

How Democracies Fail

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La Mort de Socrate

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Chapter 1

Introduction

How do democracies fail? I do not, with this question, mean to ask about what causes democracies to fail. Rather I mean to ask about the ways in which they fail, about the kinds, types, or variants of democratic failure, about the things which preclude democratic values and constitute democratic shortfalls. A fully satisfactory answer to this question would do three things. First, it would identify the democratic failures typical of actual, real-world, democracies. It would show in detail how observable and widespread features of such democracies undermine democratic values. Second, it would evaluate how well real-world democracies overall live up to democratic ideals. It would give us a comprehensive picture of how much of democracy's value they really achieve. Third, it would limn the import of the failures of real-world democracies. On the one hand, that would mean explaining how the failures of real-world democracies matter to the rights and duties of their citizens. On the other, it would mean pinpointing the institutional reforms that could ameliorate such failures. These three things, together, would constitute a fully satisfactory theory of democratic failures. They would give us a complete understanding of the nature, extent and import of democratic failures.

This dissertation is aimed at nothing so ambitious. Instead, I aim to delineate the failures of one particularly important real-world democracy: The United States. My aim is to show the nature, extent and import of the shortcomings of American democracy. My main thesis is that there is a vast gulf between democratic ideals and American reality. The United States comes nowhere near realizing democracy's full value. Moreover this is not some passing or aberrant malady of America's political system: the failures of American democracy are longstanding features of its political system. My thesis, too, is that these failures are of enormous practical and institutional import. They undermine American citizens' duty to obey the law and they rob their government of the moral license to enforce those laws. They

cement the case for direct democracy but undercut the case against expert rule. The failures of American democracy, in sum, transform the normative standing and proper structure of the American state.

It will be worth stating these theses a bit more carefully. For a start, my focus is on intrinsic democratic values. Intrinsic values contrast with instrumental values. Intrinsically valuable things are valuable in themselves. Instrumentally valuable things are valuable for their causal consequences. A good friendship is intrinsically valuable; a good hammer is merely instrumentally valuable. Democracy isn't just a hammer: it's intrinsically valuable. Perhaps it is a hammer too. Perhaps it forestalls famine, promotes peace, generates growth. But, if it did none of these things, it would still be valuable. What makes democracy intrinsically valuable? My own view is pluralistic: I think that both equality and self-rule contribute to the intrinsic value of democracy. Democratic equality consists in egalitarian social relationships. Self-rule consists in the peoples' will being made manifest in government policy. Both can make democracies intrinsically valuable. My claim is that American democracy realizes very little of either democratic value.

The import of America's democratic failures is both practical and institutional. On the practical side, they undermine the authority and legitimacy of the American state. A state has authority when its laws ought to be obeyed. It has legitimacy when it may coercively enforce those laws. The realization of democratic values are, I believe, a precondition for both authority and legitimacy. We have no obligation to obey states which don't live up to democratic ideals and it is likely wrong for such states to coercively enforce their laws. So, the failures of American democracy refashion the rights and duties of American citizens. On the institutional side, these failures support specific institutional reforms. Some of these reforms would ameliorate such failures. Directly democratic institutions fit this bill: were initiatives and referendums more common institutional devices, American democracy would be in a less parlous state. But, given America's democratic failures, other reforms are simply more defensible than they would otherwise be. Institutions which give power to unelected experts—judges or bureaucrats—rather than elected representatives are easier to defend when real-world legislatures achieve little of democracy's value. So, the failures of American democracy refashion the proper structure of the American state.

My central thesis, then, is that American democracy fails in many serious ways and that these failures matter. My aim in the rest of the dissertation is to substantiate this thesis. I'll catalogue, explore and lay out the implications of American democracy's most important failures. The point of doing this is to get a full understanding of democratic failures in the American case. I take this to clearly be an important case. The United States is one of the world's oldest and most populous democracies. It is certainly the world's most powerful democracy. But, although

my focus is on the United States, I believe that much of what I say will also go for other democracies. My view is not that American democracy is distinctively defective. Many democracies suffer from some (or all) of the maladies that afflict American democracy. And in all these democracies the import of these maladies is roughly the same. They undermine the authority and legitimacy of the state. They call for institutional reform. So, although my focus is on the United States, my aim is to contribute to the theory of democratic failures more generally. We can illuminate the general nature, extent and import of democratic failures by focusing on one of the world's oldest and most populous systems of democratic government.

1.1 The Critical Tradition

In an interview on the 28th July 2020, Donald Trump, when pressed on lackluster U.S. coronavirus testing, claimed that “some people say you can test too much.”¹ When asked who these people are, he cited “the manuals” and “the books.” At the time one thousand Americans a day were dying from the disease: more than any other country in the world. The daily death toll would later increase: at the time of writing, four thousand Americans are dying every day from coronavirus. Understandably, in the face of such dire facts, Trump felt the need to defend his competency. And the president of the United States did so very directly: he informed the interviewer that “I comprehend extraordinarily well, probably better than anybody that you’ve interviewed in a long time.” This interview, and many others, are deeply unsettling. Few American presidents, one strongly suspects, have been less equal to the challenges that have faced them.

Things would get worse rather than better. Three months later, on the 3rd of November 2020, Trump failed to win re-election. But he didn't see things this way. At 12:49 a.m that night, he claimed that “[w]e are up BIG, but they are trying to STEAL the election” (Kessler and Rizzo, 2020). A few days later Rudy Giuliani, Trump's lawyer and spokesperson, called a press conference in the back parking lot of a small Philadelphia firm: Four Seasons Total Landscaping. Their team had, apparently, mistaken a landscaping company for an upscale hotel. The context was amusing; the claims were not. Giuliani alleged, without evidence, that Joe Biden's victory in Pennsylvania was due to voter fraud. Such claims would be pushed in the courts, at press conferences, on Twitter and during rallies for the next nine weeks. Eventually, they would culminate with then-president Trump inciting a mob into storming the United States Capitol Building. Their aim was to overturn the election results. Five people died. What began as farce ended in tragedy.

¹For the interview, see Axios (2020).

In the light of such affairs, few will deny that American democracy is under strain. In the eyes of many observers, the survival of American democracy lies on a knife-edge.² These issues are pressing and current. But my focus on the failures of American democracy is not current affairs. It is on the deep failures such episodes reveal. These failures are less ephemeral, more longstanding, than specific episodes in a single president's administration. They go back further than 2016 and there is little reason to think that they will dissipate by 2024 or 2028. These failures are of course illuminated by current affairs. But my focus is on the deeper failures of American democracy, those against which day-to-day politics plays out.

There is a long tradition investigating such failures; a tradition critical of American democracy. This dissertation is part of that tradition. It will be helpful, then, to trace the contours of this critical tradition. The tradition has two strands. The first strand focuses on features of ordinary citizens. The towering early figure in this strand is Walter Lippmann. Born in 1889, a socialist by 1910, and advisor to presidents by 1916, Lippmann's most influential work was his 1922 *Public Opinion*. By this time, he'd lost both his early socialism and his faith in the American public. Lippmann (1922) emphasized the disconnect between "the world outside and the picture in our heads." In his view, surely correct, "the real environment is altogether too big, too complex and too fleeting for direct acquaintance" (1922, 16). Ordinary citizens just could not know what he thought democratic theory required them to know. Lippmann's suggested solution, at the time, was to set up independent bureaus stocked with experts. These experts were to be tasked with informing both ordinary citizens and policymakers about what was going on in the world outside their heads.

Three years later, in his less read but more lucid *The Phantom Public*, his dour view of the American public had cemented. He insisted that "the individual man...does not know what is happening, why it is happening, what ought to happen" (Lippmann, 1925, 29). He did not think this was quite the fault of the individual man. He claimed "I have not happened to meet anybody, from a President of the United States to a professor of political science, who came anywhere near to embodying the accepted ideal of the sovereign and omniscient citizen" (1925, 10–11). Again, the problem was that the demands democratic theory made on ordinary citizens' knowledge could not be met. This wasn't ordinary citizens' fault, but nor were they entirely blameless. In his view, "the citizen gives but a little of his time to public affairs, has but a casual interest in fact and but a poor appetite for theory" (1925, 14–15). This led to a hardening of Lippmann's earlier position. The expert bureaus would no longer do. Instead "we must abandon the notion that the people govern...we must adopt the theory that, by their occasional

²See FiveThirtyEight (2021) and Collinson and Hu (2021).

mobilization as a majority, people support or oppose the individuals who actually govern” (1925, 61–62). The most influence the public could hope to have would be to decide between competing teams of governing elites.

Lippmann’s sympathies, he said, were with private citizens. Schumpeter professed no such sympathies. Writing about seventeen years after *The Phantom Public*, Schumpeter claimed that “the typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again” (Schumpeter, 1942, 262). Schumpeter, like Lippmann, thought little of citizens’ knowledge. But it wasn’t just their knowledge which he thought was lacking: their rationality was deficient too. He took these deficiencies to be incompatible with what he called “the classical doctrine of democracy” (1942, 250). The non-classical doctrine he offered in its stead was not so different from Lippmann’s: he said that “democracy means only that the people have the opportunity of accepting and refusing the men who are to rule them” (1942, 284–285). Again, the putative defects of ordinary citizens confined them to the role of referee in elite competition.

Lippmann and Schumpeter’s methodology was essentially journalistic. They kept up on current affairs. They talked to powerful people. They read history. They spent time in armchairs, thinking. This was simply the methodology of much of political science when they were writing. But, as they wrote, the scientific basis of the discipline was being transformed. The main innovation was survey sampling. This let a small number of survey respondents stand in for a much broader population. You could ask a thousand people questions and find out how a hundred million would have answered. These methods were pioneered by two groups: Paul Lazarsfeld and colleagues at Columbia University and Angus Campbell and colleagues at the University of Michigan. The work coming out of Columbia surveyed the members of small and wholesome communities like Erie, Ohio and Elmira, New York. They concluded that voters in such places had little interest in or knowledge of politics. They didn’t vote on principles and exhibited little rationality (Berelson et al., 1954, 306–310). Such voters were “unable to satisfy the requirements for a democratic system of government outlined by political theorists” (1954, 312). They were somewhat more optimistic about the system as a whole. They thought the flaws of individuals might wash out when it came to collectives. But their picture of individual citizens remained grim. There were no omniscient citizens to be found in Elmira.

The work coming out of Michigan was broader in scope. Campbell and his colleagues surveyed samples representative of the entire nation. But what they found was not all that different from what had come out of Columbia. In *The American Voter* they concluded by noting “the low emotional involvement of the electorate in

politics; its slight awareness of public affairs; its failure to think in structured, ideological terms; and its pervasive sense of attachment to one or the other of the two major parties” (Campbell et al., 1960). This research supplemented rather than supplanted that from Columbia. This line was later pushed further by Philip Converse in his “The Nature of Belief Systems in Mass Publics” (1964). Amongst his most striking conclusions was that “large parts of an electorate do not have meaningful beliefs, even on issues that have formed the basis for intense political controversy amongst elites for substantial periods of time” (1964, 51–52). According to Converse, it’s not just that voters don’t know much about political issues. They didn’t care about them. In most domains, they had no preferences over government policy whatsoever.

In the last fifteen years this strand of the critical tradition has revived. One pillar of this revival has focused on the issues which occupied Lippmann and Schumpeter: how citizens engage cognitively with politics. The advantage these writers have is access to over half a century of survey data. Bryan Caplan (2007), on the back of such surveys, condemns citizens for their ignorance about economics. He puts this ignorance down to irrationality. It worries him because “irrational beliefs lead to foolish policies” (2007, 162). The misperceptions of ordinary citizens, in his view, makes government policy worse. Somin (2013) is also preoccupied with political ignorance. He concludes, again on the basis of survey data, that “current knowledge levels fall short of the demands of democratic theory” (2013, 61). Both he and Caplan think that the solution is smaller government: if ordinary citizens don’t know what they’re doing, the thought goes, they shouldn’t be allowed to do very much. Jason Brennan comes to more extreme conclusions. He thinks that the shortcoming of ordinary citizens mean that we should seriously consider giving democracy up altogether. He advises that we “experiment with various forms of epistocracy” (2016a, 204), where ‘epistocracy’ is a government in which “political power is formally distributed according to competence, skill and the good faith to act on that skill” (2016a, 14). He goes further here than the early Lippmann. Lippmann (1922) thought expert bureaus could help voters; Brennan thinks they should replace them.

A second pillar in the revival is founded more in the concerns of the early practitioners of survey research. The peerless work in this pillar, and in this contemporary revival more generally, is Christopher Achen and Larry Bartels’s *Democracy for Realists*. This is, at its core, a book about how people vote. They think that “all the conventional defenses of democratic government are at odds with demonstrable, centrally important facts of political life” (Achen and Bartels, 2016, 306). Those “conventional defenses” come down to populist and retrospective theories of democracy. The populist theory says that elections translate voters’ policy views into government policy. The retrospective theory says that elections discipline gov-

ernments. Voters punish incumbents for bad performance and reward them for good performance. Neither theory, they think, can provide an adequate defense of democratic government. And the demonstrable facts which they think refute such defenses concern voting behavior.

According to Achen and Bartels, populist theories fail in large part because voters simply do not vote on policy issues. They likely lack views on government policy. And, even if they have such views, the views don't guide their vote. Retrospective theories fail because voters are blind and myopic. They're blind in the sense that they punish governments "willy-nilly for bad times, including bad times clearly due to events beyond the government's control" (2016, 304). They're myopic in the sense that they focus "almost entirely on income growth in the months just before the election" (2016, 16). This, they conclude, makes elections a game of "musical chairs" (2016, 312). It makes elections the random replacement of one raft of rulers for another. They themselves defend the view that "group ties and social identities are the most important bases of political commitment" (2016, 319). But they think that "compelling normative assessment" of democracy so-construed must await "a clearer empirical understanding of how group politics works" (2016, 325). Thus, they offer no such assessment.

That is one strand of the tradition critical of American democracy. The distinctive aspect of this strand is that it focuses on the shortcoming of ordinary citizens: what they know, how they reason, why they vote the way they do. The writers in this strand have found ordinary citizens lacking. Sometimes, that has made them skeptical of democratic institutions in general. But there is also a second, more disparate, strand in this critical tradition. The focus here is not on ordinary citizens but rather on elites: political elites, economic elites, corporate elites. The underlying thrust of work in this strand is that ordinary citizens are not being given a fair shake. Power in American is extremely unequally distributed. It is monopolized by a small number of people. It is in the hands of those atop important institutions or those who hold great personal wealth. Writers in this strand of the tradition think that the chief failure of American democracy is the concentration of power in a small number of hands and the ownership of those hands. It does not lie mainly in the shortcomings of ordinary citizens.

Sociologists did much of the distinctive early work in this strand. Charles Mills (1956), in his book *The Power Elite*, argues that a small number of people make almost all of the important decisions in America. These people draw their power from their role in institutions: the government, corporations or the military. According to Mills they form a social class. They marry one another and share a common outlook on the nation's problems. William Domhoff (1967), another sociologist, took a similar view. He suggested that it was economic and corporate elites who really hold political power in the United States. His story, developed in detail in

later work, is that such people finance foundations and think-tanks. These shape the space of acceptable policy proposals. And they finance campaigns, especially primary campaigns. This ensures them receptive ears in office. In neither story is there much room for influence by ordinary citizens. Both stories take political power, in America, to be distributed very unequally.

Recently, influential work in this strand has focused on economic elites. Both Larry Bartels (2008) and Martin Gilens (2012) have argued that economic elites—the rich—have much more influence than everyone else. Larry Bartels looked at who elected officials respond to. He claims that the “the modern Senate comes a good deal closer to equal representation of *wealth* than to equal representation of *citizens*” (Bartels, 2016, 245). Martin Gilens looks at who policy responds to. He claims that “the preferences of the vast majority of Americans appear to have essentially no impact on which policies the government does or doesn’t adopt” (Gilens, 2012, 1). They both, like Domhoff, think that economic elites have disproportionate power over American government. This, they understandably point out, is at sharp variance with egalitarian democratic ideals.

Elmer E. Schattschneider’s *The Semisovereign Public* provides a somewhat different critique of American democracy. Schattschneider was no all-things-considered critic of American democracy. He thought that complaints about said democracy were driven in large part by “simplistic definitions of democracy” (Schattschneider, 1960, 134). But he had some sharp words to say about a then-dominant, sunny, picture of democracy in America: the pluralist picture. On this picture, policy was the product of conflict between interest groups. And that meant power was not unequally distributed. The idea was that everyone had roughly equal access to the interest group system. Schattschneider’s thoughts ran to the contrary: in his famous words: “[t]he flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent” (1960, 35). The interest group system, he thought, was dominated by the wealthy and by corporations. It was not fertile ground for the egalitarian aspirations of American democracy.

Some contemporary work pushes forward the critique of interest group representation. Schlozman et al. (2012) take up essentially Schattschneider’s complaint. They find that it is richer, better educated Americans who petition their representatives and take part in interest groups. They themselves conclude that “[n]ot only is the heavenly chorus of voices not inclusive of all but it is also not representative” (2012, 575). Theda Skocpol advances a different critique of the interest group system. In her telling, there was a time when civic life in America was dominated by vast membership associations with a cross-class membership. But membership has turned to management: “old civic America has been bypassed and shoved to the side by a gaggle of professionally dominated advocacy groups ” (Skocpol, 2003, 291–92). She thinks that such groups have little connection to the wider public.

They are certainly not representative of that public.

So there are two strands of the critical tradition. One strand focuses on the shortcomings of ordinary citizens. The other focuses on the concentration of power in the hands of a small number of elites. There are two important things to notice about this tradition. The first is that in neither strand do writers make much of intrinsic democratic values. Sometimes, as in the case of Brennan (2016a), they explicitly deny that democracy has intrinsic value. But more often they simply omit discussion of such values. In some cases, that omission leaves little real doubt about their view. Caplan (2007) is an example. He never says that he thinks democracy lacks intrinsic value. But it is hard to believe that he doesn't. His exclusive focus on the alleged policy consequences of our shortcomings belie any such belief. In other cases, the omission leaves room for mountains of doubt. Consider Skocpol (2003). When she comes to explain why the decline of associations in civic life matters, she says that it "promotes trivial polarization [and] skews national politics and public policy toward the values and interests of the privileged" (2003, 236). She later also suggests that it's responsible for declining trust in government (2003, 245). These connect to important values. But it's most natural to interpret them as instrumental values. What she thinks about democracy's intrinsic value is left unspoken.

Consider, as a final example, Achen and Bartels (2016). They clearly think that retrospective theories grant instrumental value to democracy. They say that the truth of such theories would mean that voters could "select competent leaders and discipline those leaders to pursue the voters' well-being" (2016, 115). Democracy, in this case, would promote citizens' welfare. But one searches their great book in vain for such a clear statement about populist theories. At points they allude to its connection to the consent of the governed, to elite domination, to human dignity and to simple good government (2016, 1, 88, 297, 297). If you squint right, some of these look like intrinsic democratic values. But whether one should squint is left inscrutable. They give no guidance for how what their empirical findings connect to intrinsic democratic values. The underlying issue here is that writers in the critical tradition have mainly been social scientists. These social scientists have found out interesting, important things about how American democracy works. But they have neither the interest nor, often, the training in normative ethics to connect these findings to intrinsic democratic values. So they have remained almost entirely silent about the upshot of their work for the fundamentally normative parts of democratic theory. They have provided the empirical work. But they have come up short on its normative consequences.

There is a second important thing to notice about this critical tradition. This comes to what these writers have inferred from the failures of American democracy. Some have inferred nothing. They've been content to lay out these failures without further comment (Campbell et al., 1960). But more often further comment

has been forthcoming. That comment has exclusively fixed on institutional design. The more provocative members of the critical tradition think that the failures of American democracy mean that we should snuff out democratic decision making. Caplan (2007) and Somin (2013) both suggest that we should scale back government. Lippmann (1922) and Brennan (2016a) both suggest that we should cede power to experts. Less provocative writers are satisfied with suggesting more mundane reforms. Achen and Bartels (2016, 326) propose campaign finance reform. Skocpol (2003, ch.7) proposes we draw more people into politics. But democratic values, many people think, do not just have implication for institutional design. They have implications for our normative status as citizens: whether we ought to obey the law, whether those laws can be permissibly enforced, how we should vote, how we should interact with our fellow citizens. And so, one might think, the failures of American democracy also have implications for this normative status. But one will not find that further thought in the existing critical tradition. As it stands, it is fixated on issues of institutional design.

The failures of American democracy do have consequences for institutional design. I will explore some of these consequences in this dissertation. Some of these consequences have already been pointed out by some of these writers; some have not. But the more novel contribution I make to this tradition concerns these other two points. I aim to explain how the failures of American democracy impair democracy's intrinsic value. And I aim to explain how these failures affect the normative status of those subject to the American state.

1.2 The Plan

The dissertation is split into four parts. Part I concerns democratic ideals and their import. In Chapter 2, I present an account of what makes democracy intrinsically valuable: equality and self-rule. The notion of equality in play is a relational one. Democracy, I think, helps prevent objectionable inegalitarian relationships and bring about attractively egalitarian ones. The notion of self-rule in play is rooted in joint intentions. Democracy can make government policy manifest our collective intentions. In Chapter 3, I explain how these values can provide a foundation for the authority and legitimacy of democratic states. But, when it comes to authority, I argue not only can they provide such a foundation. They are also prerequisites for some accounts of authority—associative, fair plays, promissory and gratitude accounts—which don't *prima facie* seem especially democratic. Moreover, so I argue, the lack of one of these values—equality—gives us reason to avoid obeying the law. The upshot of this is that realizing high levels of democratic value looks good for legitimacy and essential for authority. But their lack is bad news for both.

Authority and legitimacy hinge on democracy.

Part II and Part III make up the core of the dissertation. The chapters in these parts are organized around specific democratic failures. In Part II we focus on features of political elites. In Chapter 4, I argue that political elites—officeholders—are essentially free from popular control. This creates an acute egalitarian problem between elites and ordinary citizens. I argue that this provides a weighty defense of directly democratic institutions. In Chapter 5, I argue that government policy is disproportionately responsive to the preferences of the rich and the positions of interest groups. Both, so I argue, sap self-rule and exacerbate the egalitarian problem. How to deal with this is not completely obvious. But I suggest campaign finance reform is an obvious start. In Chapter 6, I explore how two temporal phenomena affect the achievement of democratic values. The first phenomenon is that parties alternate in power. The second phenomenon is that the party in power find it hard to change the status quo. The first mainly threatens equality; the second mainly threatens self-rule. And these threats, I argue, can be defused by direct democracy and minority vetoes. So the shortcoming of political elites gives us guidance on several questions of institutional design.

In Part III we move to the features of ordinary citizens. In Chapter 7, I discuss our cognitive shortcomings. We're ill-informed: we don't have accurate beliefs about political matters. We're irrational: we bend the evidence to see our side in the best possible light. And we're malleable: we take our policy preferences from political elites. I argue that these pose their most serious problem for the achievement of self-rule. In Chapter 8, we turn to political polarization. I distinguish two main phenomena: the parties becoming more ideologically distinct and partisans becoming more hostile to one another. I argue that the first phenomenon is good for self-rule. It improves the options American voters are faced with. But the second phenomenon impairs democratic equality. It is incompatible with the existence of certain positively valuable egalitarian relationships between cross-partisans. In Chapter 9, we look at voting behavior. I assess what drives Americans when they vote in national elections. Their motivations, I think, fit uneasily with democratic values. They're rarely driven by policy issues. They're instead more driven by incumbent performance and group affinities. I argue that the latter in particular truncates both the achievement of self-rule and the attainment of positively valuable egalitarian relationships. When people vote on the basis of group identities, they often impair the attainment of democratic values.

The final part of this dissertation, Part IV, is a short summary and synthesis. I sum up the picture of American democracy I've painted in the previous chapters and make clear the consequences this picture has for both institutional design and the normative status of those subject to the American state.

Part I

Ideals and Their Import

Chapter 2

Democratic Values

2.1 Introduction

What makes democracy valuable? Why is democracy better than autocracy? There are two ways to answer these questions. The first focuses on instrumental values. We could look at the causal consequences of democracy. We could look at whether democracy make a country richer, safer, more peaceful, less corrupt. Much has been written on each issue. Some people think democracy does have these good effects. Others are not so sure.¹ The second focuses on intrinsic values. Intrinsic values make something valuable for reasons besides their causal consequences. Beauty, friendship, pleasure are all intrinsic values. Wealth, thrift, efficiency are all instrumental values. The former are good in themselves; the latter are only good because of their consequences. Thus, we could look at democracy's intrinsic value. It's this second tack I'll take in this chapter. I aim to outline why democracy is appealing independent of its consequences.

My view of democratic values is pluralistic. On the one hand, democracy helps realize equality. I construe this in relational terms: democracy improves the ways that citizens relate to one another. This has a negative and a positive aspect. Negatively, democracy helps undermine objectionably inegalitarian relationships, relationships akin to caste hierarchies. Positively, democracy helps promote attractive egalitarian relationships, relationships akin to friendship. On the other hand, democracy helps realize self-rule. It helps ensure that political affairs manifest the will of the people. This too has a positive and a negative aspect. Negatively, democracy helps mitigate the standing threat government coercion poses to its citizens' freedom, the threat coercion anywhere poses to freedom. Positively, it helps realize

¹For a recent critical survey, see Doorenspleet (2019). For a less critical less recent survey see Marquez (2017, ch. 9).

an attractive kind of collective autonomy, a notion of autonomy on which citizens' are joint authors of their social and political affairs. These two values—equality and self-rule—are independent; neither reduces to the other. Both help make democracy superior to autocracy.

This chapter outlines this conception of democracy's intrinsic value. But we'll start with two more preliminary points. First, I want to situate this exposition within my larger goals. The point of outlining a conception of democracy's intrinsic value, in this dissertation, is to assess how well American democracy realizes these values. Indeed, the goal is to show that American democracy does not realize these values to any high degree. This guides the nature of the exposition. On the one hand, I'll be more concerned with articulation than defense. Now I will explore objections to the idea that either self-rule or equality make democracy valuable. But, if they don't, then the ultimate result will be the same. American democracy won't realize something of value. Thus, articulating the values matters more to the project than defending the claim that they are valuable from objections. On the other hand, I'll be as concerned with mapping the territory as defending any peak in the territory. I'll be as concerned with mapping various different ways we can think of equality and self-rule as with defending my own conception. Again, this serves the larger goal: such a map will put us in the best possible position to see where my criticism of American democracy depends on my own conception of democracy's value, and where it goes through on a wide range of conceptions.

Second, I want to explain nomenclature. One way to define democracy is by ostension. One points towards a list of countries—the United States, the United Kingdom, Brazil, Germany—and says that *those* are the democracies. One then adds that any sufficiently similar country is a democracy too. In practice, I think this is what motivates definitions of democracies in terms of lists of institutions: elections, political competition, universal suffrage, protected rights. These are just the institutions that countries like the United States tend to have.² A second way of defining democracy is normatively. One spells out some political values. One then says that a political system is a democracy just in case it attains high levels of those values. This is perhaps the type of approach which leads people to off-handedly deny that there are any democracies.³ One might, for example, say that a democracy is a political system which achieves high levels of equality and self-rule. Let's call these the *ostensive* and *normatively ideal* definitions of democracy respectively.

I aim for a middle route. I'll use 'democracy' to refer to any political system in

²The most influential such definitions are Freedom House and Polity scores. See House (2018) and Marshall et al. (2017).

³Dahl (1972) is an example.

which people have roughly equal influence over what government does and that influence collectively determines what government does. Call this a *non-normatively ideal* definition of democracy. This is a non-normative definition in that no normative terms appear in it. It's an ideal definition in that there's no presumption that any real-world political systems meet this definition. How does this definition of democracy connect to the other definitions? Well the ostensive democracies look like they're in an especially good position to be non-normatively ideal democracies. If there are any political systems in which influence is equal and that influence drives government action, they're amongst the ostensive democracies. The connection between non-normatively ideal democracy and normatively ideal democracy is the topic of this chapter. I'll argue that non-normatively ideal democracies are in a better position to be normatively ideal democracies. Being a democracy in this sense facilitates things of real value. But I do want to stress that nothing hinges on definitions. They just put us in a good position to talk about attractive political values. What matters is that we're clear on the terms we're employing, not exactly how we choose to define democracy.

With this in mind, we will start by seeing how democracy connects to equality.

2.2 Democratic Equality

Democracy, it's often thought, is valuable because it is egalitarian. It realizes equality in some special sense, a sense which other political systems do not. But what is the sense? And why is this valuable? In this section, I'll spell that out. The vision I'll present is a relational egalitarian vision. The idea is that democracy can preclude inegalitarian relationships and enable egalitarian relationships. This is because the former are constituted by certain inequalities and the latter are incompatible with those inequalities. Democracy ameliorates exactly these inequalities. The inequalities are inequalities in power and authority. One has power, roughly, insofar as one can determine what other people do. One can influence how others behave.⁴ One has (de facto) authority, roughly, insofar as one can tell people what to do. People do what one requests or commands them to do. Inequalities in power and authority are a constituent of inegalitarian relationships. Meanwhile, equalities—at least rough equalities—of power and authority are a precondition for egalitarian relationships. Democracy, by facilitating equalities in power and authority, thus facilitates the egalitarian relationships and prevents the inegalitarian relationships.⁵

⁴This is also the view in Frank Lovett's (2010, 75), although to see that it's important to recognize that in the relevant passages he is using a 'revealed preference' notion of 'prefers': when he says someone prefers something, he means they would act so as to bring it about (Lovett, 2010, 58).

⁵See Kolodny (2014b) and Viehoff (2014, 2019) for this sort of view. Kolodny emphasizes the avoidance of inegalitarian relationships; Viehoff emphasizes the promotion of egalitarian ones. I

Let's get a fix on what these relationships involve. We'll start with the inegalitarian ones. One paradigm example of such a relationship is a master-slave relationship. In these relationships, the master has a huge amount of power over the slave. They can control what the slave does. They secure this power, usually, through physical coercion. They beat the slave if the slave doesn't do as they say. This is clearly extremely objectionable. It is better not to be in such relationships. That's a small-scale example of an inegalitarian relationship. It involves just two participants. But there are also large-scale examples of inegalitarian relationships. Social hierarchies are the best such example. Consider caste societies. In such societies, those in the upper castes have much more power and authority than those in the lower castes. They have much more influence on others. People give much more weight to their requests and commands. Again, this is backed up by coercion. If a peasant looks askance at a Samurai things do not go well for the peasant.⁶ These inegalitarian relationships are again clearly objectionable. Caste societies are bad. The idea is that all these relationships are in part constituted by inequalities in power and authority. Democracy reduces these inequalities. So, it snuffs out this kind of objectionable relationship.

What about the egalitarian relationships? Friendship is a paradigm example. Friendship is, ideally, a relationship between equals. Good friends don't wield power over one another. And, in a good friendship, one friend is not always doing what the other says. Such inequalities mar a friendship; ideal friendship requires their absence. Now that's not all that's required in friendship. Friends must, plausibly, be committed to preventing inequalities arising. Friends must care about one another's welfare. Friends must share some affection. But once all such things are in place then, in most cases, so is a friendship. And such a friendship is valuable. It's a good thing to be in such relationships. That's a small-scale example of an egalitarian relationship. But there are also larger-scale examples of such relationships.⁷ One example is what is sometimes called 'a society of misters.' The picture is a society in which everyone can look one another in the eye.⁸ Nobody is subservient to anyone else. But that's not the only part of the picture. The picture is

think both matter.

⁶The legal right was known as 'Kiri-sute gomen'. It was conceived as literally a type of self-defense right. A samurai's right to strike, even kill, a disrespectful peasant was a right to defend their honor akin to the right to defend their person. This was why they could only do the striking at the time of the disrespect. One could only defend one's honor, much like one's person, only at the time it was under threat. If they returned after the heat of the moment had passed, and killed the peasant, they would be treated as a murderer. This is a nice example of disagreement over what counts as the 'self' in 'self-defense'.

⁷According to Schwarzenbach (1996), Aristotle made much of such relationships. See Viehoff (2019) for a recent articulation of them.

⁸The eyeballing metaphor comes from Pettit (2012, 47).

also that members of the society are committed to ensuring their relationships are egalitarian. And they care about one another's welfare. They aren't indifferent to the joys and sorrows of their fellow citizens. Such relationships are attractive. It seems valuable for societal relationships to have this kind of structure. The idea is that such relationships require the absence of inequalities in power and authority. Democracy facilitates this absence.

What's the evidence that these inequalities matter to these relationships? The evidence comes from our intuitions about cases. Paradigmatic cases of inegalitarian relationships are marked by inequalities of power and authority. It doesn't seem possible to think of an example which lacks this mark. This is evidence that such relationships are generally part constituted by such inequalities. And that does seem independently intuitive. These inequalities, intuitively, seem to ground their objectionably inegalitarian character. At the same time, it seems intuitive that these inequalities impair egalitarian relationships. Take any such relationship, any friendship, and reduce the inequality of power and authority in it. You've improved it in one respect. This is evidence that these relationships are part constituted by equalities of power and authority. And again that seems independently intuitive. Such equalities, intuitively, seem to ground the egalitarian character of these relationships. So the evidence for these claims is based in intuition. But those intuitions seem secure enough. The relevant relationships do seem part constituted by certain inequalities or equalities.

Now, one might deny that inequalities in power and authority independently constitute these relationships. This is because authority just is a kind of power: being able to tell someone what to do just is a way of being able to determine what they do. Thus, one might think that authority inequalities only matter to inegalitarian relationships because they are a kind of power inequality. Perhaps this is true: if it were, it wouldn't affect any of my core claims. But I'm inclined to think that inequalities in authority matter especially to inegalitarian relationships. They matter more than do mere power inequalities. Imagine, for example, that I can determine what someone does either through giving them an offer or through giving them a command. I can get them to stop smoking either by paying them to stop or by ordering them to stop. Both are ways that I have power over them. But the latter, it seems to me, generally puts me in a more inegalitarian relationship with them. My ability to alter their incentives is not as important a constituent of these relationships as my ability to simply order them around. So, I think it is best to keep inequalities of power and authority conceptually independent. The latter matter above and beyond their simply being a kind of power inequality.

Let's turn to how democracy tamps down these inequalities. We'll start with inequalities in power. The idea here is that democracy equalizes political power. Political power is an enormously important type of power—maybe the most important—

so this is extremely helpful in equalizing power more generally. Kolodny (2014b, 303–7) explores at length why political power is so important. The key things seem to me its inescapability and its finality. It’s inescapable in that one can’t avoid being subject to it in the way one can avoid being subject to, for instance, the power of General Motors. It’s final in that the distribution of political power tends to determine the distribution of other types of power. So the equalization of political power helps with the equalization of power *tout court*. The story with authority is a little less direct. The thought is that one of the main things the government does is issue commands. Laws and directives count as such commands. Moreover, so the thought goes, having influence over these commands is itself a source of authority. When one can influence what command gets issued, obedience to that command contributes to some extent to your authority. But democracy, again, equalizes this influence. So it helps equalize authority. So democracy can ameliorate inequalities in both power and authority.

So democracy can help us achieve two things: a negative egalitarian ideal and a positive egalitarian ideal. The negative egalitarian ideal is an ideal of absences, specifically the absence of inegalitarian relationships. The positive egalitarian ideal is an ideal of presences, specifically the presence of an egalitarian relationships. These are clearly not the same. One can avoid being in an inegalitarian relationships with someone by not being in any relationship at all with them. For example, the Aztecs in 1491 were in no relationship at all with the Spanish. That meant they avoided the inegalitarian relationships they would soon suffer. But this didn’t put them in any positively valuable relationships with the Spanish. So the positive ideal requires more than the negative ideal. Democracy facilitates the achievement of both ideals. In the next couple sections, we’ll say more about how each ideal works. We’ll then say more about the underlying notions of power and authority.

