

# Democracy and Time

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## Abstract

Many people think that democracy is intrinsically valuable. It's not just valuable for its causal consequences; it's valuable in itself. Some think that democracy is intrinsically valuable because it's egalitarian. It's intrinsically valuable, they think, for political power to be equally distributed. Others think that democracy is intrinsically valuable because it promotes self-rule. It's intrinsically valuable, they think, for the laws to manifest the will of the people. But few have addressed how these values interact with time. Does democratic equality require that people have equal power at each time? Or is it enough for them to have equal power across their entire lives? Does self-rule require that the laws manifest the peoples' current will? Or is it enough for the laws to manifest what people used to will? I explore this topic. I lay out different views about how time interacts with democratic values and defend a position on that interaction. This position determines our assessment of some important political phenomena. On my position, the alternation in power between different parties is bad for equality. Meanwhile, the fact that it's hard to change settled policy is bad for self-rule. And I show how this matters to institutional design. It provides a defense of minority vetoes and sheds light on the issues around constitutional entrenchment.

## 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. What else would you expect from the party of Big Government? But only some Republicans did. And those who did were those who had a lot of mortgage defaults in their district. Republicans were responding to their constituents. Yet Republicans weren't responding to all their constituents equally. They were mainly responding to the default rate amongst 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 generate an interesting phenomenon. The distribution of political power among

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

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. 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*.

How do these phenomena matter to intrinsic democratic values? Do they damage democratic equality? Do they snuff out self-rule? To answer these questions, we need to know how time interacts with intrinsic democratic values. My main aim in this paper is to illuminate these interactions. This aim concerns *intrinsic*, rather than instrumental, democratic values. Intrinsic values are what makes something valuable in itself, for reasons besides its causal consequences. We'll focus on two things which makes democracy intrinsically valuable: equality and self-rule. Recently, writers such as Kolodny (2014b) and Viehoff (2019) have trumpeted the former. They think that democracies are egalitarian in a way other political systems are not. Democracy allows citizens to relate as equals. And relating as equals, the idea goes, is intrinsically valuable. The trumpeting of the latter has a long and venerable history. Rousseau taps this value when he insists that "[t]he people, subjected to law, ought to be its author" (Rousseau, 1968, 2.6.10). The United Nations taps it when its treaties say that "everyone has a right to self-determination" (UN, 1966, Article I).<sup>2</sup> Democracy enables government policy to manifest the will of the people. And such manifestation, the idea goes, is intrinsically valuable. My own view—not defended here—is that all other non-instrumental democratic values can be reduced to these two values. But, whether that's true or not, we'll focus on how time interacts with equality and self-rule.

Does it matter, practically speaking, how time interacts with these values? We'll later see that it does. It matters to institutional design. First, it clarifies what we should make of constitutional entrenchment. Given how time interacts with democratic values, constitutional entrenchment harms self-rule but helps equality. Its defensibility depends on which one of these values matters more. Second, it grounds an argument for minority vetoes. Given how time interacts with democratic values, minority vetoes help democratic equality without hurting self-rule. That means that they're good for intrinsic democratic values. It means that the interaction between time and democracy matters. So, here's the plan for the paper. In Section 3 and Section 4 we'll explore

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<sup>2</sup>See also Stiliz (2016) and Zuehl (2016).

how time interacts with equality and self-rule respectively. In Section 5 we'll discuss the implications of this for institutional design. But we'll start, in Section 2, by saying more about the phenomena that give our inquiry substance.

## 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. The same is true the other way around. Officeholders listen to the concerns of their supporters. They don't listen to 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 more weighty 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. Their views matter more, between elections, than do those of independents or members of the other party. 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>3</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 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. That would be bad picking. So, 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

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<sup>3</sup>See, for example, (Shapiro et al., 1990; Levitt, 1996; Bishin, 2000; Kastellec et al., 2015; Lax et al., 2019). This is complemented by qualitative work on the House (Fenno, 1978).

policy change. This makes it more likely that someone will veto any proposed policy change.<sup>4</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. 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. Consider, for example, 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. That is to say, making it harder for the in-power party to change policy, but holding everyone else's ability to do so fixed, diminishes alternation. This is because it diminishes the power of the in-power party. But the magnitude of alternation is in part determined by the gap in power between the in-power and out-of-power party. This diminishes the size of that gap. That means there's 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 which are our focus. Let's now turn to how they matter to democratic values, and thus to how those values interact with time.

