

Week 3. Political Equality

1 Defining Political Equality

Democracy, in some way, is connected to equality. In a democratic system we're in some sense equal, whereas in a non-democratic system we are not. But what is the relevant sense of equality? In which way are (or should) we be equal in a democracy? What does political equality mean? Here are some proposals:

Universal Suffrage

Everyone has one, and only one, vote.

Counterexamples. (i) Less than one vote: children, felons, DC residents. (ii) More than one vote: proposals to give parents, educated more votes.

Equal Rights for Influence

Everyone has equal rights to participate in the political process (voting, but also public speaking, etc.).

Counterexamples. (i) Felon disenfranchisement. (ii)

Equal Shares

Everyone has an equal share in the decision.

Counterexamples. (i) Unequal district sizes (Delaware vs California); (ii) FPTP systems (e.g., UK election system).

Majority Rule

If a majority favours an alternative, it should be the group decision.

Counterexamples. (i) US electoral college; (ii) Judicial review and other countermajoritarian barriers; (iii) Higher vote thresholds (e.g., two thirds requirements).

Philosophical Issues. Is majority rule the uniquely fairest way to make fair decisions? The counterexample of lottocracy.

Equal Opportunity for Influence

Everyone has equal *opportunity for influence*

Counterexamples. (i) Educated and rich vs. uneducated and poor. (ii) Unequal chances for influences stemming from unequal social backgrounds.

Equal Influence

Everyone has equal influence (or an equal chance to influence) the group decision.

Counterexamples. (i) Persistent political minorities (e.g., conservatives in California, progressives in Alabama). (ii) Persistent ethnic, religious (etc.) minorities. (iii) Educated and rich vs. uneducated and poor.

Equal Consideration of Interests

Everyone's preferences (or: needs, interests, beliefs) are taken into account equally when collective decisions are made. Political burdens and benefits are distributed equally.

Social (Background) Equality

Strong Social Equality. Everyone has roughly equal levels of wealth, income, education, and opportunities.

Weak Social Equality. There are no such extreme levels of inequality that some socially dominate (or can dominate) others.

2 Dworkin, “Political Equality”

I. Two Strategies for Democracy (1)

A. *Democracy and Equality (1)*

Dworkin’s question: given egalitarianism, how should we think about the distribution of political power? We can state abstractly what democracy is (2), but this leaves many concrete questions open.

B. *Dependent and Detached Conceptions (3)*

Detached vs dependent conception of democracy.

Dependent: the best form of democracy is that form that is most likely to produce the best substantive results (outcome test).

Detached: look to features of the democratic process, i.e., how power is distributed within that process. (input test).

Political systems have both *distributive* consequences and *participatory* consequences. The latter are symbolic, agency, and communal:

Symbolic: “the community confirms an individual person’s membership, as a free and equal citizen”.

Agency: “connect politics to his or her own moral experience”.

Communal: “cohesive and fraternal political community”.

A dependent conception would be poor if it ignored the participatory consequences of the political process:

But no tyranny could advance the participatory goals any egalitarian community would also aim to secure. So any plausible dependent conception of democracy will rec-

ognize the importance of participatory consequences, and explain central features of democracy, at least in part, on that ground. It will offer an interpretation of universal suffrage, free speech, and other aspects of democracy that tries to show how these can be understood as helping to advance all the goals of equality, taken together, and it will propose changes or improvements to our political process in that spirit.

The dependent conception “blurs” the boundaries, taking into account all consequences. It mixes both kinds of interest together. Detached conceptions, on the other hand, insist that political equality is a different and independent dimension of equality.

Questions for Discussion. (i) Given that Dworkin takes participatory consequences into account, should we call him a pure proceduralist? (ii) How does the difference between dependent and detached work in practice?

II. What is equality of power? (8)

A. *Vertical and Horizontal Dimensions (8)*

Any adequate theory of political equality must compare political power along two dimensions:

Horizontally: comparing the power of different private citizens or groups of citizens,

Vertically: comparing the power of private citizens with that of public officials

B. *Impact and Influence (9)*

A second distinction we need to make:

Someone's *impact* in politics is the difference he can make, just on his own, by voting for or choosing one decision rather than another. Someone's *influence*, on the other hand, is the difference he can make not just on his own but also by leading or inducing others to believe or vote or choose as he does. (my emphases, 9)

Vertical equality of influence is the only plausible ideal; vertical equality of impact makes no sense. Equality of influence is also the only plausible interpretation for the horizontal level.

Questions for Discussion. (i) Explain the difference between impact and influence. (ii) Why does Dworkin think that vertical/horizontal equality of impact is not desirable ideals?

C. Should influence be equal? (12)

What, however, is the problem with political inequality? (E.g., Rockefeller has much more influence than others.) Two possible explanations (13):

- (1) Political inequality is by itself a deficit in democracy (Rockefeller's additional power is deplorable just by itself, no matter what its origin.)
- (2) Political inequality points towards a deeper deficit in equality, of which a difference in influence is a "deplorable consequence".

Imagine a society in which no prejudice exists any longer (and where the distributional ends of equality are achieved), but unequal power (influence) persists. Would we still object to such a distribution of influence? (On what grounds?)