2.2.1 The Negative Egalitarian Ideal

Let’s start by saying more about the negative egalitarian ideal. The two examples of inegalitarian relationships I give above are master-slave relationships and caste hierarchies. The relevant general notion here is that of dominance. A master dominates his slave. A caste hierarchy is a type of dominance hierarchy.⁹ It’s a hierarchy in which those in higher castes collectively dominate those in lower castes. Animals provide good example of such hierarchies. Hens, famously, create a “pecking order” in which access to food is determined by force. Relationships characterized by dominance are the core inegalitarian relationship that democracy tamps down.

⁹For a pithy gloss on what such hierarchies involve, see Henrich (2017, 123). Frank Lovett (2010, 1–123) provides an account of such relationships which is very similar to the one I endorse—although his terminology is quite different.

Democracy reduces the chances that the relationships between citizens are such inegalitarian relationships.

But what more, apart from inequalities of power or de facto authority, is needed for such an inegalitarian relationship? This is a pressing question in part because there's an *overdetermination* worry about democracy's contribution to this ideal. The worry is this: suppose very strong further conditions must be met before one counts as being in an inegalitarian relationship. And suppose these conditions have little chance of being met in our society, or even any modern society. Then democracy seems to have little practical value in precluding such relationships. It's true that it does preclude those relationships. But such relationships pose little real threat anyway. So what, as well as inequalities of power or authority, is required to create an objectionably inegalitarian relationship?

I think the most promising answers to this question invoke the attitudes of those party to the relationship. But there are many ways to spell out what those attitudes might be. Let's start by considering a couple more restrictive views. The first such view says that at least one of the parties to the relationship must be committed to maintaining the inequalities in power or authority. On this view, the master-slave relationship is inegalitarian in part because the master is committed to maintaining the advantage in power he has over the slave. We can see this commitment as the desire to maintain that inequality. And it's a desire made manifest in action. The master would not simply free the slave if he could. He would maintain the power differential between them. It's only given such commitments, on this view, that the underlying inequalities become problematic.

A second view invokes a different type of attitude. Here the thought is that inequalities of power and authority only become problematic when based on certain attitudes about moral standing. Suppose a master has more power than a slave because they're judged to be of higher moral standing than the slave. Then the inequality creates an objectionably inegalitarian relationship. Otherwise it does not. The notion of 'moral standing' here is a bit of a placeholder; fill it in as you like. One way to fill it in is to construe it as how weighty people judge the reasons grounded by the master's commands to be. Judging these reasons to be relatively weighty is tantamount to judging someone to have higher moral standing. But there are other ways to construe moral standing. The differences won't much matter for our purposes. The basic idea is just that the initial inequalities have to be based in certain judgements of unequal moral worth.

I don't think either view can be right. Both clash with our intuitions. Let's start with the first view. Suppose that two people are misguided about what equal power involves. Consider, for instance, a Victorian-era marriage. Suppose, in such a marriage, the wife has power over how their home is arranged. The husband had power over everything else. And suppose both thought that this counted as equal

power. They'd be wrong; this isn't an equal distribution of power. But, on this view, there might nonetheless be nothing objectionable about the inequity. They might, after all, both be committed to maintaining what they falsely believe is an equal distribution of power. So they might not be committed to maintaining what they see as unequal power. Yet this seems counter-intuitive. There is something problematically inegalitarian about the marriage even in this case. So inequalities of power can create objectionably inegalitarian relationships in the absence of a commitment to maintaining those inequalities.

Now consider the second view. Counterexamples to this are straightforward. The marriage case alone provides one. The husband and wife in this case might not judge one another to have unequal moral standing. But their relationship would be inegalitarian nonetheless. Yet there are also other, equally persuasive, cases. Suppose the slave is a slave not because everyone agrees that the master has elevated moral worth. Rather the master just has access to brute force. If the slave stopped taking orders or tried to flee, they'd be physically punished. Many actual systems of slavery have had this character. This obviously doesn't make them anodyne from the egalitarian point of view. So these inequalities aren't only bad when based in grotesque moral justifications. They're bad even when stripped of any such justification. They're bad when they rest on naked force alone.

It's important that this second view is false. If true, it would erase the evaluative distinction between democracy and autocracy. That is because there seem to be relatively few contemporary non-democratic societies in which inequalities of power and authority are based in beliefs about moral inequality. Consider, for example, China. Suppose you ask ordinary Chinese people why the Communist party gets to decide what to do. Anecdotally, they don't mention the elevated worth of Chinese Communist Party (CCP) cadres. They sometimes mention power flowing from the barrel of a gun. Often, they mention how well China has done during the reform-era. They mention those six hundred million people lifted out of poverty. Neither amount to beliefs about moral inequality. Similar points go for many contemporary autocracies. After all, over ninety percent of people live in countries which claim, in their constitutions, to be democracies (Marquez, 2017, 22). Only Brunei and Saudi Arabia explicitly embrace autocracy (2017, 24). Thus, were this second view true, we would have little egalitarian objection to the form autocracy actually takes in the modern world. And the falsity of this second view will also matter in the rest of the dissertation. I'll argue that American democracy is riven by these inequalities. But I don't think that these inequalities usually, or even often, come along with assessments of unequal moral worth. So I'll assume such assessments don't matter to the objectionability of the inequalities.

We've not yet answered the question. What more, apart from inequalities of power and authority, makes for an objectionably inegalitarian relationship? One

could, I suppose, doubt that anything more is needed whatsoever. But this seems to me misguided. The Aztecs are evidence against it. Before Cortes landed at Veracruz, there weren't any inegalitarian relationships between Spaniards and Aztecs. There weren't any relationships at all. But there sure were inequalities of power and authority. King Ferdinand II ruled an empire of eight million souls. He was much more powerful than the average Aztec peasant. Moctezuma ruled an empire of thirty million souls. He had much more authority than any Spaniard. But these inequalities couldn't create inegalitarian relationships. So such relationships aren't grounded in such inequalities alone. What more is needed?

I suspect that the best answer is very liberal. We need not add that much more to such inequalities to get objectionably inegalitarian relationships. Now one extremely liberal view dispenses with any appeal to attitudes. It says that all we need to add is causal interaction. We might think that to stand in a relationship with someone it's necessary, and also sufficient, to affect them and for them to affect you. And we might think that, once you're in such a relationship, inequalities in power and authority make it an inegalitarian relationship. This view isn't entirely dismissible. But it's not my view. I think it has odd implications in some cases. That's because we can interact with people without having any idea that we're interacting with them. Suppose we lived in a world of ghosts. Imagine what we did had a much greater impact on the ghosts than what they did had on us. But suppose we had no idea that the ghosts exist, and vice versa. It doesn't seem we're in an objectionably inegalitarian relationship with the ghosts. Again, one wants to say that we're not really in any kind of relationship with them at all. More than mere causal interaction is necessary to be in a relationship with someone.

So my view is that we require at least both causal interaction and some attitudinal component. But the attitudinal component is easy to get. It's amounts to just an awareness of the interaction. Thus, inequalities in power and authority typically give rise to objectionable inegalitarian relationships when they hold between people who are aware of their causal interactions. Such people are aware that what we do has an effect on the other people in the relationship. This view implies that 1491 saw no inegalitarian relationships between Spaniards and Aztecs. But it doesn't imply that relationships based on misguided conceptions of equality, or simple raw power, are anodyne. So it seems to me that this view is acceptable. And, of course, on this view we seem to evade the overdetermination worry. Inequalities of power and authority can be in place without them giving rise to objectionable relationships. But that's not the case in any contemporary societies. Americans are well aware that they interact with one another. So, in America, the existence of these inequalities would suffice for inegalitarian relationships to obtain. Thus, democracy, if it tamps down such inequalities, will help reduce the prevalence of those relationships.

I know of one powerful objection to this sort of view. It's rooted in child-parent relationships.¹⁰ The idea is this: there need be nothing wrong with the relationship a parent has with their young child. But that relationship is not one of equal power. Parents have more power over their children than their children do over them. At least, they do if they're good parents. But there's surely awareness and interaction in such relationships. So this view over-generates; it sees problems where none should be seen. What to say in response to this? I think the right response rests on two points. The first is that children and adults differ in relevant ways. Children lack rational capacities; adults, typically, have them. Or, to be more accurate, children fall below a certain threshold of rationality that adults typically exceed. This is core to explaining why parental power is usually anodyne. The explanation is that inegalitarian relationships are objectionable, for the most part, when they hold between sufficiently rational beings. They are dramatically less objectionable when they hold between children and adults.

Yet this alone is not the entire story. For relationships between parents and their children clearly can be objectionable. Consider, for instance, the parents of some child actors. In some of these cases, the child would really be better off not being a child actor. They do not much benefit from early fame. But the parent pushes them to act anyway, because the parent benefits from it. They are the one who gets paid. Here the power the parent has over the child is objectionable. But the child in this case might be just like the children in more typical homes. The point generalizes. There are many special constraints on how parents should act towards their children. They shouldn't take bribes when making decisions for them, live vicariously through them, unreasonably infantilize them. Thus, children's lack of rational capacities doesn't make wielding power over them entirely harmless.

Here we appeal to a second point. In good parental relationships, parents love their children. This means, at minimum, that they are strongly inclined to do what is best for their children, to promote their well-being. This, I think, helps mitigate the problem with the power parents have over their children. It does this because love is a potent internal barrier to the misuse of such power: a loving parent will not live vicariously through their child or take bribes when making decision for them. Loving parents are robustly disposed to do all they can to help their child. Thus, parents' power over their children is made anodyne, first, by their children's lack of rational capacities and, second, by their love for their children. Both are needed, I think, for the power asymmetry to be non-problematic. But both are also very common. This is why, typically, there is nothing wrong with the relationship between parent and child.

Let's discuss a second, more roundabout, objection. The view I've outlined says

¹⁰This objection here is a minor variation on one in Viehoff (2019, 36).

that inequalities of power and authority, generally speaking, generate inegalitarian relationships. This is the problem, I've suggested, with the relationship between master and slave and king and subject. Schmidt (2018) claims that this view is insufficiently explanatory. He thinks that it fails to explain the badness of certain other relationships. His simplest example is the following: imagine you live in the Wild West, where everyone is a crack shot. Whoever shoots first kills, and the killings are never revenged nor prosecuted. Schmidt (2018, 185) points out two things about this case. First, power in such cases is equally distributed: everyone can shoot everyone else. Second, the relationship between the people in this case is deeply disquieting: we would not like to relate to others as those in Spaghetti Westerns do. He infers that the view I've been advancing is too demanding. Objectionable relationships of domination occur, he thinks, when one person has a certain kind of power over another. But such relationships don't require that the power be asymmetrically distributed.

I think this is incorrect. To see this, we need to distinguish between two interpretations of Schmidt's case. On the first, each crack shot in the Wild West has a deep respect for their fellow pioneers. They *could* shoot any of them dead, but they'd never dream of doing such a thing. This would violate their deep moral convictions. In the second, each crack shot is more like the typical character in a Western; they often lack such deep moral convictions. They would feel little reluctance in shooting down their fellow frontiersmen. My own view is that the first case is not problematic. The relationship between people in this case is nothing like that between master and slave. It's only the second case which poses a problem. But then we needn't interpret the problem here as the same as the problem with master-slave relationships. Rather, the problem seems to lie in the attitude people take towards one another. To feel little reluctance in shooting someone is to have a kind of contempt for them. This contempt, I suspect, makes the people enemies. But you can be someone's enemy without dominating them. This, then, is what I think is disquieting about the relationships between people in the cases Schmidt considers. Under their most natural interpretation, these relationships are relationships of enmity.¹¹

So I think the view I've advanced holds up well. At least in ordinary cases, when you're aware of your interactions with someone, inequalities of power put you in an objectionably inegalitarian relationship with them. Now there might be some other special cases when this isn't true. There might be special conditions which temper inequalities: which make them anodyne. We'll discuss some possibilities in Chapter 4. But these conditions seem to me to ground a very strong *prima facie* worry about inegalitarian relationships. This worry is what drives the negative

¹¹We will explore enmity further in 8.3.

egalitarian ideal. Democracy helps preclude such relationships.

2.2.2 The Positive Egalitarian Ideal

Let's now say more about the positive egalitarian ideal. I've claimed that egalitarian relationships require the absence of inequalities in power and authority. The idea was that you can't be good friends with someone over whom you hold great power. The power differential mars the friendship. But what more makes up these relationships? In particular, what makes up the positive egalitarian relationships—let's call it civic friendship—that citizens might stand in towards one another?¹² This is a pressing question in part because of an *underdetermination* worry about democracy's contribution to this ideal. Suppose that the extra conditions required for civic friendship are extremely demanding. Suppose such conditions have little chance of being met in any actual society. Then the fact that democracy helps meet one such condition won't have much import. Democracy will remove one barrier to the attainment of the positive ideal. But other barriers still block this achievement. Thus, there is little chance of any democracy actually realizing valuable egalitarian relationships. So we need to know what more, apart from the absence of certain inequalities, is required to bring about these positively valuable relationships.

I won't provide a comprehensive account here. But I'll explore some further requirements. The most obvious is that the participants be committed to avoiding the problematic inequalities. Consider personal friendship. Such a friendship is impaired if the participants aren't committed to maintaining the egalitarian character of the friendship. Suppose one friend would lord it over the other had they the power to do so. This makes the friendship worse. A good friendship requires that both friends are committed to ensuring their relationship is egalitarian. Being committed to this means, at the least, that they're motivated to ensure it. And the most important aspect of this is behavioral: they must be disposed to avoid having power or authority over their friends. If they end up having such power, they must attempt to equalize it. They must try to maintain the egalitarian character of the friendship. The same, I think goes for civic friendship. To enjoy this relationship, co-citizens must be committed to avoiding inequalities of power and authority. They must be motivated to stamp out such inequalities when they see them, even when they benefit from them. Now that motivation does not of course need to be inordinate. They needn't make huge sacrifices in order to stamp out minor inequalities. But if they have no such motivation of this sort, then they are not in the valuable type of egalitarian relationship.

A second requirement seems to be concern for welfare. Friends need to care

¹²I owe the 'civic friendship' terminology to Schwarzenbach (1996).

about one another's welfare. Now, perhaps I needn't value my friend's welfare quite as much as I value my own. I can still be friends with someone whilst being a little bit selfish. But I need to value their welfare to some extent. The most important part of this is again behavioral; I need to be disposed to promote their welfare. When I can help my friends out, I do. And I do so even when it incurs some cost to myself.¹³ The same seems true of civic friendship. Suppose one has no concern for the welfare of one's fellow citizens whatsoever. This impairs the type of positive relationship one can have towards them. To have the positive relationship, one has to care about their welfare. Now, what this exactly requires is a little delicate. You needn't, of course, think about each of each of your fellow citizen's welfare individually. This is impossible. You know very few of your fellow citizens. But you must be disposed to promote their welfare in general. And you must certainly avoid harming them. You must care for their welfare in much the same way that you care for the welfare of friends.

I suspect that there is also a third, affective, requirement. Personal friendship requires affection. For suppose you have lost all your affection for someone you have known for a long time. You might be committed to their welfare and you might avoid having power or authority over them. But you see this as a chore and helping them as a burden. You do it purely out of a sense of duty. In fact, you might have grown to detest the person towards whom you think you have these duties. I think this is incompatible with you still being friends. Now, perhaps you have some positively valuable relationship with them. But it is not as valuable as your relationship would be were it marked by mutual affection. Affection adds something worthwhile to these relationships. The connection between this and civic friendship is less certain. You don't need to be emotionally engaged with all your fellow citizens to be their civic friends. This is impossible. Perhaps you don't even need to feel affection for your fellow citizens to be their civic friends. But what is true, I suspect, is that you cannot hate them. You cannot feel sick at the sight of them and you cannot feel contemptuous towards them. Misanthropy rules out civic friendship, or at least substantially degrades it. So perhaps you can enjoy civic friendship without feeling affection for your fellow citizens. But you cannot feel disaffection towards them. Civic friendship, too, has affective requirements.

There might be more things which contribute to the positively valuable relationships. But these three will do for now. The general thought is that, to realize these relationships, one must sustain certain attitudes as well as avoid certain inequalities. We'll later see that, given this, the underdetermination worry has a lot

¹³See Scheffler (2015) for a discussion, and defense, of a closely related claim. He claims that you must have the same amount of concern for your friend's welfare as your own, at least in many contexts. This is a more stringent view than the one I'll rely on.

of force in the American case. Probably, many Americans don't have the requisite attitudes towards one another. But the attitudes I've just talked about are hardly unfeasible. Citizens could have these attitudes towards one another. They could care about one another's welfare. They could be committed to maintaining equality. So, as an a priori matter, any underdetermination worry seems overblown. Democracy could contribute to the actual achievement of these positively valuable egalitarian relationships. It seems perfectly possible to achieve the positive egalitarian ideal.

2.2.3 Two More Distinctions

We've now spelt out the central aspects of the egalitarian part of democracy's value. And I've claimed that equality of power and authority matter to both these aspects. In this section, we'll get clearer on how exactly to conceive these notions of power and authority. One question is whether to think of them monadically or dyadically. A second is whether to think of them as actual or potential. My aim is to clarify these two distinctions and defend a position. This will help us better understand the egalitarian aspect of democratic values. But its main pay-off will come later in the dissertation. There'll be several points at which the distinctions I draw here will matter to my arguments later on.

Overall or Over

We've so far been working with notions of overall authority and overall power. The first notion plumbs how likely someone's commands are to be obeyed in general. The second plumbs how much influence someone has over how people behave in general. These are monadic notions. But there are also dyadic versions of these notions. Consider authority. We can talk not only about how much authority someone has overall. We can also talk about how much authority they have over a particular person. This means how likely that particular person is to obey their commands. So Xi Jinping might have a lot of authority overall. But he might have little authority over me. I won't do what he says, although millions of others will.¹⁴ Similarly, we can talk not only about how much power someone has overall. We can talk about how much power they have over someone in particular. This means how much influence they have on how that very person behaves. So I might have power over my kid brother, but little power over anyone else. I can affect what my brother does, but I can't determine what anyone else does. The connection between the dyadic notions and the monadic notions is plain. The monadic notion is constructed out of the dyadic notions. How much overall power or authority one has is the sum of how much power or authority one has over individual people.

¹⁴I'm not saying that I'm especially free-spirited; I just don't live in China.

Which of these different notions matter to egalitarian relationships? The dyadic notions clearly seem relevant to egalitarian relationships. It is especially hard to be in an egalitarian relationship with your boss or your prison guard. That's because they have power and authority over you. But one might deny the monadic notions matters too. One might deny that there's any difficulty in forging egalitarian relationships with someone who has merely more overall power and authority than you. On this view, although it's difficult to be in an egalitarian relationship with your own boss, there's no problem being in such a relationship with someone else's boss. This person has more power and authority overall than you do. But they don't have power or authority over you. So there's no barrier to sharing an egalitarian relationship with them.

I think this view is mistaken. I think both monadic and dyadic power difference make egalitarian relationships more difficult. For consider master-slave cases. The slave not only finds it hard to forge egalitarian relationships with their master. They find it hard to forge them with anyone from the slave-owning class. Generally, it's difficult to forge egalitarian relationships across lines of hierarchy. And it's more difficult the more pronounced is the hierarchy. Now one might think that each person in an upper class has power or authority over each person in a lower class. But I see no reason for that to be generally true. And even when it seems not true, class distinctions poison relationships. So I think differences in overall power must also matter to egalitarian relationships. But what is true, I think, is that dyadic inequalities are pound-for-pound worse than monadic inequalities. It's hard to have an egalitarian relationship with someone who is overall much more powerful than you. But it's even harder to have such a relationship with someone who has much more power over you than you do over them. So both monadic and dyadic notions matter. But given inequalities in the latter typically matters more.

Actuality or Opportunity

Let's move to the second distinction. I'll just draw this in the case of power; it'll be obvious how what I say applies to authority. We said power was the ability to influence what other people did. But one might lack power but have the opportunity to acquire it. One might lack power but have access to power. Suppose, for example, that we decided who gave the orders by the flip of a coin. Heads you give the orders; tails I do. Antecedently, both of us lack power over the other. But we have the same access, or opportunity, for power. Suppose the coin lands tails. Then you're the one who ends up deciding what we do. You now have more power. But again, we both had the same opportunity for power. We can think of this in terms of abilities to gain abilities. We both had the ability to gain the ability to decide what we do. The choice point is whether it's power or opportunity for power which matters to equality. If

it's just the opportunity, then post-coin flip there's no egalitarian problem. But if it's actual power there is. It would be better were we to decide consensually rather than flip a coin and have the winner decide. So which of these matter? Or do both matter?

Let's start with a clarificatory point. What is it to have some level of opportunity to wield power? There are a few ways to spell this out. Here's a straightforward way: how much opportunity one has to wield some level of power is determined by how likely one would be to achieve that level of power if you pursued it, and how costly the process of pursuing it would be. So suppose you have to pay a dollar to enter into the deciding-what-we-do coin flip. Compared to it being free, this reduces your opportunity for power. Similarly, if the coin has to land heads twice for me to win, that increases your opportunity for power. So opportunity is a matter of the likelihood of achieving something and the costs you would incur to achieve the thing.

We can now decide what option to choose. I think it's hard to maintain that it's just opportunity for power which matters. For consider the following kind of case. Suppose the government was run by technocrats. Anyone could become a technocrat. But it takes a while to move up through the ranks of government: it takes an entire career. Yet the governing system is a type of meritocracy.¹⁵ And suppose the relevant governing talents were equally distributed. This means that, if one decided to devote one's life to a career in government, one would be just as likely to succeed as everyone else. So, in a certain sense, everyone has equal access to political power. Anyone could have decided to join the technocracy at an early age. Nonetheless, in this system some people enjoy enormous political power and most people enjoy none at all. This seems to me objectionable from an egalitarian point of view. So it can't just be opportunity for political power which matters. The actual possession of such power is important.

Moreover, that seems plausible to me even in the case of personal relationships. Consider the coin-flip case. I think that, intuitively, in this case there *is* an egalitarian problem. You get to tell me what to do and I don't get to tell you what to do. Now there are surely cases where it's permissible to decide who gets to give the orders by coin flips. These are cases where, for some reason, we can't reach a consensus when we need one. But that's regrettable: it would be better could we reach consensus. The fact that we had the same chance of being in the in-power positions might ameliorate the problem. But amelioration doesn't eliminate. We would be in a better situation were we to have genuinely equal power.

This doesn't mean opportunity is irrelevant. Both these systems seem better

¹⁵This is roughly how Daniel Bell (2016) describes (a very idealized version of) China's political system.

than ones in which there is unequal opportunity for political power. The technocracy with open recruitment is better than the one in which only the scions of existing bureaucrats monopolize office. So perhaps opportunity for political power matters as well political power. Or perhaps opportunity to wield political power is itself a kind of political power. When you have the ability to gain the ability to influence someone, perhaps you, to some degree, have the ability to influence that person. I'm inclined to prefer this latter approach. So I'm inclined to think equal opportunity for political power (or authority) isn't fundamentally important to the quality of our relationships. But this won't be crucial going forward. What really matters is that it's not the opportunity for power alone which impacts equality.

Let's make a final point here. Power, as we've been thinking of it, is the ability to influence people. We can contrast this with push, which is the exercise of that influence. One has push when one has actually influenced what other people do. I think the positively valuable egalitarian relationships might require not just equality of power, but also equality of push. For suppose you and your friend both *could* decide what you do together. But it's actually always your friend who decides. You could overrule your friend, but you never do. So it's always they who exert actual influence over what you do. There seems to me something slightly problematic about this. It's not as bad, perhaps, as were you to have different levels of power. But it would be better if you both exerted an equal influence on how your relationship went. And this motivates a stronger constraint on the positively valuable egalitarian relationships. They require equality of push as well as power.¹⁶

Imposing this constraint seems to me intuitive in political cases, too. Consider the methods of voter suppression which have become reasonably common in the United States: requiring photographic identification to vote, restricting early voting, limiting absentee voting, closing polling stations earlier. All restrict the power to vote. Now, in the U.S., it's plausible that these restrict some people's ability to vote more than others. Some can't get off work to vote before 7pm; some can. But that needn't be the case. Imagine all were equally able to get off work (imagine, for example, that Election Day was a national holiday). Nonetheless, these methods might still predictably have a large impact on who actually voted. By making it more difficult for everyone to vote, they could suppress the vote of the unengaged. They might mean only the engaged vote: and the more engaged tend to be richer, more educated voters. So they might have a large impact on who actually exercises their political power. They impact push much more than they impact power. It seems to me that there would still be a serious egalitarian objection to these methods of voter suppression in such a case. So push matters, as well as power and as well

¹⁶Both Kolodny (2014b) and Viehoff (2019) talk of equality of power rather than equality of push. So I take this claim to be a little controversial.

as opportunity for power.

2.2.4 Summary

Let's sum up. Democracy, as we defined it, required all have roughly equal influence over what government does. We've been investigating why this is valuable. I've suggested it's valuable for relational reasons. On the negative side, it precludes objectionable inegalitarian relationships. On the positive side, it facilitates attractively egalitarian relationships. It does this because inequalities in power and authority constitute the former and equalities in power and authority constitute the latter. So democracy, since it equalizes political power, tends to preclude the former and facilitate the second. This makes democracy valuable. Let's call this value *democratic equality*. I think this is the best way to spell out the egalitarian aspect of democratic ideals. But, in the next section, we'll explore an alternative.

2.2.5 An Alternative View: Expressive Egalitarianism

An alternative way to spell out the egalitarian aspect of democratic ideals focuses on the putative expressive properties of democracy. The idea is that democracy, as an institutional arrangement, expresses something which it's distinctively valuable to express. People differ on what exactly that thing is. Brighouse (1996) claims that guaranteeing equality of political influence is "a requisite of expressing equal respect for our fellow citizens" (1996, 123). Anderson (1999), a relational egalitarian, claims that the most fundamental test of any egalitarian theory is that "it's principles should express equal concern and respect for all citizens" (1999, 289). She thinks her own (relational egalitarian) account of equality meets this test. And it's a theory in which demands that we "seek to live together in a democratic community" (1999, 313). In other words, she thinks that democratic arrangements alone meet the expressive demands of justice.

But Christiano (2008) has been the most influential proponent of this view. He thinks that democratic arrangements express the equal worth of everyone's interests. He thinks this because, so he argues, people weight their own interests over those of others. Hence if some people have more political power than others, their interests will count for more in determining government policy. And—crucially—he thinks this is all widely known. Christiano suggests that this means any system in which some have more power than do others is one which will publicly express that the interests of some are worth more than others. That's because it is widely known that it will tend to more promote the interests of the powerful. Hence any such system will violate our interest in being publicly treated as equals.¹⁷ So the only system

¹⁷See Christiano (2008, 90–91) for a succinct expression of this: "[V]irtually everyone in a society

which expresses the equal worth of everyone's interests is one in which everyone has equal political power. And that is just to say that only democracy expresses equal worth. But he thinks it's extremely valuable for our institutional arrangements to have this expressive content. So, democracy is extremely valuable.

What should we make of such expressive views? I think, to assess them at all, we have to get clearer about what the relevant notion of expression is. None of the aforementioned authors go very far in this. They've said some things about expression, but they do not give us a general account. There seem to be two broad possibilities here. One possibility is to take expression to be akin to Gricean speaker-meaning (Grice, 1957). An utterance expresses something, in the relevant sense, when the utterer intends that utterance to communicate that thing. They intend someone to come and believe that thing on the basis of hearing the utterance. Equally, we might say that some institutional arrangements express something, in the relevant sense, when their creators—or maybe their sustainers—intend them to communicate that thing. They intend people, on contemplating the arrangements, to come to believe something. So democratic arrangements express, for example, the equal worth of interests when their framers and sustainers intend those who contemplate these arrangements to come to believe everyone's interests have equal worth.

This is surely not the notion of expression that Christiano, Brighthouse and Anderson had in mind. There seem to be a lot of very serious problems with employing this notion in a defense of democracy. First, it's doubtful that the creators of many existing democracies had such intentions. After all, America's constitution contains the three-fifths clause. It thus doesn't seem like we can attribute a collective intention, on behalf of the Framers', to communicate equal worth of interests. British democratic institutions were the product of many compromises between monarch, aristocrats and working people. Again, it would be odd to suggest the parties involved had, collectively, the intention to communicate such equal worth. Second, it seems that we could create non-democratic institutions with the intention to communicate such equal worth. Suppose Plato had been in a position to create his Republic. He might have created it with exactly this intention. But it would still be objectionably non-democratic. So these authors can't have had the communicative notion of expression in mind.

A second possibility is that we take expression to be more akin to Gricean natural meaning. This is the type of meaning in place when we say "these spots mean measles" or "smoke means fire." The thought, roughly, is that one thing means an-

that fails to accord an equal voice to a group of people when matters of public law and policy are at stake knows that the interests of those people are going to be neglected...this implies is that a society that withholds the vote from some groups of people, or diminishes their political power in some clear way, is publicly expressing a lack of concern for those people."

other thing in this sense if it normally indicates the other thing.¹⁸ Smoke normally indicates the presence of fire. Vivid red spots normally indicate the presence of measles. Institutional arrangements, then, may express something in this sense if they normally indicate it. And we might say that P normally indicates Q just in case P is substantially more likely conditional on Q than it is conditional on not-Q. How does this apply to democracy? Well, perhaps non-democratic institutions are substantially more likely when people don't believe in everyone's equal moral worth. Then such institutions will normally indicate such widespread beliefs. And then we might say that they express such beliefs, in a sense connected to Gricean natural meaning. Moreover, one might think that there's something bad in expressing the prevalence of such beliefs. So, there will be something bad about non-democratic institutions. Thus, democratic institutions are superior.

Perhaps Christiano, Anderson and Brighouse have something like this view in mind. But I myself do not find this view very plausible. There seem to be two really serious problems. First, the normative premise seems false. It needn't be problematic for something to normally indicate the prevalence of odious beliefs. Consider surveys of racist attitudes. Their results normally indicate that such attitudes are lamentably common. But that doesn't mean the surveys themselves are bad. It's the prevalence of the attitudes which is the problem. Analogously, suppose non-democracy indicates odious beliefs. The beliefs would seem to be the objectionable things, not their marker. More generally, I doubt there's much evaluative import in natural meaning whatsoever. Suppose one does something which would usually indicate that you have objectionable beliefs. But suppose everyone knows that, on this occasion, the thing is not motivated by such beliefs. Indeed, everyone knows you don't have such beliefs. I find it hard to see the point of view where you've done something very bad. Thus, I find it hard to imbue much moral significance in natural meaning. Now, maybe there's some more significance in non-natural meaning. Perhaps there truly are expressive constraints on what one should try to communicate. But we've already seen such constraints don't provide fertile ground for a defense of democracy.

There is also a second problem. It's not at all obvious that non-democratic institutions normally indicate widespread beliefs about moral inequality. This connects to an earlier point. It is doubtful that such beliefs have underpinned many existing autocracies. The history of Chinese autocracy in the twentieth century is, in a sense, exactly the opposite. Communist revolutionaries aimed to bring about social equal-

¹⁸A different view would add that expression in this sense requires causation: a puff of smoke mean fire only if fire caused the smoke. This was perhaps closer to Grice's view, since he thought that spoke meant fire only when something was alight (Grice, 1957, 377). Yet this is more demanding than the view in the text. So if the view in the text is too strong an articulation of when institutions express inequality, as I argue that it is, then this view is too strong too.

ity. They wanted the complete eradication of social distinctions.¹⁹ This doesn't suggest a system underpinned by widespread beliefs about moral inequality. Moreover, it seems unlikely that such beliefs underpinned Singaporean autocracy. Those who have power in this system have often declared publicly that they wielded power in the public interest.²⁰ And the consequences of their exercise of power seem to support their claims. Between 1965 and 2018 per capita income grew from \$500 per year to \$65,000 per year.²¹ It's now one of the least corrupt countries in the world. Singaporean autocracy has been fantastic for ordinary Singaporeans. Some autocracies, usually long-gone autocracies, have no doubt been underpinned in part by such beliefs. Perhaps many monarchies were like this.²² Perhaps Saudi Arabia still is. But such beliefs do not seem to underpin many important contemporary autocracies. So it's doubtful that non-democratic institutions must even express, in the sense of Gricean natural meaning, the prevalence of such beliefs. Thus, this second way of articulating expression also seem unpromising.

So I am skeptical of these expressivist defenses of democracies. I'm skeptical both that non-democratic institutions have to express anything truly objectionable, and that there are very weighty expressivist constraints. This is why I prefer the relational egalitarian articulation of the value of democratic equality. But perhaps I've underestimated expressivist views. So, although they won't be my first focus in the rest of the dissertation, I will refer to them from time to time. I think my arguments go through whichever account of democratic egalitarianism one favors. So let's now turn to the value of self-rule.

2.3 Self-Rule

Equality is not the only democratic value. It doesn't seem to be, anyway. There seems to be something else valuable about people having influence over what their government does. This is the value picked up when Rousseau insisted that "[t]he

¹⁹See Spence (1991, 607) for this take on the official ideology guiding the Cultural Revolution.

²⁰Bellows (2009) contains a good selection of such proclamations.

²¹These figures come from the World Bank.

²²At the least, it was common in early civilizations. See, especially, Trigger (2003, 71–92). But even here there was a lot of variety. The Inka and Egyptian kings, for example, were taken to be descendants or earthly manifestations of important gods (2003, 80–1). One supposes that this conveyed a belief in moral inequality. As evidence for this, we can look at action: when the Inka king fell ill, four llamas and four children were killed to aid recovery (2003, 81). Being descended from the gods came with special treatment. But, in contrast, Mesopotamian kings were taken to be profoundly human. They were seen as occupying the same position for the gods as a steward occupied for an estate (2003, 84). To drive this status home, Mesopotamian kings had their faces ritually slapped each year, to remind them of their need for humility in their dealings with the gods (2003, 90). Whether they were seen as moral superiors, in the appropriate sense, is not so obvious.

people, subjected to law, ought to be its author” (Rousseau, 1968, 2.6.10) or when the United Nations treaties assert that “everyone has a right to self-determination” (UN, 1966, Article I). But in what sense must the people have influence over what the government does? And why is that valuable? In this section, I’m going to spell that out. The picture is this: it’s valuable when political events—policies or their outcomes—manifest the joint intentions of citizens. And there are two reasons why that’s valuable. First, it makes it makes us authors of our political and social institutions. This is the positive aspect of its value. Second, it makes government coercion less corrosive to personal freedom. This is the negative aspect of its value. Such manifestation requires a causal connection between citizens’ intentions and political events. Democracy facilitates such a connection. So it helps realize these values.

We’ll unpack this all in a moment. But first we start with an intuition. Egalitarians have, recently, tended to claim that self-rule is not valuable. They have said that the only democratic value is an egalitarian one (Christiano 2008; Kolodny 2014a). The main reason they’ve thought this is that it’s hard to give a good explanation of why self-rule is important. Without such an explanation, so they’ve thought, we shouldn’t think it is important. I think this is rash. It’s extremely 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.²³ The algorithm we replaced it with, let’s stipulate, spits out perfect legislation. It institutes far superior legislation than any human government could. Yet, in this situation, citizens have no influence over the laws which govern them. It seems to me intuitively compelling that something is lost here. If we did this, we would be sacrificing 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 you are subject.

Some philosophers (not me) might find this case too alien to confidently assess. But it is just a science fiction version of a more familiar worry: the worry about rule by ‘the dead hand of the past’.²⁴ The worry here is that entrenched constitutional constraints pose a democratic problem. Again, let us make the worry vivid. Imagine some brilliant founder wrote an unchangeable, detailed, constitution. The brilliance of the founder is so blinding that we do better following the dictates of this constitution than making decisions for ourselves. And the constitution is so detailed that it leaves us very little freedom to make any decisions anyway. Again, this gives rise to no concern about political equality. In the areas the constitution

²³This case is from Zuehl (2016, 18–19).

²⁴The term, and the worry, were made prominent by Jefferson (1789).

covers, everyone has equal power: none. But such a government sacrifices something important about democracy. It sacrifices our having positive influence over what the government does. These cases show, I think, that self-rule is intuitively valuable. The task of this section is to spell out that intuition.