### 3 Equality and Time

We'll start with democratic equality. Equality, many people think, is a distinctive democratic value. The idea is that there's something especially valuable about the type of equality democracies realize. This idea is very attractive. In the first place, it's got a lot of surface plausibility. It seems right that the value of democracy is in large part an egalitarian value. In the second place, it explains some deeply-held intuitions about what makes for a good democracy. It explains why everyone should get one vote. If some people had more than one vote, that would compromise equality. It explains why economic inequalities shouldn't translate into political inequalities. If wealth begets political power, that compromises equality. And it explains why much lobbying is problematic. If special connections make for more influence, that again compromises equality. So the idea that equality is a distinctive value of democracy is very attractive.

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<sup>4</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').

But how should democratic equality be conceived? Let's proceed with the now-popular relational egalitarian conception of this value.<sup>5</sup> According to this view, what really matters is relating to our fellow citizens as equals.<sup>6</sup> Masters do not relate as equals to their slaves. Feudal lords do not relate as equals to peasants. And this, the view says, is in part what's wrong with such arrangements. Justice requires that we relate as equals to one another. Here's where democracy comes in: many think that in order to relate as equals to someone, we both need to have an equal amount of something. And democracy equalizes the relevant thing. So it facilitates egalitarian relationships. What is the thing? The simplest candidate is power. On this view, one can only be in an egalitarian relationship with someone when one is as powerful as them. And democracy, it's been claimed, equalizes an important type of power: political power. This, by helping citizens relate as equals, makes democracy intrinsically valuable.

Egalitarian justifications of democracy often stop here. But this stopping point leaves something major unsettled. It doesn't settle how democratic equality interacts with time. And different versions of relational egalitarianism deal with time very differently. Consider, for example, *time-relative* egalitarianism. This view says that what matters is how people relate at each time. If there's any time where people are not relating as equals, then there's an egalitarian problem. The concrete upshot of this concerns the distribution of power. If people have unequal power at any time, then that makes their relationship inequalitarian. Egalitarian relationships require equal distributions of power at each time. In contrast, *complete-lives* egalitarianism says that all that matters is how people relate to one another over their whole lives.<sup>7</sup> So it needn't be a problem if people don't relate as equals at every time as long as who counts as a superior and who counts as an inferior shift over time. The concrete upshot of this again concerns the distribution of power. On this view, egalitarian relationships don't require equal power at any time at all. Equal power across one's whole lifetime suffices for such relationships. 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 they can relate as equals. So, the views differ in the time period over which egalitarian relationships require people to have equal power.

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 instance and a complete life. It could just matter how people relate 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 to relate as equals. They then say it's decreasingly important to relate as equals 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 relating as equals at each moment is the most important thing, but if one can't do that relating as equals over days is better than weeks and weeks is better than years and years is better than complete lives. There are clearly many views here. For convenience, I'll stick with the extreme views. It's reasonably obvious how what I'll say applies to more moderate views. So let's pretend our choice is just between time-relative and complete-lives egalitarianism.

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<sup>5</sup>The main alternative focuses on the expressive function of democracy. See Brighouse (1996) and Christiano (2008). This alternative faces the same choices as the relational egalitarian view.

<sup>6</sup>See Kolodny (2014b) and Viehoff (2019). This view has its roots in Anderson (1999) and Scheffler (2003).

<sup>7</sup>The terminology is from Lippert-Rasmussen (2018).

The choice between these two views matter to what to make of our phenomena. On time-relative egalitarianism, alternation impairs equality. When Democrats are in power, they cannot relate as equals to 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 two cannot relate as equals. 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. So time-relative egalitarianism condemns alternation. It implies that alternation severs egalitarian relationships between cross-partisans. But, on complete-lives egalitarianism, alternation is harmless.

For inertia, matters reverse themselves. On complete-lives egalitarianism, at least in its most plausible forms, inertia is bad for democratic equality. This is because the more that inertia besets a system, the more power does influence over the status quo at a time give one over policy at that time. The harder it is to change policy, the more power one gets from being able to set what policy is initially. But old people have been able to influence the status quo young people face. This means that increasing inertia increases the power old people have had over young people. But young people have never been able to influence the status quo old people face. So, this means, over their entire lives, inertia grants old people more power over young people than young people will have had over old people. And that, on complete-lives egalitarianism, is bad for democratic equality. Inertia severs egalitarian relationships between different generations.

Now there is a way to resist this conclusion. One can distinguish between two notions of power: power-over and overall-power. One has power over someone when one can influence what that very person does. I might have a lot of power over my kid brother. I can get him to do things. But I might have no power over *your* kid brother. I can't get your brother to do anything. One's overall power is the sum of how much power over people you have. One can have a lot of overall power without having power over everyone. Xi Jinping has much more overall power than me. But he doesn't have much power over me. Now here's the crux: perhaps old people don't have more overall power, across their entire lives, than young people. After all, young people today will have power over some new young people tomorrow. So, old people might have power over young people which young people don't have over old people. But young people could still have the same amount of overall power as old people. And perhaps inertia exacerbates inequalities in the former, but not the latter, type of power. This means a complete-lives egalitarian could insist that only inequalities of overall power matter; asymmetries of power-over do not. So, inertia does create inequalities in one type of power: power-over. But inequalities of power-over do not makes relationships inegalitarian. So, inertia is harmless.

Unfortunately, this position is wholly implausible. Asymmetries of power-over do make relationships inegalitarian. Consider the relationship between a slave and their master and that between the slave and someone else's master. The first master has more power over the slave and more overall power than the slave. The second just has more overall power than the slave. The first relationship is clearly worse. Now the second relationship might not be anodyne. Maybe it's hard to have an egalitarian relationship with someone more powerful than you, even when they don't have any power over you. But being under someone's power is especially corrosive to your relationship with them. So, when someone has power over you and you don't have power over them, that damages your shared relationship. That means that, in its plausible forms, complete-

lives egalitarianism condemns inertia. Inertia, on these views, makes cross-generational relationships unequal.

On time-relative egalitarianism, inertia poses no such problem. Inertia increases the influence that old people, in the past, had over the laws everyone is now subject to. But it doesn't give old people more power over those laws *now*. Their current influence is the same as everyone else's. They had this power in the past. So, the problem inertia poses on complete-lives egalitarianism dissipates on time-relative egalitarianism. And, indeed, on time-relative egalitarianism inertia has some good consequences. It reduces alternation. So—on this view—it helps with democratic equality. Thus inertia only poses a problem on complete-lives egalitarianism. On time-relative egalitarianism, it poses no problem at all.

So we have two different conceptions of democratic equality. On time-relative egalitarianism, democratic equality requires that we have equal power at every time. On complete-lives egalitarianism, it merely requires that we have equal power summed over our entire lives. On the former, alternation impairs democratic equality and inertia does not. On the latter, inertia impairs democratic equality and alternation does not. So, the choice between these views matters. Egalitarian justifications of democracy which fail to decide between these views—as existing ones do—are importantly incomplete. So, which of these views is better? We'll turn to that now.

### 3.1 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>8</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 related to each other as equals. So time-relative egalitarianism is the better view.

There are real-world cases like this. 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>9</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 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. This was terribly unjust. But these landowners had previously been superiors. And the Communists were right about one thing: before the revolution, they'd oppressed their tenants. So, according to complete-lives egalitarianism, there's no egalitarian problem here. Yet there is. So that tells strongly against complete-lives egalitarianism.

Now, there is a way to resist these counterexamples. One could point to the fact that they're overflowing with autonomy violations. Temporary masters violate the auton-

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<sup>8</sup>Wilson (2019) also discusses such a case.

