make decisions, they think that this realizes some important democratic values. But I've argued that, in the United States, representative institutions don't realize such values. That tells against this thought. Thus, when 'more democracy' means 'more representative democracy', we may as well be indifferent to more democracy. More representative democracy will get us little more of what makes democracy valuable.

Consider, for example, judicial review. This is a power that American judges have to strike down legislation which they think clashes with the Constitution. One old, important argument against judicial review is that it is undemocratic. An influential contemporary formulation comes from Waldron (2006). He accuses it of being "politically illegitimate, so far as democratic values are concerned" (2006, 1353). And he sees the problem as a comparative one. He thinks that elections are "evidently superior as a matter of democracy and democratic values to the indirect and limited basis of democratic legitimacy for the judiciary" (2006, 1391). In other words, when representatives make decisions, we realize some democratic values. When judges make them, we realize little. But I've argued that, at least in the United States, representative decision making realizes little democratic value. Thus, the democratic difference between this and judicial decision making is less evident, or at least less large, than Waldron takes it to be. Such a little difference gives us little reason to favor representatives over judges. So this argument against

judicial review is undercut.<sup>3</sup>

The broader issue here concerns the relative power of elected representatives versus unelected experts. Some think that experts should have more power and representatives less.<sup>4</sup> There are several ways to bring this about. One could have independent bodies make the decisions in particular domains. Many countries, for example, let central banks decide on interest rates. Many delegate much industry regulation to expert bureaus. One could go further: one could, for example, devolve the detailed writing of the tax code to a board of experts.<sup>5</sup> These reforms all distribute power away from legislators and towards bureaucrats.<sup>6</sup> Alternatively, one could incorporate experts more deeply into the decision-making process across domains. Here the United Kingdom's House of Lords provides a model. Insofar as the Lords are experts, they represent a foothold for expert influence across policy domains. Some think that more countries should have such legislative chambers, and that such chambers should have more power.<sup>7</sup>

There is a democratic objection to such proposals. When you give power to independent regulators, the peoples' will cannot be made manifest in regulation. When you give power to the Lords, you make them superiors to their fellow citizens. These proposals thus clash with democratic values. Yet, if I'm right, there is a similar objection to giving power to elected representatives. Decision making by representatives, at least in the United States, does not much achieve democratic values. So, from the point of view of these values, the choice between these options will often be close enough to a draw. The value of democracy will not give us much reason to favor representatives over experts. Now that doesn't mean that we should give more power to unelected experts. But it undercuts a weighty reason against doing so. It means that the choice between expert decision making and representative decision making must be made on grounds besides their contribution to intrinsic democratic values.

Thus, if American democracy really is in the parlous state that I've suggested

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<sup>3</sup>Somin (2013, ch. 6) presents a similar argument in defense of judicial review.

<sup>4</sup>See, for example, Jones (2020).

<sup>5</sup>For this suggestion, see Blinder (2018, 296).

<sup>6</sup>For a stark real-world example of this, consider the case of postwar Japan. It's been said that, in this era, politicians reigned while bureaucrats ruled (Johnson, 1982, 154): real power lay in the agencies rather than the legislature. Telling here is their respective literary renown. Shigeru Sahashi, vice-minister of the powerful Ministry of International Trade and Industry (MITI) is the protagonist of three novels; Eisaku Satō, the contemporaneous prime minister, is, as far as I know, the protagonist of none. Yet, given Japan's extraordinary postwar prosperity, it's hard to see this balance of power as instrumentally bad.

<sup>7</sup>For a discussion of several historical proposals, see Brooks (2006).

it is in, then this has two consequences for institutional design. On the one hand, it points us towards ways to improve American democracy. Direct democracy and constrained legislatures might ameliorate its democratic failures. But, on the other hand, it should make us less worried about non-democratic institutions. After all, it is much more difficult to deeply derogate democratic values when so little value is realized. So it may be that cure for the ills of democracy is, in the long-run, more democracy. But in the meantime, a little less democracy cannot hurt much.

## 9.4 Final Remarks

Alexis de Tocqueville once wrote that “in America I saw more than America; I sought the image of democracy itself” (Tocqueville, 2002, 24). By ‘sought’ he meant ‘found’: he took Americans at the time to enjoy an almost “complete equality of conditions” (2002, 22). In the United States, he thought, “the great democratic revolution...seems nearly to have reached its natural limits” (2002, 13, 23). Perhaps this was true among white men in 1831, although I think that even that is unlikely. But, regardless, the image of democracy has blurred in contemporary America. A clearer view of current American democracy is rooted in the critical tradition. It is rooted in the work of writers who have had less optimism about American democracy. I hope to have contributed to this tradition in two ways. I hope to have shown how American democracy fails to live up to intrinsic democratic values. And I hope to have shown why this matters to the normative status of those subject to the American state. If I am right, then the failures of American democracy are no small matter: they transform the right and duties of American citizens.

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