Let's start on the task. The conception of self-rule we'll use hinges on joint intentions. Suppose some citizens have a joint intention to bring about some government policy or outcome of a policy. And suppose their having this intention wholly brings about, in a sense to be defined, that policy or outcome. Then we'll say that these citizens are fully self-ruling with respect to that policy or outcome. More generally, we'll say they're self-ruling insofar as their joint intention contributes to the policy or outcome. This defines a dyadic connection between groups of citizens and outcomes or policies. We also want to assess how much a political system realizes self-rule *tout court*. We'll say a political system achieves self-rule better the more citizens are more self-ruling with respect to more important policies or outcomes. So, in a system which perfectly realized self-rule, then, all policies and their outcomes would be the product of intentions everyone shared. This is of course an impossibly high bar. But there are a lot of intermediate stages between this and the total absence of self-rule. These are intermediate insofar as either fewer things manifest joint intentions, or fewer citizens share in the relevant intentions. So this gives us a general, scalar, notion of self-rule.

What's a joint intention? It is an intention one shares with others. There's clearly a sensible notion of such an intention. We can together intend to sing a duet, paint a house raise a child. But there's controversy over what the correct philosophical analysis of the notion is. This is no surprise: few notions yield uncontroversial analyses. On one side of the controversy are those, like Michael Bratman, who think joint intentions reduce to complex series of individual intention. On the other side are those, like Margaret Gilbert, who think we can only make sense of them with irreducibly plural notions, such as what she calls "joint commitment."²⁵ I need not take a stand on this controversy. All I'll need is the pre-theoretically sensible notion of a joint intention. It seems to me clear that there is such a notion.

But what is a dissertation for but for taking stands? So I'll take a limited stand. I think that, even if one doesn't think joint intentions are *reducible* to individual intentions, it is plausible that joint intentions impose constraints on individual intentions. And many of the constraints Bratman (1992) proposes seem plausible. In particular, he thinks that some people have a joint intention to ϕ only if they each intend that they together ϕ in accordance with meshing subplans. This requires two

²⁵See Bratman (1992) and Gilbert (2009). See Shapiro (2014) for an extension of Bratman's account of joint action to very large-scale cases. And see (Stilz 2009, ch.7, Stilz 2019, ch. 4, ch. 5) for an extension of his account of joint intention to democracy.

things. First, they each must have what are called *we-intentions*. I intend not that *I* paint a house, but that *we together* paint the house. Second, they each must intend to do this via *meshing subplans*. These are ways of contributing to the house painting which are jointly compatible. Suppose I plan we paint our house by painting it blue all over and you plan we paint it by painting it red all over. Then the ways we aim to individually contribute to the end of the intentions are not compatible. Our subplans don't mesh. This means we can't have a joint intention to paint our house. This should help give us a grip on what's needed for citizens to share an intention with respect to some political event. They must intend that they together bring about that event in accordance with meshing subplans.

What exactly is required of the connection between citizens' joint intentions and political events? Not just any causal connection will do. That is because some causal connections are *deviant* in a hard-to-define sense. Imagine that the Guatemalan people, for example, formed a joint intention to expropriate unused foreign-owned land. And imagine this led to a U.S.-backed coup. Now suppose that the implanted government became so embattled that it, eventually, expropriated foreign-owned land as a source of income.²⁶ This plausibly does not make the Guatemalan people self-ruling. There is a causal connection between their joint intention and its fulfillment. But it is not of the right kind. Saying precisely what *is* the right kind of causal connection is tricky. But I suspect we can put the notion of *manifestation* to good use. What we want is not just there to be any old causal connection between the joint intention and the political events: we want those events to manifest the joint intention.

Manifestation is the relationship a disposition bears to its realization. Consider what happens when you drop a vase. The vase's shattering is both caused by, and a manifestation of, the fragility of the vase. What it is for the vase to be fragile is for it to shatter under certain circumstances. Now the shopkeeper scolding you is caused by that fragility. But it is no manifestation of it. It's not part of the nature of fragility to cause scoldings. Intentions are often construed as dispositional in a certain sense: part of what it is to intend to do something, for example, is to try to

²⁶This case is fictional, but the U.S. did have reason to regret its real-life activities in Guatemala. In 1954, it was the prime mover in a coup that replaced the mildly socialist Jacobo Árbenz Guzmán with a military junta. Decades of misrule followed: by the 1970s the country was suffering a full-scale civil war. The government was determined to win. At the outset of the conflict, the president, Colonel Carlos Arana Osorio, declared that “[i]f it is necessary to turn the country into a cemetery in order to pacify it, I will not hesitate to do so” (LaFeber, 1993, 261). He was true to his word: ultimately, around 200,000 people died. Many were simple farmers slaughtered by the government. Nonetheless, the U.S. never mustered the will to stop training, arming and funding Guatemalan military men: it was inextricably embroiled, and implicated, in the conflict. Accordingly in 1980, twenty-six years after the coup, one U.S. official lamented “What we’d give to have an Arbenz now” (1993, 261). It would not be the last time that the U.S. would have reason to regret overthrowing a foreign government.

do it in certain cases.²⁷ When you succeed, your action is caused by and manifests your intention. I suspect that this notion of manifestation carves out the requisite connection between joint intentions and political events.²⁸ Now, of course there's a lot more that could be said about when something manifests an intention, joint or singular. But this will do for articulating a notion of self-rule. For some people to enjoy self-rule with respect to political affairs, just is for those affairs to manifest their joint intentions.

Let's illustrate this with a couple of political examples. Consider Social Security. Imagine that, by 1932, many Americans had formed a joint intention to support the elderly. Now suppose that this joint intention drove them to vote Franklin Delano Roosevelt (FDR) into office that year and gave Democrats big congressional majorities in 1934. And imagine this led to the Democrats creating Social Security. Then these citizens would be self-ruling with respect to social security. Social security would manifest their joint intention. And the more people who shared that intention, the more people are self-ruling with respect to this policy. Consider also an example of people enjoying self-rule with respect to an outcome. Every election, millions of people make voting decisions on economic bases. They vote for the party who they think will best boost the economy. Now they might do this because a good economy will be good for them. Or they might do it for genuinely altruistic reasons. It doesn't matter. What matters is that, very often, assessments of the national economy drive how people vote.²⁹ I think it's often plausible that many voters have a joint intention in this respect. They intend to put the party in power who will do best for the national economy. Now suppose that they succeed in doing that. Then those who contributed can count as self-ruling with respect to this outcome. The outcome manifests their joint intention.

How exactly does democracy facilitate self-rule? Well a democracy, as we defined it in Section 2.1 of this chapter, is a system in which the people collectively determine what government does. Now, that doesn't mean they determine it via a joint intention. They could have only individual intentions ("I'll vote for FDR"). Then they'll fail to achieve self-rule in the relevant sense. But democracy ensures they do determine it somehow. And that, as we've seen doesn't require that gov-

²⁷See e.g., Broome (2013). He claims that "[e]ach intention consists in a bundle of dispositions" (2013, 156).

²⁸For this suggestion, I'm indebted to a pre-existing literature on how invoking manifestation might solve the problem of causal deviance (See e.g., Turri 2011; Mantel 2017; Lord 2017). But these writers use the notion somewhat differently to how I use it. They first identify certain disposition, like intellectual competencies or the ability to respond to reasons. They then say that, when these dispositions are stimulated, their manifestations are based in the stimulus. Here the dispositions play a mediating role: it creates a link between stimulus condition and manifestation condition. In my view, a different link, the one between the disposition and its manifestation, is what matters.

²⁹The classic study on this is Kinder and Kiewiet (1981).

ernment action manifests their joint intentions. But it requires that there is a causal connection between those intentions and the action, and some such causal connection is needed for manifestation. Thus, democracy doesn't guarantee self-rule. But it ensures a necessary condition for self-rule is satisfied. It is a prerequisite for self-rule. In the next two sections we'll turn to why self-rule is valuable. My view is that, as with equality, the value of self-rule has a positive and a negative aspect. It helps us gain a good and avoid a bad.

2.3.1 The Authorship-Based Account

Let us start with the positive part of the value of self-rule. The idea here is that, when we are self-ruling, we author our social and political affairs. This is valuable in a way analogue to being author of our private affairs. Both help realize distinctive kinds of autonomy, conceived as something positively valuable. Thus, we'll start by glossing the value of authorship in the individual case. Here, it seems clear that it is good for the important events in your life to manifest your intentions. Consider your romantic partner, your career, where you live. It is valuable to be with someone you intended to be with, rather than to have your partner chosen for you. It is valuable to have the career you want to have, rather than have it decided by the state. It is valuable to live where you choose to live, rather than be tossed around by the waves of fate. These things aren't just instrumentally valuable. It's not just that you're likely to make better decisions about your partner or career than anyone else is. They're intrinsically valuable. You live a better life when you are a self-author. Your life is better when the things that really matter to you are the products of your own intentions, rather than chance events or the products of someone else's will. In other words, being the author of your own life is a valuable thing.

The value of self-rule can be understood, in part, in terms of this value. But, at first glance, it may be hard to see how democracy could help with this kind of value. You don't stand in the same relationships to democratic decisions as to personal career decisions. The latter you determine; the former you have a small share of the influence over. Yet one stands in an analogous relationship in the two cases. The idea is simple. We can distinguish the notions of individual and joint authorship. You are individual author of something when it manifests your individual intentions. But you are joint author of something when it manifests your joint intentions. Moreover, joint authorship is valuable in a way analogous to the value of single authorship. It's not just instrumentally valuable. It's also intrinsically valuable. Your life goes better when the things which really matter you are the product of intentions you share, just as it goes better when they are the product of intentions you have qua individual. To be self-ruling with respect to some policy, then, just is to be a joint author of that policy. In this sense, self-rule realizes the value of

jointly authoring our social and political affairs.

Why think such joint authorship is valuable? Part of the reason comes from considering cases. Consider co-authoring a book, building a business with a partner, developing a romantic relationship. In none of these cases are you the individual author of the relevant thing. You are not individual author of the paper, business or relationship. You are joint author. The book's content manifests the intentions you share with your co-writer. The business's structure manifests the intentions you share with your business partners. The relationship's norms manifest the intentions you share with your paramour. In all these cases, this seems valuable. That it is valuable for you to be joint author of the things which matter in your life is a good explanation of these intuitions.

Partly, too, the reason comes from taking seriously the idea that joint intentions are a type of intention. The examples from the personal cases are evidence that intentions, generally, give rise to a value of self-authorship. It is valuable for one's intentions to be manifested. In the personal case, this happens when your personal intentions determine what happens to you. This makes you author of your own life. In the collective case, this happens when your joint intentions determine what happens to you. This makes you the (co)author of your own life. Now, you don't have the exact same relationship to the intention in the two cases. What makes a joint intention yours is different from what makes an individual intention yours. But both are your intentions in some sense. To treat them analogously means to treat them as giving rise to the same type of value. In this case, that means treating them as giving rise to the value of self-authorship.

Now one might deny that there is such a value. The quickest objection to it is the objection from control. One might think that authorship hinges on control: you can only be author of something if you control it. And the notion of control in play may be understood counterfactually. Roughly, you're in control of something if it happens when you want it to happen and doesn't when you don't. You don't have control, in this sense, over political affairs. Thus, you can't possibly be author of those affairs.³⁰ The response to this is simple. It is false that authorship requires control in anything like this sense. Perhaps individual authorship demands this. But joint authorship does not. Suppose you write a paper with a few other people. Sometimes, unfortunately, not even the shining light of your reason is sufficient to convince co-authors on certain issues. On such issues, imagine that you decide what to say by vote. Then you're not in control of what goes on the page. But you are still author of it. And this is a morally important type of authorship: you're responsible for what gets put on the page. Its value contributes to the value of your life. So it just seems obvious that authorship doesn't require control.

³⁰For this objection, see Kolodny (2014a, 210) and Brennan (2016a, 89–90).

Let me make a few further points about this notion of authorship. These points could be made just as well about sole authorship: they apply to any kind of authorship. First, authoring one's life is not merely a matter of passive endorsement or approval. Authorship is an active, agential relation; it involves your life being certain ways because you would have it so. In this way, self-authorship contrasts with passivity, with merely inhabiting a life formed by fate or the choices of others. Authoring one's life requires a causal connection between your choices and what happens to you. It requires that what happens in your life is responsive to those choices. This is what I take manifestation to supply: the relevant connection is that the important events in your life manifest your own intentions, values, priorities. This puts you in the active, agential, relation with those events.

Second, joint authorship requires that one's manifest intentions be in some sense authentic. Imagine you are alienated from your aims, manipulated into your convictions, completely ignorant of your options. Then you are in a poor position to be author of one's own life. Thus, where inauthenticity in political aims is widespread, democracy's full value will not be realized. We will return to this point in chapter 7. There, I will argue that there is a sense in which the political preferences of many Americans are inauthentic. They are formed in conditions of excess ignorance, and under too much influence (of the wrong kind) by political elites. This is one reason why U.S. democracy does not realize much of the value of self-rule.

Third, one's options matter to how much one is the author of something. Let's first see this in the case of sole authorship. Imagine someone is born in a factory town, with only one real employment option: the factory. Compare this person to someone who chooses to work at a factory after careful deliberation over a wide range of decent options. In the first case, very little about the individual's career reflects their aims: their career almost entirely reflects the constraints they were under. In the second case a great deal about their career reflects the content of their will. What they do is more the product of their intentions. To be author of one's career, then, requires that one has a sufficiently many decent options. The same goes for joint authorship. For us to be jointly author of something, we must collectively have had a sufficiently many decent options. We'll return to this in chapter 8. There, we will explore how the ideological positioning of different parties affects the capacity of Americans to rule themselves. I will argue that polarized political parties are, in fact, good for self-rule. They give voters more distinctive options.

These latter two points should also be taken to constrain what counts as self-ruling. Citizens' degree of self-rule, as we'll understand the term, is partly a matter of the authenticity of their preferences and the range of their options. We will now look at some objections to this account of the value of self-rule. In part, the point of this is to convince the reader that there are good replies to these objections. But,

more importantly, they will highlight interesting features of the value. They will help show what thinking of democracy as facilitating of joint authorship commits one to.

Objection I: Scale

Let's start by looking at the issue of scale. The enormous size of most contemporary democracies means that each citizen wields a tiny share of influence over collective decisions. As we've noted, the objection from control has been an influential objection to the account of the value of self-rule I've just sketched. My response to that objection was that joint authorship does not depend on individual control. But there is a similar objection which does not rely on the implausible claim that authorship requires control. This objection simply points to the tiny share of influence possessed by each individual citizen. The thought is that each citizen's level of authorship over policy must be proportional to their influence on policy. Thus, since their influence is so small, in contemporary democracies they must only be a little bit the author of policies. But being a little bit the author of something, one might think, is not so valuable. So this value is largely unachievable in a country like the United States. Thus, it is not a good metric on which to measure the value of American democracy.

The good reply to this objection is, simply, that the proportionality principle is false. It is not true that one's level of joint authorship over something varies with how much influence one had on the thing. This is because what matters to authorship isn't how much influence you personally have over something. It is how much influence your intentions exert on the thing. In the personal cases, this usually requires that your individual intentions determine it. Your individual intentions determine your choice of career or spouse. Thus, in these cases, you do need considerable personal influence over that choice. But in the case of joint authorship, this requires only that your joint intentions determine the thing. It requires that your joint intentions determine public policy. But that is consistent with your individual intentions exerting minimal influence over what happens. It's consistent with you sharing your joint intentions with tens of millions of people. All it requires is that the joint intention, the intention you share, is influential. Thus, the type of influence you need to have over political decisions isn't diluted in large modern states. You don't need personal influence over the decisions: you just need joint influence. This influence need not be reduced by sharing it with many others.

Now, one might think that there is a problem with this view. It seems to imply that it would be unproblematic for you to jointly, rather than singly, author of things in your personal life. Imagine you jointly authored your choice or spouse or of career, with all your fellow citizens. The view I've just advanced suggests that this

is would be just as good as being their sole author. Some might think this is an objectionable result. They might think that, patently, one should be sole author of one's choice of career; joint authorship would be noxious.³¹ Yet I am not so sure. You cannot, after all, be overruled and still be joint author of your spouse and your career. Guaranteed joint authorship of these domains will never saddle you with anything you don't want. If it did, you would not be an author. But it is not so clear that being individual author of some endorsed consequence is better than being joint author of that thing. So, I am not so sure the result that it isn't would be an objectionable one.

Yet, in any case, there are several ways to avoid this putative problem. The simplest is to say that individual authorship is superior than joint authorship. On this view, it's better for the dictator to be a dictator than it is for them to be one citizen among many. When they rule alone, they are better-off. Thus democracy is a compromise; it would be best for each individual to be sole author of their political affairs, but since not all can be sole author, joint authorship is an appropriate middle-ground. Alternatively, one could appeal to values outside those of authorship to avoid the problem. In particular, it's natural to think that it is bad for other to interfere, or have much influence over, your private affairs. This, one might think, is a *sui generis* transgression into your personal sphere. Yet when you are joint author of your choice of spouse or career, other do have much influence on your private affairs. Thus, this might be what's wrong with being joint author of such things. The wrongness is not that this makes you any less their author, but rather that this involves an independently objectionable transgression into your personal affairs. Thus, this position does not commit one to the view that being joint author of such things is just as good as being their sole author.

Objection II: (Dis)agreement

Let's now turn to the import of (dis)agreement. One might think that this account makes the value of self-rule, in a sense, too narrow. For, on this view, one only jointly authors a policy when it manifests one of your shared aims or intentions. But electoral democracy usually involves competition. Ideally, it involves programmatic competition. Two or more different groups offer differing policy platforms. Voters then choose between them. Yet, inevitably, some people will vote for the losing side. Thus, it seems that they will not get their joint intentions made manifest in policy. It will only be those on the winning side who enjoy self-rule. But one might think this is too restrictive. Both electoral winners and electoral losers enjoy some measure of self-rule. So, one might think that the account just advanced is

³¹See Brennan (2016a, 89) for this point.

unacceptable. It spreads the value of self-rule too thinly. It merely provides the value of self-rule for election winners, when election losers enjoy this value too.

This objection correctly identifies a feature of the account. It's true that, on the account, those on the winning side will enjoy more of the value of self-rule than the others. They will enjoy authorship over the policies that the winning side implements. But this is a feature, not a bug. It is very plausible that persistent minorities, for example, enjoy less of the value of self-rule than persistent majorities. That said, those on the losing side can still enjoy substantial authorship of policy. This is for two reasons. First, often losers are not perennial losers. Competitive political systems involve an alternation of power. Those who lose this election won elections in the past. Those who are first now will later be last. And policy is cumulative. When a party wins power it does not remake policy *de novo*. It just changes, often incrementally, the existing body of policy. Insofar as those who lose contemporaneous elections influenced policy in the past, they still enjoy some self-authorship. They are still author of much of the policies they are subject to, for they are subject to more than the policies of the day.

Second, the policies of the government of the day are not the only important things about a political system. Often, they are not even the most important things about a political system. Equally important is its general character. At the broadest level, this might consist in it being a liberal democracy. The system allows public contestation of political decisions and respects a broad range of liberal freedom. More narrowly, it might consist in its general policy orientation: that it provides a safety net for its citizens or supports private property. That the state should do this might be an opinion shared across political divides. Liberal democracy needn't be the preserve of one party. Thus, those on opposing political sides can share intentions with respect to these general features of their society. Insofar as these intentions help support these features, that means they can jointly author such features.³² I'm inclined to think this does enough justice to our intuitions about self-rule. It's not counter-intuitive that electoral victors momentarily enjoy more of the value of self-rule than electoral losers. All that would be counter-intuitive would be for electoral losers to enjoy no or very little of this value. So, in a sense, it is the winners who enjoy more of the value of self-rule.

Objection III: Hierarchy

Let's now turn to the issue of hierarchy. Some organizations are hierarchical. Consider, for example, the U.S. army. In the army, the sergeants have more power than privates, lieutenants have much more power than privates and generals have much

³²This is not a new point. See, for example, Dahl (1956, 132–33) and Campbell et al. (1964, 283).

more power than sergeants. Yet sometimes the army achieves goals which were, one presumes, widely shared throughout the ranks. When the U.S. army helped liberate France, for instance, the liberation was presumably a goal shared by privates, sergeants, lieutenants and generals. Moreover, all had an influence on the successful achievement of this goal: each soldier contributed to the liberation of France. So it seems that the soldiers, throughout the ranks, shared a joint intention, and it seems that they each contributed to its fulfilment. Thus, at first glance, it seems the view I've advanced implies that the soldiers in the army enjoy part of the value of democratic self-government. Yet that is surely incorrect; soldiers don't enjoy these values. So, one might think there is something off about this view.

There is a straightforward reply to this objection. The key point is that ordinary soldiers in the US Army have only a single decent option: to do as the army directs. If the generals decide on some goal, the privates can't form a joint intentions to do something else, and get that intention satisfied. If the generals have decided to liberate France, the privates can't decide to liberate Spain instead. This is not within their power. They'll be tried for desertion, or at least dishonorably discharged, if they try it. Thus it is the higher-ups, not the lower-downs (even collectively), who have a range of options to choose between. Yet we said that some people only enjoy authorship over something when they chose it from among an array of decent options. So the members of these hierarchical organizations don't enjoy authorship over choices of the organizations. This brings out the difference between the army and well-functioning democracies. In well-functioning democracies, the citizens do have a range of options to choose between when it comes to government policy. That is why they can get the value of jointly authoring those policies.

Now, having said that, the value of joint authorship also doesn't rule out certain clearly objectionable types of hierarchy. Consider the inequality involve in J.S. Mill's system of plural voting. Mill thought that well-educated people, and those with certain occupations should get extra votes. In such a system, citizens would still collectively determine what society does; they would just have unequal influence in said determination. They could thus enjoy the value of self-government. This value does not straightforwardly condemn the inequality in the voting system. But this is compatible with my overall view. I think equality is also a democratic value. Its value is independent of the value of self-rule. This value rules out plural voting systems, not the value of self-rule.

This completes my sketch of the positive value of self-rule, the way self-rule secures a good. When citizens rule themselves, they are joint authors of their social and political affairs. This is valuable in a way analogous to being individual authors of those affairs is. I now turn to spelling out the negative aspect of this value, the way self-rule avoids a bad. When citizens rule themselves, government coercion poses less of a threat to their personal freedom.

2.3.2 The Freedom-Protecting Account

We will start with an idea. The idea is that certain kinds of interpersonal influence impair our freedom in a distinctive way. The paradigm example is coercion. Consider the highwayman who threatens to shoot you unless you give him your money. It certainly seems that they impair your freedom, in a familiar sense of the term. Moreover, it seems that the impairment of your freedom goes over and above the mere contraction of your options; contrast the case of the highwayman with a case where you simply lose your wallet. Losing your wallet impairs your freedom less, it seems, than having it forcibly taken from you. Thus, it seems that there is a distinctively interpersonal dimension to freedom. There is a notion of freedom which is impaired by coercive influence.

In the political context, the freedom-undermining character of coercion gives rise to one of the central problem in political philosophy. States are essentially coercive enterprises. They have a vast apparatus of police, courts and jails. All are designed to shape the way citizens behave through the threat of violence, and the resulting coercion is a constant background to modern life. So, if state coercion impairs your freedom in the same way as the highwayman's, then your freedom is in tatters. Self-rule, I think, can help with this problem. When the state realizes self-rule to a high degree, it is not analogous to the highwayman. Its coercion is less freedom-destroying. The point of this section is to explain how it can do this. This will carve out the second, negative, aspect of the value of self-rule. Its achievement mitigates the threat to freedom posed by state coercion.

What is the relevant notion of freedom? I am talking about a personal, individual, notion. It consists, in part, in your ability to make personal choices free of noxious sorts of interpersonal influence. And, I suspect, it consists in part in your having a wide array of options, and your choice being authentic in the sense described in the previous section. But not terribly much will swing on this for now. For those philosophers who don't have a grasp on this notion of freedom, the key point is just that some kinds of interpersonal influence are objectionable. It is bad for the coerced to be coerced: it makes their life worse. This is all that we need to frame the democratic value I'll advance in this section. I'll continue to use the term 'freedom' to talk about this value. But one can think of the point of this section as explaining how democracy can stop the pervasive coercive influence of the state from being bad in the way that coercion typically is.

Let's start with an analogy. Compare two versions of the highwayman case. The first is the standard version, in which the highwayman is a stranger robbing you. The second is a version where you've put the highwayman up to it and currently endorse it. The day before embarking on your trip you hired a man to rob you. Perhaps you wanted a good story to tell. Perhaps you wanted to give your date a

thrill. Perhaps you wanted a decent excuse for being late. But, whatever the reason, the highwayman robs you only because you directed him to do so. The coercion in this second case seems far less freedom-destroying than that in the standard case. The highwayman's coercion manifests your own intentions. That seems to deprive it of much of its noxious force. The analogy is between this second case and a state in which citizens enjoy a high degree of self-rule. In this case, the coercion of the state and its officials manifest citizens' (joint) intentions. So they are substantially less freedom-destroying than they would otherwise be. This is the intuitive model on which self-rule helps mitigate the problem of state coercion.

Yet analogy will only get us so far. To go further, we need a deeper explanation of when and why coercion is freedom destroying. I am inclined to think that coercion is freedom-destroying when, and because, it means that your will is not the ultimate determinant of your actions. When the highwayman takes your money, in the standard case, their will is the ultimate determinant of your actions, rather than your own. Let's spell this out. Your will *determines* your actions when, in ordinary cases, you do what you intend to do because you intend to do it. So suppose you give someone some money. Your will determines whether you give if, in the ordinary cases where you intend to give, this intention causes you to give, and in the ordinary cases where you intend to walk on, that intention causes you not to walk on. We want your action to match (and be caused by) your will across a range of cases so as to ensure that it is your will that makes a difference to your action, rather than just your contingent circumstances. But it's clearly not required that your actions match your will in all possible cases. In some cases an evil neuroscientist interrupts the connection between your intentions and actions. In this case your actions won't match your will. Hence, we require only that your actions match (and be caused by) your actions across the *ordinary* cases. If in all such cases you do as you intend to do, your will here and now determines your actions.

Your will is the *ultimate* determinant of your actions when your will determines your actions, and nobody else determines your will. Someone determines your will when, in ordinary cases, you will what they want you to will. If they want you to intend to give them money that causes you to intend to give. If they want you to intend something else, that causes you to intend to this other thing. Again, the restriction to the ordinary cases is important. There are of course some possible cases in which your will won't match the highwayman's will. You might have a death wish, and so you might insist that the highwayman take your life rather than your money. But very few people are so self-destructive. So this sort of psychology pushes us out of the realm of the ordinary: ordinary people prefer to keep their life rather than their money. That means that, when held up by the highwayman, it would be extraordinary for you not to give them your wallet. In all the ordinary cases in which they level their gun at you, you will what they want you to will.

The point generalizes to most cases of coercion. And so coercion impairs your freedom when, and because, it makes the coercer, rather than yourself, the ultimate determinant of your actions.

Let me clarify some features of this account. First, what do we vary and what do we hold fixed when determining the range of ordinary cases? Consider this in the highwayman case. Here we take the facts about the highwayman as fixed. We then vary facts about your environment and psychology within their ordinary bounds. That means we take as fixed that the highwayman is willing to threaten your life to extract your money. Then, we see whether your intentions to give him your money varies with whether he wants your money. So, we might consider those cases where it's raining or sunny, where you're a jazz fan or a pop aficionado, where you value the life of action or the life of the mind. In all these cases, your intention varies (and is caused by) what the highwayman wills, and so we can conclude his will determines your own. Likewise for the determination of actions: here we hold fixed facts about your psychology, and see whether how you act varies (and is caused by) what you will. Generally, let X be a variable that ranges over your possible actions and intentions. Generally, A 's will determines X if, in all cases where we hold fixed facts about A , but which differ in other respects within ordinary bounds, the value of X matches (and is caused by) A 's will.

Second, how do we stake out the boundaries of the ordinary? To some extent, this is a matter of theoretical utility. We need to invoke a notion of ordinariness because nobody's will would match the highwayman's in all possible cases. So, to make sense of the possibility of his will determined yours, we need to narrow the relevant class of cases. Indeed, nobody is even such that they do what they will in all possible cases. So at both stages of the account we need to narrow the range of cases considered. Yet that narrowing can proceed in whatever terms have intuitive implications; it needn't be given that much independent content. My own view is that a frequentist analysis of ordinariness at least gives us a good heuristic for the notion. We can take the ordinary cases to be those which occurs sufficiently frequently, in the actual world. It is overwhelmingly frequent for those coerced by highwaymen to prefer their life to their wallet. It is sufficiently infrequent, infrequent to the point of rarity, for them to have the reverse preference. So, the former is ordinary and the latter is not. Generally, features ordinary to a situation are those which are not actually extremely rare in such situations.³³

Here it is illuminating to contrast coercion with innocuous kinds of interpersonal influence. We'll start with requests. Imagine you have a beloved partner.

³³I take the notion of "ordinariness" to be closely related, and perhaps synonymous, with "normality" or "typicality". Epistemologists have recently started employing the former, and Carter (2020, §5) gives a probabilistic account of this notion. See Wilhelm (2019) for a frequentist account of the notion of typicality.

You'll live where they ask you to live. If they ask you to stay in New York City, there you will stay. If they ask you to move to Tucson (with them), then you'll move to Tucson. What distinguishes the influence of your partner from that of the highwayman is that it would be ordinary for someone to not love your partner. Many people don't. So, it would be ordinary for someone to not do as your partner requests. To put it more generally, the range of ordinary cases contains people with a range of values and attachments. There are some ordinary cases in which you don't love your partner, and so your partner's request does not determine your will in the defined sense. In contrast, it would be extraordinary to prefer keeping one's wallet over being shot. Thus, the account can distinguish the impact of coercion and requests.

Let's consider a second innocuous kind of interpersonal influence. Suppose the highwayman levels a bank account at you, rather than a gun. They offer to buy your wallet from you for a thousand dollars: far more than the wallet's contents. One might think that any ordinary person would accept this offer, so in this case your will won't be the ultimate determinant of your actions. Yet this kind of influence seems much less noxious than coercive influence. To explain why, we have to sharpen the account somewhat. The key point whether someone else determines your will is really a matter of degree. The more fine-grained is someone's influence over what you intend, the more is their will the determinant of your will. If they can get you to do *whatever* they want, then they have very fine-grained influence over your will. If they can get you to give them your wallet, or jump up and down, or sing the national anthem, they have such an influence on you. If they can only get you to do some of these things, then their influence is more coarse-grained. So, really, we should say that coercion impairs your freedom insofar as it makes someone else's will the ultimate determinant of your actions.

This lets us distinguish between coercive threats and non-coercive offers. The latter gives one far less fine-grained control over someone than the former. This is, roughly, because ordinary people differ more in their wants than their fears. It's not particularly extraordinary to be indifferent about money. So, although you might sell your wallet to the highwayman, he may not be able to get much else from you. He might not be able to buy your wedding ring, or your deference. It would not be extraordinary to refuse to sell such things, which is just to say that in some ordinary case you would not sell your wedding ring to the highwayman for a thousand dollars. But when he threatens you with a gun, it would be extraordinary not to give him the ring. The desire to keep our lives is much deeper and widespread than is the desire to materially improve our position. So offers might be able to get any ordinary person to intend to do specific things, but how much they can get them to intend to do is limited. And that means they are much less likely to make someone else's will the ultimate determinant of your actions. So, to its credit, this account can

distinguish noxious and innocuous kinds of interpersonal influence. That completes my account of when and why coercion is freedom destroying.

We can now apply this account to the problem of state coercion. When an autocratic state coerces you, that means your will is not the ultimate determinant of your actions. The state's will, or that of its officials, is. But when the state's will (and that of its officials) is itself determined by your joint intentions, then your will is the ultimate determinant of your actions. Your individual will is not the ultimate determinant of your actions, but your joint will is. Your joint will determines what the state (and its officials) do, and that determines what you do. Thus, when all the laws manifest your intentions the coercive enforcement of those laws does not detract from your freedom. It does not make your will any less the ultimate source of what you do. So, when one enjoys self-rule to a very high degree, the problem of state coercion is resolved. State coercion does not impair your freedom, because it is consistent with your own will ultimately determining your actions.

Of course, in the real world it's never the case that you enjoy self-rule to this degree. You undoubtedly oppose some laws. You are probably indifferent to more. So some laws won't manifest your intentions. In such cases, coercive enforcement of those laws still impairs your freedom. So, in reality, state coercion is never made completely anodyne. But when a law does manifest your intentions, coercive enforcement of that law need not impair your freedom. Such enforcement is consistent with your will being the ultimate determinant of your actions. So, in reality, self-rule can still mitigate the problem with state coercion. Such mitigation is enormously valuable and so self-rule still has substantial value. And this mitigation is not something that a non-democratic system can achieve. So this value gives democracy a great advantage over autocracy. Democratic coercion poses less of a threat to freedom than does autocratic coercion.

Let's look at a second real-world complication. We can hardly suppose that people jointly intend the product of individual cases of coercion. Suppose, for example, a police officer arrests you in order to enforce some law. You might have intended this law be enacted. But you might well not have the intention that they arrest you and take you to jail, at least not here and now. You might have never entertained the idea that this police officer would arrest you at 11:13pm on a Tuesday night. So, you could hardly have intended that you go to jail. So, in this case, it seems that you won't determine your actions, and so we should conclude that it is not their ultimate determinant. Yet this conclusion can be resisted. A key point is that what you do in this case is closely connected to something you did intend. You intended the police to arrest anyone who breaks the relevant law. Their arresting you, given you broke the law, is a completely foreseeable consequence of them doing the thing you intended. Consequently, your action is a completely foreseeable consequence of satisfying your intentions.

Plausibly, these conditions mean that this instance of coercion less freedom-destroying. In this cases, your joint will is not the ultimate determinant of your actions in the sense characterized above. But your actions are a completely foreseeable consequence of your joint will. The case is somewhat analogous to a case in which you intend some overarching things but don't intend each action that constitutes that thing. Suppose you intend to throw a brick at a window, but don't give a thought about the exact speed with which you throw the brick. Nevertheless, your will is in some sense the ultimate determinant of the fact you throw the brick at ten meters per second. So, we should expand the sense of determination glossed above. We should say that your will determines your action when your actions match either your intentions, or the foreseeable consequences of satisfying those intentions. Thus, when a police officer arrests you to enforce some law that manifests your joint intentions, their coercion does not impair your freedom.

There are some other objections to this idea that self-rule helps mitigate the threat of state coercion. But they parallel the objections we dealt with the previous section. First, one might think that, since each citizen has so little personal influence over policy, self-rule cannot possibly provide much mitigatory force. Here the reply is that what matters is not their personal influence, but the influence of their joint intention. This might be considerable. Second, one might think that, since modern democracies are riven by disagreement, self-rule again won't much mitigate the relevant threat. Here the reply is that disagreement happens against a large background of agreement. Coercion on issues disagreed upon might still be freedom-destroying, but there are many issues on which there is little disagreement. Third, one might think that the account I've sketched implies (incorrectly) that coercion by a hierarchical organization, if one was its member and shared its aim, would not be freedom destroying. Here the reply is that the members of such organizations don't get to shape its aims. This is why such coercion destroys freedom. I've been brief in replying to these objections, because I am just repeating what I said in the previous sections. My reply in those cases go for the parallel objection in this case. Thus, it seems to me plausible that self-rule helps ameliorate the freedom-undermining character of state coercion.

2.3.3 Summary

Let me sum up. Democracy, as we defined it, required the citizens collectively determine what government does. We've been exploring why this is valuable. I think that it is valuable because it is necessary for self-rule, it is necessary for government policies and their outcomes to manifest citizens' joint intentions. This itself furnishes two values: a positive and negative value. On the positive side, it makes citizens joint authors of political affairs. It gives them joint authorship of their social

and political affairs. This is valuable in much the same sense as being individual author of one's life is valuable. On the negative side, it helps disable the threat of state coercion. It stops such coercion destroying their freedom, by helping prevent it from constituting the independence-destroying kind of interpersonal influence. I think this is the best way to spell out the value of self-rule, self-government, or popular sovereignty. But, in the next section, we'll explore an alternative.

