

**Phil 290, February 8, 2011**  
**Christiano, *The Constitution of Equality*, Ch. 2–3**

A *common world* is a set of circumstances in which the fulfillment of all or nearly all of the fundamental interests of each person affects the fulfillment of all or nearly all of the fundamental interests of every other person. Principally, a state that is responsible for justice and public goods. Clubs, businesses, the globe as a whole may not count as common worlds.

The members of a common world have not just some stake, but also an *equal* stake, in how it is structured.

However, we cannot divide up the common world and parcel it out. Why?

- Public goods are “non-excludable”
- A common scheme of justice would have to be presupposed prior to the division.

So the common world should instead be structured so as to advance everyone’s interests equally.

Why not pick a *substantive, specific* conception of what the equal advancement of interests involves, and then structure the common world so as to realize it? For example, equal well-being?

*First*, there are the *facts of judgment*: limitations in our ability to interpret and apply the principle of the equal advancement of interests, even when we are conscientiously trying.

1. diversity: people have different interests, so...
2. fallibility: people are likely to make mistakes, if not about their own interests, then certainly about what others’ interests are and how they compare to their own, so...
3. disagreement: people are likely to disagree about the interpretation and application of the principle of the equal advancement of interests
4. cognitive bias: people’s judgments are often (unintentionally) biased in favor of their own interests. This can happen simply because, for example, one tends to be exposed to more evidence regarding one’s own interests than one is to evidence regarding the interests of others.

*Second*, when the facts of judgment obtain, people have certain *interests in judgment*.

1. The interest in correcting for cognitive bias
2. The interest in being at home in the world: It matters to us that the world in which we live somehow match our judgments about how it should be. Otherwise it is incomprehensible to us, we feel alienated from it, etc.
3. The interest in learning the truth about matters of social importance.
4. The interest in having her moral personality (ability to understand and appreciate what is valuable) respected.

How does all this support democracy? Christiano seems to have three kinds of argument:

*Instrumental argument from substantive interests:*

When democratic processes are not followed, substantive interests are unlikely to be equally advanced, because of facts of judgment (esp. cognitive bias) (p. 67, 71, 89, 100).

- Like the epistemic argument considered (and rejected by TC) last time.

*Direct argument from interests in judgment:*

Democratic processes uniquely equally advance the interests in judgment.

1. Cognitive bias:
  - Why isn't this interest satisfied when the policies are substantively good, whether or not they are democratically selected?
  - Because one still has an objection even when the outcomes are good, when others are biased? But "biased" here needn't involve any ill will.
2. Being at home in the world:
  - Is this supposed to be an interest in *conformity*: that the social world is as I believe it should be? Sometimes, it seems that way, especially when he discusses persistent minorities, pp. 62, 92, 226–227. Is the argument then that democracy gives us equal chances of conformity?
  - Or is the idea that so long as I have had some *influence* on the process, then I can see the social world as somehow partly my creation?
3. Interest in learning the truth (compare to Mill):
  - Empirical argument: Learning requires discussion with others. But others will not enter into discussion with one if one's judgment has no influence on decision-making. But aren't there other possible mechanisms?
  - How much weight can this interest bear?
4. Respect for moral personality:
  - What if people are disenfranchised by a public lottery, along with some show of respect for their judgment?
  - Do people *generally* have an objection to our conveying, or encouraging, the view that their judgment is poorer? Isn't it only when it is *paternalistic*: when they convey view that someone's judgment about *his own interests* or *her own sphere of legitimate influence* is inferior? But then:
    - assuming a sphere of influence seems question-begging
    - we can disagree with someone's judgment not because his view of his own interests is flawed, but instead because his view of others' interests is flawed.

*Argument from WPR:*

1. The interests in judgment establish the:

*Weak Publicity Requirement*: People's interests must be advanced equally in such a way that everyone *can see* that his or her interests are being advanced equally.

2. Democratic processes uniquely satisfy the WPR.

Questions:

- A. How do the interests in judgment explain an interest in publicity?

