

Phil 290-1: Political Rule
February 3, 2014

Great comments! (A lot of them could be germs of term papers...)

Some are about the positive view that I sketch at the end of the paper. We'll get to that in two weeks time, so I will hold off on those for now.

Some comments were about, as were, the rules of the game. Let's address some of those first.

Mike A.: "Who is the audience? Someone already committed to democracy?"

- I think that's a good place to start, especially since the commitment seems so widespread. What, if anything, could support this commitment?
- Of course, we may find that nothing could, and so the commitment should be abandoned.
- Most optimistically, we may identify support for democracy that should sway others not already committed to democracy. (For example, perhaps some anarchists' opposition to the state, when laid bare, is opposition to relations of social hierarchy. If democracy makes possible a state without such relations, then perhaps such an anarchist can embrace the state.)
- Does this seem reasonable? Remember that you need not approach the material with my fixations.

Joseph: "How is this related to justice?"

- Instrumental view: democratic rights are not part of justice, but they tend to promote justice.
- Constitutive view: democratic rights are part of justice, like freedoms, wealth, etc. rights of participation are among the things to be distributed.
- A useful question to ask: Justice is often seen as a matter of distributing appropriately the *means to the kinds activities that make for a worthwhile life*: freedom of association, opportunities for careers, money. And the assumption is that people want as much of these for themselves and their heirs as they can get, but have to moderate their claims out of fairness to the claims of others. Are rights of political participation like this? Are they means to some activity that contributes to a worthwhile life? Do we want as much as we can get, but have to moderate our claims out of fairness to the claims of others?

Rawls's "principle of participation"

Content:

1. *Equality*
2. ... of *influence*
3. ...not only formal, but *also informal* (the "worth" of the political liberties)
4. ...over the election of *representatives* who exercise discretion
5. ...where "extent" is measured by *approximation to bare majority rule*
6. plus equality of opportunity to hold elective office.

Argument:

1. At times, Rawls's reasoning seems highly instrumental: "Everything depends on the probable justice of the outcome."
 - a. Explains why the *intensity of desire* doesn't matter, because strength of desire doesn't bear on the justice of the outcome.
 - b. Explains *the responsibilities of representatives*: They are not mere agents, but are to legislate so as advance their constituents' substantive interests.
 - c. The *equal restriction* of political participation (departures from majority rule) can be permissible when it improves the security of other liberties—but not other primary goods, because of the "priority" of the basic liberties.
 - d. The *unequal restriction* of political participation (departures from equal suffrage) can be permissible: when it improves the security of the other liberties of *the worst off*.
- But, if the argument is wholly instrumental, why start with equal influence over procedures involving bare majority rule as the benchmark, from which deviations need to be justified? Why not just go for whatever distribution of influence over whatever procedures tends best to improve the (other) liberties of the worst off, something to be given priority over other goods?
- And why require compensation in the coin of *liberty*? What if plural votes or supermajorities better promote the socio-economic goods of the worst off? That is, why count a restriction of participation as a restriction of *liberty* in the first place?

As *Mike D.* notes, Rawls gives a number of arguments of a less instrumental character. But I find it unclear how the arguments are supposed to fit together, which ones are meant to bear what weight, and why they support rights with the contours that Rawls describes.

2. Simply what you get when you apply the principle of equal liberty, already established, to the political procedure?
3. Mirrors the original position?
4. Expresses some important message?
 - "what touches all concerns all is seen to be taken seriously and declared as the public intention"
 - "The public will to consult and to take everyone's beliefs and interests into account."
 - "strengthen men's sense of their own worth"

But what is being expressed?

- Their interests are being taken into account? See below.
 - Their political judgment is being respected? See below.
5. Educates people? "enlarge their intellectual and moral sensibilities"
 - Why is actual influence necessary for education? (Consider law-school debates over supreme court decisions.) See below.
 - This seems to be an argument for active participation. "Since he is expected to vote..." But earlier Rawls suggested that active participation isn't required, and people aren't expected to vote. All that matters is *access* to participation. And it matters, since there can be trade offs between more active participation and equality of access.

- Why does any of this imply that majority rule, rather than lotteries or supermajorities, is the ideal?
- Why does any of this imply that equality of informal influence matters? For example, if the Koch brothers or Rupert Murdoch wants to spend their greater wealth enlarging their intellectual and moral sensibilities, why isn't this something to be applauded?
- Why is it consistent with representation, instead of requiring direct democracy—let alone representation by officials who simply follow their own judgment about what justice requires?

Rule over None, Part I:

1. Preliminaries:

To “justify” democracy:

1. *Institutions*: Why establish or maintain democratic institutions? Why do I have reason to see to it that people, in general, try, over the long run, to make political decisions democratically?
2. *Legitimacy*: Why does the fact that a political decision was made democratically contribute, *pro tanto*, to its being permissible to implement it, even despite its treating me in distinctively “political” ways that, at least in other contexts, are objectionable: such as using force against me, threatening to use force against me, or coercing me?
3. *Authority*: Why does the fact that a political decision was made democratically contribute, *pro tanto*, to my being morally required to implement it?

For each, the aim is to identify a claim of the right shape. A further question how it weighs against other reasons.

A decision is “democratically” made when made by a process that gives everyone subject to it equal—or equal *and positive*—formal—or formal *and informal*—opportunity to influence it or its delegation.

Three kinds of interests in political decisions:

1. One's interest in *correspondence* is satisfied just when the decision matches one's choice or judgment.
2. One's interest in *influence* is satisfied just when the decision is *reached by a process that is properly sensitive* to one's choice or judgment.
 - a. Contrast *absolute* vs. *relative* influence.
 - b. Contrast *control*, *decisiveness*, and *contributory* influence.
3. *Substantive interests* are interests in a political decision that are *not* interests in correspondence with or influence over that very decision: e.g., peace, prosperity, justice in the “instrumental” sense defined in response to Joseph's question.

2. Substantive interests?

Proposal:

Reliability Thesis: As things can reasonably be expected to be, if people, in general, try, over the long run, to follow some democratic procedure substantive interests will be better served than if they try to follow any non-democratic procedure.

Problems:

First, the *Bridging Problem*: Why does it follow from the fact that it has good effects if people, in general, try, over the long run, to implement decisions reached by democratic procedures that any specific person has reason to implement a specific democratic decision, or bear its implementation?

Second, even if unlikely (and clichéd!), we can imagine the benevolent despot, etc. Would be ruled out by some *Equality Constraint*: if a procedure gives anyone say, it should give everyone equal say. But what interests might justify an Equality Constraint? Not substantive interests. Some interest in correspondence or influence?

Reminding us that people disagree, on its own, solves neither problem.

Dustin: “Here’s a theory of error for the Equality Constraint. Most fundamentally, we’re committed to opportunity for influence in proportion to information. True, our intuition recoils from violations of the Equality Constraint, like plural voting. But this is only because we think that, by and large, people are equally informed.”

- Do we think that people are equally informed, in the relevant sense?
- What might support a principle of influence in proportion to information? A natural answer is that this will lead to substantively better decisions. But why think that proportional influence will do this, rather than, say, giving all influence to the best-informed person?

3. *Avoiding subjection without acceptance?*

- Actual consent: too strong.
- Hypothetical consent, e.g., Rawls’s Liberal Principle of Legitimacy: too weak.

4. *Interests in correspondence?*

Proposal:

Some positive democratic procedure is the best means to achieving a just distribution of the satisfaction of correspondence interests.

Problems:

First, why is positive democracy the best means?

- Not just persistent minorities...
- Also, why isn’t your failure to achieve correspondence your responsibility, provided others have done their part?

Second, why care about correspondence?

5. *Absolute decisiveness or control?*

- Set aside what this interest might be, democratic procedures rarely give decisiveness and never give control.
- And if there were an interest in control, presumably it would argue for a lottery for control, as with any other indivisible good.
- “Vicarious” enjoyment of the collective’s control? A difficult thought. But, in any event, why must the collective be democratic?

6. Political activity: An interest in absolute influence?

Proposal:

1. Many activities are *influence-dependent*: e.g., expression, religious observance.
2. Add *political activity*: bringing one's convictions to bear on actual political arrangements. Absolute influence over political decisions a necessary constituent.
3. In general, others have a claim on us to provide them with opportunity, justly distributed, to pursue valuable, influence-dependent activities.
4. Seeing to it that decisions are made by positive democratic procedures, implementing those decisions, and bearing the effects of such implementation is necessary and sufficient for giving everyone opportunity, justly distributed, to pursue political activity.

Problems:

First, a structural problem for *any* interest in *absolute* influence: Why not distribute opportunity for influence unequally if this increases the opportunity of the worst off?

Second, others have no claim on me to become an active or passive instrument of their religious convictions, associative desires, expressive acts, etc. But that is precisely what the present argument contemplates in the political case: that others' interest in seeing the imprint of their convictions in what I do, or is done to me, is my reason to carry out or bear their decisions.

Daniel:

“(1) ... By ensuring that political decisions are reached through democratic processes, I am not thereby becoming a mere instrument for the particular political convictions of another. I am not required to help any particular person achieve his political ends (e.g. through campaigning to make it more likely that his proposal will be voted into law).”

- The thought is that even if you are not required to vote or campaign for their favored decisions, you are required *to carry out them out* (if they win), not necessarily because they are good, but instead because by so doing you enable them to enjoy political activity. (If you don't carry them out, then they don't enjoy political activity, which requires at least contributory influence.)

“(2) ... We might then avoid the cases in which it seems objectionable for me to be required to assist another in achieving his political ends since we take certain political decisions out of the scope of the democratic process.”

- Isn't this in the spirit of the objection to the appeal to political activity? “If *that's* the argument for democratic decision-making, then shouldn't we *not* let decisions be made democratically?”

7. Expression: An interest in relative influence?

Proposal: If we give anyone influence, we should give the same influence to everyone, lest it express, or be taken to express, a negative judgment about the person with less.

Problems:

- i. *What insult?* What is the content of the negative judgment?
- ii. *What objection?* What's the complaint against it?
- iii. *Why democracy?* Are democratic procedures the only way to avoid it?

What insult?

1. The target's *substantive interests* less worthy of concern? Hostage to the fortunes of the instrumental argument.
2. The target's *basic, native capacity for moral or value judgment* is inferior?
 - But then: Why democracy? Mill's plural voting scheme, property qualifications, etc. say nothing about anyone's *basic, native* capacities.
3. The target *would make inferior political decisions, for some other reason*?
 - But then: What objection? We do it all the time.
 - And also: Why democracy? Denying someone equal formal, let alone informal, opportunity need not involve such judgments: e.g., cost, "suffrage by lottery."

Ben: "Why isn't there a pro tanto objection, even if it is overcome by other factors?"

- What objection? = Is there even a pro tanto complaint to the insult?
- Why democracy? = Must alternatives to democracy even express the insult?

But a good thing to keep an eye on.

8. *A sui generis interest in influence over decisions that affect one?*

People just have a basic, sui generis interest in being able to influence decisions that affect their interests (even if this influence is for the worse). Since political decisions affect people's interests, this implies an interest in influence over political decisions.

Problems:

- First, no further explanation, no attempt to situate among independently recognized values.
- Second, overgeneralizes. A vote on every decision (e.g., personal) that affects interests?