2.3.4 An Alternative View: Republican Freedom

An alternative way of thinking of a value very like self-rule is embodied by the republican conception of democracy. The central intuition which motivates republicans is the benevolent master intuition. Suppose a master can freely interfere with their slave but is firmly opposed to doing so. They can beat their slave, but they won't. The thought is that the relationship between this benevolent master and their slave is nonetheless objectionable. More generally, it's objectionable when someone *can* freely subject one to interference. This is so even if they're not disposed to do so. Republicans too term this a type of domination. Precisely, they suggest that one is dominated with respect to some action, Φ , when some other person or group has the uncontrolled ability to interfere voluntarily with A's choice about whether to Φ . Republicans think domination is an extremely objectionable type of unfreedom. So ensuring people enjoy non-domination is extremely valuable.

I do think that there's a connection between domination and democracy. I spelt this out in Section 2.2.1: democracy helps prevent relations of domination between citizens.³⁴ But Republicans have tended to spell out this connection differently. They think that the very existence of a state raises a worry of domination. States, modern states especially, are unfathomably powerful entities. They can raise huge armies, level cities, keep tabs on whole population. They can literally move mountains.³⁵ The worry is that such entities are able to interfere with the choices of their citizens. Now some states might be resolutely liberal; they might not engage in such interference. But they could. This raises the specter of domination. States, it seems, dominate their citizens. Enter democracy. The idea, as fleshed out at most length by Pettit (2012), is that democratic institutions allow the people to control the state's exercise of interference.³⁶ This, roughly, means such institutions enable

³⁴This is roughly the view Kolodny (2019) defends.

³⁵The biggest single state project I know of is the South-North Water Transfer Project. When it is completed it will transfer 45 billion cubic meters of water from the South to the North of China every year. That is half the annual discharge of the Nile. Local resistance to it has been driven, in part, by worry about the weight of the water increasing the risk of *earthquakes*. Now I suppose that is not the literal moving of a mountain. But the ability is comparable enough.

³⁶This idea is also clearly present in his earlier work. But there the language often also suggests a worry about domination of ordinary citizens by individual officials (Pettit, 1997, ch. 7).

the people to prevent state invasiveness. Throwing out governments in elections and contesting decisions in courts, he says, allows the people to control the state's ability to interfere. And he insists it's only the uncontrolled ability to interfere with someone which is problematic. It's only when the master's ability to interfere with his slave is not under anyone else's control that that ability impairs freedom as non-domination. So democratic institutions secure something he and other republicans think is very valuable. They free us from state domination.

This picture doesn't make what I've defined as self-rule valuable. But it seems to make it very important for ordinary citizens to have an influence over what government does. So what should we make of this picture? I myself find it doubtful. Simpson (2017) raises the central problem. Simply put, if the people have control over the state's interference, it seems that they will also have control over individuals. But domination by a group doesn't seem much better than domination by an individual. Suppose one has three masters, and they decide by vote whether to beat you. It seems that you still count as dominated in this scenario. You don't genuinely enjoy freedom as non-domination. So, it seems that democracy is ill-suited to providing freedom as non-domination. And that is bad news for the republican defense of democracy.

Lovett and Pettit (2018, 382) have a reply to this. They stress that the people, collectively, might be able to *stop* state interference but not be able to impel it. They may be able to prevent the state from interfering with individuals. But they may not be able to bring it about that the state interferes with these individuals. If so, they think the state's ability to interfere will count as controlled. But this wouldn't give the citizenry the ability to interfere. So, non-domination would be achieved after all. The picture of the people's proper role in government here is a picture of veto power. Ordinary citizens can, together, veto government actions. But they can't impel them. The collective role of ordinary citizens in government should be to stand athwart government action yelling "stop": nothing more.³⁷

This does not seem to me an attractive conception of a democratic value. There are two problems. First, it doesn't capture all of what makes influence over government valuable. For example, it seems like it was valuable for the American people to create Social Security, win the war, secure civil rights, put a man on the moon. But, on this conception of democracy's value, these look suspicious. If it were really the people driving these achievements, then they could also surely drive the state to interfere with individual citizens. If the people can drive the New Deal, then they can surely jail their fellow citizens.³⁸ So this conception misses this part

³⁷Riker (1982) had essentially the same picture. He based it on Arrow's impossibility theorems. He thought that these show the people could at best veto the actions of government. They couldn't guide it.

³⁸Indeed, the American state obviously did inflict internment on hundreds of thousands of Japanese

of self-rule's value. It misses precisely the positive value that inheres in being the joint authors of our collective affairs.

The second problem concerns feasibility. Most institutions which can prevent interference can also compel it. Consider elections. Elections, let's suppose, give people veto power by letting them throw out governments which interfere with them. This motivates those governments not to so interfere. But, if so, it seems elections would also let people throw out governments which don't interfere as desired. So elections can be a tool of domination. The same goes for most forms of political participation. Thus, republicans shouldn't be too keen on electoral democracy after all. They need institutions which allow for the prevention of state interference alone. It's not clear, at least to me, what those institutions are. Republicans often mention a court system in which ordinary citizens can contest government action (Pettit, 1997; Lovett and Pettit, 2018, 172–183, 381). But this alone doesn't seem particularly democratic. A society with courts but no elections is not a democracy. So, the republican conception seems either unfeasible or undemocratic.

Thus, I don't think that the republican conception of democracy is an attractive one. So I prefer to ground the value of self-rule and its ilk in the two things we've just discussed, rather than in non-domination. But perhaps that is wrong. Perhaps I underestimate the republican conception of democracy. So although this conception won't be my focus going forward, it will sometimes be useful to keep it in mind. I think the most important things I say about American democracy would go through on such a conception of self-rule.

2.4 Conclusion

Let me sum up. I've outlined the two core democratic value which will pervade the rest of the dissertation. One is equality. The positive aspect of this consists in achieving valuable egalitarian relationships. The negative aspect consists in avoiding objectionably inegalitarian ones. Democracy doesn't guarantee either. But it facilitates them. The second is self-rule, or the manifestation of our collective intentions in political affairs. The positive aspect of this consists in its making us author of those political affairs. The negative aspect consists in it protecting our freedom. Again, democracy doesn't guarantee either. But it facilitates them. This completes my pluralistic picture of what makes democracy valuable.

I've not argued that equality and self-rule are the only distinctive intrinsic democratic values. Perhaps there are others. Perhaps making political decisions through collective deliberation is intrinsically valuable. Perhaps resolving disagreement through voting is intrinsically valuable. But I suspect that the value of these things

Americans soon after it stopped passing New Deal legislation.

reduces to that of equality and self-rule. I suspect that deliberation is valuable, for example, only insofar as it contributes to self-rule or democratic equality. Democratic deliberation on inegalitarian terms, and which had no connection to policy, would not, I think, be intrinsically valuable. But, in any case, these two values will be enough with which to proceed. In the next chapter we will see how they can underpin a special normative status for democratic citizens. Citizens ought to obey democratic laws and coercive enforcement of those laws may be permissible. So these values make democracy not just axiologically distinctive but also deontically distinctive. The subjects of democratic states have different rights and duties than the subjects of other states.

I want to say two more things before going forward. The first is defensive. It concerns utopianism in democratic theory. It might be difficult indeed to achieve very high levels of these democratic values. So there's a sense in which the democratic theory I've presented here is utopian. It would be very hard for a real political system to achieve these values to their highest degree. Indeed, there might not even be such a highest degree. Some people might be tempted by the thought that this tells against the theory. That thought seems to me wrong. Perhaps, were the theory to tell us nothing about how to compare non-ideal systems, that might tell against it. It might make us doubt it correctly articulated democratic values. But that is not the state of play. Although it is difficult for a system to realize these values to the highest degree, there's still a vast variation in the other degrees to which they realize them. And realizing them to a greater rather than a lesser degree is valuable. So the theory I've presented tells us a lot about how to evaluate non-ideal political systems. It is not utopian in any pejorative sense.

The second is clarificatory. The conclusion which arises from the later parts of this dissertation is that American democracy does not realize much of these democratic values. But this invites the question: relative to what? There's a couple of ways to answer this question. None are better than the others. First, we might take it to be relative to *our expectations*. On this interpretation, we've formed some expectations about American democracy before encountering much empirical work. American democracy seems *worse* than we imagined it to be. Second, we might take it to be relative to *what's feasible*. On this interpretation, American democracy realizes far less of these democratic values than it could. Third, we might take it to be relative to *other things of value*. On this interpretation, we weigh the value American democracy achieves with the value achieved by good art, fine literature, personal relationships. And the former seems relatively insignificant. I think that, on each of these interpretations, it is true that American democracy realizes little of what makes democracy valuable. The value realized pales in comparison to other values. It could feasibly realize far more value. And it is surprising that it realizes so little: many of us, I suspect, naïvely expected American democracy to be doing

better. With these points in mind, we can start on the normative status of democratic citizens.

Chapter 3

Democratic Duties

3.1 Introduction

On February 3rd, 1913 Delaware ratified the sixteenth amendment to the United States Constitution. That made for three-quarters of the states: the amendment became law. Congress, from that point on, could levy taxes on income. Such taxes soon became the main source of federal revenue. Congress obligated millions of people to fork over a chunk of their income to the federal government. But John Cheek denied this. Cheek, a pilot for American airlines, had paid his taxes up until 1979. But then he stopped. He denied that the sixteenth amendment was ever ratified. So he denied that he was bound, by law, to pay his taxes. The Internal Revenue Service (IRS) did not take this well. He was eventually charged with six counts of, predictably enough, failing to file income tax returns. He lost at the trial and spent much of 1992 in prison. He spent another five years on probation and had to pay his back taxes as well as a hefty fine.

Cheek, many people think, did something wrong. People should obey the law. The United States did nothing wrong. It can permissibly enforce the law. And the police officers and judges and prison guards who put Cheek in prison also did nothing wrong. They too can permissibly enforce the law. In this chapter we explore how democracy interacts with these claims. More generally, we explore how democracy is deontically distinctive. Let's say that a state has authority, of the normative kind, when those subject to its laws ought to obey them. There is, in its territory, a general obligation to obey the law. Let's say that a state has legitimacy when it and its agents—police officers, judges, jailers—may permissibly enforce those laws. They may use coercion and violence to prevent and punish the breaking of those laws. The distinctiveness we'll explore concern authority and legitimacy. I'll argue that authority and legitimacy hinge on democracy.

More specifically, I have four aims in this chapter. First, I aim to show how democratic values can form a foundation for the authority and legitimacy of democratic states. Realizing these values to a high degree puts a state in a good position to enjoy these distinctive normative statuses. Second, I aim to show that democracy matters to defenses of state authority which aren't *prima facie* especially democratic. In particular, it is much more difficult to ground our political obligations in associative obligations, fair play obligations, promissory obligations or debts of gratitude in non-democracies than in democracies. Third, I aim to show that there is reason to *avoid* obeying the law in non-democratic states. The reason is an egalitarian reason. When we obey non-democratically made laws, we treat those with more influence over the laws as superiors and those with less as inferiors. And we have reason not to do that. So non-democratic states are in an especially bad position to enjoy authority. And fourth, I aim to assess how this rebounds onto the legitimacy of non-democracies. I'll suggest that it is, at the least, not good news for their legitimacy. The upshot of this is that democratic values make an important difference to our normative status as citizens. They matter to the rights and duties of those subject to the state.

I'm going to take the claims which I advanced in Chapter 2 for granted. But it will help to summarize them here. I argued that democracies facilitates two values: equality and self-rule.¹ I cashed equality out in terms of how we relate to one another. The claim was that democracy facilitates attractively egalitarian relationships—civic friendships—while avoiding objectionable inegalitarian relationships: dominance hierarchies. I cashed out self-rule in terms of joint intentions. The claim was that democracy helped the joint intentions of citizens become manifest in government policies. I suggested that this was valuable because it ameliorated the freedom-destroying nature of government coercion and made us authors of our social and political institutions. These claims are my starting point. This chapter connects them to the authority and legitimacy of democratic states.

3.2 Authority in Democracy

We'll start by saying more about our notion of authority. The notion prominent in this chapter is not *de facto* authority. It's not simply that one's commands are in fact obeyed. Rather, it's a normative notion. One has authority, in this normative sense, when people are obligated to obey your commands. A state has authority when there's a general duty to obey its law. More precisely, we'll say that a state has authority when, generally, the fact that its laws say that one should do something in

¹I defined a democracy as any political system in which political power was roughly equally distributed and the people collectively determine what government does.

part grounds an obligation to obey that law. Note three things about this definition. First, the generality here is majoritarian. The idea is that most people have a duty to obey most laws. There might be some exceptions, but they're exceptions. Most people ought to obey most laws. Second, note that the duty is not just to do what the laws say. It's to obey the law. This means doing what the law says *because* the law says to do it. This requires doing what the law says. But it adds constraints on your motivations. A duty to obey is a duty to be motivated by the law's command. Third, note that it is the fact that the laws say one ought to do something which in part grounds this duty. That means the law's telling you to do something in part explains, non-causally, why one has the duty. You have this duty partly in virtue of the fact that the law imposes on you.

In this section, we'll see how democratic equality can provide a foundation for state authority.² Democratic equality, I've argued, consists in the facilitation of egalitarian relationships and the avoidance of inegalitarian relationships. We'll begin by identifying the reasons to which egalitarian relationships give rise. In Chapter 2 we talked about some requirements on the positively valuable egalitarian relationships. For example, we suggested that friends cared about one another's welfare. This wasn't a claim about reasons. It was a claim about what was required for a relationship to be a friendship. The claim was that, if the participants in a relationship don't care about one another's welfare, then they're not friends. But I think a claim about reasons flows from this. When you're friends with someone you have weighty reason to care about their welfare. More generally, suppose you're in the positively valuable egalitarian relationships. Then you have weighty reason to not do what impairs them. A similar point goes for the objectionably inegalitarian relationships. You have weighty reason not to do things that put yourself in objectionably inegalitarian relationships. You have reason to preserve your egalitarian relationships and avoid inegalitarian relationships.

What is the nature of this reason? Partly, it is a consequentialist reason. Egalitarian relationships are good; inegalitarian relationships are bad. And you have reason to make the world a better place. So, you have reason to protect the latter and prevent the former. But most of the weight of this reason is not consequentialist. It's not just that you should care about your friend's welfare because it's impersonally good to do so. Rather, doing so is a way of respecting the value of your relationship. If you don't care about their welfare, you are in a sense repudiating this value. To avoid such a repudiation, you should care about their interests. The same goes for the objectionably inegalitarian relationships. It's not just that you should avoid wielding power over others because it's impersonally bad to do

²The argument will be most closely connected to that in Kolodny (2014b) and Viehoff (2014). It is more distantly connected to the one in Christiano (2008, ch. 6).

so. You should avoid doing so in order to respect the value of equality. Doing things which tend to put you, or others, in objectionably inegalitarian relationships is a repudiation of this value.

It will be worthwhile to say something more in defense of this thought. Consider how you relate to your friends. Imagine you're much richer than one of your friends, and you bribe them to always do what you say. This gives you more power and more authority in the context of the friendship. That impairs the relationship; it makes it less egalitarian. That gives you weighty reason not to do this. This reason is not just down to the fact that you've taken something of impersonal value from the world. It seems that you've disrespected the distinctive egalitarian value of the friendship. You've failed to act in a way consistent with that value. I suspect in this case you've in fact wronged your friend. They might accept the bribe. But they still have a complaint against you; you've treated them as less than an equal. So we have a distinctive reason not to exacerbate inequalities in our relationships.

With this thought in hand, we can see how democratic equality provides a ground for state authority. I suggested in Chapter 2 that certain inequalities constitute inegalitarian relationships. I identified two salient kinds of inequality: authority and power. The notion of authority we were using was *de facto* authority. It consists in how likely people are to obey your commands. Power consists in your ability to influence what other people do. Inequalities in these things, I claimed, facilitate inegalitarian relationships and preclude egalitarian relationships. This gives rise to reasons. It gives us weighty reason to avoid doing things which tend to exacerbate these inequalities. Moreover, in some cases, disobeying the law can exacerbate these inequalities. So we have reason to avoid disobeying the law. This is the basis of the argument for the authority of democratically made law.

When does disobeying the law exacerbate these inequalities? Let's first see this for inequalities of *de facto* authority. There are two importantly different cases. The first is a society of equals. This is a society in which everyone has roughly equal power and *de facto* authority. Consider any democratically made law in such a society. Let's stipulate that that's a law over which we've all had equal influence. Suppose most people obey this law. Then their obedience contributes to your own *de facto* authority. It in part constitutes that authority. Now suppose you do not obey the law. Then your obedience doesn't contribute to their authority. So, your own authority has increased without anyone else's authority increasing. And, since you live in a society of equals, that grants you more authority than anyone else. So you've created inequality in authority. In these circumstances, everyone has reason to obey democratically made laws.

The second case is a somewhat inegalitarian society. This is any society in which not everyone has equal power and *de facto* authority. It's a society, like our own, which is riven by inequality. A version of the argument still applies in such

a society. It just has more limited conclusions. For consider any democratically made, widely obeyed, law in such societies. Suppose you do not obey this law. Then this increases your de facto authority without increasing anyone else's. When is this a problem? When it exacerbates inequality in authority. That is unlikely to happen if you had very little authority to begin with. Then it is likely to improve equality in authority. But, if you already had a lot of authority, then you've exacerbated inequality. In these specific circumstances, there's egalitarian reason to obey democratically made law. So, there's reason for authoritative people in law-abiding but inegalitarian societies to obey such laws. For them, disobeying the law exacerbates inequality.

The same points seem to go through with power. Consider just the first case: the law-abiding society of equals. In this case, when others obey a democratically made law, that contributes to your power. Their obedience is a constituent of your ability to determine how people behave. But when you avoid obeying the law you do nothing to contribute to the power of your fellow citizens. So they contribute to your power and you do not contribute to theirs. This breaks the initial equality of power; it means you have more power than they do. So if you've reason not to contribute to inequalities of power, you've reason in this case to obey democratically-made law. The point follows through for powerful people in law-abiding but inegalitarian societies. They, in order to avoid exacerbating inequalities of power, will have reason to obey the law.

If this is right, then democratic equality is a potent source of state authority. It doesn't guarantee a state authority; but it can give many people reason to obey the law. What are the objections to this view? I'll deal with just the one I take to be most worrying. This objection questions how weighty is the reason that this argument identifies. The thought goes that disobeying the law may make each of one's relationships with one's fellow citizens less egalitarian. But it surely doesn't make them *much* less egalitarian. And such modest increases in inequality surely lead to only a modest detraction from the equality of your relationships. So disobeying the law doesn't much worsen one's relationships. Thus, one might think that the egalitarian reason I've just located is not a very weighty one at all.

I think there are two good replies to this objection. Both target the claim that, if something leads to a modest impairment of each of one's fellow citizens' relationships, one has only modest egalitarian reason to avoid doing that thing. The first reply points out that many modest impairments might add up to something immodest. This reply hinges on the thought that disobeying the law impairs *many* relationships. It impairs your relationships with each of your fellow citizens. Now each impairment on its own might ground a lightweight reason to obey the law. But, plausibly, the weight of one's reasons to avoid impairing relationships is additive. The weight of one's reason to avoid impairing many relationships is the sum of the

weight of one's reason to avoid impairing each such relationship. So these very many lightweight reasons add up to a weighty one. One might have weighty reason not to modestly impair many relationships.

The second reply doesn't rely on this additivity claim. This reply hinges on a disconnect between the weight of one's reason to avoid impairing a relationship, and the extent of the impairment. One might have weighty reason to avoid even modestly impairing your relationships. Consider certain personal relationships. Imagine you're getting coffee for your friend. You have enough cash to buy you each a small filter coffee or yourself a large chai latte. It would only mildly impair your relationship to do the latter. It would be a mild violation of the requirement to care for your friend's welfare. Nonetheless, you have weighty reason to do the former. This weight outstrips the extent to which doing it protects the relationship. Equally, this might happen when it comes to exacerbating inequalities. The weight of one's reason to avoid exacerbating an inequality might well outstrip how much that exacerbation impairs some relationships. So we have two replies to the objection. Thus, I think it's plausible that we have a weighty reason to obey democratically-made laws. Democratic equality provides a big contribution to state authority.

Does achieving self-rule also contribute much to the authority of democracies? This seems to me less clear. There is an argument that it does. Part of the value of self-rule lies in its making citizens the authors of their social and political affairs. They become such authors via influencing the laws. But plausibly the laws do this only insofar as those laws are obeyed. If the law is flouted, its enactment does not help people be authors of their environment. So disobeying the law works against making our fellow citizens authors of their own environment. It frustrates the realization of this value. But, if authorship is valuable, then that gives us some reason to obey the law. Obeying the law will help our fellow citizens achieve an important value. So we have reason to obey the law.

But one might think that this reason is often somewhat lightweight. That is because, in personal cases, it often seems decidedly indecisive. Suppose someone decides that my hair color is part of their social environment. They might be right; I might see them often, and my hair might be a common topic of conversation. But I have little reason to change my hair color in the way they ask. I might have some reason. I might, for instance, generally have reason to see that people get what they want. But in this case I'm well within my rights to spurn their request. This suggests that we don't generally have very weighty reason to change our personal behavior in order to help someone be author of their environment. Thus, even if the value of self-rule does generate some reason to obey the law, the reason might be relatively lightweight. It might not be sufficiently weighty to tell much in favor of a duty to obey the law.

So, to sum up, I'm neutral on whether the value self-rule provides much reason

to obey democratic laws. But I think the value of democratic equality can give one weighty reason to obey the laws. Disobeying the law sets one up as the superior of one's fellow citizens. Now sometimes, of course, this weighty reason also won't rise to the level of obligation. If you're speeding to get your in-labor partner to hospital, then you have weightier reason to disobey the law than to obey it. But it seems plausible that, very often, this will make obeying the law morally obligatory. It will mean that you do wrong when you disobey the law. Ideal democracies, then, are in a good position to enjoy authority.

3.3 Legitimacy in Democracy

We now move to state legitimacy. Let's start with background. States are essentially coercive enterprises. They punish, and threaten to punish, those who don't obey their laws. This is, instrumentally speaking, very good. It deters people from stealing and killing and doing all the other not-very-nice things that they allegedly do in the state of nature. But there is a question about the moral valence of state coercion: is the state, and its officials, morally permitted to coerce people?

The instrumental value of state coercion strongly favors its permissibility. But there seems to be an even stronger noninstrumental objection to state coercion. People have weighty rights against being subject to coercion. They have these rights even when it would be instrumentally good to coerce them a little bit. This is easy to see in the case of private individuals. Suppose a private individual started punishing those who didn't fight the good fight on anti-malaria donations. He locked the insufficiently charitable in his basement. Both the threat of punishment and its fulfillment are objectionable. They're sufficiently objectionable, it seems, to make both morally wrong. For private individuals, instrumental considerations don't usually outweigh the objection against coercion. Private individuals can't coerce people just because doing so would be instrumentally good; people have weighty rights against coercion. But, if this is so for individual coercion, it seems like it should be true for state coercion. People's rights against coercion surely don't just evaporate when faced with organization that do a lot of coercion. But then state coercion should, presumptively, be morally impermissible. The state, and its officials, do something wrong when it (they) coercively enforces its laws.³

This is the problem of political legitimacy. We'll say that a state is legitimate when it's morally permissible for it and its officials to coercively enforce its laws. The problem is that people seem to have a very weighty objection to coercion. In most cases, this seems to outweigh any instrumental justification of that coercion. In this section I'll explain how democracy might help solve, or at least ease, the

³For this argument, see Huemer (2013, 3–19).

problem. States which achieve democratic value to a high degree are in a better position to be legitimate. There are two reasons for this. First, achieving democratic values undermines the objection to coercion. It makes coercion by such states less problematic. Second, such an achievement gives such states more reason to coerce. It makes coercion by such states achieve more of value. I myself am not entirely sure even this makes such states legitimate. I think the problem of legitimacy is a very hard problem. But I think it might often do so, and at the least it makes such coercion less seriously wrong.

Let's start with the first point. Democracy, I think, has the potential to undermine the objection to state coercion. This point rests on the following claim: the objection to state coercion is, in large part, grounded by the freedom-destroying properties of coercion. Coercion is objectionable because it impairs the freedom of those who are coerced. This seems to me intuitively plausible: the most obvious problem with any type of coercion is its effect on freedom. Coercion destroys freedom. But, if this claim is accepted, then democracy helps with the problem. At least, if we accept the freedom-based account of the value of self-rule, then it does. On this view, coercion that flows from laws that manifest citizens' intentions is less freedom-destroying. So coercion in service of democratically made laws has less impact on freedom. Now, that impact might not be nil. Such coercion may still diminish freedom to some extent. But the impact is ameliorated. Thus, this diminishes the force of the objection to state coercion.

The plausibility of this line varies with the instance of state coercion. In Chapter 2 we pointed out that nobody intends every instance of state coercion. But, I suggested, even the strictly unintended instances plausibly matter less, insofar as they're a necessary and foreseeable means to realizing what is intended. So this story also provides a defense of such cases of coercion. Of course, many cases of state coercion—certainly in the United States—are neither of these things. So the freedom-based accounts of self-rule hardly provides a defense of every instance of state coercion. But it's unlikely such a defense is possible, or desirable. It's unlikely that even the most democratic state can permissibly coerce its citizens in any situation whatsoever. But the freedom-based account does add weighty ballast to the legitimacy of democratic states.

Let's move to the second point. States have positive reason to coerce in the service of democratically made laws. Such coercion can contribute to the achievement of other aspects of democratic value. This point rests on the value of democratic equality. I just argued that those who refuse to obey democratically made law sometimes set themselves up as superiors. They grant themselves more power and authority than their fellow citizens enjoy. Coercive enforcement of the laws, undoubtedly, improves obedience to the laws. So this gives a state more reason to coercively enforce democratically-made laws. It will prevent people creating these

objectionable sorts of inequality. So the state will have more reason to enforce laws when it is a democracy than when it is not.

In sum, then, democratic values can be an important source of legitimacy. The most important aspect of this is the freedom-based account of self-rule. If this is sustainable, then it removes much of the objection to state coercion. State coercion in the service of democratically made law is less problematic than other sorts of state coercion. But democratic equality has a part to play too. It gives the state more reason to coerce. This extra reason may help overcome any residual objection to state coercion. As I've said, I am uncertain whether this will generally make even normatively ideal democracies legitimate. This depends in part, I suspect, on how weighty one thinks is the objection to coercion. But it puts them in a much better position to achieve legitimacy than other political systems are in. We'll return to questions of legitimacy in Section 3.6.

3.4 Authority in Autocracy

I've just argued that democratic values provide support for state authority and legitimacy. In this section I'm going to argue that, when it comes to authority, something more is also true. There are some accounts of state authority which don't, at first, glance, seem democratic. These are associative, fair play, promissory and gratitude accounts of authority. Associative accounts say that our reason to obey the law is grounded in the political relationships in which we stand to our fellow citizens. Fair play accounts say that obeying the law just is contributing our fair share to a collective scheme from which we benefit. Promissory accounts say that obeying the law is the fulfilment of a promise. Gratitude accounts say it is the repayment of a debt of gratitude. My claim is that first glances deceive: these accounts only work well in democracies. This means that, at least on issues of authority, non-democracies are on shaky ground. They obviously can't take advantage of democratic sources of authority. But nor can they take advantage of these other sources of authority. Now, that doesn't establish they don't have authority. There are other possible accounts of authority. But these cover a large swathe of the territory of accounts. Thus, the most promising sources of authority seem closed to non-democracies.

3.4.1 Associative Theories

Let's start with associative theories. The central thought behind such theories is that being in certain relationships—family, friendship, collegiality—can give rise to certain obligations. Imagine your dear brother is in dire distress. Their marriage has just disintegrated; they need somewhere to stay. You are duty-bound to help

them. You would, assuming no special circumstances, wrong them if you didn't offer to let them stay at your place for a few days. Your special relationship with them, your familial relationship, seems to give you obligations. Why does this matter to political authority? The idea is that your relationship with your fellow citizens is analogous to such a relationship. In particular, it is analogous to a familial relationship; although unchosen, it gives rise to obligations. These obligations, the idea goes, include the duty to obey the law. Thus, the state's authority can be grounded on the import of one's relationships with one's fellow citizens.⁴

There seems to me two pressing questions for such associative theories. First, what is it about our relationships with our co-citizens which gives rise to obligations? Not every association with someone gives rise to such reasons. Some things we share with people are trivial. I have green eyes; this gives me no obligations to other people with green eyes. Other, more substantial, associations also give rise to no obligations. I might have to engage regularly with one of the slower bureaucrats at the U.S. embassy. This does not give me duties to that bureaucrat. The issue here lies in explaining what the special character of political community is. Second, how does this special character connect to the laws? I have many familial obligations to my family. But none of them include obeying the laws. I do not wrong my brother when I drink wine in a New York City park. And it wouldn't change matters if some powerful body (like the state) decided that both me and my brother should behave in a certain way. This would be an external imposition on our relationship; it would not impact what I owe to my brother. The issue here lies in explaining why the laws are not such external impositions, and why instead we owe obedience to them to our fellow citizens.

These questions are given defensible answers, I think, by a recent statement of the associative view: the version presented in Scheffler (2018). In answering the first question, Scheffler claims that the special thing about membership in a political society is its noninstrumental value. It is valuable for reasons besides its causal consequences. On the second question, he claims that, when we're in a noninstrumentally valuable relationship, we have reason to defer to the needs, interests and desires of those in that relationship. When you are friends with someone, the thought goes, you have reason to defer to their desires. You have such reason even when you regard their desires as ill-judged. Now a group, he claims, expresses its needs and desires through its norms (2018, 9). And, he argues, the laws are the norms of political societies (2018, 17–21). It follows that the laws express the desires of our political communities. The upshot is that we have reason to obey such laws. Obedience to them is just deference to the desires of a group with which you

⁴These views were made prominent by Dworkin (1986, ch. 6). for another important defender of them, see (Horton 1992, ch. 6; Horton 2007).

have a valuable relationship.

These answers seem to me like key components of any plausible associative view. On the first point, it seems bizarre to think that valueless relationships give rise to obligations. When we are duty-bound to friends or family members, it always seems to be in the context of a valuable relationship. If my relationship with my brother was utterly poisonous, I would not have duties towards him. On the second, if the laws were completely unconnected to the desires of citizens, it would seem odd to think that one should have to follow them. Imagine the laws were imposed by a colonial regime. Then it does not seem like one wrongs one's fellow citizens when one ignores the laws. My aim in this section is to argue that these answers make associative authority very democratically demanding. They mean that only a state which achieves a substantial degree of both democratic equality and self-rule will, by the lights of this view, have authority. Thus, on plausible associative views, authority hinges on democracy.

Let's start with the answer to the first question: that our relationships with our co-citizens are noninstrumentally valuable. In Chapter 2, I argued that democracy was necessary for the relationships between co-citizens to be egalitarian relationships. But I think it is plausible that, between adults, only egalitarian relationships are noninstrumentally valuable. You might have an instrumentally valuable relationship with a ruler. They might enrich you. But the inequality of the relationship mars its noninstrumental value. It does this because the terms on which it is appropriate for adults to relate are ones of equality. In this case such terms are violated. Thus, democracy is necessary for our political relationships to achieve noninstrumental value. Political relationships that are marred by inequality lack value.

Now one might resist this. Some inegalitarian relationships are intrinsically valuable. The relationship between parents and young children is inegalitarian, but still intrinsically valuable. And parental relationships also give rise to reasons. Parents have special reason to look after their children's welfare. Similarly, perhaps some specific inegalitarian relationships between adults can be intrinsically valuable. Educational relationships seem like the most promising examples. The relationship between teacher and adult student, or mentor and mentee, may often be inegalitarian. But it might still be intrinsically valuable. So perhaps political relationships are analogous to educational relationships. Perhaps, even when inegalitarian, they give rise to special reasons.

But such reasons won't ground state authority. This is because the reasons educational relationships give rise to are not reasons of deference. Consider the relationship between teacher and adult student. Neither has special reasons to defer to the desires of the other. The teacher has certain educational obligations. They have an obligation to help their student learn. But those aren't reasons to do what the student *wants*. The student might not know the best way for them to be learn.

Equally, the student might have special obligations to the teacher. They might have duties to be open-minded, to put some effort into learning. But those aren't reasons to defer to what the teacher wants. Now, that's not to deny that the student sometimes has some reason to defer to the teacher's wants. They might sometimes have Razian reasons. This might be so when the teacher knows what's best for them and doing what the teacher wants is the way to get it.⁵ But these aren't reasons to defer to the teachers desires in the sense that we have reason to defer to our friend's desires. So, I doubt that, in these inegalitarian relationships, there are such reasons of deference.

Let us now turn to the answer to the second question: that the laws are the expressions of the group's desires. This too seems to me plausible only in democracies.⁶ In fact, it is only plausible when a democracy achieves quite high degrees of self-rule. Only when the laws generally manifest citizens' joint intentions are they expressions of those citizens' desires. For suppose a dictator, or a small cadre of officials, are the ones who decide what the laws are. Then there's no sense whatsoever in which the laws are the expressions of what the citizens want. Thus, there is no sense in which obedience to the laws will realize deference of the desires of your group. It will involve deference of the desires of the dictator, not the desires of your fellow citizens. The laws, in a dictatorship, are an external imposition on your relationship with your co-citizens.

One might try to modify Scheffler's argument to avoid this point. Perhaps one needn't run his argument through deference to desires. Perhaps one could just say that, when one is in a valuable relationship of any kind, one should follow the norms of that relationship. And, in this sense of norms, the laws are still the norms of our political relationships even when they don't express citizens' desires. Thus, we should obey with them even when they're not made democratically.

This strategy seems to me unsustainable. The difficulty hinges on how we should interpret 'norm' in this modified argument. The most obvious interpretation is expectational. A way of acting is the norm of a relationship in this sense when the members of the relationship generally expect the other members to act that way. So the norms of political societies are those ways in which citizens expect other citizens to act. The laws plausibly identify norms in this sense. But it seems to me far less plausible that one has reason to do as these sorts of norms dictate. This is because we often expect people to act in ways that they have weighty reason not to act. Consider what happens when you visit the DMV. You expect the DMV bureaucrats to be unbearably slow. And so does everyone else. That's why everyone dreads going to the DMV. But that doesn't give these bureaucrats reasons to

⁵See Raz (1986).

⁶Scheffler (2018, 19) considers this point. He neither endorses nor denies it.

be so ponderous. Expecting them to be slow doesn't give them reason to be slow. There are many case like this—we often expect people, even those we're in valuable relationships with them, to act wrongly. That does not give them reason to act wrongly.

Perhaps we might interpret 'norm' deontically. We could say that a way of acting is the norm of a relationship in the relevant sense if the members of the relationship generally think the other members ought to act that way. Plausibly, your fellow citizens generally think that they and their fellows ought to obey the law. But it again seems implausible that one has reason do as these sort of norms dictate. That is because there are clear cases where one would lack such reasons. Suppose, for example, that I find out that one of my friends has written up a Handbook of Friendship. All my other friends now think that we ought to comply with the book. This gives me very little reason to comply with the book. When the Handbook says I have to tithe this friend (lucky them), that does not actually give me an obligation to tithe. So this modified version of the argument seems untenable too. Perhaps there's an alternative way to modify the argument. But I suspect that there is not. So, I suspect that we only have associative reason to comply with laws which manifest citizens' intentions. Otherwise, the laws will be external impositions on our associations.

If that is correct, then associative accounts of authority are democratically demanding in two ways. First, they demand that the relationship between co-citizens be of noninstrumental value. But, so I've argued, this requires democratic equality. Second, they demand a special connection between citizens' will and the content of the laws. But, so I've argued, this requires self-rule. So, I doubt that non-democracies can enjoy an associative basis for state authority.

3.4.2 Fair Share Theories

Let's turn to fair share, or fair play, theories of political obligation.⁷ The central thought behind these theories is that, sometimes, we ought to do our fair share towards cooperative schemes from which we benefit.⁸ Suppose you're in a sinking lifeboat. You don't want to die. All the other passengers are bailing out water. You ought to help them out. And, even if you're pretty sure that the lifeboat wouldn't sink were you to sit back and relax, you should help them out. Here, bailing out the boat is the cooperative scheme. Staying afloat—and so not dying—is the benefit you get from it. And contributing to the bailing out is your fair share. In this case,

⁷These were first stated by Hart (1955) but popularized by Rawls (1964). See Wellman and Simmons (2005) for a somewhat different version to that discussed in the text. I think the same points apply to this version.

⁸See Tosi (2018) for a nice recent overview of how to precisely articulate this thought.

you have a moral obligation to do your fair share. How does this extend to a duty to obey the law? The idea is that we can see the state as this kind of co-operative scheme. We benefit in various ways from the existence of a state. For example, states prevent us from being in the state of nature, and nobody wants to be in the state of nature. Thus, the thought goes, we're obliged to do our fair share towards the production of these benefits. And, some people think, obeying the law is part of doing our fair towards this production. So, they think that we have a fair share obligation to obey the law.⁹

My aim in this section is to show that these arguments only apply, or at least apply best, in democracies. This claim swings on the fact that co-operative schemes must meet certain conditions to give rise to fair share obligations. This is widely acknowledged. In Rawls' influential (1964) statement of this view, he restricted the relevant schemes to ones which were just. Other advocates of these theories tend to accept this restriction.¹⁰ But I'll rely on two somewhat different restrictions. The first is that benefiting from a co-operative scheme only gives you a fair share obligations when the scheme treats you fairly.¹¹ This means that the benefits it provides you are proportionate to everyone else's. It doesn't give others more benefits unless they've contributed much more to the scheme. The second is that benefiting from such a scheme gives you a fair share obligation only when that scheme doesn't mistreat you. Mistreatment isn't presumed to be unfair treatment in this principle. It's supposed to be treatment of you which amounts to wronging you. So, even when you benefit from some co-operative scheme, if that scheme treats you unfairly or mistreats you, then you have no obligation to do your fair share in its support. My claim is that, if we grant the conclusions of Chapter 2, non-democratic states do both to many of their citizens.

Let's begin by looking at the first point. The thought here is that power and de facto authority are one of the important benefits of political community. They're benefits for two reasons. First, they give us access to the values of self-rule. In particular, they help ameliorate the freedom-destroying effects of government coercion. They help us become author of our social and political institutions. We cannot get such goods outside a state. They're one of the major benefits of political community. Second, (relative) power and de facto authority prevent our subordination. They prevent us being cast into the lower end of inegalitarian relationships with others. These are benefits which we're unlikely to get outside political community. Now, in non-democracies political power and de facto authority are very unequally distributed. Some people get a lot of these benefits and some people

⁹Besides Hart and Rawls, Klosko (2005) is probably the most influential advocate of this view.

¹⁰See, for example, Dagger (2000) and Tosi (2018).

¹¹This thought comes from Simmons (2001, 5–9).

get a little. But those who get a lot don't generally give up more for these communities. Now, true enough, dictators sometimes present their rule as a personal sacrifice. But that's rarely accurate. Revealed preference suggests that the Shah of Iran spoke for many dictators when he said: "actually...I like my job tremendously" (Reza Shah Pahlavi, 1961). So these non-democracies treat those without power and de facto authority unfairly. They give them less benefit than they are warranted. And this undermines, if not eliminates, their reason to obey the law. So in non-democratic states, fair share reasons to obey the law are at least much less weighty.¹²

Let's now turn to the second point. I'll start by saying a little more in support of the point. The intuition is that, when the members of a scheme wrong you, you aren't obligated to support it. This holds even if it treats you fairly with respect to the distributions of benefits. Now, the possibility of that depends on the possibility of a scheme's members wronging you in non-distributive ways. But that is possible. Suppose you're the member of a hiking club. You help them organize trips to the Sierra Nevada. The benefit is a fun hiking trip. But the other members of the club are, let's imagine, a nest of viperous gossips. They constantly belittle you behind your back and mock your good-faith efforts: hiking can be a cruel sport. This wrongs you, which undercuts your reason to help out with the trips. It means you do much less wrong, perhaps nothing wrong, when you skimp on your organizational responsibilities. Their having wronged you diminishes your fair share obligation to them. More generally, when the members of a co-operative scheme wrong you, that diminishes your obligation to do your fair share in producing the benefits of that scheme.

How does this apply to democracy? Well, if what I said in Chapter 2 was true, it seems that non-democracies, and their decision making members, do wrong many of their citizens. They do this in two ways. The first connects to the value of self-rule, in particular its freedom-protecting value. Impairing someone's freedom wrongs them. So, when non-democracies impair people's freedom by coercion, this wrongs those people. The second connects to the value of democratic equality. Putting people into relationships of inferiority, it seems, wrongs them. You owe it to them not to make them inferiors. So non-democracies again wrong those who get a lesser amount of power and de facto authority than others. This means the decision-makers in non-democracies mistreat their citizens. Such mistreatment, we just suggested, undermines fair share obligations. So in non-democracies your fair share reason to obey the law is much less weighty. I suspect, in fact, that the combined force of these points make it a very lightweight reason. So, fair share accounts

¹²My argument here is roughly similar to the one in Shelby (2007), although the details are very different.

of state authority do much less well in non-democracies than in democracies.

Two issues arise from this. The first concerns the scope of the problem. I've just relied on the claim that those mistreated or treated unfairly by a co-operative scheme have little fair share reason to help out with that scheme. But what about everyone else? Do those who benefit from such unfair schemes still have a fair share obligation? I'm unsure. But I'm inclined to think not.¹³ I'm inclined to think that everyone's reason to do their fair share gets undermined by the moral defects of the scheme. Imagine, for example, the initiator of a Ponzi scheme. This person gets fabulously wealthy from the scheme. But he imperils the livelihoods of many other members in the scheme. I'm inclined to think they have obligations of recompense rather than obligations to do their fair share in the Ponzi scheme. They should give money back to the late joiners. They have no reason whatsoever to keep soliciting new members. So I'm inclined to think that, when schemes treat people unfairly or mistreat people, then that undermines their status as sources of fair share reasons. If that's right, then fair share reasons won't ground anyone's political obligations in non-democracies. The moral defects of non-democratic states undermine their capacity to generate such reasons. If that's not right, then these defects just undermine that capacity with respect their less powerful citizens. But, in either case, fair share obligations are greatly weakened.

The second issue concerns feasibility. Above I claimed that non-democracies treat people unfairly and mistreat them. This is perhaps not always true. There might be cases where it would be impossible for a state to become more democratic. Consider, for example, France after the Napoleonic wars. A Bourbon sat on the throne. More importantly, there *was* a throne. But it would perhaps have been impossible to transition to democracy. The other European powers would have invaded. This might be a situation in which the state, through no fault of its own, could not become more democratic. It's plausible that, in these cases, those who lack relative power aren't being treated unfairly (but I'm unsure whether they're still being wronged). So unfair treatment doesn't undermine any fair share reason they have to obey Bourbon laws. And the point goes more generally. Feasibility constrains what counts as unfair treatment. So, when a non-democracy could not feasibly become more democratic, its lack of democracy might not realize unfair treatment. This is a point worth acknowledging. But I think its practical relevance is scant. I don't know any reason to think that, of any actual non-democracy, that democracy is out of reach. In particular, I know of no reason to think that America's non-democratic elements are ineluctable parts of its political system. Nobody is threatening to invade the U.S. if it reforms campaign finance. So this suggestion about feasibility, even if true, likely has little practical relevance.

¹³Simmons (2001, 8–9) suggests the opposite.

Let's sum up. I've just argued that a lack of democracy undermines fair play grounds for political obligation in two ways. First, non-democracies treat many of their citizens unfairly. They do this by giving some of them less of the rewards of political community than others. Second, non-democracies mistreat some of their citizens. They do this by impairing their freedom and making them inferiors. Both undermine any fair share reasons these citizens would have. And I'm also inclined to think that they undermine fair share reasons other members of the polity possess. So non-democracies are unlikely to enjoy a fair share basis for state authority.

3.4.3 Promises and Gratitude

Let's turn to two final theories of political obligation: promissory theories and gratitude theories. Promissory theories say that we've actually promised to do as our political obligations oblige. For instance, we've promised to obey the law. Some of us have explicitly undertaken some promises. In the United States, many of the fifty million or so immigrants have done this.¹⁴ Others have, according to these theories, tacitly promised: by not emigrating, they've undertaken an obligation to obey the law. Who is the promise to? On the main contemporary version of this theory, this promise is owed to the state (Beran 1987, 31). Gratitude theories also say that we owe something to the state: a debt of gratitude.¹⁵ They point out that the state has educated us, protected us, clothed us, housed us. It has done great good for us. And, they point out, when someone greatly benefits us we owe them gratitude. According to these theories, that transmutes into political obligations. The thought is that, at minimum, gratitude requires us not to harm our benefactors. But, when we violate our political obligations, we harm the state. Thus, gratitude requires us to comply with our political obligations.

My aim in this section is to show that both these theories only apply, or apply best, in democracies. There are two reasons for this. The first is that, if the view in Chapter 2 is right, non-democracies greatly harm their citizens. On the one hand, they put them in relationships of subordination. On the other, they destroy their freedom through coercion. But this would seem to greatly weaken both types of obligation to the state. Let's start with debts of gratitude. Here the point is simple: if someone benefits you in one respect but harms you in another, they are less a great benefactor than they originally seemed. Thus, you owe them substantially less gratitude than had they only benefited you. So, if the state harms you, that

¹⁴See (Lovett and Sharp, n.d.) for a discussion of this case. I think it's very plausible that immigrants do have such promissory obligations. It is clearly much less plausible that natural-born citizens do.

¹⁵Plato discusses this theory in his *Crito* (2002, 48d–52d). Walker (1988) is its main modern advocate.

tells against your having a debt of gratitude to the state. Now let's look at promissory obligations. Here the key point is that, when someone you've made a promise to wrongs you, that weakens your promissory obligation to them. This seems intuitively plausible. You might icily keep your promises to someone who has wronged you; but breaking them seems far less condemnable. The reason for this is perhaps that the promisee, in this case, does not have the standing to complain about such promise-breaking. That standing is undermined by their wronging you. And the weight of your obligation to them, plausibly, depends in part on the weight of the complaint they'd have were you to break that promise. Now back to the state: the harms non-democracies inflict on their citizens are wrongings. Thus, the weight of any promissory obligation to the state is reduced. So, both types of obligation seem undermined in the case of non-democratic states.

We now move onto a second reason. This is more subtle, but I suspect more serious. Both views above say that one's political obligations are owed to the state. But this is more peculiar than is usually acknowledged. What kind of thing is the state, such that we can owe it these obligations? We cannot have obligations to just anything. Suppose I promise my car to keep it clean. I don't owe a car wash to my car. It's not the right kind of thing to be the recipient of such an obligation. The right kind of thing, in fact, seems to be flesh-and-blood individuals. It's they who have the moral status to make promissory claims and claims on our gratitude. But the state is, quite clearly, not a flesh-and-blood individual. So, in virtue of what can the state make such claims? There is perhaps a natural answer to this question. The state, many think, is an *agent*.¹⁶ It has beliefs, desires and intentions and those mental states are rationally integrated. When it wants something, it'll intend to do what it thinks is a necessary means to getting what it wants. When it believes that it ought to do something, it will form an intention to do it. And perhaps this agency suffices to give it the relevant moral status.

Yet that seems wrong. Agency might be necessary for such moral status. Perhaps, to be the bearers of claims, we need to be agents. But it is not sufficient. We can see that in the case of some other claims. Consider the right to life. Organizations, agents or not, have nothing like the weighty right to life flesh-and-blood individuals have. Imagine Standard Oil objecting to being broken up on the grounds of such a right. It would have been, rightly, laughed out of court: Standard Oil did not have the right to continued existence that we have. Similarly, organizations clearly don't have some other rights individuals have. Imagine Goldman Sachs demanding the full gamut of political rights—the vote, for instance. It wouldn't get a hearing:

¹⁶List and Pettit (2011) have been most influential in defending this kind of thought. For related arguments, see (Tuomela 2013, Huebner 2014; Tollefsen 2015; Epstein 2015; Bjornsson and Hess 2017).

Goldman does not have a moral right to the vote. What this shows, I think, is that mere agency is not sufficient to underpin the ability to make moral claims. More is needed. Organizations lack the “more”. Thus, I think that organization can’t make any claims at all. Only their members can make such claims.

What is the “more”? The natural answer is: welfare. Only beings for which there is something there is for their lives to go well, in the fundamentally morally important sense, can make such claims. Organizations don’t have welfare in this sense. The simplest explanation for this is that phenomenal consciousness is necessary for welfare. Organizations are not phenomenally conscious.¹⁷ Many views of welfare place such stock on consciousness. Hedonism is the most well-known. This view says that pleasure and pain are the only states which contribute to welfare. These are phenomenal states. So only phenomenally conscious beings have welfare. But there are other, more attractive, such views. One says that personal relationships, knowledge, projects *etc.* can all enhance welfare. But they only enhance your welfare when you endorse having them. And endorsement, according to these views, is a phenomenal state.¹⁸ What it is to endorse a friendship is to *feel* positively towards it. On this view, perhaps you can have friendships you don’t feel positively towards. But they only enhance your welfare when you do feel positively towards them. So only phenomenally conscious things have welfare. In either case, organizations—the state included—lack welfare. And this is a good explanation for why they lack moral status.

That poses a clear problem to the above views of political obligations: both presuppose that the state can make certain moral claims. But, in democratic states, there is an obvious way out of this problem. We say that we don’t owe gratitude or promise keeping to the state: we owe them to its citizens. Whether this is ultimately defensible, I am unsure. But I think its plausibility hinges on citizens’ involvement in the functioning of their state. Consider gratitude: we owe gratitude to the citizens because they passed the laws and elected the governments which benefited us. Had they little role in passing those laws, it’s not they who would have benefited us. Thus, we would not owe *them* gratitude. Or consider promissory obligations. This is simplest with the promissory obligations of immigrants. Here, we can say that immigrants owe obligations to citizens because the official who took the promise—the official who ran the naturalization ceremony—was acting on behalf of the citizens. She was authorized by them, in a way which allowed her to accept a promise on their behalf. But this is surely only plausible in democracies. It’s a little bit more difficult to know what to say about any purported tacit promise to obey the law. But, even in these cases, it seems a little odd to think it is owed to

¹⁷For a defense of this, see List (2016).

¹⁸This is a twist on the view in Bykvist (2006).

the citizens of non-democratic states. Thus, it looks like only democracies can take this obvious way out of this problem.

Perhaps, when it comes to autocracies, one might say that these obligations are owed to *officials* of the state. In some cases this will be perfectly plausible. Consider places where rule is highly personalized. You might literally promise to obey a king.¹⁹ Or it might literally be a single queen who was your great benefactor. In these cases, it's plausible that the obligation is to the monarch. But the most important, and durable, autocracies are not like this. It is very hard to run a modern state on a personal basis. It's even harder to *maintain* such rule: durability requires organization. Thus, most significant modern autocracies are run by the members of such organizations: usually a political party. The Chinese Communist Party is a salient example. In such cases, it is rather odd to think the relevant obligations are owed to officials. This is for a couple of reasons. On the one hand, officials retire. Sometimes, they're purged. But when they leave the state apparatus, it seems like the obligations should go with them. You will owe these private individuals the fulfilment of your promise or your debts of gratitude. And, in some cases, the members of the state apparatus might turn over entirely. Thus, you won't owe anything to anybody in the state. If they all *die*, your political obligations which presumably evaporate. These seem like highly implausible consequences of an account of political obligations.

On the other hand, officials often seem not to have done what's needed to undertake such obligations. Take gratitude. Plausibly, beneficence only generates a debt of gratitude when it goes beyond the call of duty. If someone was obligated to benefit you, you don't owe them gratitude.²⁰ Suppose a horse you've bet on wins a race. It might be intelligible for you to thank the jockey. But the jockey has no *claim* on your gratitude. They were just doing their job. They were obliged to ride the horse hard. Their benefiting you was well within the call of duty. But government officials are often in the same position. In benefiting you, they might have just been doing their jobs. So they may not have done what's needed to assume a claim of gratitude. A similar point goes for promises. Promises need uptake. Someone only has a promissory claim on you if they (or their agent) accepted a promise from you

¹⁹The most interesting example of this I know lies in 17th/18th century Ayutthaya (Modern Thailand). Officials would regularly swear loyalty to the king at a special state ceremony. The king's bodyguards would perform the ceremony every month. In the morning of the ceremony, Buddhist monks would prepare a bowl of water. The participants would drink it whilst swearing loyalty. Those who had any difficulty swallowing the water were in trouble: this was taken to be a sign of false swearing. These ceremonies were taken seriously. Those who didn't turn up were executed. See Terwiel (2011, 44–45) for this account.

²⁰This is the standard view in the literature; see e.g. Walker (1980, 48), Heyd (1982, 140), Weiss (1985, 493) or Macnamara (2019). For people who deny this view, see e.g. Simmons (1979, 179ff.) or McConnell (1993, 16).

to them. When I accept your promise on behalf of my sister, you don't owe me anything at all. You owe my sister what you promised. But there might be no official who's accepted a promise to *them*. Officials at naturalization ceremonies, for example, might all think of themselves as having accepted a promise to the state. So none of them needs to have done what's needed to assume a promissory claim. Thus, it seems quite odd to think that, in general, you owe these obligations to officials of the state.

The upshot of this is that even promissory theories and gratitude theories of political obligations look shaky in autocracy. First, it looks like autocratic states harm or wrong their citizens in ways which tell against their having claims against ingratitude or promise-breaking. Second, it seems like *states* aren't the right kind of thing to be the bearers of these claims at all. In democracies it's plausible to say that the citizens are the real bearers of these claims. But does not seem so plausible in autocracy. And the only obvious alternative—that officials bear the claims—has quite implausible consequences. Now, in the previous section I argued that autocracies don't enjoy either fair share or associative bases for authority. And the clearly don't enjoy democratic bases of authority. So, the possible bases for the authority of non-democracies seem slim. They might of course enjoy Razian authority. Maybe, sometimes, the state's directives will be a better guide to what their reasons demand than their own deliberations. But Razian authority is extremely limited. Few laws should be obeyed for Razian reasons. And there seem few other promising options. Thus, it seems to me that non-democracies are unlikely to have authority.

3.5 Egalitarian Anarchism

I've just argued that democracies have sources of authority and legitimacy which non-democracies lack. Thus, they're in a better position to achieve these statuses than are non-democracies. But the democratic advantage, it seems to me, is more formidable than just that. In particular, I think that, in non-democracies, people have reason to avoid obeying the law. They don't merely lack a reason to obey the law. They have positive reason to avoid obeying it. So it's not just that democracy has sources of authority which non-democracies lack. Non-democracies face an extra barrier to authority. One has egalitarian reason to avoid obeying the laws of non-democracies. In this section, I'll present this argument.

At root, the argument is simple. The first premise is a normative premise on which we've already relied. People have reason to avoid exacerbating the inequalities inimical to egalitarian relationships. These were inequalities in *de facto* authority and in power. As we noted in Section 3.2, this isn't just a consequentialist reason. The idea is not just that inegalitarian relationships are bad and egalitarian

relationships are good. It's weightier than that. It's a reason grounded by the requirement that we respect the value of egalitarian relationships. When we make relationships inegalitarian we repudiate this value. I argued that this can amount to a quite weighty reason. We have weighty reason to not make relationships less egalitarian.

The second premise is that obeying certain laws exacerbates inequalities in power and de facto authority. Let's run the point with de facto authority. Consider any law over which influence is unequally distributed. Let's call such a law a *non-democratic* law. When people obey these laws, that contributes more to the de facto authority of those with most influence over them. But then obeying the law contributes to some people's authority more than others. It contributes most to the authority of those who've had most influence over the laws. But let's suppose that those people don't have less power and de facto authority from other sources. Then this exacerbates inequality in de facto authority. But we've granted that we have reason to not exacerbate this inequality. Thus, we have reason to avoid obeying such laws. More generally, when a law has been made non-democratically, we have reason not to obey it.

Let's make a couple of clarificatory points. First, remember the notion of obedience is distinct from that of conformity. When you obey the law, you do what the law tells you because the law tells you to do it. When you merely conform to a law, you just happen to do what the law tells you. The argument above concludes we should avoid obeying laws. It doesn't conclude we should break them. Second, the argument is law-specific. The conclusion is not that, in a non-democracy, we have reason to avoid obeying every law. Rather, it's that we have reason to avoid obeying non-democratic laws. These are laws over which influence is unequally distributed. Non-democracies can, in theory, contain both non-democratic and democratic laws. You only have reason to avoid obeying the former. Moreover, influence over some laws might be more unequally distributed than others. The more unequally distributed is influence over the laws, the more obeying it exacerbates inequality in de facto authority. So the more reason one will have to avoid obeying it. That means the argument has different consequences for different laws. We have more reason to avoid obeying some laws than others. We'll get to the substantive consequences of this in Chapter 5. There we'll shed some light on which American laws influence is most unequally distributed over.

We already explored the first premise in this argument in Section 3.2 of this chapter. So in the next two sections we'll focus on the second premise. We'll start by seeing the scope of this premise. We'll look at what sort of political systems it is plausible in. I think it applies in autocracies, oligarchies and countries with the trappings of democracy. It has a wide scope. In the next section we'll look at its robustness. We'll see how well it survives on different conceptions of the equality-

destroying inequalities. I think it's robust to many such conceptions. So I think that, if one takes the first premise on board, the argument applies broadly. In Part II and Part III of this dissertation I'll argue that many laws in the United States are non-democratic in the relevant sense. Influence over them is extremely unequally distributed. So that application includes the United States. We have reason to avoid obeying (many) American laws. But first let's consider how the argument works in more clear-cut cases.

3.5.1 Obedience Exacerbates Inequalities

In this section we look at how obeying the law can exacerbate inequality. We'll start with the starkest case. Suppose you live in a dictatorship. One man makes all the rules. Perhaps Mao commands you to exterminate the sparrows.²¹ Perhaps Khrushchev commands you to sow maize instead of grain.²² Now suppose that you have reason to avoid objectionable inequalities in de facto authority. Being disposed to obey these commands constitutively contributes to such inequality. It increases the dictator's de facto authority without increasing anyone else's. This amounts to giving the dictator's say-so more weight than you give that of other people. So it seems you have reason not to be disposed to obey these commands. And that translates into reason to avoid obeying the dictator.²³ So, if you live in a dictatorship, you have reason to avoid obeying the law.

What exactly does this require you to do? It doesn't require you to do opposite to what the dictator commanded. Suppose you were going to kill some sparrows anyway. Then you needn't count as obeying the dictator. Rather, it requires that the dictator's commands don't motivate you. When the dictator tells you to do

²¹The Great Leap Forward was not so great for the Chinese sparrow. In 1960 they were branded 'the public animals of capitalism.' Their crime was exploiting the workers. They had, more literally than most, fed on the fruits of their labor. Such exploitation was no longer allowed in the People's Republic. The anti-sparrow campaign mobilized millions. People banged pots and pans all night until the birds, unable to land, fell exhausted from the sky. This drove the sparrow almost to extinction in China. Unfortunately, it seemed the sparrow had contributed more than mere exploitation. They'd kept down pests. Soon after the campaign a plague of locusts devastated crops: China ultimately ended up importing new sparrows from the Soviet Union. For a good account, see Shapiro (2001, 86–89).

²²Khrushchev made Russian farmers do this in 1959. Apparently, on his September visit to the U.S, he had been bowled over by Iowa's vast and bountiful cornfields. In his excitement, it is said, he forgot that Russia's breadbaskets were about a thousand miles further north than Des Moines. The forgetfulness was his downfall. After two years of bad harvests, he was ousted in a coup (Hosking, 2001, 538–39).

²³I assume that if you have reason to be disposed not to Φ , then you have reason not to Φ . This follows on the assumption that not- Φ -ing is a necessary means to not being disposed to Φ , and reasons transmit through necessary means.

something, you don't do the thing because the dictator told you to do it. If you do it, you've got some other motivation. In this sense, you're indifferent to the dictator's commands. You don't let them move you. If you end up doing as commanded, it's not because you were so commanded.

One-man dictatorships are not common. It's hardly ever the case that one man, really, makes all the laws. Most autocracies are oligarchies. It's a group of people who make the laws. Does the argument extend to such autocracies? It seems that it does. Suppose the oligarchs make the laws collectively. It seems that when you obey these laws, you contribute to the authority of each person with a hand in their making. And you contribute to their authority, roughly, in proportion to their influence over the laws. So obeying these laws contributes to the authority of each of the oligarchs. And that makes one's society more unequal. Thus, insofar as one has reason not to contribute to such inequality, one has reason not to obey the laws. The shift from one-man rule to oligarchy doesn't affect the argument: in autocracies, whatever the variety, you've got egalitarian reason to not obey the law. Oligarchies don't escape this result.

The move from one-man dictatorships to oligarchy is not trivial. It relies on the premise: when you obey laws over which people have shared influence, you contribute to the authority of each of them in proportion to the influence they had over those laws. But this seems to me plausible. Suppose you always do what the members of some group, collectively, tell you to do. But suppose they never do the same for you or any group of which you're a part. This seems to me to put you in an unequal relationship with those group members. And, in any case, it would be very odd were the argument to break down here. For then one would have weighty reason to avoid obeying the laws in one-man dictatorships but no such reason in two-man dictatorships. The laws of the Spartans, with their two kings, would be fine. Those of the Romans, with their single dictators, would be in trouble. That seems absurd. So it seems that the shift from one-man rule to oligarchy shouldn't affect the argument. If one has reason to avoid obeying the laws of the former, the same should go for those of the latter.

Let's now extend the argument a country with democratic institutions—elections, ballot boxes *etc.*—but in which political influence is very unequally distributed. Suppose, for example, that despite the trapping of democracy it's actually the rich who make the decisions. The reasoning in the oligarchy cases transposes to this case. When you obey the laws in such a country, you contribute to the authority of each person with a hand in their making. And you contribute to their authority proportionally to how much of a hand they had in their making. So you contribute to the authority of the rich more than that of your other fellow citizens. So you're not treating the rich and poor as equals. Now suppose you have reason to avoid doing this. Then you have reason not to obey these laws. So, what goes for autocracies

also goes for inegalitarian democracies. In all these cases, people have egalitarian reason to avoid obeying the law.

I want to consider one issue relating to this argument. The issue concerns feasibility. Recall post-Napoleonic France: perhaps, it was unfeasible for influence over the laws to be any more equally distributed in the France of Louis XVIII. Does this undermine the application of the argument to this case? I think it does not. In this case, when you avoid obeying the law you still avoid exacerbating inequalities. The fact that the political system as a whole couldn't be improved does not affect this. You can make an improvement. Now it might affect our assessment of that system; it might affect whether we think the system should be abolished. But it doesn't affect whether obeying the laws exacerbates inequality. Thus, it doesn't affect one's reason to obey the laws. So, we don't really need to worry about feasibility when wondering about the application of this argument. Feasibility, in the relevant sense, doesn't much matter.

3.5.2 How Robust Is This Argument?

We've just run the argument with a particular notion of de facto authority. But one might deny this is the thing relevant to egalitarian relationships. One might think that power was the important notion. Or one might think that some other articulation of de facto authority was the relevant one. One might even think that the expression of equality is the important thing, not the equality of relationships. In this section, we'll explore how robust the argument is to these thoughts. I think it is very robust. It goes through on a wide range of conceptions of democratic equality. This increases my confidence in the argument: it should increase your confidence too.

Power

The above argument assumes that egalitarian relationships require equality in de facto authority. But perhaps all they really require is equality in power. On this view it doesn't matter whether people have equal levels of de facto authority. All that matters is whether they have equal power. So we only have reason to promote equal distributions of power. The argument I've offered goes through straightforwardly on this view. The more disposed you are to obey the laws, the more power those with influence over the laws have. This is clearest in the case of a one-man-dictatorship. If you're disposed to obey the dictator, that increases the dictator's power. Obedience is a valuable source of power for any ruler. Indeed, the argument is of broader application when we focus on inequalities of power rather than de facto authority. That's because being disposed to obey is only one way to in-

crease the dictator's power. There are other ways one can let the law influence you without obeying it. You can follow the law because everyone else is obeying it. Or you can follow the law now because you always obeyed it in the past. Both contribute to an objectionable inequality. So you have reason not to let the law influence your actions in these ways too. Thus, if inequalities of power matter to egalitarian relationships, then this supports a somewhat broader repudiation of state authority than we just established.

Overall Authority v. Authority Over

The above arguments presuppose that overall authority matters. But one might think that only authority-over matters to egalitarian relationship. We made this distinction in Chapter 2. But let's remind ourselves what it amounts to. Someone has authority over you insofar as you obey their commands. Someone has overall authority insofar as they have more authority over more people. In Chapter 2 I suggested that both notions mattered. When someone has authority over you without you having authority over them, that impairs your relationship. But when someone just has much more overall authority than you do, then that too impairs your relationship. Yet suppose one denies this. Does the argument still go through?

It seems that to me that it does. Suppose that you obey a law that the dictator has made. Then you're giving them more authority over you than you have over them. They can order you around, but you can't order them around. But, if you should avoid exacerbating inequalities in authority over, you should avoid doing this. So you should avoid obeying such a law. Similar points go for power. Obeying the law gives the dictator more power over you. This exacerbates the inequality of your relationship with the dictator. So you should avoid obeying the law. Thus, the argument still works with the dyadic notions.

However, the argument is interestingly transmuted. When we focus on the overall notion of authority and power, one's reason to avoid obeying the law is mainly constituted by the impact one's obedience has on the relationships other people stand in. But when we focus on the notion of authority and power over, obeying the law mainly exacerbates the inequality between you and the powerful. Now, it perhaps doesn't solely do this. Perhaps the fact that you obey the laws gives the lawmakers more power, and even authority, over other people too. But the direct influence of obedience is on their power and authority over you. So your reason to avoid obeying the law is, in a certain sense, largely self-regarding. It amounts to a reason to avoid putting yourself in relationships of inferiority.

Do we have such a reason? One might deny that we do. Perhaps one only has reason to avoid putting others into relationships of inferiority because doing so wrongs them. It treats them as inferiors. But one might deny that one can wrong

oneself at all. And so one might deny one can wrong oneself in this way. Thus, one might deny that one can have reason to avoid putting oneself into relationships of inferiority. Yet this denial does not seem to me very plausible. The case seems similar to failing to develop your talents or to harming yourself. You might not wrong anyone when you do these things. So perhaps you don't have moral reason not to do them.²⁴ Nonetheless you have weighty reason of a non-moral sort to develop your talents and to not harm yourself. Similarly, you have weighty reason of at least a non-moral sort to avoid relationships of inferiority. So, even when we focus on the notions of power over and authority over, the argument goes through.

Expression

Let's consider how robust this argument is to alternative ways of spelling out the egalitarian aspect of democratic ideals. In particular, in Chapter 2, we noted that this aspect could be spelt out in expressive terms. It might be that the valuable thing about democracy, from the point of view of equality, is that it realizes the public expression of equality. I was critical of this view; I don't think it's a good one. But suppose one disagrees. Does the argument work on this conception of democratic equality? In particular, is it true that obeying non-democratically made laws expresses something problematic, from the egalitarian point of view?

This is a little difficult to assess. The problem is that, as we noted in Chapter 2, it's not entirely clear what notion of expression these theories should be taken to employ. But, unless we have a good fix on the relevant notion of expression, it's not entirely clear what expresses what. So it's not easy to tell what obeying non-democratic laws expresses. But we can get some traction on the issue. To do this it's helpful to look at the sorts of claims made about the relevant notion of expression. Thomas Christiano, as we've noted, is the most influential maker of such claims. He thinks that such expressivist considerations ground a reason to obey democratically made law. That's because, when lawmaking is egalitarian, obeying it expresses equal respect for one's fellow citizens. In contrast, obeying your own judgement expresses your superiority. This is because, he thinks, everyone knows we're inclined to make self-serving judgements. We're inclined to judge what's in the common good in a way which benefits us. So suppose we follow our own judgement rather than that of the general public. Then we're clearly liable to do what disproportionately benefits us. And that—he says—expresses our weighting our own interests more highly than others. And that in turn, he says, expresses an objectionable form of superiority. So, to avoid violating expressive norms, we must obey democratically made law.

²⁴This is of course controversial. I'm not endorsing this claim. But I can see why one would.

I think that *if* this is true, then expressivist considerations will support the above argument. Suppose you obey a dictator's edicts. Then you follow their judgement rather than that of your co-citizens. But, if Christiano is right, following one person's judgement over that of your fellow citizens expresses the superiority of that person. So it seems that you express the superiority of the dictator. But you should express equal respect for all citizens. So you shouldn't express the superiority of the dictator. So you have reason not to obey the law. This argument seems to transpose to both oligarchies and unequal democracies. Obeying the laws made largely by the rich seems, by these lights, to express more respect for their judgement than that of your other co-citizens. So if you have reason not to do that, you have reason not to obey these laws. So if democratic equality is spelt out expressively, and we take Christiano's arguments on board, then the argument above goes through.

Of course, perhaps we should reject Christiano's arguments. Perhaps he is relying on too capacious a notion of expression. Yet, as I've indicated in Chapter 2, the relevant notion of expression *has* to be capacious. I myself doubt one can carve out a narrow enough notion to make this view plausible without it supporting the above argument. So this argument—that we have reason to avoid obeying non-democratically made laws—seems to me to go through on the more tenable expressivist conceptions of democratic equality.

Standing-Based authority

Let's now see how robust this argument is to a final way of specifying de facto authority. The notion of authority in play in the above argument is a notion we might call *raw* authority. On this notion, one's de facto authority is how likely people are to obey your commands. This means how likely it is for people to do what you told them because you told them to do it. But we might distinguish this from a different notion of authority. On this notion, one's authority depends in part on people's ultimate assessment of your moral standing. If they obey your commands because they judge that you have elevated moral standing, then this contributes to your de facto authority. But if they obey them for some other reason—fear or avarice—then it does not. Call this *standing-based* authority. We saw something like this distinction in Chapter 2. There we discussed whether inequalities in de facto authority were objectionable only in the context of differential judgements of moral worth. One way to cash out an affirmative answer to that question is to say that what really matters is inequalities in standing-based authority. I impugned such an affirmative answer in that chapter. But suppose that impugnement was mistaken. Is my argument robust to this view?

I do not think that it is. That's because I doubt that many people nowadays obey the law due to such judgements. This seems particularly unlikely in the United

States. I doubt that many Americans think that those with more political power have higher moral standing than the rest of us. But I also doubt that this is the case in most dictatorships. We saw why in the previous chapter: if you ask ordinary Chinese people why they obey the law, they never mention the elevated moral worth of party officials. They mention fear of punishment. And, sometimes, they point to the huge material gains party rule has furnished in the last forty years. They sometimes take this to give such officials the right to tell them what to do. So, when *de facto* authority is conceived in this way, obeying the law is unlikely to contribute to the *de facto* authority of those with influence over the law. Here is the only way I think the argument could really fail, consistent with the broadly egalitarian framework from Chapter 2. Thus, the argument of this section depends on rejecting this view.

Yet it's worth re-emphasizing the high cost of this view. Namely, if what I've just said is right, appeal to democratic equality is politically toothless. There are few contemporary autocracies where people obey the law because of the perceived elevated moral standing of the autocrats. China is not like this. Nor is Singapore, Russia, Rwanda. So this conception of democratic equality has very little contemporary political relevance. It precludes a system in which kings are obeyed due to their greater (perceived) moral standing. But it has little to say about institutional choice between feasible, currently existing systems. I myself take this to be a serious cost to thinking that this is all that matters to egalitarian relationships. It is sufficiently serious, I think, that we should reject this approach to democratic equality.