<sup>9</sup>For some heartbreaking first-person accounts, see Yiwu (2009).

omy 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 autonomy violations. They contain no egalitarian problem whatsoever. 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>10</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 seems a squarely egalitarian problem. Since, complete-lives egalitarianism cannot capture this problem, that tells strongly for time-relative egalitarianism.

But there isn't consensus on time-relative egalitarianism. Lippert-Rasmussen (2018, 130-35) thinks there's a lot to be said for complete-lives egalitarianism. So let's see what he has to say about the matter. The most powerful arguments he presents center around child-adult relations. Time-relative egalitarianism, he thinks, makes certain unproblematic cases of these relationships problematic. The first case he considers is one in which two people alternate between being child and adult. At times they're simultaneously adults. But, at times, one is a child and one is an adult. And he imagines that, at these latter times, they relate as children and adults usually do: not equally. Lippert-Rasmussen thinks that there's nothing wrong with this situation. And he thinks that that tells in favor of complete-lives egalitarianism. That's because, in these cases, there are time periods where the two don't relate as equals. So, it seems that time-relative egalitarianism should condemn such cases. But, because who counts as the superior swaps, complete-lives egalitarianism need not condemn them. So, our intuitions about such cases, he thinks, favor complete-lives egalitarianism.

The second case he considers is the normal case of child-parent relationships. We've all been children. When we were, our parents did not relate to us as equals. Lippert-Rasmussen points out that this isn't problematic (2018, 133-134). Again, he thinks this tells in favor of complete-lives egalitarianism. He thinks that, according to time-relative egalitarianism, this should be problematic. There's a time—our childhoods—where people didn't relate to us as equals. But complete-lives egalitarianism, he thinks, needn't face this problem. That's because each of us was in this position at some time. So, over our whole lives, the matter balances out. Our parents aren't overall related to as our superiors; they were once children too. So they were once related to as inferiors. So, these cases provide evidence for complete-lives egalitarianism over time-relative egalitarianism.

What should we make of these arguments? I think they are unconvincing. The oddness of the first case diminishes its evidential weight. Intuitions about science fiction cases are not that weighty. They're not worthless. But it would be a surprise were time-relative egalitarianism to be overturned by a case like this. The second case is, potentially, much weightier. But, *pace* Lippert-Rasmussen, complete-lives egalitarianism has no advantage in such cases. Normal child-parent relationships do pose problems for complete-lives egalitarianism. This is because parents have had more power over their children than their children will ever have over them. This type of asymmetry usually

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<sup>10</sup>See Anderson (2017) for further discussion of this case.

impairs egalitarian relationships. So, it seems that it should impair the relationship between parent and child. As before, one could escape this by saying that only inequalities of overall power matter. One could claim that asymmetries in power-over don't matter a whit. But we've already seen that this is an implausible view. So complete-lives egalitarianism seems to face the exact same problem as time-relative egalitarianism. Both seem to incorrectly imply that child-parent relationships are problematic. And so these cases don't much favor complete-lives egalitarianism after all. They leave the two views in roughly the same position.

But this position is not a satisfactory one. Child-parent relationships clearly aren't problematic. If time-relative egalitarianism says that they are, then it stands refuted. Fortunately, I think this issue can be easily solved. Neither view should be troubled by either of these child-parent cases. The key point is that both views can have a restricted scope. We don't have to relate to everything as an equal. We don't have to relate to cats and dogs as our equals. It's only beings of certain capacities to whom we need to relate as equals. These are basically rational capacities. They're the abilities to weigh reasons appropriately and come to good practical judgements. Children, young children especially, don't have these capacities, at least not to the required extent. So both views can say we only need to relate as equals to beings which do have such capacities. This means, properly construed, time-relative egalitarianism has no problem with either of Lippert-Rasmussen's cases. It can make adequate sense of our intuitions about child-adult relationships.

So these cases don't refute time-relative egalitarianism. Let's turn to a third 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>11</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 time-relative egalitarianism. So turn-taking cases seem to pose a problem for the view.

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. 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 for time-relative egalitarianism after all. It needn't condemn the anodyne examples of turn-taking.

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 we have equal power at each time. And this tells us what to make of our two

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<sup>11</sup>Scheffler (2015, 25) mentions this case.

phenomena. 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 severs cross-partisan egalitarian relationships.

## 4 Self-Rule and Time

Let's now turn to a second democratic value. Democracy helps government policy manifest the will of the people. We'll call this democratic value self-rule. What does self-rule amount to? The conception of it that I favor hinges on joint intentions.<sup>12</sup> A joint intention is just an intention one shares with others. When we together intend to sing a duet, paint a house, raise a child we have a joint intention.<sup>13</sup> Some of our joint intentions are directed at certain policies. When these intentions bring about those policies, we'll say we are self-ruling with respect to those policies. For example, suppose Democratic voters in 1931 wanted unemployment relief. And suppose this got Roosevelt elected, and that brought about unemployment relief. Then unemployment relief manifests the will of these Democratic voters. They're self-ruling with respect to it. More generally, the more people are self-ruling with respect to more policies, the more does the political system overall realize self-rule. Government policy overall better manifests the will of the people when more of it is determined by joint intentions more people share. Democracy, by facilitating this, is distinctively valuable.

These are controversial claims. Recently, egalitarians have tended to deny that self-rule is valuable. They have said that the only democratic value is an egalitarian one (Kolodny, 2014a). They've thought this because it's hard to pinpoint why self-rule is valuable. And without such a pinned point, so they've thought, we shouldn't think that self-rule is valuable. This seems to me rash. It's very 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>14</sup> The algorithm we replaced it with, let's stipulate, spits out perfect legislation. It institutes far better legislation than any human government could. Yet, in this situation, citizens have no influence over the laws which govern them. It is intuitively compelling that something is lost here. This would sacrifice 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 we are subject. So, intuitively, there is a value in the vicinity of self-rule.

But why is self-rule valuable? I think that value has two sources. The first connects to the value of individual freedom. Freedom from the control of others is valuable in itself. But state coercion poses a standing threat to this freedom. States have a vast apparatus of police, courts and jails. All inflict violence on individual citizens. All threaten the infliction of such violence. This type of coercion usually threatens freedom. When a highwayman screams "Your money or your life!" at you, you're not free from the control of others. The idea is that self-rule can help neuter the threat. Coercion imposes less of a threat to your freedom when it backs up laws which manifest your joint intentions. Coercing you to act in line with your own intentions is less a blow to your freedom than are other sorts of coercion. Roughly, this is because coercion destroys your freedom when it makes you subject to the will of another instead of your

<sup>12</sup>This type of account comes from Stiliz (2009) and Zuehl (2016).

<sup>13</sup>See Bratman (1992) and Gilbert (2009) for different accounts of joint intention.

<sup>14</sup>This case is from Zuehl (2016, 18–19).

own will. But when coercion is driven by your own intentions, you are subject to your own will. So such coercion is less destructive of your freedom. Self-rule helps disable the threat state coercion poses to individual freedom.<sup>15</sup>

The second connects to the value of self-authorship. Being the author of your life is valuable in itself. That means it's valuable to be responsible for the things which have a big impact on your life. Compare two people. One drifts through life making few real choices of their own. One lives life deliberately, according to a plan. The first person just goes with the flow; the second is the author of their life. The second life is preferable in at least one respect. It's good to be author of the major things which happen to you. We want mastery; not drift. But government policies have a big impact on your life. So it is good to author those policies. And we can achieve this when those policies manifest our intentions. It doesn't matter whether those are individual or joint intentions. Both cases make us the author of government policy. So self-rule promotes the value of self-authorship.<sup>16</sup> These two points have a similar flavor. But they're not the same. The freedom-protecting value of self-rule invokes the badness of other people interfering in your life. The authorship-promoting value invokes the goodness of you driving your own life. These are independent, and independently valuable. Self-rule is valuable because it promotes both these values.

But all this leaves something major unsettled. It doesn't tell us how self-rule interacts with time. And different accounts of self-rule treat time very differently. Consider *time-relative* accounts of self-rule. These say that our joint-intentions and the policies they bring about must be contemporaneous. We're only self-ruling at some time when the policies we live under at that time are brought about by the 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 we at some point brought about the policies we live under at that time. So 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 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.

Let's turn to the differing political implications of these views. We'll start with how inertia looks on 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. When entrenched constitutions settle policy, they probably do 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

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<sup>15</sup>I take this to be in line with Rousseau's account of the value of self-rule. See Rousseau (1968).

<sup>16</sup>This is spelt out in greater detail in [citation omitted].

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 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 be a problem for self-rule on the time-relative view.

Let's turn to how the past-permissive view assesses self-rule. 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. The kind of inertia which flows from constitutional entrenchment often 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. 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 seem 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 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. The past-permissive view clashes with this. 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.

Let's turn to alternation. Here the difference between these two accounts of self-rule doesn't much matter. Instead, the important point is that there are many ways to increase or decrease alternation. This is because there are many ways to change the size of the gap in power between the in-power and out-of-power party. Sometimes, changes in the size of this gap are good for self-rule; sometimes they aren't. Let's illuminate this by looking at a few cases. First, suppose we decrease alternation by giving everyone the same power as partisans of the out-of-power party currently have. We might do this, for example, by having the constitution settle more policy matters. This is a levelling down case. It would likely impair self-rule. It would reduce the chances that those in power get their intentions made manifest in policy without increasing them for those out of power. Second, suppose we decrease alternation by giving everyone the same power as those in power currently have. Concretely, it's not entirely clear how to do this. But giving minorities veto power at the same time as making government bureaucracies more responsive might do the job. The former would empower those out of power; the latter would compensate those in power. This is a levelling-up case. It would likely improve self-rule. It would increase everyone's chance of getting their intentions made manifest in policy.

But the third case is most interesting. In this case, we decrease alternation by moving everyone closer to the average of the power that partisans of the in-power and out-of-power parties currently have. This is a way of equalizing power at each time but neither levelling up or levelling down. It decreases the power, and thereby the self-rule, of those in power. But it increases that of those out of power. Again, giving minority parties veto power would be one way to do this. This would decrease the power of those out of power by increasing that of those in power. I've already said why we lack reason to think this will generally be bad for self-rule. It will diminish the extent to which those in power achieve self-rule. Government policies are less likely to manifest their intentions. But this is compensated by increasing the extent to which those out of power achieve self-rule. I see no reason to think the diminishment must be greater than the increase. So, averaging needn't harm self-rule.

Let me sum up. I've defended a conception of self-rule where our joint intentions, and the policies they bring about, have to be contemporaneous. On this view, increasing inertia and holding all else fixed is bad for self-rule. It reduces the chance that members of the in-power party will get their intentions made manifest in policy. But increasing inertia *by* increasing the power of the out-of-power party has no such straightforward consequences. In this case, the loss to members of the in-power party is compensated by a gain to those of the out-of-power party. At the same time, the impact of alternation on self-rule varies wildly. This is because there are many ways to realize alternation.

Decreasing alternation by levelling up likely helps self-rule. Decreasing it by levelling down harms self-rule. Averaging neither harms nor helps it. That completes my picture of how intrinsic democratic values interact with time. This is of clear theoretical interest; it helps us better understand the nature of democratic values. But it also has important practical consequences. We now turn to those consequences.

## 5 Institutional Design and Time

The practical consequences we'll focus on concern institutional design. The guiding point here is one I made in Section 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. There are two kinds of cases: hard cases and easy cases. In hard cases, the trade-off between inertia and alternation creates a trade-off between equality and self-rule. In these cases, which value is weightier determines whether we should take the trade. These are hard, because it is hard to decide which value is weightier. In easy cases, the trade-off between inertia and alternation doesn't create one between equality and self-rule. We can increase inertia without impairing equality. These are easy, because we should clearly take trades which help one democratic value without harming the other. In the rest of the section, I'll give concrete examples of both types of cases.

Let's start with a hard case. I've suggested that one source of inertia is constitutional entrenchment. Entrenched constitutions make it harder for anyone to do certain things. It was very hard to pass an income tax up until 1913; it's hard now to ban handguns. Now this doesn't much reduce the power of those out of power. They have little influence on these issues anyway. They're out of power. But it does reduce the power of those in power. It pushes it closer to that of those out of power. Neither party can, effectively, change policy on these issues. They're both straightjacketed by the whims of the Framers. Now that reduces the magnitude of alternation. So it's good for democratic equality. But it's a problem for self-rule. It reduces the self-rule of partisans of the in-power party. And it doesn't compensate for that by increasing the power of those of the out-of-power party. So it reduces self-rule overall. In this case, the trade-off between inertia and alternation creates a trade-off between self-rule and equality. So, whether we favor entrenched constitutions depends on which of these values is more important. If equality is more important, we should favor such constitutions. If self-rule is more important, we should not. I'm not sure which of these is more important. This is a difficult issue. That is why entrenched constitutions are a *hard* case.

There are also easy cases. 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're good for democratic equality. This means they're good for one democratic value and not bad for the other. Here, the trade-off between inertia and alternation doesn't create a trade-off between self-rule and equality. Minority vetoes promote one value without

hindering the other. That's why they're an *easy* case; one should clearly favor such trades.

Now, that's not to say that every type of minority veto will be an easy case. 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 of any particular issue. So it 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 taken into account in drafting legislation. It doesn't mean 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 they'll be bad for self-rule overall.

What are the concrete implications of that? 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 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: the interaction between time and democracy has concrete consequences for an important, live, political issue.

Let's end with two caveats. First, I've said that there's a trade-off between inertia and alternation. But, as I mentioned in Section 2, the trade-off only goes one way. Increasing inertia diminishes alternation. 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>17</sup> In competitive races—races incumbents might lose—officeholders have more incentive to look for support across the aisle. One way to make elections more competitive is to publicly finance election candidates. Incumbents are so secure, in part, because they have broad donor networks. This gives them a financial advantage in elections. This financial advantage helps them win.<sup>18</sup> Public financing would help erode, and perhaps eliminate, that advantage.<sup>19</sup> A second way

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<sup>17</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.

<sup>18</sup>Fouirnaies and Hall (2014) defend this view.

<sup>19</sup>(Malhotra, 2008) provides evidence for this from the experience of Arizona and Maine.

is to redraw Congressional district lines. Few states mandate that districts lines be drawn to increase competitiveness.<sup>20</sup> If more did, then House districts would likely be more competitive. So public financing and redistricting reform could both increase the competitiveness of elections. This means they likely provide a way to diminish alternation without increasing inertia. This adds to an already strong case for such reforms. They'll help democratic equality without harming self-rule.

Second, I've provided some considerations which support certain institutions. But I haven't provided an all-things-considered defense of them. Consider minority vetoes. These 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 it realizes. Such circumstances are clearly not new to 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. An all-things-considered defense of any institutional device has to address such instrumental matters. I have not offered such an all-things-considered defense of minority vetoes.

Yet, for all that, I do not think we should be too quick to conclude that minority vetoes are instrumentally disastrous. 2019 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. So, 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>21</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. The in-power party can make policy worse as well as better. 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.

## 6 Conclusion

Let me sum up. The main upshot of this paper is: time matters. There are different ways to articulate the temporal dimensions of democratic values. And these differences make a difference. They make a difference to how we should assess different phenomena. This, in turn, makes a difference to how we should design our institutions. I've advanced a position on how to spell out the temporal dimensions of these values. I've argued that democratic equality requires equal power at each time. And I've argued that self-rule requires that our joint intentions, and the policies they bring about, happen at the same time. This, I've claimed, suggests that how we should assess constitutional entrenchment hinges on how we weight different democratic values. And it suggests that minority vetoes will often contribute to intrinsic democratic values. These are important consequences. I think they're the right consequences. But the chief takeaway from this paper should be: time matters.

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<sup>20</sup>Arizona is a notable exception (McDonald, 2006, 93).

<sup>21</sup>See Binder (2003, ch. 6).

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