Dworkin favours explanation (2). In a next step, Dworkin argues that "equality of influence is incompatible, even in principle, with other attractive aspects of an egalitarian society" (16). We should try to remedy inequalities in material distribution, but take no steps to equalise influence beyond those.

Questions for Discussion. (i) What is Dworkin's argument for this claim? (ii) What speaks in favour of explanation (1)?

D. Taking Stock (17)

Dworkin briefly summarises the discussion so far. If I lose in a public vote, I have no complaint if others argued their case more skilfully, as long as this cannot be traced back to unequal background conditions.

III. Participatory Values (19)

Dworkin's aim in this section is to show how a dependent conception of democracy can account for the participatory values, without committing to equal influence.

A. Symbolic Goals (19)

If we lived in a society in which inequality of impact (i.e., votes) would not symbolise inferior status, unequal votes might be justified. Inequality of impact in districting (California vs Wisconsin) further supports this observation: We do not think that such districts are especially problematic.

B. Agency Values (21)

Every citizen should have *some* opportunity to influence others, but this does not require *equality* to influence. The political process must ensure that everyone has some "leverage".

IV. Distributive Values (23)

Next question: how should a dependent conception deal with promoting distributive values?

A. Two Kinds of Issues (23)

Political decisions can be more or less accurate: That is, we can distinguish a class of right from a class of wrong decisions. There are two kinds of decisions to make (24):

- (1) *choice-sensitive* (e.g., building a new road: depends on the actual preferences of citizens).
- (2) *choice-insensitive* (e.g., racial discrimination: always wrong, even if widely preferred).

B. Accuracy, Impact and Influence (25)

First Conclusion: “A political process that distributes political impact roughly equally is generally better suited to the accurate decision of choice-sensitive issues” (25).

But what about influence? (26) While some people might manipulate, others might educate and inform. So we have no general reason to be in favour of equality of influence.

Second Conclusion: As regards choice-insensitive issues, there is no a priori reason to think that maximising democracy leads to best results.

Therefore, there is no particular case for horizontal/vertical equality of impact/influence for choice-insensitive issues.

Questions for Discussion. (i) Give more examples of choice-sensitive and choice-insensitive political issues. (ii) What role does the distinction play in Dworkin’s overall argument?

However, we have already made a case that some form of democratic decision-making is preferable. Thus, unless we have reason to think otherwise, we should therefore prefer democratic decision-making. (In other words, the burden of proof is on those who want to shift away from democratic decision-making.)

V. Constitutionalism and Principle (28)

Under a dependent conception of democracy, judicial review is not (necessarily) undemocratic. Judicial review does not violate either the symbolic or the agency value of democracy, and so is compatible with a dependent conception of democracy. (Whether we should favour judicial review would thus depend, it seems, on whether we think it would likely promote distributive values.)

Issues for Discussion

I have assembled these from various sources. The precise numbers do not count for our purposes (though they're interesting)—our question is: what kind of political inequality (if any) is at stake in these examples? And: how should we react?

1. The Green Party of the United States, despite attracting 2.8 million votes (2000) and 1.5 million (2016), has never been represented in Congress.
2. Only 105 of the 535 (~20%) members of Congress are women.
3. Legal residents in the United States, even though they often pay taxes and are subject to the same laws, have no say in what those laws will be.
4. 6.1 million Americans cannot vote because of a felony conviction.
5. One Wyoming Senator represents around 290,000 people; one California Senator represents around 19 million.
6. Children do not have the right to vote.
7. It is estimated that more than half of the members of Congress are millionaires.
8. Even though Austin, Texas, votes democratic in federal elections, its city area is divided across five congressional districts, four of which are held by Republicans.
9. Those who know nothing about politics have the same number of votes as those who are highly informed.
10. It is estimated that in the 2016 election, the conservative Koch brothers spent (or planned to spend) around \$900 million on the election campaign. This is roughly the same amount that each of the two major parties spent by itself.
11. The CSU, a conservative German party, has ruled the German *land* of Bavaria uninterrupted since 1946, winning all elections.
12. In the US Senate, states representing merely 17% of the whole US population control a majority of the Senate votes.
13. It is estimated that in the 2016 House election, 394 of the 412 (96%) candidates who won were also the ones who spent the most money on their races.
14. 1 in 13 African-Americans has lost their voting rights due to a felony conviction, compared to 1 in 56 non-black voters.
15. Average life expectancy in the United States is around 79 years. That means that a 69-year-old voter has to live with the political consequences of an election for ten years, while a 19-year-old voter has to live with the consequences for sixty years.
16. Welfare recipients often pay no taxes, but can vote on how tax money will be spent.
17. Voter ID laws require voters to show certain types of ID to be allowed to vote. Poorer voters are less likely to have these kinds of ID.
18. The 400 wealthiest Americans have more money than the bottom 50%.
19. People making less than \$50,000 make up about 48% of the population, but only about 36% of the people voting.
20. In the 2017 UK general election, the Scottish National Party (SNP) won 35 parliamentary seats with 977,568 votes; the Liberal Democrats won 12 seats with 2,371,861 votes.
21. In the 2016 US presidential election, Hillary Clinton won 227 votes in the electoral college against Donald Trump's 304; she received around 2.9 million more votes from the general population than Trump.