3.5.3 Summary

The argument for egalitarian anarchism is robust to many ways of spelling out egalitarian ideals. So I think that, if one adopts those ideals in any defensible version, one should accept this argument. Thus, one has some egalitarian reason to avoid obeying non-democratic laws. I've also argued that one lacks certain reasons to obey them: reasons grounded in democratic values, associative duties or fair play obligations. So I doubt that one has all-things-considered reason to obey such laws. I take this to mean that non-democracies are in a bad position to enjoy authority. More specifically, the attainment of democratic values makes a difference to whether people have a reason to obey the law. When a high degree of these values is achieved, they likely do. When they are not, they likely don't. In the final section we'll see how this matters to their legitimacy.

3.6 Legitimacy, Revisited

I've argued that non-democracies likely lack authority and that obeying non-democratic laws exacerbates objectionable inequalities. How does this bear on the legitimacy of non-democracies? Well, it's not going to be good news. In fact, there seem to me to be two ways in which this tells against the legitimacy of democracies. First, it undermines one way to defend state legitimacy. Second, it gives people, and the state itself, positive reason not to enforce the laws. This makes it less likely to be permissible to enforce those laws. I'll explain these two points and then I'll sum up my own view on the legitimacy of non-democratic states.

We'll start with the first point. The idea here is that it's a lot easier to justify coercing someone who has done something, or is liable to do something, morally wrong than it is to coerce other people. Now, that's not to say you can always coerce wrongdoers. You obviously can't: it's impermissible to hit Larry to stop him from lying to Gary. But there are cases where coercive prevention of wrongdoing is permissible. Self-defense, defense of others and defense of property are all examples. In all these cases, one can coercively prevent wrongdoing. More generally, the objection to coercion seems less weighty when the coercion is aimed only at wrongdoers, actual or potential. If someone is threatening you because you tried to steal their car, you don't have much of a complaint against them. This means that states with authority are in a better position to enjoy legitimacy. That's because the problem of legitimacy hinged on the objection to coercion. When this objection is lightened, the problem of legitimacy is less pressing. So non-democracies, if they lack authority, are in a worse position than democracies to enjoy legitimacy.

Now let's turn to the second point. In the previous section I argued that when people obey non-democratic laws, that exacerbates objectionable inequalities. But coercively enforcing such laws surely increases obedience to them. It means that those with influence over them have more *de facto* authority. This is because it makes those laws more likely to be obeyed. And it means that those with influence over such laws have more power. This is because it gives them more ability to determine what others do. So, if one has reason to avoid exacerbating such inequalities, one has reason to avoid enforcing such laws. This means enforcing those laws is less likely to be permissible. Enforcing them cements a hierarchy. One has weighty reason not to cement such a hierarchy. So this is a second way in which non-democracies are in a worse position to enjoy legitimacy.

What should we make of the legitimacy of non-democracies in the light of this? If I'm right, they lack authority. So they can't base their legitimacy on their authority. And they lack democratic sources of legitimacy. And, indeed, there's moral reason not to coercively enforce their laws. This is certainly not good news for their legitimacy. It makes it much less likely that they're legitimate. The best remaining

case for their legitimacy, it seems to me, is the instrumentalist case. We've already noted that state coercion stops thefts and murders and the not-very-pleasant state of nature. That makes it instrumentally good. Now I said previously that usually such instrumental goods didn't overcome people's claim against being coerced. But perhaps this was a mistake. Perhaps state coercion is sufficiently instrumentally good to make it permissible. This seems to me the best-case-scenario for the legitimacy of non-democracies.

I think the strength of this case depends on two points. The first point concerns how weighty is the objection to coercion. The weightier the objection, the less likely that this instrumental value overrules it. The second concerns what exact instance of state coercion we're talking about. Perhaps civilization would collapse were all the police departments to shutter their doors. But it wouldn't if the prison guards let John Cheek out of prison. The specific instances of coercion which enforced his imprisonment don't seem very instrumentally valuable. Thus, we should distinguish between the setting up of coercive systems and the individual acts of coercion which constitute those systems. The former is very instrumentally valuable; the latter are often not. I am inclined to think that, in the face of the objection to coercion, this makes at least the latter impermissible. So I'm inclined to think that, even in the best-case-scenario, non-democracies lose large swathes of their legitimacy. Most of the coercive actions of officials in such systems are impermissible.

Now there are obviously ways to resist this conclusion. First, one could deny there is any weighty objection to coercion in the first place. This is just to deny that there is a problem of legitimacy as I've presented it. Second, one could maintain that, if it's permissible to set up a system of coercion, then that makes permissible the individual actions which that system issues. Perhaps.²⁵ But pursuing these suggestions would take us too far afield. It's enough to conclude that democracies are in a far better position to enjoy legitimacy than are non-democracies. This is a sense in which they're deontically distinctive. It's a sense in which democratic failures matter to the normative status of those subject to putatively democratic states.

3.7 Conclusion

I've argued that the citizens of states which realize democratic values have a quite different normative status than those which don't. They're much more likely to have reason to obey the law. And it's much more likely to be permissible to coerce

²⁵This is one way to interpret the view in Arneson (2003). My 'perhaps' indicates doubt. Suppose someone says that they'll cure malaria if you set up a system to take candy from children. You should set up the system. But it's still wrong when the cogs in the system steal children's candy.

them in order to enforce the law. This is where the rubber hits the road as far as democratic values are concerned. It pins down why the achievement of these values matters for ordinary citizens. In Part II and Part III of this dissertation I'll argue that the United States does not, in fact, realize these values to any very high degree. So if what I say in this section is right, this undermines the legitimacy and authority of the American state. It means that those who coercively enforce American laws are more likely to be doing so impermissibly. It means that the rest of us have little reason to obey such laws. But getting to that conclusion will take some work. In the next chapter we'll start on the work. We'll look at the lack of popular control over elected representatives and why this lack of control matters.

Part II

Elite-Level Failures

Chapter 4

Popular Control

4.1 Introduction

On October 5th, 1986, Eugene H. Hasenfus jumped out of a plane. He was lucky to have jumped. A rocket had just hit the plane. Nobody else in it survived. But the jump was less lucky for the Reagan administration. Questions were raised about why CIA employees were jumping out of planes above Nicaragua. The Nicaraguan government, especially, wanted to know why this plane had contained scores of rifles, thousands of bullets, a few dozen grenade launchers and a hundred jungle boots. Congress also took a keen interest in the plane. After all, Congress has passed several laws prohibiting the federal government from supporting the right-wing rebels—the Contras—in Nicaragua. And those weapons sure weren't being dropped into the hands of the governing Sandinistas. So began the unraveling of the Iran-Contra scandal. It turned out that the Reagan administration had been selling arms to Iran and funneling the proceeds to the rebels in Nicaragua. At the same time, it was pressing its allies to respect its anti-Iran arms embargo. What was the ultimate fallout from all this? There was a congressional probe. One small fish went to jail: he'd cheated on his taxes. Reagan's vice president, George H.W. Bush, claimed that he'd been ignorant of the whole fiasco. He won the next election and pardoned everyone else involved.

The Iran-Contra Affair is a clear illustration of American officials being free of control. In this area of foreign policy, the Reagan administration did as it pleased. But the problem is not just limited to the Reagan administration, or foreign policy, or the presidency, or the 1980s. Many elected officials are largely free of popular control. In this chapter I pin down the nature and extent of this problem and explore solutions. My first aim is to assess extent: how much popular control are federally elected officials under? I think the answer is: very little. Few elected officials are

under tight popular control. My second aim is to explain the import of this. Why is it a problem that elected officials aren't under popular control? I think this gives rise to an egalitarian problem. It means the relationship between ordinary citizen and political elites is objectionably inegalitarian. My third aim is to explore solutions. The most promising solutions, it seems to me, is direct democracy. Institutions like initiatives and referendums help bypass political elites, thus ameliorating the inequality.

Let's start with a working definition of popular control. The notion of popular control we'll use is causal-counterfactual. The idea is that representatives are under popular control when how they use their political power—how they vote, what bills they push, what hearings they have and so on—is dependent on how ordinary citizens want them to use their political power. If citizens want them to push for public healthcare, then this will cause them to push for public healthcare. If citizens want them to skirt public healthcare, then this will cause them to skirt public healthcare. We'll give a more precise account of popular control in Section 4.5. But this will be enough to make headway on the question: how much popular control are representatives under?

4.2 How Much Popular Control Is There?

Several pieces of empirical evidence bear on this question. Overall, they suggest representatives are not under that much popular control. The simplest, and perhaps the strongest, piece of evidence just compares the roll-call voting behavior of congresspeople to their constituents' preferences. There's a strong bivariate correlation between the two. But the correlation all but evaporates once one controls for party. More liberal districts are electing Democrats and more conservative districts are electing Republicans. But, conditional on legislator party, there's very little association between constituent ideology and how legislators vote. Very conservative Republican districts have only mildly more conservative legislators than liberal Republican districts. Very liberal Democratic districts have only mildly more liberal legislators than conservative Democratic districts. Legislators representing ideologically indistinguishable districts vote very differently when they belong to different parties. This suggests that constituents are capable of *selecting* legislators who (very) roughly conform with their views. But they are far less capable of controlling them once in office. Voters can pick the party of their representative. But, once in office, they can't push them very far from the party line. Thus, constituents aren't controlling how their representative votes in Congress.¹

¹The clearest presentation of this argument, and the underlying evidence, is by Achen and Bartels (2016, 46–9).

Let's say a little more about how we compare constituent ideology and legislator voting behavior. We need two things to make these comparison: a summary measure of constituency ideology and a summary measure of how congresspeople vote. The first thing is, in theory, simple to obtain. You just ask a representative sample of each congressional district their preferences on a range of issues—abortion, health-care, climate change *etcetera*. You then combine each person's answers together into a single measure of ideology. This measure represents the person's liberalism or conservatism. The average value of this in a district is the average level of liberalism or conservatism in that district. Of course, although this is in theory simple to obtain, in practice the task is mammoth. Fifty thousand people were surveyed in the work underpinning this finding.

The second thing is, in practice, simple to obtain. Congresspeople's roll-call votes are all recorded. Nowadays, you can look them up on the internet. From this, one gets a record of how congresspeople voted in tens of thousands of roll-call votes. Here it is the theory which is hard. The difficulty is creating a summary measure from this record. This measure is meant to represent how liberal or conservative congresspeople were. The current gold standard is an index called DW-NOMINATE.² DW-NOMINATE puts each congressperson on a scale from 0-1. If you get below 0.5, then you tend to vote with other people who get below 0.5. If you get above 0.5, then you tend to vote with others who get above 0.5. Thus, directly, it's just a measure of who votes with who. Often this is taken to also measure how liberal or conservative someone's voting record is.³ This is, on its face, plausible. Ted Kennedy got unusually near the 0 pole. Jesse Helms got unusually near the 1 pole. And the measure correlates very strongly with the interest group ratings that purport to rate the liberalism and conservatism of voting records.⁴ So we can be confident that DW-NOMINATE measures who votes with who. And plausibly it also measures the substantive ideological tenor of those votes. On either interpretation the finding reported is a powerful one. Once party is accounted for, there's only a very weak correlation between constituent policy preference and how a representative votes. This suggests weak control of legislator by constituents.

Perhaps one doesn't find this convincing. These surveys do all presuppose that you can elicit policy views by asking about them. That isn't undisputed. Some peo-

²Poole and Rosenthal (1985) introduced this measure. They discuss it at length in Poole and Rosenthal (2007).

³Poole and Rosenthal (2007) label the poles 'liberal' and 'conservative'. And they often say they've developed a measure of ideology. But their official characterization of it is as a measure of party loyalty. See Poole and Rosenthal (2007, 55).

⁴American Conservative Action (ACA), for example, rates all representatives on the basis of how conservative their voting record is. The correlation between ACA ratings and DW-NOMINATE scores is over 0.9.

ple doubt the ability of surveyors to tap people's preferences.⁵ But there's evidence about the weakness of constituency control which doesn't turn on survey data at all. There are two pieces of such evidence. First, congresspeople with the same district but of different parties vote very differently. So they can't both be responding to the prevailing preference in their constituencies. The prevailing preference can't direct both voting up a bill and voting down that bill. Second, when districts change party hands, the voting behavior of their representatives changes radically. Bafumi and Herro (2010) dub this "leapfrog representation". They found that when a Democrat gets replaced by a Republican, or vice versa, it looks like one extremist getting replaced with another. The new representative has a radically different voting record. Now it's possible that constituents change their views radically in-between elections. But that seems very unlikely. More likely is that congresspeople aren't particularly bound by what their constituents want. They are not under the control of constituents.

There's a selection of other, less weighty, bits of evidence of this sort. First, there's the fact that, as Keith Poole (2007) claimed, "members of Congress die in their ideological boots." He meant that they don't seem to change how they vote throughout their entire career in Congress. Their DW-NOMINATE score stays roughly steady. That's hard to square with constituent control. Congressional careers are long. Districts change a lot over such a career. But their member of Congress does not seem to change with them. Second, there's evidence that electoral pressure doesn't make congresspeople more responsive to their constituents. The evidence is that weaker congresspeople don't tack to the center and that congresspeople in their final terms—those not running for re-election—vote in roughly the same way as they did in prior terms. They just vote less.⁶ Both suggest that the most obvious mechanism by which constituents could control their congresspeople does not transmit much control.

That's not to say that constituents have no influence whatsoever on their congressperson. There's some evidence they do. For a start, we did mention that there's a correlation between district preference and representatives' voting behavior even when accounting for party. That could be the product of constituent influence. But the better evidence concerns re-districting. Every ten years, the United States re-draws its congressional districts. Several researchers have found that, when their district changes, how members of Congress vote changes (Leveaux Sharpe and Garand, 2001; Leveaux Sharpe, 2001; Hayes et al., 2010). But the effect sizes here are small. Their vote changes, but not dramatically. So this suggests some

⁵See Achen (1975). See Kinder and Kalmoe (2017) for a contemporary assessment of these doubts. I take them to give a thoroughly convincing reply.

⁶See Lee et al. (2004) and Lott and Bronars (1993) respectively.

constituents have some impact on how their congressperson votes. But it doesn't suggest that constituents have a very big effect.⁷

So let's sum up. Overall, we have weighty evidence that constituents have little control over their representative. Their representatives voting behavior just doesn't track their policy preferences. This is weighty evidence that they're not under much popular control. But representatives, especially in the House, look like they're more likely to be under popular control than other members of government. Members of the House face election every two years. And, unlike the president, they're usually in office for the long-haul. They have a long sequence of elections ahead of them. So, if they're not really under much popular control, then that's weighty evidence that other elected officials escape such popular control. We'll later (Section 8.4) looks at some ways to resist this line of thought. But, for now, let's take it as read: elected officials in general escape tight popular control. Why does that matter? That's the question of the next section.

4.3 Why Does Popular Control Matter?

To answer this question, it will help to say something about what a representative democracy is. A representative democracy is any system in which citizens elect officials and those officials are then in charge of the state. The officials make the laws. They make policy. They command the day-to-day workings of government. They decide whether to go to war. This gives such officials enormous political power. To put this in concrete terms, the president and the 535 members of Congress could remake American society. They could dismantle America's paltry welfare state, or they could build a robust one. They could gut labor protections, or they could make them robust. They could buttress conservative moral values, or they could let them lapse. Each of these people has vastly more political power than any ordinary citizen. The political power of most ordinary citizens looks negligible compared to that of the greenest member of Congress.

These points are all obvious. Anybody who knows the slightest thing about America's political system knows these facts. Yet, on the face of it, they clash with the democratic ideals we spelt out in Chapter 2. In particular, they clash with the egalitarian part of democratic ideals. We claimed that one of the virtues of democracy is that it makes political power and authority relatively equal. It means

⁷There's also some reason to be a bit cautious about this evidence. A lot of things change after a redistricting. You get a whole new session of Congress. And redistrictings don't come around that often. So it's hard to know exactly whether the change in district is driving the change in voting behavior or whether it is something else. Moreover, the one study which has examined a mid-session redistricting, finds no effect of redistricting on legislative roll-call votes (Lo, 2013).

everyone has roughly equal ability to influence what their government does. Everyone has a roughly equal part in government commands. This was valuable, so I suggested, due to its impact on our relationships. It precludes objectionably inegalitarian relationships and facilitates attractively egalitarian relationships. But some very basic facts about American democracy—and similar facts hold for any democracy on the face of the earth—guarantee an extraordinarily inegalitarian distribution of political power and authority. Elected officials have vast political power; ordinary citizens have relatively negligible political power. So, *prima facie*, these basic facts about American democracy create huge problems for relational equality. They create objectionably inegalitarian relationships between citizens and representative. They preclude attractively egalitarian ones.

This is an important, and old, problem with representative democracy. Rousseau once claimed that the English are only free during elections, and are at other times slaves (Rousseau, 1968, 3.15.5): perhaps he had this sort of problem in mind. The problem is how to reconcile representative democracy with egalitarian ideals.⁸ But here is where popular control comes in. Popular control can serve as a mechanism to solve this problem. If how elected officials wield political power is under popular control, then their great political power is not objectionable. Why should we think that? There are two reasons. First, it follows from a more general claim. The more general claim says that, when how someone uses their power is under control, their having the power doesn't create an objectionable inequality. This claim draws intuitive support from some non-political cases. Consider what happens when you delegate power to your doctor or lawyer. How they use that power is under your control. Often this just means that they must use it to promote your interests. But not always. You can instruct a lawyer to plead guilty when this is not in your interests. You can forbid a doctor from giving you a blood transfusion. But in none of these cases is their power objectionable. And cases like this are common. When policemen are properly controlled by police departments, their power isn't problematic. When bureaucrats are properly controlled by legislatures, their power poses no egalitarian problem. In all these cases, their use of power is controlled. It seems very plausible that this is what explains why their power is not objectionable. So, this could explain why representatives' surfeit of power is not objectionable.

Second, there's a deeper explanation. The explanation is that what is really objectionable from the egalitarian point of view is not just inequalities of power. It

⁸Dworkin (2000, 190–200) also discusses this problem. He uses it as a springboard from which to abandon democratic egalitarianism. Similarly, Landa and Pevnick (2020b) take as their “point of departure” (2020b, 2) the perspective that representative democracy cannot avoid the inequalities that democratic egalitarians find disquieting. Thus, they think that representative democracy should be justified as a way of “facilitat[ing] rule by a particularly competent subset of citizens” (2020b, 1). This is also their view in Landa and Pevnick (2020a).

is inequalities of *independently exercisable* power. One has independently exercisable power just when one's use of power is not under anyone else's control. It's only when someone can exercise their excess power independently that it poses an egalitarian problem. This is again supported by cases.⁹ Suppose you're arrested by an officer of an oppressive regime. But you know the officer has no choice but to arrest you. Were he to disobey his orders, then the regime would viciously retaliate against *him*. Here, your relationship with the officer isn't problematic. He's not independently exercising his power. He's a mere tool of the regime. It's your relationship with whoever gives him the orders which is inequalitarian. And that's well explained if it's only independently exercisable power which creates an egalitarian problem. How does this apply to representative democracy? Well, the more is a representative's exercise of power under control, the less is it independently exercisable. And so the less objectionable it is from the egalitarian point of view.

Suppose we accept this view. Then why does it matter that elected officials are under very loose popular control? It matters for egalitarian reasons. Representatives' power, we've seen, threatens democratic equality. It risks making representatives like English aristocrats, Chinese party cadres, members of the Soviet nomenklatura elite: an elite class which wields political power with impunity. The crucial innovation in representative democracy is the presence of popular control. This is what distinguishes representatives from party cadres. This is what makes the extra power of representatives anodyne. But then the failure of popular control means this extra power is not anodyne. Little distinguishes elected elites from unelected elites. The failure of popular control means representative democracy precludes democratic equality. That's the view I'll defend in the rest of the chapter.

Is the failure of popular control also a problem for self-rule? Matters here are more muddled. Plausibly, tight popular control is often good for self-rule. If elected officials have to do what the people want, then this suggests that many policies will manifest the joint intentions of much of the citizenry. So, in a sense, weak popular control over representatives is bad for self-rule. But I don't think that it precludes self-rule. The key point is that mere selection of representatives is an adequate way to ensure self-rule. Suppose we share an intention to bring about certain policies. So we elect someone committed to those policies. When they implement those policies, the policies flow ultimately from our joint intentions. That's true even if we have little control over them once they are in office. Thus, selection can ensure self-rule, but not equality. Equality requires more than just selecting our rulers and them running the show. Thus, the failure of popular control is mainly a problem for democratic equality. At least, so I'll argue in the next section.

⁹We'll discuss this further in Chapter 7.

4.4 Alternatives to Popular Control

I've claimed that popular control is the *sine qua non* of reconciling representative democracy with equality. But maybe that's wrong: might there not be alternatives? There might, but I have my doubts. In this section we'll look at four contenders. The first invokes the motivations of representatives. If their motivations are noble, the thought goes, their extra power is anodyne. The second invokes the justification for representatives' extra power. If their power is justified in the right way, the thought goes it is anodyne. The third invokes the periodic chance of removing elected officials from office. This power of removal, the thought goes, makes their extra power anodyne. The fourth invoke the tenures of elected officials. When they rule for just a short period, the thought goes, their power is anodyne. I'll argue that none of these satisfactorily reconcile the extra power of elected officials with egalitarian ideals. The first two fail for two reasons. First, they clash with how we think about egalitarian relationships in personal cases. Second, they imply that obviously objectionably inegalitarian political systems are satisfactorily egalitarian. The second two fail for different reasons. These at best mildly ameliorate the objectionability of representative democracy. So I think popular control really is the *sine qua non* of reconciling representative democracy with equality.

Let's start with the appeal to motivations. Here's the thought: suppose we could reliably ensure that our representatives had certain motivations. We might care about two types of motivations. First, we might want to ensure that representatives were motivated by the interests of ordinary citizens. They weren't just in it for themselves. They weren't just in it for special interests. They wanted to promote the general interest. Second, we might want to ensure that representatives were motivated to do what ordinary citizens in fact want. When we want tax cuts, we elect representatives ideologically committed to tax cuts. When we want a new deal for the American people, we elect representatives ideologically committed to the New Deal. The thought is that this might reconcile representative democracy with equality. In particular, suppose representatives have one of these types of motivations. Then the thought is that there's no problem with them having much more political power than ordinary citizens.

We'll assess this thought in a moment. But first let's lay out the second thought. The second thought does not appeal to the actual motivations of representatives. It appeals to how representatives' excess power is justified. One way to justify it would be to cite the elevated moral standing of representatives. This would be a bad way to justify it. It would make their extra power objectionably inegalitarian. But there are other ways to justify it. Suppose, for example, we justified it on the basis of it conducing to our interests. We might, for example, appeal to thoughts about division of labor. It requires a lot of specialization to do anything well. That

includes governing. So having people whose full time job is governing facilitates good government. And it helps us all to have good government. So, it helps us all to have representatives with a lot of political power. Suppose we're actually disposed to justify representative government on this type of grounds. The thought is that then the extra power of representatives isn't a problem. What does it mean for us to be disposed to justify something in a certain way? The simplest way to spell this out is via the actual dispositions of ordinary citizens. Suppose, when asked to explain why it's morally permissible for representatives to have so much power, we're actually disposed to say that it promotes the common good. Then this is how the power of representatives is justified.

If either of these views were true, popular control over representatives wouldn't be necessary for equality. The first view suggests that power over the selection of officials can be adequate for equality. We can just select officials and let them run the show. We just need to pick the ones with the noble motivations.¹⁰ The second doesn't even require that we select representatives with the right motivations. All it requires is certain dispositions on behalf of ordinary citizens. And citizens might well have those dispositions without controlling their representatives. So both views promise to reconcile representative democracy with equality. Unfortunately, the promise is ill-kept. Neither view is acceptable. Thus, neither can, in reality, reconcile representatives' power with the demands of equality.

There are two ways to see this. The first rests on intuitions about personal relationships. In personal relationships, neither noble motivation nor good justification make inequalities of power anodyne. Let's consider one of the paradigms of an egalitarian relationship we appealed to in Chapter 2: a Victorian marriage. Suppose the husband in such a marriage has only noble motivations. They're very much inclined to promote their wife's welfare. Indeed, they're very much inclined to run their common lives as their wife wants. And suppose that this is, indeed, connected to how their power inequality is justified. Ask anybody in Victorian society, including the married couple. They'll tell you that it's best for the wife that the husband decides most of their affairs. Only Mill makes a fuss about it. Neither fact makes the power inequality in their relationship anodyne. The fact that the husband is the one who gets to decide their affairs is odious. They have an objectionably egalitarian relationship, rather than an attractively egalitarian relationship. I think example like this are quite easy to multiply. Neither noble motivation nor good justification conditions makes inequalities in personal relationships anodyne. This seems to me weighty evidence that these conditions don't make inequalities in civic relationships anodyne.

The second rests on intuitions directly about civic relationships. The two con-

¹⁰Mansbridge (2003) calls this a *gyroscopic* conception of representation.

ditions just described can be well-satisfied by societies which are deeply undemocratic. One could clearly have a non-democratic society in which the ruling class had noble motivations. They might really want to help ordinary citizens. They might really agree with ordinary citizens on the basic direction of society. And one could have such a society in which the justification condition is satisfied. Ordinary citizens in such a society might well be disposed to say that rule by the ruling class does promote the common good. They might even appeal to division of labor thoughts when making this argument. After all, in such a society, the ruling class can devote all their energies to governing. They need not waste their time electioneering. Arguably, there actually are societies which don't depart too far from this model. We've already mentioned the Singaporean case. In Singapore the rulers have repeatedly claimed to be ruling in the public interest. They've massively improved the welfare of ordinary Singaporeans. This seems to be widely seen as the basis of their legitimacy. So this possibility is far from a mere thought experiment. But, in any case, there is still an egalitarian objection to the political set-up of such a society. Intuitively, the rulers are not in egalitarian relationships with those they rule. They are in inequalitarian relationships with them. But both noble motivation and good-spirited justification conditions are met. So these conditions must not suffice to make inequalities anodyne.

Let's look at a third option. One salient difference between a representative democracy and, for example, modern China is that, in the former, the rulers can be removed by ordinary citizens. Or, to put the point more precisely, it's much easier for ordinary Americans to remove their rulers than it is for ordinary Chinese. The former can vote them out at election time. The latter might in a sense be able to remove their rulers. But it'd take a lot more time and a lot more danger. Perhaps this makes the extra power of representatives in a representative democracy anodyne. When someone can be easily prevented from having power over you, so the thought would go, it's not a problem that they have such power. So perhaps it's only the robust possession of power which presents an egalitarian problem. It's only when people cannot easily lose their power that this power is objectionable.

I doubt that this provides a particular effect way of reconciling representative democracy with equality. It's not just the robust possession of power that matters to the equality of a relationship. Not in many cases, anyway. Consider the following case. Suppose you're a slave with a choice of masters. You have a very wide choice and you can swap master every four years. But during that time, you know none of the possible masters will respond to your wishes. They'll all treat their own wishes as sovereign. If you choose well, these wishes will align with yours. But were your wishes to become unaligned, it's their own wishes they'll always follow. I think that there's clearly something objectionably inequalitarian about your relationship with your current master. The mere fact that you can change who your master is

doesn't make your relationship with that master anodyne. It doesn't make the power they have over you much less objectionable at all. Perhaps it makes it a little less objectionable. But I'm inclined to think this effect is relatively slight. So it can't be just the robust possession of power which matters in these small-scale case.

Let's look at a final option. Perhaps an important difference between a lot of representative democracies and a lot of non-democracies is the length of term. Xi Jinping looks like president-for-life. Donald Trump might just be president for four years. This is clearly related to the possibility of removal. The realization of this possibility is what—sometimes—makes terms in representative democracies short. Perhaps short terms greatly ameliorate the objectionability of representatives' excess power. The thought is that what really matters is how powerful we are over our entire lifetime. Throwing the bums out of office periodically means that, for most of their life, they're not vastly more powerful than everyone else. Now this won't mean there's no problem with their being more powerful than ordinary citizens. But it does ameliorate the problem. It ameliorates the inequality in power, when we treat that inequality on a lifetime basis.

This may be right. Throwing the bums out of office may help a bit. We'll discuss the normative issues here in greater depth in Chapter 6. But the prospects of appealing to this fact in a defense of American democracy seem slim. Representative aren't thrown out after a couple years. The average re-election rate in the House is 94%. The average length of tenure is about ten years. Similar facts are true of the Senate. For a point of comparison, the average Chinese *emperor* also spent about ten years in power (Khmaladze et al., 2010). These are not short tenures. Now, they're shorter than a lifetime. And in some political systems high office occasionally lasts a lifetime. But there is still a huge inequality between the lifetime allotment of power representatives enjoy and that ordinary citizens enjoy. Thus, length of tenure does little to ameliorate these inequalities.

Let's sum up. We've just looked at some alternative ways to reconcile representative democracy to equality. The first two suggestions were implausible. It's implausible that the noble motivations of powerholders make their power anodyne. It's implausible that good-spirited justifications of their power make it anodyne. We then looked at two more suggestions. We looked at whether the possibility of removing powerholders, or the short tenure of powerholders, could make their power anodyne. In both cases I suggested that this would at best mildly ameliorate the inequality of their power. It couldn't make it completely unproblematic. And, I suggested, in America this amelioration would not be so substantial. So I think popular control really is the key way to reconcile representative democracy with equality. Thus, the failure of popular control should be deeply worrying. It makes America's representative democracy inegalitarian.

4.5 What Exactly Is Popular Control?

We've been working with a fairly loose, intuitive account of popular control. It's time we got something more precise. To that end, I'll do three things in this section. First, I'll spell out the notion of control. Second, I'll spell out the sense in which, and the reason why, the relevant notion of control has to be popular. Third, I'll explore the feasibility of this notion of control. The point of this is twofold. On the one hand, it helps fortify the arguments I've already made. It will help us see why the evidence for Section 4.2 really does suggest low levels of popular control and help secure the claim that popular control can reconcile representative democracy with equality. On the other hand, it contributes to our understanding of the proper relationship between representatives and ordinary citizens. This is valuable regardless of its connections to our assessment of American democracy.

Let's begin by spelling out the notion of control. This is a reasonably intuitive notion. We're all familiar with things being under our individual control. It's under your control whether you keep reading this chapter. But you have no control over whether the sun rises tomorrow morning. This notion is scalar: you can have more or less control over things. You have a lot of control over whether you keep reading this chapter. You have some, but less, control over how long it takes you to finish. There's also an equally familiar notion of things being under a group's control. Apple's board has control over whether Tim Cook remains CEO. The angry mob has control over whether the castle gets razed. And this too is a scalar notion. Apple's board has a lot of control over Cook's tenure. It has less control over the company's 2025 profits. The notion of popular control is just an instance of these familiar notions. It's group control, where the group is a plurality of citizens.

Saying more about what control amounts to is thorny. It's natural to think that it involves some sort of causal-counterfactual dependence. And, in particular, it's natural to think that this is causal-counterfactual dependence on preferences.¹¹ Consider two options: reading and not reading. You have control over whether you read insofar as your wanting to read would make you likely to read and your not wanting to read would make you unlikely to read. And, plausibly, you have perfect control when preferring to read makes sure that you read, and preferring not to makes sure that you don't. Note that the preferences cause the readings (or likelihoods thereof). It's not just that whether you want to read and whether you read happen to co-vary. When you have control over something, your preferences have to exert causal pressure on the thing you control.

To extend this to the group case, we have to ascribe groups preferences. This is intuitively unproblematic. It make sense to claim that Apple's board prefers that

¹¹Natural, not forced. One alternative is to think that it's dependence on what you try to do.

Cook stick around. It makes sense to say that the mob wants to burn down the castle. Thus, we can say a group controls something when that thing varies with what the group wants. Now, how exactly to ascribe preferences to groups is controversial. And some people have thought that social choice theory, with its impossibility theorems, makes it impossible to ascribe a group preferences.¹² But this seems to me a terribly counter-intuitive view. We ascribe preferences to groups all the time. It's true that giving a general account of how to ascribe preferences to group is difficult, and I'm not going to provide one in this chapter. But I think many accounts are viable.¹³ I'll just assume that there's some way to make sense of the notion that groups have preferences, and so a good way to make sense of a group controlling something.¹⁴

Let's say more about the notion of *popular* control. Here what we want is the most minimal notion of popular control which would reconcile representative democracy with equality. The simplest suggestion is that popular control is just group control where the group is the entire citizenry. Thus, to realize this, how representatives wield their power would have to causally depend on how the citizenry as a whole wanted that power wielded. This would put the representatives under the control of a group. So it would do the job of reconciling their extra power with the demands of equality. But this condition seems clearly too stringent. It misses out the possibility of each representative being under the control of only their constituents. This could surely count as a way of reconciling representative democracy with equality. So, we want a more minimal notion of popular control.

Fortunately, articulating such a notion is straightforward. Take any collection of equally powerful representatives. We can say that they are under popular control when a roughly similar size group of citizens controls each of those representatives. And nobody belongs to more than one such group. Why the 'roughly similar size' requirement? Well, I assume that partaking in the control of a representative is itself a type of power. And I assume that how powerful it makes you depends on how many other people you share that control with. So to ensure that control over representatives doesn't lead to inequality amongst citizens, we would have to guarantee a rough equality of the number of other people with which each citizen shared

¹²This is the view in Riker (1982, 238–41).

¹³One straightforward suggestion is to adopt what's sometimes called the utilitarian social choice function. We first sum the intensities of group members' preferences for x over y . We then subtract from this the sum of the preferences for y over x . We say the group prefers x to y iff the result is positive and prefers y to x iff it is negative.

¹⁴In truth, notions of popular control can be formulated which dispense with the need to ascribe groups preferences. Ingham (2019, 57–121) formulates such a notion. On this notion, representatives are said to be under control when the shared preferences of different majorities can, as long as held with sufficient intensity, determine what they do. This notion of popular control would, for my purposes, work as well as the notion in the text for articulating the idea of group control.

this type of control. And this is exactly what the rough equality clause guarantees. In concrete terms, how could representatives be put under popular control in this sense? Members of the House all have same-sized districts. So, were each of them under the control of their constituents, they would be under popular control. The president's district is the entire nation. So, were they under everyone's collective control, they would be under popular control. The Senate poses a problem, since States are of such disparate sizes. So senators could not easily be put under popular control in this sense. But that strikes me as more a problem with the Senate than with the definition. The Senate has never been a very democratic institution. In any case, this seems to carve out a fairly reasonable notion of popular control.

I want to clarify three more things about this notion of popular control. First, let's make clear what the control has to be popular. Suppose representatives were controlled by bureaucrats, judges or generals. Such control would give such figures much more power than ordinary citizens. So it would just push the bump in the carpet. It would ameliorate the inequality between representatives and citizens. But it would exacerbate the inequality between citizens and bureaucrats, judges, generals. The only way to prevent this seems to be to give each citizen an equal share in the system of popular control. This ameliorates the citizen-representative relationship without making any other relationship worse. Thus, control must be wielded by the people rather than by anyone else.

Second, I want to discuss the feasibility of achieving decent levels of popular control. Are such levels of popular control possible? I think so. The key point here is that control can be *virtual*.¹⁵ We can have control without actively intervening. We can even have control without having a preference on an issue. What matters is that, were we to have such a preference, representatives would respond to that preference. Suppose, for example, we don't care what government officials did with the interest rate. We only care about macroeconomic stability. We might still have control over what officials do with the interest rate. We'd still have control if, *were* we to care about interest rate, they would set it to the level we wanted. This doesn't require that we actually do care about the interest rate.

This is an important point. It means that high levels of popular control are consistent with a lot of representative discretion. Representatives must yield when they disagree with popular opinion. But, when there is no popular opinion on an issue, there's nothing to which they must yield. Now on many publicly salient issues, the public likely has opinions. But on other less salient issues it's often doubtful whether the public has a view. The public doesn't have a view on every detail of policy. So, on this latter type of issue representatives can make the policies they think are best without impairing popular control at all. Thus, high levels of

¹⁵The point comes from Pettit (2012, 231).

popular control are consistent with taking advantage of representatives' expertise. Popular control is not incompatible with the division-of-labor thought discussed in the previous section. Thus, decent levels of popular control seem achievable. I just doubt that they are actually achieved.