- a. Cog. bias: Again, why do I need to see that I am not a victim of cog. bias, so long as I am in fact not (and no one has ill will)?
  - b. Being at home in the world: Here the interest is in just being able to see that my interests are being advanced equally; otherwise, I feel alienated (p. 62). (Different from both the interest in conformity and interest in influence interpretations considered earlier.)
  - c. Respect: *Some* failures of publicity may be due to disrespect. People don't take pains to let me see that my interests are in fact being equally advanced, because they think that I shouldn't worry my pretty little head about such things. But must all failures of publicity be due to disrespect? Might disrespect be compatible with publicity?
- B. Why should this interest in publicity ground a *requirement*? Why shouldn't other interests sometimes outweigh the interests in judgment? (See pp. 66–67.)
- C. Does it explain the normative force of democratic selection in relevant cases?
- a. It seems possible for it to be the case that a majority (i) opposes a policy that correctly advances substantive equality in some respect, but (ii) *can* see (in the relevant sense), although it does not in fact see, that it correctly advances substantive equality in that respect. In this case, there seems no violation of WPR in imposing this substantive outcome on the majority.
  - b. If the WPR is in force only when the facts of judgment obtain, then it cannot explain why, even when those facts do not obtain, there is reason to comply with democratically (and unanimously) selected policies. But presumably the fact that we reliably *agree* shouldn't deprive democratic selection of its normative significance.
- D. What work does the WPR do? Granted, democratic selection allows everyone to see that he or she is being treated as an equal with respect to *influence* or *chances of conformity*. But why should that matter, unless we have already independently established that equality with respect to *that* is important? After all, for just about any policy, it isn't hard to find *some*, quite possibly normatively insignificant, dimension along which it treats people as equals. And, in many cases, they will be able to *see* that they are treated equally *along that dimension*. The argument must be that treating people equally along the dimension of influence or chances of conformity is normatively significant, because treating people equally along that dimension is treating people equally with respect to certain significant *interests in influence or chances of conformity*. But then why isn't *that* the argument for democracy—namely, the direct argument from interests in judgment? Why then wheel in publicity? In other words, Christiano's argument seems to have the following structure:
- (i) It is not true that we ought to care only about treating people equally with respect to their substantive interests.
  - (ii) We also ought to care, *ceteris paribus*, about treating people equally with respect to certain interests in influence and/or conformity.
  - (iii) Respecting democracy treats people equally in the sense of (ii), although not necessarily equally in the sense of (i).
  - (iv) So we ought, *ceteris paribus*, to respect democracy.
  - (v) Satisfying WPR treats people equally in the sense of (ii), although not necessarily equally in the sense of (i).

- (vi) So we ought, *ceteris paribus*, to satisfy WPR.
- (vii) Democracy allows people to *see* that equality in the sense of (ii) is achieved. And there is no reliable way to allow people to see that equality in the sense of (i) is being achieved (even when it is). So respecting democratic selection satisfies the WPR to the extent it can be satisfied.
- (viii) So we ought, *ceteris paribus*, to respect democratic selection.

Steps (i)–(iv) are just the direct argument from the interests in judgment. What do steps (v)–(viii) really add?

### **Why representative democracy?**

Objection: “If equality is what justifies democracy, then a more equal but less effective system of collective decision-making should be superior to an unequal system that was more effective at advancing everyone's interests. Representative democracy is more efficient, but less equal than direct democracy. Doesn't this mean that direct democracy is always superior to representative democracy?”

1. Not clear that direct democracy would better realize *public* equality. “...direct democracy in a modern state would be so cumbersome and unwieldy for citizens it would undermine any sense that equality is being realized among citizens. Most citizens simply would not have the time to devote to the complicated issues involved in making legislation. The process would inevitably be hijacked by elites...”

2. Because representative democracy is more efficient, it gives people more power over society than does direct democracy. So representative democracy is a “Pareto improvement”—someone is better off and no one is worse off—over direct democracy. Pareto superior inequalities are more just than Pareto inferior equalities (although not fully just). (Discussed in Ch. 1.)

- Do people have a general interest in “more power over society”? Where does that interest come from?

### **Why not a lottery?**

Why not a lottery that gives each person an equal chance of affecting the outcome?

- i. Equal Chance to Rule: e.g., as queen for a year
- ii. Chances Proportional to Vote Total: option voted for by 51% has 51% chance of being selected.

“What a system of ordinary voting does is extend the reach of equality into these areas of great importance, while the equal chance to rule contracts the reach of equality to a fairly small set of issues and it allows inequality or chance to rule the rest.”

Against i., there seems the plausible point, Why have a lottery when the goods (in this case, sets of social decisions) are *not* indivisible? Why not instead divide the goods (into separate social decisions) as far as we can, and then have lotteries for what is not further divisible?

But how exactly is the reach of equality “contracted” when we replace every majority vote that we would otherwise have had with ii? If equality means equal interests in *conformity*, then how is ii. any less equal? Is the underlying thought that *influence* is somehow undermined by randomizing processes?

## Why equal votes?

Why not extra votes for more competent judges?

*First*, difficult to find publicly acceptable tests of competence: likely to be disagreement on standards for assessing moral competence.

Example: Why not education?

1. Controversial standards for entrance and performance.
2. The educated are likely to have different interests from others.

*Second*, we cannot always recognize the equal *interests* in judgment while treating one person as more competent to judge than another. When the latter objects, and claims a say in the question of comparative competence, we must simply disregard his judgment. So if we are to recognize equal interests in judgment, we must treat all as equally competent.

*An objection*: “But it is inconsistent to have a *threshold* for competence—being minimally morally competent, which excludes children—but not to have *gradations* above the threshold.”

Reasons why we have a threshold, but do not make gradations above it:

1. The *facts of judgment* apply above, but not below the threshold.
2. The *interests in judgment* apply above, but not below the threshold: