

Philosophy 290–2: Democratic Authority

Tuesdays 2–4
108 Wheeler

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Description

It is often thought that the fact that a collective policy has been democratically selected is a reason, of a moral character, in favor of complying, or not interfering, with it. Either the fact that a policy was democratically selected *strengthens* the objection that others have to one's refusing to comply with it (or to one's interfering with it), thereby adding to the case for one's being morally *required* to comply (or to refrain from interfering) with it. Or it *weakens* the objection that one has to their doing otherwise objectionable things in pursuit of that policy (such as threatening coercive force), thereby adding to the case for their being morally *permitted* to do those things. Why? No doubt, the fact that a collective policy is *substantively good*—good in ways that do not depend on what individuals have decided, or think, about it—is a reason, often of a broadly moral character, to comply with it. But why should the fact that people *think* that the policy is good, or *choose* it, be a reason to comply with it? We will begin by reading two recent books on these questions by Thomas Christiano and David Estlund.

Then we will turn to the question of political equality: roughly, the value, if any, of equal influence over decision-making. This question is closely related to the question of democratic authority. Perhaps it is the value that underlies political equality, whatever it is, that accounts for the reason for complying with democratically selected policies. By so complying, we in effect grant everyone equal influence. However, the ideal of political equality, if it is an ideal, may seem to be in tension with many (not obviously unreasonable) features of our political system. Representative government itself may seem to be in tension with political equality, since it allows elected officials to make decisions from which ordinary citizens are excluded. Consider, next, disproportionate representation. Seats in the U.S. Senate, for example, are apportioned equally to states regardless of population. In some sense, this allows the votes of Alaskans to count for more than the votes of Californians. Does this violate an important moral ideal? Consider persistent minorities, which have (at least in an abstract sense) equally weighted votes, but are always outvoted. Do they, or don't they, enjoy political equality, in the relevant sense? Consider inequalities in campaign expenditure. Are these incompatible with political equality? If so, are inequalities in time, knowledge, or skill also incompatible with political equality? We will read from Charles Beitz's classic book on the topic, and some later discussions by Ronald Dworkin and Joshua Cohen.

Readings

The readings may be downloaded from the “Resources” section of the course’s bspace page: <http://bspace.berkeley.edu/>. Enrolled students should already have access. Other students should send either their ID number or their official Berkeley email address to Niko.

Prerequisites

This is a graduate seminar. Enrollment is open only to (i) graduate students in Philosophy, Logic and Methodology of Science, or Jurisprudence and Social Policy and (ii) advanced philosophy majors with the consent of the instructor.

Requirements

All enrolled students are required to write a term paper of 15–20 pages, due on May 5.

Tentative Readings:

1. January 18: Introductory meeting
2. January 25: Christiano, *Rule of the Many*, pp. 1–58

No class February 1

3. February 8: Christiano, *The Constitution of Equality*, Ch. 2–3
4. February 15: Christiano, *The Constitution of Equality*, Ch. 6
5. February 22: Christiano, *The Constitution of Equality*, Ch. 7
6. March 1: Estlund, *Democratic Authority*, Ch. 1–3
7. March 8: Estlund, *Democratic Authority*, Ch. 4–6
8. March 15: Estlund, *Democratic Authority*, Ch. 7–8

No class March 22

9. March 29: Estlund, *Democratic Authority*, Ch. 9, 11
Estlund, “Political Quality”

No class April 5

10. April 12: Beitz, *Political Equality*, Ch. 5, 6–7, 9

11. April 19: Dworkin, *Sovereign Virtue*, Ch. 4
Cohen, “Money, Politics, Political Equality”

12. April 26: Kolodny?

May 5: Term papers due

Some potentially useful (by, inevitably, potentially distorting or tendentious) distinctions:

“Substantive” = “in abstraction from people’s opinions or choices”

Distinguishing between which policy we *substantively* ought to pursue and which policy we ought to pursue *all things considered*, including its democratic selection, is, I think, the way to resolve the paradox of Richard Wollheim, “A Paradox in the Theory of Democracy,” in Peter Laslett and W.G. Runciman, *Philosophy, Politics, and Society, second series* (Oxford: Blackwell, 1962): 71–87. By contrast, Wollheim’s own solution is to distinguish between “direct” evaluations, which rest on claims about the policy’s substantive attributes, and “oblique” evaluations, which rest on claims about the policy’s procedural provenance. The difficulty, which Wollheim notes, but does not (to my mind) satisfactorily resolve, is that two claims can still be contradictory even if they rest on different kinds of considerations. Instead, I think we should simply deny that if we substantively ought to pursue a policy, we ought to pursue it all things considered. To say that we substantively ought to pursue a policy is to say that, *abstracting from people’s opinions or choices about collective policies*, we ought to pursue it. It does not follow that, factoring those opinions and choices in, we still ought to pursue it.

What is necessary for a policy to be “democratically selected”?

1. Universal suffrage
 - a. Any prerequisites: e.g., age, literacy tests?
 - b. Are convicts disenfranchised?
 - c. Which adults? All those coerced by the policy? All those affected by it? All those who are “members of the community”?
2. Majority rule? Or are supermajority requirements OK?
3. Direct? Or is representation OK?
4. Political equality?
 - a. Equally weighted votes?
 - b. Proportional representation?
 - c. Limits on the use of, or opportunity to use, persuasive resources: money? knowledge? time? rhetorical skill?
 - d. Adjustments for persistent minorities?
5. Good deliberative conditions? Time, information, a broad enough (but maybe not overwhelmingly broad?) agenda?

Three kinds of interest in decision-making:

1. *Substantive* interests: met when the decision is substantively good for one.
2. Interests in *conformity*: met when the decision matches one’s choice or opinion.

3. Interests in *influence*: met when the decision is reached in a way that is sensitive to one's choice or opinion.

Note that these can come apart. (Exercise: come up with examples of the satisfaction of: {1}, {1, 2}, {1, 3}, {1, 2, 3}, {2}, {2, 3}, {3}.)

Two senses of "a reason in favor of a policy":

1. "Legitimacy": Weakens the objections of others to one's following it.
2. "Authority": Strengthens the objections of others to one's refusal to follow it.

Two questions about decision-making procedures:

General question: "Which procedure for determining policy ought we to follow over the long run?"

Particular question: "Is the fact that *this* policy was determined by this procedure a reason to follow *this* policy?"

Lines of thought that seem too quick:

1. "Because there is disagreement about which policy to pursue, we need some mechanism for resolving disagreement." Why should the mere fact that some people *disagree* with a policy count against it to any degree? Alternatively, why should the fact that we *all agree* on a policy count in favor of it?
2. "Since weight must be given to *someone's* choices or opinions, *equal* weight ought to be given to *everyone's* choices or opinions." But why must *any* weight be given to *anyone's* choices and opinions? Why shouldn't weight be given only to what is substantively best (using lotteries, perhaps, to break ties)?

These lines of thought see the chief question as: Why should *these* people's opinions or choices, rather than *those* people's opinions or choices, determine what ought to be done? But the deeper question, one might think, is: Why should *anyone's* opinions or choices determine what *ought* to be done?