Third, I want to stress how the levels of control affects the objectionability of inequality. Plausibly, only perfect control over representatives would make their extra power completely anodyne. It's unlikely that perfect popular control over representatives could be achieved in any system. So it's unlikely that representatives' power could ever be made completely anodyne. But that doesn't mean it's unfeasible to achieve high levels of popular control. High levels of popular control would make representatives' extra power substantially less objectionable. So, realistically, popular control can ameliorate the inequalities of representative democracy. On its own, it can't totally eliminate them. In this sense it's well-combined with short tenures and the possibility of removal. But I take the amelioration that popular control provides to be much more than that provided by these options.

Let me sum up. We've now got clearer on the notion of popular control. I think the findings reported in Section 4.2 are weighty evidence that representatives are not under very tight popular control. So, they provide weighty evidence that the relationship between representative and ordinary citizen is objectionably inegalitarian. But, in the next section, we'll discuss two ways to resist this. I think neither way is successful. So, ultimately, I don't think the findings in Section 4.2 are misleading. In the United States, I doubt that elected officials are under much popular control.

4.6 Is Popular Control Really So Loose?

The findings from Section 4.2 are weighty direct evidence for the claim that representatives are not under the control of their constituents. From this, I inferred that they weren't under popular control at all. In this section we'll look at two ways to interrupt that inference. The first points to how representatives might be under popular control without being under control of their constituents. They might be under control of party leaders, and party leaders might be under the control of the public. This would create a chain of control from citizens to representatives. It's just not the constituency link. The second point trades on the counterfactual nature of control. The idea is that constituents don't really have preferences about how their representative votes. But, if they did have such preferences, these preferences would determine the voting behavior of their representatives. So the evidence underplays the extent to which citizens enjoy popular control. They enjoy an extreme version of virtual control. We'll discuss these views in turn. I think both are interesting.

Neither, however, is very plausible.

4.6.1 Party Government

Let's start with the first view. This view is rooted in a particular view of modern American legislatures. This view is that these legislatures are extremely partisan environments.¹⁶ They're dominated by parties. But, more than that, the view is that party leaders have a huge amount of power in these legislatures. That power is of two kinds. First, they can sometimes exert direct pressure on how congresspeople vote. They can do this by offering carrots, like committee positions and party funding, whilst threatening sticks, like supporting primary challengers. Second, and much more important, party leaders control the agenda. They decide what bills get voted on. They decide what measures reach the floor at all. And they decide what measures gets packaged together. They can stick unattractive messages with attractive measures and so get the former through. This, the thought goes, gives a huge amount of power to party leaders. But how do they use this power? The idea would be that how they use this power is under popular control.¹⁷ In particular, they use this power to get measures passed which the general public—in the nation as a whole—likes. They avoid other measures. They do this precisely because they benefit the most from big national swings in their favor. Such swings help them keep, or gain, majorities, and this lets them keep offices and pass policy. So individual representatives may not be under the control of their constituents. But they are under popular control in another sense. They're indirectly under the control of the public, via being under the control of party leaders.

Is there any evidence for this view? Well, there's certainly evidence for parts of it. There's a lot of evidence that party leaders have a lot of agenda-setting power.¹⁸ There's a little evidence that they can actually pressure rank-and-file representatives into doing what they want.¹⁹ But there's somewhat less evidence that party leaders are under popular control. Indeed, one struggles to find evidence for this bit of the story. Perhaps the best evidence comes from observational studies. The most relevant study is perhaps Erikson, MacKuen and Stimson's *The Macro Polity*.²⁰ These authors look at whether, when national opinion gets more liberal, those in government enact more liberal policies. And they find they do. One explanation of

¹⁶See (Cox and McCubbins, 2005; Lee, 2009) for this type of view. To be clear, they hold the view that contemporary American legislatures are very partisan. They don't hold the view that America enjoys party government.

¹⁷This is a version of the idea that they use it to improve their parties brand name. See Cox and McCubbins (2005, ch.2).

¹⁸See, for example, (Cox and McCubbins, 2005; Lawrence et al., 2006, ch.4, ch.9).

¹⁹See (Burden and Frisby, 2004; Ansolabehere et al., 2001).

²⁰See (Erikson et al., 2002, 303–11).

this is that party leaders are under popular control. But there are other explanations. For example, it might be that representatives get voted out of office when they're out of step with national opinion. This could lead to this correlation without there being any popular control of party leaders. Alternatively, it might be that popular politicians drove public opinion on these issues. Public opinion might follow, rather than lead, elite opinion. As we'll see in Chapter 7, this is very common. Observational studies like *The Macro Polity* don't rule out this possibility. They don't tell us which way causation runs. So calling this the best evidence for this crucial piece of the view is not high praise. In truth, I don't know much reason to believe party leaders are under popular control.²¹

There are also other reasons to think that, in the American context, this is not a plausible view. Chief among these is that it obscures *why* party leaders can set the agenda. There are two important points here. First, who has these powers depends on who the rank-and-file legislators want to have these powers. Rank-and-file legislators elect the party leaders. They decide who are the agenda-setters. Second, how substantial these powers are depends on how substantial rank-and-file legislators want them to be. It's they who determine the rules of their respective chambers. So it is wrong to think that it is really party leaders exerting themselves on ordinary representatives. The party leaders serve, and serve with the powers they do, at the pleasure of those ordinary representatives. So the story above has to be changed in an odd-sounding way. The idea has to be that ordinary representatives ignore their own constituents' preferences. But they cede substantial power to party leaders so that they will be more responsive to public opinion on the national level. Now that's not totally incomprehensible. They might benefit much more from a nationally popular party than from themselves being locally popular. But it makes the story increasingly complex, and thus decreasingly plausible. So I myself doubt the story of party government really does much to rescue popular control in the United States. It might help with popular control a little bit. But the help is only minor.

4.6.2 Very Virtual Control

Let's look at a second tack. One might think that the evidence I presented in Section 4.2 was misleading. It's not true that constituent's lack control over their representatives. Why think this? Well one tradition in political science doubts that ordinary citizens really have policy attitudes about much at all. The thought is that when they answer survey questions about their attitudes, they're really just making things

²¹See (Bawn et al., 2012) for an alternative view on who party leaders respond to. They provide evidence that parties and their leaders are the creatures of activists and interest groups.

up on the spot. So these survey questions don't really tap their attitudes.²² Suppose this is true: ordinary citizens don't really have policy attitudes. Then the evidence I presented in Section 4.2 is consistent with those citizens enjoying a lot of *virtual* control. It could be that, were they to have opinions on the issues, then representatives would vote in line with those opinions. But, since they don't care either way, representatives vote how they wish. But we've seen that virtual control is perfectly good from the point of view of equality. So we might evade an egalitarian problem here after all. We just need to embrace the view that ordinary citizens don't have views on very much.

What should we say about this defense of American democracy? We should start by noting that, if it wins out, the victory is Pyrrhic. It would mean that American democracy has a hope of realizing equality. But it had very little hope of realizing much self-rule. To realize self-rule with respect to a policy, that policy has to be something people jointly intended to bring it about. But this defense says that ordinary citizens don't, generally speaking, have policy preferences at all. So it is hardly unlikely that they jointly intend to bring about many policies. Thus, this defense would rescue one democratic value but wreck the other. Whether that improves American democracy swings on which of these values matters more. I think they both matter roughly equally: it does not seem to be much of an improvement to me.

Secondly, it is at best extremely controversial to think Americans don't have any real policy preferences. This isn't what they say if one actually asks them. Most Americans are quite willing to tell you what they think about abortion, government spending, healthcare and so on. The traditional evidence for this strong claim, then comes down to the following: often, the same people will tell you different things on different occasions. There's not a very strong correlation between what they tell you at one time and what they tell you at another.²³ This is what led people to say that Americans didn't really have policy attitudes. But this doesn't push one to think that they don't have anything *like* policy attitudes. For instance, they might have robust inclinations to take a stand on a certain issue. They might, for example, be 70% likely to tell you that they're against allowing abortion.²⁴ This is consistent with there being a small correlation between what they say at different times. And, there's another piece of evidence for this suggestion. The overall support for some

²²Philip Converse's 'No Attitude' thesis is most famously associated with this view (Converse, 1964) although he later clarified that this was not the thesis he intended to assert (see n.24 in this chapter). Zaller (1992, ch.5) presents a similar picture. And Achen and Bartels (2016, ch. 2) essentially seem to endorse this.

²³See, for example, Converse (1964).

²⁴Long after his seminal 1964 paper, Converse (2000, 336–39) clarified that this is what he'd had in mind all along.

policy in a given area tends to be quite stable. This could be explained by stable disposition of the sort described. But it is mysterious if people have nothing like such dispositions.²⁵ Yet then the evidence from Section 4.2 doesn't look so misleading after all. It indicates that representatives aren't responsive to these dispositions. But that in itself is evidence that they are not under popular control. Indifference to inclinations is the first port of call on the way to indifference to preferences.

Let's sum up. I've just looked at two ways to defend American democracy from the charge of a lack of popular control. I think neither succeed. So I think that elected officials in the United States are not under much control at all. This, I've argued, makes the relationship between representatives and ordinary citizens objectionably inegalitarian. It makes representatives a lot more like party cadres than they would be were they under popular control. Now, that is not to say that American democracy is in the same position as Chinese autocracy. A couple things ameliorate the inequality of representative democracy in the United States. And, indeed, the evidence I've provided is consistent with some level of popular control: a low level. Thus, the relationship between ruler and ruled in America is not as inegalitarian as that in China. But it is a lot too close to comfort. And it is close enough, I think, to seriously impair the realization of democratic equality. In the final section we'll turn to what can be done about this. We'll turn to what sort of institutional reforms might ease this problem.

4.7 Institutional Reform

Suppose we accept my argument up to now. What sort of institutional reforms could make the situation better? Two kinds of reform seem possible. The first kind makes elections more competitive. The point of doing this is to put representatives under tighter control. The second kind are direct democratic reforms: these bypass representatives altogether. The chief point of doing this is to reduce the power of representatives. This reduce the inequality between them and ordinary citizens. In this section we'll discuss these institutional reforms. What I'll say about them is very tentative. I think it's very hard to predict how a given reform will affect equality. But we aren't completely in the dark. I think that both reforms might work. But the prospects of the latter are substantially better than the former. So the argument in this chapter provides most support for endorsing directly democratic institutions.

Let's start with the first type of reform. The basic thought here is that representatives lose some votes when they ignore their constituents' preferences. But, most of the time, they face a weak enough opposition that this doesn't much imperil their

²⁵Page and Shapiro (1992, 21–22) make this argument.

re-election. Thus they can spurn their constituents' without much fear of losing office. This is why re-election rates in Congress are so high. We've already mentioned re-elections rate in the House of Representatives: over the last twenty years, they've averaged 94%. Over the last twenty years in the Senate, they've averaged 94%. The thought is that one can make elections more competitive. That means giving incumbents a heartier opposition, an opposition more likely to electorally defeat them. This will give them more incentive to respond to their constituents' preferences. So, it will put them under tighter popular control.

Let's note two ways to do this. The first is publicly financing election candidates. One reason incumbents are so secure is, plausibly, that they have broad donor networks. This gives them a financial advantage in elections. And this financial advantage helps them win.²⁶ Public financing could help erode, and perhaps eliminate, that advantage. Now pinning down empirical evidence for this is difficult. Few states in the U.S. have public financing. But some evidence comes from the experience of Arizona and Maine. Both states adopted public financing in 2000. Afterwards, election in these states were a lot more competitive (Malhotra, 2008). So there is reason to believe that public financing would aid electoral competitiveness. The second concerns how district lines are drawn. One can draw district lines so as to maximize the number of competitive districts. If district lines were drawn with such a mandate in mind, then House districts would be more competitive. There's nothing controversial or revelatory about this: it would be the simplest, most straightforward way to make House districts more competitive.²⁷ So public financing and redistricting reform could both increase the competitiveness of elections.

Unfortunately, it's not clear that increasing electoral competition would prove a panacea. The problem is that representatives, currently, don't seem to be more responsive to their constituents when they face a greater threat of electoral defeat. We mentioned this in Section 4.2, but let's go over it in more detail. The starkest finding here is that representatives who are retiring don't vote differently. They turn up to vote less; but they don't change their voting behavior. These people transition from facing electoral competition to facing no electoral competition. That transition has no effect on how they vote. A second finding concerns the moderation of representatives. Lee et al. (2004) found that a legislator's electoral strength—their chance of winning re-election—had no effect on how their policy platforms. Weaker legislators don't put forward more moderate platforms. This is evidence

²⁶We'll provide some evidence that spending does indeed help in elections in the next chapter.

²⁷I take no stand on who should draw the districts. Many people think this should be in the hands of independent commissions (McDonald, 2006; Lindgren and Southwell, 2013; Carson et al., 2014). Others suggest that, somewhat surprisingly, it makes no difference if legislators draw them themselves (Forgette et al., 2009; Masket et al., 2012; Henderson et al., 2018).

against the conjecture that more competitive elections would put representatives under tighter popular control. Now let me be clear: I don't think that this shows that increased competitiveness won't improve popular control. But it means the evidence that they will is not strong. So, although we should look kindly on such reforms, we should not be overly optimistic about their impact.

Let's turn to a second type of reform. The problem we face is that representatives have more independently exercisable power than ordinary citizens. A very straightforward solution to that problem is to take power out of the hands of representatives. Directly democratic institutions do exactly this. In the United States, the most widely used such institution is the initiative. The initiatives allow citizens to put proposed statutes to the popular vote. They do this by gathering signatures on a petition. When they gather enough signatures, their proposed law will go on the ballot in the next election. By the most recent count, twenty-four states and over eighty percent of big cities use the initiative (Matsusaka, 2009, 2235). About 2500 state-level initiatives have got onto the ballot since 1904 (Institute, 2019). The popular referendum is also widely used. This allows citizens to put bills passed by the legislature up for a popular vote. Twenty-three states have the popular referendum. Neither exist at the federal level. At the federal levels, lawmaking power is firmly in the hands of representatives.

These institutions equalize power in two ways. First, and foremost, they reduce the power of representatives. With the initiative, legislators are no longer the only people who can propose new legislation. With popular referendums, they are no longer the only people who can veto proposed legislation. Both reduce their power over government policy. Second, they give power to ordinary citizens. The initiative gives ordinary citizens the ability to propose new laws. Popular referendums give them the ability to veto old laws. Both make the distribution of power between ordinary citizen and representative more egalitarian. The inequality of this distribution is objectionable. So this is a powerful consideration in favor of for direct democracy. It promotes democratic equality.

I want to distinguish this argument from a different argument for direct democracy. Direct democracy is often defended on the grounds that it promotes self-rule, rather than equality. A recent paper, for example, grounds a defense of it in "the normative idea that public policies should reflect the majority will of the electorate" (Leemann and Wasserfallen, 2016). This is not part of my argument for direct democracy. I'm not claiming that direct democracy promotes self-rule; I'm claiming it promotes equality. Indeed, the evidence that it promotes self-rule is somewhat mixed. The relevant evidence concerns whether direct democracy leads to a closer match between public policy and voter preference. John Matsusaka finds that on fiscal policy, and on ten non-fiscal issues, access to the initiative is associated with more congruence between voter preference and state policy (Matsusaka,

2004, 2010). But Lax and Phillips (2012) find no such association. And they study more issues: thirty-nine in all.²⁸ So the evidence that direct democracy promotes such congruence is mixed. And, if it doesn't promote such congruence, it's unlikely to promote self-rule. This is why it's important to be clear that my argument relies on no such congruence. I think direct democracy is desirable because it promotes equality, not self-rule.

Nonetheless, one might deny that direct democracy promotes equality. The most important objection hinges on the role of money in American usages of direct democracy. The worry is that corporations and the wealthy can determine the outcome of initiative campaigns by spending in support of their positions. David Broder puts the point forcefully: he claims that “wealthy individuals and special interests... have learned all too well how to subvert [the initiative] to their own purposes” (Broder, 2000, 243). If that's true, then direct democracy may not contribute to equality overall. It will equalize the relationship between ordinary citizen and representative but at the cost of making more equal that between citizen and corporate leader. And there's some evidence for Broder's view. Spending money for or against a ballot proposition seems to increase the likelihood of that proposition winning and losing respectively.²⁹ So, in theory, corporate leaders have some capacity to mold government policy through direct democracy.

But two points must be kept in mind in response to this view. First, what matters is not whether corporate leaders have influence over the initiative process. What matters is whether they have *more* influence over this than over the legislature. And that is doubtful. The wealthy and corporate leaders have a lot of influence over federal legislators. We'll look at this in depth in Chapter 5.2. But, for now, it suffices to point out that nobody thinks that, on the state level, the initiative makes state policy *less* congruent with voter preferences. The dispute is whether it increases congruence or does nothing at all. But that makes it unlikely that it exacerbates inequality in the way David Broder envisages.³⁰ Second, if the worry is about the power of

²⁸See Matsusaka (2018a, 134–7) for a discussion of these conflicting findings. He suggests the initiative might promote congruence on some issues but not on others.

²⁹Early research found spending for a proposition wasn't strongly associated with ballot results but that there was some association between spending against a proposition and its ballot prospects (Gerber, 1999). This finding seems to have been the product of endogeneity. Groups with deep pockets would only empty out their pockets on close-run propositions. Close-run propositions were of course more likely to lose. So pro-proposition spending was not associated with victory. Studies using contemporary methods of causal identification have tended to find that spending both for and against a proposition has an impact (Stratmann, 2006; de Figueiredo et al., 2011; Rogers and Middleton, 2015).

³⁰Relatedly, in a working paper, John Matsusaka examines the actual impact of all initiatives since 1904. He finds that “industry was better off as a result of 2 percent of initiatives, worse off as a result of 24 percent, and unaffected by 74 percent of initiatives (because they failed)” (Matsusaka, 2018b). This is hardly a picture of big business dominance.

money in initiative politics, then there's a very simple solution: take money out of politics. We'll also discuss this in Chapter 5.2. But the point is simple. Campaign finance reform could stop the wealthy and corporate leaders influencing initiative campaigns by spending money. So this objection to increasing the scope of direct democracy is a shaky one. It's doubtful that directly democratic institutions exacerbate inequality between ordinary citizens and corporate leaders. And, even if they did, there would be a straightforward solution. Thus, it seems to me that there is a strong egalitarian argument for such institutions.

Now that doesn't mean that there's a decisive argument for adopting such institutions. Some people think that they have bad consequences. This is the main thrust of the objection to direct democracy in Achen and Bartels (2016, 73–85). They cite a few examples. They point out that term limits are often introduced by initiative. They think term limits have bad effects (2016, 77). They point out that open primaries were often introduced by initiative in the hope of making politicians more moderate. They think this hope lies unfulfilled (2016, 78–9). And, most convincingly, they claim that making all tax increases subject to referendum reduced fire protection services in Illinois. They argue this made residents worse-off (2016, 82–85). These are interesting examples to be sure, but they are just that: examples. There is little general consensus about the impact of direct democracy. Some people think it leads to better government; some don't.³¹ Some people think it's bad for minorities; some don't.³² Some people think it improves voters' knowledge; some don't.³³ The world awaits a compelling, comprehensive, assessment of the instrumental value of directly democratic institutions. I won't provide one here. But, without such an assessment, I do think that we should make use of what we know about how such institutions contribute to intrinsic values.

Thus, it seems to me that the most promising cure for this ill of American democracy is more democracy. The excess power of representatives is objectionable because they're free of popular control. The simplest solution is to strip representatives of power and give that power to ordinary citizens. Directly democratic institutions do just that. Now this cure is also no panacea. Feasible levels of direct democracy would surely still leave a big inequality between representatives and ordinary citizens. But nor is it merely palliative. Directly democratic institutions would, I think, genuinely ease the egalitarian problem created by the failure of popular control.

³¹See (Feld and Savioz, 1997; Blomberg et al., 2004) and (Dalton, 2008) respectively.

³²See (Gamble, 1997; Hainmueller and Hangartner, 2019) and (Hajnal et al., 2002; Kim, 2019).

³³See (Smith and Tolbert, 2004) and (Seabrook et al., 2015) respectively.

4.8 Conclusion

Let's sum up. I've argued that, in the United States, elected officials are not under very tight popular control. I've suggested that this creates a serious egalitarian problem. Popular control is the chief mechanism with which to reconcile representative democracy with democratic equality. Without it, the relationships between ordinary citizens and representatives are objectionably inegalitarian. I then explored some institutional reforms which might help with this problem. The most promising such reforms, I suggested, were those of direct democracy. These, I suggested, reduce the power of representatives. So they make the relationship between them and ordinary citizens less objectionable. They ameliorate the problem, even though they do not solve it entirely.

As I said in Section 4.3, the lack of popular control over representatives is not good news for self-rule. But nor does it preclude it. Self-rule, in this respect, is a less demanding value than equality. We can achieve self-rule via selecting representatives with goals which match our own. But we cannot achieve equality in this way. But that doesn't mean that we do achieve self-rule via selection. In the next section, we'll turn to who government policy really does respond to. The evidence indicates, I believe, a rather narrow role for ordinary citizens. It's not that we have no influence. But our influence is starkly limited. It's the rich and the leaders of powerful interest groups—mainly big businesses—who have most power. This exacerbates the inegalitarianism of American democracy. And it is a serious blow to self-rule. It starkly limits the extent to which we should see American policies as manifestations of the joint intentions of ordinary American citizens.

Chapter 5

Wealth & Interests

5.1 Introduction

Income taxes didn't always require a constitutional amendment. The first income tax in the United States helped to finance the civil war. The Supreme Court upheld it in 1880. But, by then, Congress had long since decided it needed no peacetime income tax: it had been repealed in 1872. The next such tax came in 1894. The run-up to passage was heated. Opponents attacked it in the House as "class legislation"—the tax fell on just the richest 85,000 of 65 million Americans. The tax bill passed, but the robber barons had better lawyers than did John Cheek. In 1895, the Supreme Court decided, by a 5-4 majority, that income taxes had become unconstitutional. It took eighteen more years to push through the sixteenth amendment. Initially this led to a steeply progressive tax system. In 1917, those making more than \$1 million dollars a year faced a tax rate of 65%. This time the rich responded by simply not paying the tax. They moved their wealth into special tax-exempt securities. They took dividends in stock rather than cash. They formed companies and partnerships to minimize their tax burden. Of the very richest who had filed tax returns in 1916, only ten percent still bothered to do so by 1921. In the face of tax avoidance and fervent lobbying, Congress quailed. By 1925, income tax rates on the very rich were down to 25%. Tax rates on capital gains, the source of much of the income of the very rich, had plummeted to 12.5%. The progressive tax system of 1917 had been destroyed.

This story played out again and again over the next century. The rich repeatedly pushed down their effective rate of tax. The tax burden on everyone else soared. Some of this was done illegally: the treasury loses some \$70 billion dollars each year due to undeclared wealth held in tax havens. Much was done legally: the effective rate of tax for the richest 400 Americans on *reported* income was, in 2007, just

16.6%. Both are testament to the political influence of the rich. The United States government could shut down, or sanction, tax havens. It doesn't. The United States government could tax capital gains at the same rate as other income. It doesn't. On tax policy, rich Americans seem to wield an influence more proportionate to their wealth than their numbers.¹

It's not just the rich who have a lot of power in America's democracy. So do interest groups. Consider, for instance, the National Rifle Association (NRA). The NRA has revenue of about \$400 million dollars. More importantly, it has about 5.5 million members (Gutowski, 2019). That's a lot of people, albeit a tiny fraction of the American population. But it gives the NRA much influence. Bill Clinton, for example, once suggested that the NRA "could rightly claim to have made Gingrich the House Speaker" (Clinton, 2004, 630). And we don't have to take Bill's word for it: academic work backs him up (Kenny et al., 2004). Surveys of Washington insiders add more evidence of the NRA's power. They identify it as one of America's ten most powerful interest groups (Birnbaum, 1997). This makes it no surprise that the NRA is often described, by specialists, as the most powerful player in gun policy (Spitzer, 2014). The NRA has pull over policy.

The NRA mainly exerts this influence by mobilizing its membership. It usually does this through direct mailing and via the several magazines it publishes, often by stoking hard-to-justify fears of mass gun seizures (Melzer, 2012, 110–130). It also spends buckets of money almost all in support of Republican candidates. In the 2004 cycle, for example, this officially nonpartisan organization spent \$5 million on ads supporting Republican candidates and \$2 million on ads opposing Democratic candidates. It spent \$21,461 on ads supporting Democrats (Melzer, 2012, 227). The influence this gives the group with legislators has borne fruit. The past several decades has seen a virtual standstill on gun control legislation at the federal level and hundreds of gun control rollbacks on the state level (Hickey, 2013). What makes these successes more remarkable is that public opinion is largely hostile to NRA-backed policies. Most Americans support stricter gun control. Fewer than one in ten support laxer gun control (Gallup, 2019). Were it not for the NRA's political influence, it seems, the United States might have a gun policy more like that of countries which don't regularly suffer mass shootings.

These stories illustrate two features of American democracy: both the rich and interest groups have a lot of political power. In this chapter, we'll explore both features of American democracy. We'll look at the evidence that each is indeed a feature of American democracy, how each impacts the intrinsic value of American democracy and some of the consequences of each feature. In Section 5.2–5.3 we'll focus on the power of the rich. In Section 5.4–5.5 we'll focus on the power

¹This story is told in more detail by Winters (2011, 211–55).

of organized interest groups. As we'll see, these forces leave little room for the influence of ordinary citizens. The power of the rich and interest groups crowds out that of everyone else. That makes both features, so I'll argue, serious blots on American democracy. This chapter will involve more empirical and less philosophical argument than the rest of this dissertation. That is because the argument that these features impair intrinsic democratic values is, especially in the first case, very simple. But any assessment of American democracy would be radically incomplete without an assessment of these two major influences on American politics.

5.2 Wealth

We'll start by looking at the influence of the wealthy. Larry Bartels once claimed that it was merely "most sentient observers of American politics" who suspected that money begets influence in the United States (Bartels, 2008, ix). The suspicion, in other words, is neither rare nor new. What's new is the evidence behind it. Only recently have we got good evidence of the disproportionate influence of the rich. In the past twenty years, a body of work has developed which paints an unhappy picture of American democracy. On this picture, the rich really do have much more power than the rest. That research separates, roughly, into two strands. The first looks at how policy connects to people's preferences. Whose preferences does policy respond to? The second looks at how the behavior of *policymakers* connects to preferences. Whose preferences do policymakers respond to? Both strands seem to show that, in America, the rich have much more influence than anyone else. Let's look at each strand in turn.

The most influential study in the first strand is Martin Gilens' *Affluence and Influence*. Gilens (2012) provides evidence that, at most, the preferences of the richest 10 percent of American citizens influence American public policy. He does this by examining what happens to policy when the preferences of the rich and the poor diverge. The idea is that, when rich and poor want the same thing, one cannot tell whether policy is responding to the preferences of the former, the latter, or both. Policy change in such cases is just as likely on each hypothesis. But there are cases when rich and poor don't want the same thing. If policy breaks in favor of the rich in these cases, it's plausible to infer that it's the rich's preferences are driving policy. If it breaks in favor of the majority, then this is not plausible. Gilens finds clear evidence that, when the rich and poor disagree about policy, it's the former who win out. Indeed, he finds that when the richest ten percent disagree about policy with the remaining ninety percent, it's still the former who win out. He concludes that, at most, the richest ten percent of Americans have influence on American public policy. The influence of those below this rarefied stratum is statistically

indistinguishable from nil. This is a shocking level of political inequality. If Gilens is right, nine out of ten Americans have next to no influence over policy. Influence over the law is extremely unequal.

Gilens isn't the only one who has come to such a conclusion. Rigby and Wright (2011) have applied a similar methodology to state politics. They look at whether state policies respond more to the preferences of the rich than the rest. Their findings are similar to Gilens's. According to them, state policies much better match the preferences of their wealthiest residents than those of everyone else. This improves the evidence that policy responds most to the preferences of the wealthiest. And case studies, like the one from Winters (2011, ch. 5) at the start of this chapter, provide evidence of a more qualitative sort. They suggest that this unequal responsiveness has happened in at least one important case: tax policy. In this case study, what's especially interesting is how it reveals the influence of the very richest: the richest 0.1% rather than the richest 10%. This is especially interesting, in part, because Gilens (2012) doesn't have any data on the preferences of the very rich.² So, the apparent influence those in the tenth percentile might be a mirage generated by their relative agreement with the very richest. The very richest might be the real holders of power.

How have others responded to this sort of work? There's been some push-back. Two examples are Soroka and Wlezien (2008) and Enns (2015). These authors independently argue that this differential responsiveness has few policy consequences. This is because the richest ten percent usually have the same preferences as everyone else. So when the rich get what they want, they claim, everyone else enjoys "coincidental representation": they get what they want by accident. Whether this claim is true depends on exactly how influence patterns with wealth. If it is really the super-rich who have influence—the richest 1%, 0.1% or 0.01%—then congruence of preferences looks far less likely. The very wealthy likely lack preferences congruent with those of everyone else.³ But, regardless, the point is moot in the present context. We're interested in where power lies in American democracy. It might be reassuring that the powerful don't differ in their desires from the disempowered. But that doesn't make the distribution of power any more equal.

Let's turn to the second strand of research. This is the strand which plumbs who *policymakers*—typically legislators—are responsive to. The most influential study here is in Larry Bartels's *Unequal Democracy*.⁴ Bartels looks at whether senators are more responsive to their richer constituents than to their poorer constituents. He compares senators' voting behavior to their constituents' reported ideology (i.e.

²See Page et al. (2013) for some progress on this front. They suggest policy does better match the preferences of the super-rich than of the merely affluent.

³See Page et al. (2013).

⁴See Bartels (2008). Future references are to the 2016 revised second edition of this book.

liberal or conservative). He finds no association between how senators voted and the ideology of their poorer constituents. He finds some association between how senators voted and the ideology of the middle classes. But the strongest association was between senatorial voting behavior and the ideology of those with high incomes. His study supports the view that, at least, the poorest third have almost no influence on how their senators vote. He himself concludes that ‘the modern Senate comes a good deal closer to equal representation of *wealth* than to equal representation of *citizens*’ (Bartels, 2016, 245). What’s so surprising about Bartels’ study is that he found an association between wealth and roll-call votes. One might think that senators would be unwilling to give the wealthy disproportionate influence over this most visible aspect of what they do. According to Bartels, that thought is wrong. Even here wealth translates into influence.

Bartels is not the only one to have come to this kind of conclusion. Rhodes and Schaffner (2017) replicate Bartels’ finding with the 2011 Senate and a different dataset. They also find that the preferences of the wealthy are much more strongly associated with how representatives vote than are the preferences of the poor. And several researchers have found evidence of economic biases in earlier, less visible, stages of policymaking. Rigby and Wright (2013) look at what issues candidates campaign on. Flavin and Franko (2017) look at what kind of bills legislators introduce. Both find that, with respect to these agenda-setting activities, politicians are much more responsive to richer citizens. These activities are critically important in determining what ends up becoming policy. A bill cannot get to a roll-call vote unless someone introduces it. A bill cannot become policy unless it is on the legislative agenda.

There’s also been some push-back to this work. The most powerful comes from Lax et al. (2019): they argue that the power of the rich is conditioned and constrained by partisanship. It’s only when the rich agree with a senator’s co-partisans that they have an influence on how that senator votes. Since Democrat partisans tend to side with the poor and Republican partisans tend to side with the rich, this means that it’s mainly through Republican senators that the rich wield influence. So Lax et al. (2019) infer that partisanship matters more than wealth. But they do accept some important limitations to their argument. First, they find much inequality of responsiveness *amongst* partisans. When rich and poor Democrats disagree, Democrat senators vote with the former 63% of the time. When rich and poor Republicans disagree, Republican senators vote with the former 78% of the time (Lax et al., 2019, 18). This suggests the rich do have much more influence than the rest. It might be conditioned by partisanship, but conditioned influence is still influence. Second, they recognize that roll-call votes are just one place at which the rich might exert influence. Their findings don’t imperil the thought that the rich influence policymaker’s agenda-setting activities. Nor do they imperil the thought that the rich

influence policy through affecting who gets elected. So this study does tell against this strand of research. But it does not refute the conclusion the rich are much more powerful than the poor.⁵

Why are the rich so powerful? None of these studies settle that decisively. But they do test some hypotheses. Perhaps the rich know more about politics. Perhaps the rich are more likely to vote. Perhaps the rich contact their representatives more often or spend more time working for campaigns. Perhaps legislators share a common background with the rich and that makes them more receptive to their concerns. Each could help explain how the rich have more influence than the poor. But these hypotheses are not well supported by the data. Senators, somewhat surprisingly, do not seem more responsive to groups with higher turnout rates or to those who know more about politics (Bartels, 2016, 257–68). They're a little more responsive to those who contact them directly (Bartels, 2016, 263). But the match between these types of political participation and political influence is poor (Gilens, 2012, 232–40). Richer constituents are a little more likely to contact their legislators. But they seem to have disproportionately more influence. The wealthy background of legislators might provide some explanatory traction. But, as Gilens (2012, 238) points out, there's a weak connection between legislator background and legislator voting behavior. Legislators from aristocratic backgrounds are often liberal lions. Legislators from working class backgrounds sometimes bat for conservatism. So this seems unlikely to explain the entirety of the differential responsiveness.

The final hypothesis stares us in the face. Differential influence might arise from differential rates of donation. This is the hypothesis which seems to me best supported by the evidence. Let's start by noting its initial plausibility. Simply, most donors are wealthy. Over half earn more than \$150,000 per year. Over half have more than \$1 million in assets (Barber, 2016b, 18). One study, on 1996 donations over \$200 (the reporting threshold), found that over sixty percent of the money came from people with incomes over \$250,000 (Francia, 2003). So the hypothesis is consistent with the most easily obtainable data. Differential donations could explain why the rich have influence on policy and policymakers.

To investigate further, we have to look at mechanisms. There are two ways that donations might drive policy outcomes. The first is by having an impact on who gets elected. Donors could help elect people who share those preferences. The second is by buying preferential treatment. Those in office might be more likely to listen to the concerns of those who donate to them. I think there's quite good evidence that both happen. But there is much better evidence that the first happens than that the second happens. Let's look at the evidence for each mechanism in turn.

⁵In any case, if Lax et al. (2019) are right, then there's all the more reason to keep reading. In the next chapter we'll discuss the importance of differential responsiveness to partisans.

We'll start with the first mechanism. Do donors help elect those who share their preferences? The first piece of evidence that they do is the match between legislator ideology and donor preferences (Rhodes and Schaffner, 2017; Barber, 2016a). Donors really do donate to those who want what they want. In fact, how legislators vote usually matches the preferences of their donors much better than it matches those of their constituents (Barber, 2016b). The next question is whether these donations affect electoral outcomes. The evidence here differs with the type of election. Studies of the senate find that both incumbent and challenger spending improves vote share (Abramowitz, 1988; Grier, 1989; Moon, 2006). But there's controversy about House elections. Some have argued that only challenger spending has much impact on vote share (Jacobson, 1978; Gerber, 2004). Others think spending by both incumbents and challengers is effective (Erikson and Palfrey, 2000; Stratmann, 2009). The important point, for us, is that both views predict that donations affect electoral outcomes in House elections.⁶ And it's not just Congress: Bartels (2016, 93–104) also finds an association between spending and vote share in presidential elections. He thinks that, without their monetary advantage, neither Nixon nor the younger Bush would have made it to the White House (2016, 100). So donations do seem to have an impact on electoral outcomes. Finally, there's evidence that the things money can buy improve election outcomes. For example, experimental studies have shown that get-out-the-vote efforts can increase vote share (Green et al., 2013).⁷ So campaigns, by financing such efforts, must be able to improve their electoral chances. Cumulatively, this seems to me good evidence that donors do help elect those who share their preferences. And that's the common-sense view anyway. The huge effort politicians spend fundraising would be odd if it had no impact on their re-election chances.

Whether donors have more influence on representatives once in office is less clear. Our prior expectation, I think, should be that they do. As we just noted, American politicians put great stock in their fundraising. One schedule, released by the Democrat Congressional Campaign Committee, suggests that Members of Congress spend four hours a day calling donors. That is twice as long as they spend on floor work (Grim and Siddiqui, 2013). So it would be surprising were donors not treated better than non-donors. But social scientists disagree on the state of the empirical evidence. Ansolabehere et al. (2003) survey some forty studies on the matter. They point out that three-quarters found no significant association between campaign contributions and roll-call votes. So they conclude that the former doesn't affect the latter. On the other hand, in a meta-analysis of the same studies, Stratmann

⁶Levitt (1994) is the lone voice of denial. But see Stratmann (2019, 420) for an explanation of Levitt's discordant results.

⁷Interestingly, there's equally good evidence that campaign communications don't change voters' minds (Kalla and Brockman, 2018). They mobilize: they don't persuade.

(2005) reports that “the hypothesis that campaign contributions have no effect on voting behavior is rejected at the 1% level” (Stratmann, 2005, 146). Stratmann argues that although the evidence that each study provides individually is not strong, the evidence that they collectively provide is compelling. More recently, Kalla and Broockman (2016) present a field experiment indicating money at least buys access. They tried to schedule meetings between 191 congressional offices and active donors in the districts of those offices. They randomly assigned whether they revealed that the prospective attendees were active donors. When they did reveal this, they got meetings with much more senior personnel than when they did not. So, on balance, the evidence seems to me to support the view that money buys better treatment of *some* sort. But the evidence in this case is less strong than in the case of electoral outcomes.

Thus, this final hypotheses seems to me the most plausible explanation of why the rich have substantially more power than the poor.⁸ The wealthy have power over politics because they donate more. This gives them more influence on who ends up in office and gives them more influence over those in office. This is not a happy picture. It’s especially unhappy if the magnitudes of the inequality are anything like that found by Gilens (2012) or Bartels (2008). The parlous consequences this picture has for the intrinsic value of American democracy might be obvious. But it’s worth being explicit. If the rich have much more political power than the poor, then this severely impairs any positively valuable egalitarian relationships of between the members of different socioeconomic classes. Citizens of similar wealth might count as civic equals—Jeff Bezos and Charles Koch might be such equals—but it is difficult for an ordinary citizen to enjoy such a relationship with someone who is very wealthy. Extreme wealth buys political power. Yet the problem is not just that this prevents positively valuable egalitarian relationships. It also creates objectionably inegalitarian relationships. The Koch’s great wealth puts them in a position of dominance vis-à-vis ordinary citizens. It gives them more power than, and indeed power over, such citizens. So inequalities of the type described by Gilens (2012) and Bartels (2008) impair both aspects of democratic equality.

They also likely impair the self-rule of ordinary citizens. Consider, for example, the pervasive influence on the tax code the very wealthy seem to have had. This robs economically ordinary citizens of influence over tax policy. This is because there’s only so much influence to go around. Normally, if one group has predominant influence over policy, then that entails no other group has such influence. Thus, the outsized influence of the rich diminishes that of everyone else. Ordinary citizens have little influence over policy. But then their joint intentions must exert little

⁸Hacker and Pierson (2011) provide an illuminating historical account of rising economic and political inequality. In their account, this explanation also plays a starring role.

influence over policy. Yet ordinary citizens enjoy self-rule only insofar as their joint intentions influence policy. So this means fewer people enjoy much self-rule. Economically ordinary Americans rule themselves to a far lesser extent than do rich Americans. This is important because the findings I reported in Chapter 4 left room for citizens to enjoy a lot of self-rule. The finding reported in this section, unless they're wildly mistaken, substantially reduce that room.

So the picture this body of research supports—a picture of political power bifurcated along economic lines—is bad news for both democratic values. Now I'm not certain that this picture is right. I certainly don't think one must look at this research and conclude that at most the richest ten percent of Americans enjoy political influence. But nor do I think one can look at this research and conclude that money doesn't matter in politics. This research provides strong evidence for what most sentient observers believe: in America, the rich have much more influence than the rest. This vague claim alone grounds worries about the intrinsic value of American democracy. In the next section we'll explore the normative consequences of these findings.

5.3 Deontic and Institutional Consequences

How do these findings impact our political obligations and our institutional choices? Let's start with the former. In Chapter 3 I argued that we have egalitarian reason to avoid obeying laws which have been made unequally. And I argued that the more unequal was the lawmaking process the weightier was that reason. So we can use these findings to help determine which laws, in the light of these arguments, we have most reason to avoid obeying. We just need notice that not all inequality is equal: some laws are made more unequally than others. It's these law, those made most unequally, which we have most reason to avoid obeying. Let's look at exactly what these laws are.

We begin with state laws. Rigby and Wright (2011) provide evidence that political inequality differs in different states. It's most severe when it comes to economic policymaking in poor states. Rigby and Wright (2013) provide further evidence that both social and economic policymaking is more unequal in economically unequal states. Economic policymaking amounts to tax rates and spending priorities. Social policy amounts to issues such as abortion, gun control, the death penalty and so on. These findings suggest that how weighty the reason one has to disobey state law depends on what state one is in. One has more reason to disobey the laws in poorer, more unequal states. In other words, the laws of Mississippi are more suspect than those of Maryland. You have greater reason to spurn the former than the latter.

Can we pinpoint particular federal laws, or types of laws, over which influence

has been especially unequal? To some extent, I think we can. At the start of this chapter, I told a story about the federal tax policy. According to this story, the tax code has been particularly influenced by the very rich. The very rich have, over several decades, shifted the tax burden down to everyone else. If this story is true, this gives us especially weighty reason to avoid obeying tax laws. Obeying such laws amounts to acceding to the influence of the very rich. But I don't think we can currently say anything more general than this. Gilens (2012, 97–123) systematically examines political inequality across federal policy domains. He finds essentially the same inequalities in religious, economic and foreign policymaking. He finds somewhat less inequality when it comes to social welfare policy. But he puts this down to the fact that the preferences of powerful interest groups, like the AARP, are often aligned with those of the less well-off.⁹ So this is little testament to the influence of the poor in these domains. It's a testament to their luckiness. Thus, we can perhaps identify a weighty reason to avoid paying our taxes. But there's not much variation in our reason to avoid obeying laws across other domains.

Let's now turn to what sort of institutions would help diminish the excess influence of the rich. The picture I outlined in the previous section is one in which the rich have more influence over policy because they donate more to politicians. If this picture is right, then there is an obvious institutional solution: campaign finance reform. Reducing the influence of donations in elections would reduce the influence of the rich. The main way to do this is to reduce the capacity of rich people to donate money to causes or candidates. This would be simple to achieve. More stringent donation restrictions would do the job. One could wholly disallow individual donations or just lower the upper limit on such donations. Both would reduce the amount of money wealthy individuals could push into the political system.

At the same time, one might well want to provide money for political campaigns from other sources. One way to do this would be for the state to fund major-party candidates in elections. We already mentioned that Arizona and Maine have such public funding programs. They seem to have had clement effects on electoral competition (Malhotra, 2008). A second way would be a voucher scheme. Individual citizens could each be allocated a voucher for some level of campaign contribution (\$100, for example). They could divide that money between candidates as they see fit.¹⁰ These reforms would likely reduce the influence of the wealthy in American politics. Thus, they would go some way to eradicating the plutocratic aspects of American democracy. This makes the case for campaign finance reform straight-

⁹“AARP” used to stand for “American Association of Retired Persons.” No longer: in 1999 the organization noticed that a third of its members still had jobs. So it decided that “AARP” would no longer stand for anything.

¹⁰See Hasen (1996) for an in-depth description of such a system. In 2015, Seattle instituted such a program for city elections.

forward. It would likely help promote the realize of both democratic equality and of self-rule.

Pevnick (2016) provides the only significant argument against such reforms I know of. In particular, Pevnick argues that campaign spending increases political knowledge. So restricting campaign spending would impair such knowledge. He thinks the more people know about politics the better. So this grounds, as he puts it, a ‘presumption’ against campaign finance restrictions.¹¹ I think that there are two good replies to this argument. The first focuses our attention to democracy’s intrinsic values. In Chapter 7 I argue that low levels of political knowledge have a clear negative impact on self-rule but no such impact on democratic equality. But I’ve just suggested that lax campaign finance laws severely exacerbate both. So tighter campaign finance laws would likely improve equality and not worsen self-rule. Now this isn’t guaranteed. The knowledge reduction might have a far bigger impact on self-rule than does the influence of the rich. But this is surely unlikely. So, such restrictions look likely to promote intrinsic democratic values.

But perhaps citizen ignorance causes severe instrumental disvalue. It might be problematic for that reason. To this comes the second reply. Pevnick’s claim that campaign spending improves political knowledge rests on some empirical work done in the early 2000s. He cites work by Coleman and Manna (2000). They found a positive correlation between the amount of money spent in a congressional district and the political knowledge of those in the district. And he cites work by Briens and Wattenberg (1996) and Freedman et al. (2004). They both found a positive correlation between people’s exposure to political advertising and their political knowledge.¹² But these authors point out that the impact of spending and advertising isn’t very large. Coleman and Manna (2000, 771) think that challenger spending “provides a modest help reducing the massive name recognition advantage incumbents enjoy.” When challenger spender moves from the mean to *two* standard deviations above it, name recognition of the challenger rises from 7% to 14%. Freedman et al. (2004, 734) say the effects of advertising are “relatively modest.” When exposure to political advertising is one standard deviation below the mean people have a 3.4% chance of recalling who’s running and when it’s one standard deviation above the

¹¹Pevnick argues in general against egalitarian arguments for campaign finance restrictions. And my argument for them is in part an egalitarian argument. This is because I think democratic values are in part egalitarian values. But it’s one in which we take equal distribution of power to be constitutive of egalitarian relationships. Pevnick confines the discussion of this type of argument to a short footnote (Pevnick, 2016, n.55). He doesn’t discuss it at length. The main point he makes in this footnote is that we shouldn’t take the value of egalitarian relationships to trump all other values. This is plausible enough. But it hardly means that their value isn’t a weighty reason to endorse campaign finance restrictions. So I don’t take Pevnick’s more general discussion of egalitarian arguments to bear that weightily on my argument.

¹²See Pevnick (2016, n.35, n. 36).

mean they have a 6.8% chance (2004, 730). This suggests that very large changes in total expenditure or advertising leads to at most small absolute changes in a thin type of knowledge: name recognition. So we should think that campaign finance restrictions would, at worst, detract but moderately from political knowledge.

The upshot of this is that any presumption against campaign finance restriction is not a very weighty one. Such restrictions might diminish political knowledge a little bit. But the diminishment is really only little. And they're likely overall beneficial to democracy's intrinsic value. So the case for some form of campaign finance reform seems strong. Now I haven't said what form such reform should take or to what extent it would reduce inequality in American democracy. These seem to me thorny empirical questions. But such reform seems like a clear step in the right direction. And the stakes are large. The picture of American inequality which emerges from the work we just discussed is the picture of an oligarchy. No such political system can hope to realize much of what makes democracy intrinsically valuable.

5.4 Organized Interests

We began this chapter by talking about the NRA. This is a group which, many think, has had an enormous impact on gun policy in the United States (Spitzer, 2014, 91–183). Interest groups often seem to wield power over public policy in the United States. Some of the evidence for this amounts to individual case studies about particular policy domains, like gun control. But there's also more systematic evidence. Gilens and Page (2014) provide one important tranche of such evidence. They take advantage of the dataset on policy changes Gilens amassed for his *Affluence and Influence*. They explore whose preferences policy change is associated with. Unsurprisingly, given that they're working with the same data, they confirm what Gilens found in his (2012): policy change is associated with the preferences of the rich rather than the preferences of the majority. But they also find a strong association between what interest groups want and where policy ends up. When interest groups support a policy proposal, that proposal is much more likely to become policy than when they oppose it. When they oppose a proposal, that proposal that proposal is very unlikely to become policy. Gilens and Page (2014) take this to be evidence of the power of interest groups. They think that what interest groups want is one the major forces shaping policy in American democracy.

But, in the eyes of Gilens and Page (2014), not all interest groups are created equal. They split interest groups into two categories. Business-orientated groups include businesses, associations of businesses or professional associations. Airlines, the Chamber of Commerce and the American Medical Association (AMA)

are all included in this category. Mass-based groups include unions, citizen groups and identity groups. The AFL-CIO, the NRA and the AARP are all included in this category. Gilens and Page find a much stronger association between policy change and the stances of the former than those of the latter. Policy changes much more often to match the preferences of business-orientated groups than to match those of mass-based groups. They conclude that business-orientated groups play the major role in interest group influence. Most interest group power inheres in the hands of such groups.

The basic contours of the universe of Washington interest groups add to the plausibility of this story. In total, about twelve thousand interest groups lobby the federal government. Most are business-orientated groups. About six thousand of them are corporations or business associations. About one thousand represent occupations. About five hundred a piece represent education and health sectors. These are usually universities and hospitals. About five hundred are groups, like the NRA, that fight for what they see to be in the public interest.¹³ Another four hundred and fifty represent racial, ethnic or religious groups. And about two thousand represent state, local and foreign governments.¹⁴ Meanwhile, business groups make up 70% of lobbying expenditure and 50% of cash donations.¹⁵ So business-orientated groups dwarf other groups in numbers and outmatch them in financial firepower. If such advantages translate into political influence, then the story Gilens and Page provide should not surprise us.

Matt Grossman's *Artists of the Possible* presents another testament to the power of interest groups. Grossmann (2014) surveys every book or article which reviews at least a decade of policy history in a particular issue area. This gives him 268 policy histories. These recount how policies came to be enacted in that area and what lead to those enactments. The idea is that the people who write such histories—history professors, political scientists, economists, sociologists, issue experts—have a good idea about what influenced the policies they study. By aggregating all these causal claims, he thinks, we can make generalizations about who has power over American public policy.

His findings are grim reading for those who think ordinary citizens should have a lot of power. He sees policymaking as the product of networks of governing elites. These elites are largely immune to external influence. Public officials—presidents, members of Congress and agency heads—make up most of the nodes in these networks. But interest groups also play an important role. Indeed he finds

¹³The NRA sees the second amendment as America's first freedom. Gun control, they think, is the first step on the road to serfdom. See Melzer (2012, ch. 3).

¹⁴For these figures, see Schlozman et al. (2012, ch.11). Schattschneider (1960, ch.2) presents an influential earlier count of different interest groups. He comes to essentially the same conclusion.

¹⁵All figures are from Schlozman et al. (2012, 439).

that, in about half of significant policy enactments, at least one policy historian cites interest groups as important actors (2014, 88). Meanwhile, they feature in about a third of all explanations for significant enactments (2014, 159). In both cases this is roughly on par with Members of Congress. This speaks to the substantial power of organized interests. In contrast, in three-quarters of policy enactments not even a single policy historian cites public opinion as a factor.

But the picture in Grossmann (2014) is not as business focused as that in Gilens and Page (2014). Grossman finds that corporations and business associations are cited in fewer policy enactment than are other interest groups. At least one policy historian mentions them in about twenty percent of policy enactments. Advocacy groups are mentioned in about thirty percent of enactments (2014, 88). Now there is an important difference between Gilens and Page's 'mass-based' groups and Grossman's 'advocacy' groups. The latter includes professional associations like the AMA as well as groups like the NRA. So some of this difference might be down to the power of professional associations. But such associations make up a small part of the sample of business-orientated groups in Gilens and Page (2014).¹⁶ So there remains some tension between the picture Grossman presents and that Gilens and Page present. On Grossman's picture businesses are powerful. But they don't have the overweening power Gilens and Page attribute to them.

Grossman's picture is more in line with some other studies of interest groups than is that of Gilens and Page. Berry (1999) argues that citizen groups were largely responsible for shifting the Congressional agenda onto 'postmaterialist' concerns after the 1960s.¹⁷ By this, he means that they drove policy focus on civil rights, environmentalism, consumer protection and family values. He thinks this because interest groups were often the original advocates of bills in these areas and such groups were, often, on the winning side of conflicts with business (1999, ch. 4). Baumgartner et al. (2009) also claim that citizen groups have more power than their numbers suggest. They talked to hundreds of lobbyists and government officials about 98 randomly chosen, but active, policy conflicts. *Inter alia*, they asked these people who the major participant were in each conflict. Citizen groups made up twenty-six percent of major participants and unions made up six percent. Businesses and their associations made up thirty-five percent and professional associations made up eleven percent. They suggest that these numbers indicate the relative power of different groups. If so, business-orientated groups are a little less predominant than Gilens and Page (2014) suggest. They're still powerful for sure. But they

¹⁶The AMA, the America Association of Trial Lawyers and the Independent Insurance Agents of America are the only clear-cut professional associations in Gilens and Page's list of twenty-nine "business-orientated groups."

¹⁷By "citizen groups" Berry means "lobbying organizations that mobilize members, donors, or activists around interests other than their vocation or profession" (1999, 2).

share power with other groups.

The upshot of this is that there is good evidence that interest groups play a big role in American policymaking. Much political power in America lies in the hands of interest groups. There's less consensus on the relative power of different types of interest group. Some evidence suggests that businesses predominate. Other evidence suggests that power is distributed more equally among different kinds of interest groups. On this latter view, citizen groups and unions have a lot of political power. In the next section we'll see the consequences of this for American democracy. I won't try to decide the issue on which there is a lack of consensus. Rather, I'll assess how the power of business groups and non-business groups impacts the quality of American democracy. Generally, I think the news is bad. The power of both types of interest groups pushes American further away from the ideals of democratic equality and self-rule.

5.5 Interests and Democratic Values

Let's start with the power of businesses. The problem this creates for democratic values is not hard to see. When businesses have a lot of power, that means business leaders have a lot of power. It puts political power into the hands of the Chief Executive Office of General Motors. It puts it in the hands of the Chairman of the board of Goldman Sachs. This exacerbates an already unequal distribution of power. And that impairs both positive and negative aspects of democratic equality. This in turn impairs self-rule. If business leaders are determining government policy, then ordinary citizens are not. The influence of titans of industry crowds out the influence of the rest of us. So it reduces the extent to which those citizens are self-ruling. If Page and Gilens are right, then that is very bad news for American democracy indeed. Business power poses a serious threat to the attainment of intrinsic democratic values. But it also makes Grossman's picture bad news for American democracy. On his picture American business leaders still have a lot of political power. So on all plausible views business power impairs American democracy.

Now let's turn to non-business interest groups. Consider, in particular, groups like the NRA or the AARP or the AMA. There is a picture of such groups on which their power is anodyne. According to this picture, every such group corresponds to a segment of the public. The power of that interest group is roughly proportional to the size of the segment and the leaders of the interest group just push the preferences of the segment that they represent. They don't have any autonomous influence over government. They're mere conduits through which the influence of the public flows.¹⁸ Were this picture correct, then the power of these groups—let's

¹⁸This picture is a little like the optimistic pluralism in Truman (1951) and Dahl (1961). One dif-

call them advocacy groups—wouldn't pose any threat to democratic values. On this picture, their influence doesn't crowd out the influence of ordinary citizens. So it would do nothing to impair self-rule. And the leaders of such groups would be under popular control in the sense described in Chapter 4. How they exercise their influence would be under the control of groups of citizens. So it would pose no egalitarian problem. Unfortunately, this picture is very likely incorrect. Advocacy groups are not at all like how this picture depicts them.

The first problem with this picture comes down to the leadership of advocacy groups. There might have been a time when most advocacy groups were membership-driven associations and their leaders were effectively controlled by those members. That time is no longer. Theda Skocpol, in her book *Diminished Democracy*, characterizes modern advocacy groups as “professionally managed, top-down civic endeavors” (Skocpol, 2003, 232). In her telling, the memberships of such groups exert little control over them. The members are mainly just donors. They're uninvolved in the internal management of such groups. And even the members' money is not essential. These groups can target new donors and receive a lot of their funding from foundations (Skocpol, 2003, 206–209). Indeed evidence from a different study—one we'll discuss further in a moment—suggests that about half of these groups have no members at all (Grossmann, 2012, 31). Such professionally managed, top-down interest groups provide little solace for those who care about intrinsic democratic values. They are not mere channels for public influence. Thus their power likely crowds out, rather than complements, that of ordinary citizens. And their leaders are not under popular control. Thus, their power exacerbates inequalities in the distribution of power. So, if advocacy groups fit this description, their power has similar implications for the intrinsic value of American democracy as does that of businesses.

But perhaps advocacy groups are not as elite led as Skocpol suggests. Perhaps they do often transmit the preferences of those they claim to represent. Nonetheless, there's a second problem with the picture. The level of organized advocacy group representation a demographic group receives isn't even close to proportional to the size of that demographic group. The best evidence comes from another study by Matt Grossman: his *The Not-So-Special Interests*. His measure of the level of representation a group receives is a composite of the number of organizations which claim to represent them, how often those organizations are mentioned in Washington media reports and how involved they are in national policymaking. He finds essentially no connection between level of representation and the size of a demographic groups (2012, 51–53). Instead, he finds that group-level participation pre-

ference is that Truman (1951) emphasized the purported power of disorganized interests: a purported power of which is not born out in the above studies.

dicts level of group representation. When the members of the group as a whole participate more in politics, feel more efficacious, are more attentive to the media and play a larger role in local civic associations, then that group gets more Washington representation (2012, 53–72). It's not the size of your demographic groups that matters: it's the political capacity of its members.

Even when a disadvantaged demographic group gets represented by an organized body it's not clear sailing. Groups, after all, represent a lot of different constituencies. The National Association for the Advancement of Colored People (NAACP) has to decide whether to push for things which benefit their well-off constituents, their poorer constituents, or the majority of their constituents. Strolovitch (2007, ch. 4) provides evidence that advocacy organizations are more likely to do the former than either of the latter.¹⁹ Roughly speaking, they're twice as likely to push strongly for policies which help their most advantaged constituents than for those which help majority of their constituents. They're four times as likely to push for issues which help the majority of their constituents than those which help their least advantaged constituents (2007, 91). That means, for example, that the NAACP focuses more energy on promoting affirmative action in higher education than policies, like welfare reform, which help their poorer constituents. This suggests that, even within an advocacy group, the less advantaged constituents of that group have relatively little power. If advocacy groups do transmit the preferences of the people they claim to represent, they do not transmit them all with equal fervor. They focus on transmitting those of their more advantaged constituents.

The upshot of this is not good for intrinsic democratic values. It means that, even if the managerial view of advocacy groups is off the mark, they're still severely defective from the point of view of these values. The most direct defect is egalitarian: they give more power to some citizens than others. Citizens of advantaged demographic groups can exert more influence via the interest group system. This impairs both aspects of democratic equality. It makes it harder for there to be cross-group relationships of civic friendship. It threatens to create objectionably inegalitarian relationships. This, in turn gives rise to a problem of self-rule. If these citizens have more power over government, then other citizens have less. Members of less politically active, less advantaged demographic groups exert less influence through the interest group system. So they are less likely to see their intentions made manifest in government policy.

It is perhaps worth emphasizing one point about this line of reasoning. The point is not that some people exert less power through the interest group system because they, as individuals, participate less. One might deny that this would be

¹⁹Note that, unlike Grossman, she doesn't include occupational groups in her definition of advocacy organization (2007, 34).

a problem for democratic equality. One could deny this if one insisted that democratic equality didn't require equal power but just equal opportunity to gain power. I argued against such a denial in Chapter 2. But my argument here doesn't depend on my argument there. This is because the findings I've reported suggest that group-level attributes affect individual power. What matters, for example, is that other members of one's demographic groups don't participate much in politics. This saps an individual's ability to exert influence through the interest group system. But there's no good sense in which individuals have the opportunity to make their groups as a whole much more politically active. Few of us have the abilities of Martin Luther King. So the problem this poses for democratic equality can't simply be solved by re-evaluating my arguments in Chapter 2. More generally, it seems to me that the universe of advocacy groups, as it's actually structured, provides little succor for those who care about intrinsic democratic values.

Let me sum up. If what I've just said is true, then the power of interest groups over American public policy does not hold much good news for American democracy. Insofar as this power lies in the hands of businesses, the bad news is obvious. When business molds public policy, that's bad for both democratic equality and self-rule. It gives corporate leaders excess power and crowds out the influence of ordinary citizens. But putting power into hands of advocacy groups does not seem to much improve the situation. Largely, this means putting power into the hands of the autonomous, professionalized staff of such organizations. This creates roughly the same problems for the intrinsic value of American democracy as those created by business leaders having power. When this is not the case it creates problems of a different kind. This is because of the unrepresentativeness of the universe of advocacy groups. This unrepresentativeness threatens to give more power to certain groups of citizens than to others. Thus, it exacerbates inequalities between ordinary citizens. So the power of interest groups is, I think, another problem for American democracy. It impairs its achievement of intrinsic democratic values.

I have only conjectures about how to ameliorate this problem. First, the campaign finance reforms we discussed in Section 5.3 might also help here. This is because the power of interest groups, especially business groups, perhaps comes in part from their ability to financially support different candidates. Reduce that ability, and you reduce their power. Second, providing legislators more legislative resources might also help. This means providing legislatures larger staffs and more independent policy experts. This would help on the assumption that part of the power of interest groups comes from their ability to back their allies up with a store of policy expertise, political intelligence and legislative labor.²⁰ Such back-up makes their allies more effective on their issues in the legislature. And it encour-

²⁰Hall and Deardorff (2006) defend this view.

ages these allies to work more on their issues. Giving legislators more independent resources would, plausibly, help reduce the efficacy of such backing. Third, one could simply reduce the amount of contact legislators were permitted to have with lobbyists. One could restrict the contact between large organized interests and lobbyists to, for example, congressional testimony. This would reduce the access through which much lobbying exerts influence. But the efficacy of these proposals is mere conjecture. It's unclear to me how workable they are in practice or how attractive they are overall. It is much less obvious how to roll back the power of interest groups than it is to roll back the power of the wealthy.

5.6 Conclusion

We've just explored two features of American democracy: the rich have a lot of power and interest groups have a lot of power. Both impair the extent to which American democracy attains intrinsic democratic values. In Chapter 4, I argued that the state of American democracy generated an egalitarian problem. It impaired the equality of the relationships between citizens and elected officials. The features I've discussed in this chapter also present such a problem. They make inegalitarian the relationship between the rich and the rest. They make inegalitarian the relationship between leaders of powerful groups and the rest of us. But these features additionally pose a problem for self-rule. The fact that the rich and interest groups have so much independent influence over policy crowds out the influence of ordinary citizens. It leaves far less room for the views of ordinary citizens to drive policy.

Now that doesn't mean ordinary citizens have no influence over policy. But the studies I've cited in this chapter suggest that the influence of most people is scant. For example, Gilens and Page (2014) argue that, once we control for the preferences of the rich, the preferences of everyone else have no statistically discernible impact on policy. And Grossmann (2014, 92) finds public opinion gets cited by even a single policy historian as a factor in just a quarter of politics enactments. This is hard to square with a picture of the American polity in which ordinary citizens enjoy much self-rule.²¹ The contrary picture of American policymaking, the one which

²¹There is a somewhat celebratory literature on the association between public opinion and policy. See e.g., Shapiro (2011). But this literature does little to establish that public opinion *causes* policy. What tends to be celebrated is a match, possibly coincidental, between majority opinion and policy. Moreover, often, the reported match is itself somewhat underwhelming. For example, Monroe (1998) finds that, in the most recent time period he studied, policy cohered with majority opinion in just 55% of cases. Deciding policy on a coin flip would get you coherence in 50% of cases. Yet Shapiro (2011, 991) celebrates this as indicating 'something systematic at work'. Needless to say, this is a rather low bar for jubilation. Thus, this literature seems to me to do little to justify a genuinely sunny view of

emerges from this and the last chapter, depicts a relatively small number of influential politicians, interest group leaders and wealthy citizens who autonomously determine policy. Policymaking, on this contrary picture, is largely the preserve of a small number of various types of elites. It is not the preserve of ordinary citizens. In the next chapter, we'll discuss a partial exception to this contrary picture. We'll discuss the influence of co-partisans on representatives in the legislature. This, I think, lets some ordinary citizens influence policy. But it creates specific problems of its own.

Chapter 6

Democracy and Time

6.1 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 of their *Republican* constituents. When it was mostly Democrats defaulting in their districts, they were not likely to vote for mortgage relief.¹ 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 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 Repub-

¹See Mian et al. (2010) for a description of this case.

licans 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*.

These two phenomena are the topic of this chapter. My aim is to explore how they matter to the intrinsic value of American democracy. My view is that alternation poses a straightforward problem to this value. It makes egalitarian relationships between cross-partisans more difficult. Thus, it degrades democratic equality. It does not, however, impair self-rule. Inertia, on the other hand, does impair self-rule. Yet its impact is more mixed than that of alternation. When inertia arises from constitutional entrenchment, it substantially impairs self-rule. But when it arises from the proliferation of veto players, like in the case above, it probably does not impair self-rule. Of course, in the United States, inertia arises from both sources. So this less than a complete comfort. The overall upshot is that we should be more worried about alternation than inertia. But both phenomena impair the intrinsic value of American democracy.

Here's the plan for the chapter. In the next section I'll say more about the phenomena. In Section 6.3 we'll see how they matter according to different conceptions of democratic equality. In Section 6.4 I'll argue for one of these conceptions of democratic equality. In Section 6.5 we'll see how these phenomena matter to self-rule. In Section 6.6 we'll turn to institutional design. I'll argue that the impact of these phenomena gives us reason to maintain minority vetoes, like the Senate filibuster, and adopt directly democratic institutions. So we will add to, and fortify, the institutional proposals which emerged in Chapter 4.

6.2 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.² 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

²See, for example, (Shapiro et al., 1990; Bishin, 2000; Kestellec et al., 2015). As we mentioned in the previous chapter, Lax et al. (2019) also find that senators are most responsive to their co-partisans. They think that this conditions and constrains the influence of the affluent. The work on the senate has been mainly quantitative. This is complemented by some piercing qualitative work on the House. Fenno (1978) provides the best example of this work. He spent eight years following members of Congress around their home districts. This let him to observe what moved these congresspeople. He is largely responsible for popularizing the thesis on which I'm relying.

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. Thus, 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 policy change. This makes it more likely that someone will veto any proposed policy change.³ 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. Let's return to the example of 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. To see this, notice that the magnitude of alternation is determined by how much more powerful the in-power party is than the out-of-power party. Now notice that, when you increase inertia, you decrease the power of the in-power party. But when you do this *ceteris paribus*—when you hold everyone else's power fixed—it decreases the extent to which the in-power party is more powerful than the out-of-power party. Thus, it decreases alternation. That means there is 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

³See 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').

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.

6.3 Equality and Time

We'll start with equality. We've been working with a relational egalitarian conception of democratic equality. This view stresses the value of avoiding inegalitarian relationships and attaining egalitarian ones. We should avoid relating to one another as members of different castes relate to one another. We should instead relate to one another as friends ideally do. But to do this we need to have an equal amount of something. Democracy equalizes the relevant thing. What is the thing? We've mentioned both power and de facto authority. In this chapter, we'll focus on power alone; the difference won't matter to the discussion. The idea was that inequalities of power part constitute inegalitarian relationships. When someone has more power than you, that risks making you their inferior. Similarly, such inequalities preclude egalitarian relationships. It's difficult to be friends with someone who is far your superior in terms of power. Thus, democracy achieves its value by equalizing the distribution of power. This facilitates egalitarian relationships and avoids inegalitarian relationships. I won't generally distinguish these two types of relationships in this chapter: both are impaired by inequalities of power. The key point, then, is that democracy helps us relate as equals.

That's the story we told in Chapter 2. But this story leaves something major unsettled. It leaves unsettled 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 inegalitarian. 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.⁴ So it needn't

⁴The terminology is originally from McKerlie (1989), although his discussion concerns distributive equality. Lippert-Rasmussen (2018) uses these terms in a discussion of relational equality.

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 instant 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.

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 pol-

icy, 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 that, 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. In Chapter 2 we distinguished 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.

6.4 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.⁵ 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.⁶

Some real-world cases support this point. 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.⁷ 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 re-

⁵Wilson (2019) also discusses such a case. McKerlie (1989) discusses a very similar case, although in relation to distributive equality.

⁶Bidadanure (2016) also defends this view.

⁷For some heartbreaking first-person accounts, see Yiwu (2009).

morse, 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. These landowners had previously been superiors. Before the revolution, they’d oppressed their tenants. Yet there is clearly an egalitarian problem here. That suggests that egalitarian relationships do require equality at each time. And that tells strongly in favor of time-relative egalitarianism.

Now, these cases might be resisted. One could point to the fact that these cases contain autonomy violations. Temporary masters violate the autonomy 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 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.⁸ 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 is an egalitarian problem. Thus, many cases suggest that egalitarian relationships are best when egalitarian at every time.

Yet, even if the evidentiary weight of these cases is admitted, there might be countervailing cases. Indeed, Lippert-Rasmussen (2018, 130-35) has argued that there are such cases. His most powerful case concerns child-adult relations. In such relationships the child is related to as an inferior for a large amount of time. The parent has substantial power over the adult when the child is young. Yet this, as Lippert-Rasmussen points out, isn’t problematic (2018, 133–134). He thinks that this suggests that egalitarian relationships only require equality across complete lives rather than at particular times. We should explain this by pointing to the fact that, although the parent is the superior to their child during the latter’s youth, they are not later on. The imbalance, he suggests, cancels out. Thus, Lippert-Rasmussen thinks that these cases provide evidence for complete-lives egalitarianism over time-relative egalitarianism.

I think we should be unmoved by this argument. The proper assessment of

⁸See Anderson (2017) for further discussion of this case.

child-adult relationships, it seems to me, is achieved by getting clear on the scope of relational equality. Everyone agrees, or at any rate should agree, that we don't need 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 rational capacities. They consist in the capacity 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. This explains why there's no problem with being in an inegalitarian relationship with a child. Thus, we can make adequate sense of our intuitions about child-adult relationships even when we accept time-relative egalitarianism. We just need to claim, as is anyway plausible, that we don't need to relate to everything as an equal.

Let's consider a second 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.⁹ 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 the claim that egalitarian relationships require equal power at each time.

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 after all. Thus, it seems to me that egalitarian relationships do require equality at each time. And that supports time-relative egalitarianism.

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

⁹Scheffler (2015, 25) mentions this case.

time. It requires that we have equal power at each time. And this tells us what our two phenomena mean for the intrinsic value of American democracy. 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 means that when the Republican party is in power, ordinary Republicans are in a position of domination. When the Democratic party is in power ordinary Democrats are in a position of domination. Cross-partisan relationships are objectionably inequalitarian relationships.

6.5 Self-Rule and Time

Let's now turn to a second democratic value: self-rule. We've been working with a conception of self-rule which hinges on joint intentions. The idea is that some people enjoy self-rule when the laws manifest their shared intentions. We identified two reasons this was valuable. One was based on freedom. The idea here was that, when the laws manifests your joint intentions, coercive enforcement of those laws impair your freedom less. And it's valuable to avoid having your freedom impaired. The other was based on self-authorship. The idea here was that when a law manifests your joint intention, you count as author of that law. And it's valuable to be author of what the government does, and the outcomes of what the government does. Thus, the value of self-rule has both negative and positive aspects. Negatively, it escapes the bad of unfreedom. Positively, it garners the good of joint authorship of our social and political affairs.

This left open an important point. It left open how self-rule interacts with time. In particular, we left open when it is that the joint intentions must bring about the laws. Consider *time-relative* accounts of self-rule. These say that our joint-intentions and the policies which manifest them must be contemporaneous. We're only self-ruling at some time when the policies we live under at that time manifest 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 the policies we live under at that time manifest joint intentions we had at some 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 as 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.

The political implications of these views differ when it comes to evaluating inertia. Let's start with 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. Whenever an entrenched constitution settles policy, it does 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 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 that 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 impair self-rule, on the time-relative view.

Let's turn to how the past-permissive view assesses inertia. 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. When inertia flows from the entrenchment of very old constitutions, likely it 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 seems 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 fully 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. Fundamentally, the issue here is that the sense in which your will should be the ultimate determinant of your action is that your *current* will be that determinant. If your past intentions determine your actions, intentions you no longer have, that does not protect your freedom.

The past-permissive view clashes with this, for the past-permissive view sees no problem in your being coerced to act in line with intentions you no longer have. 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. How do high levels of alternation matter to self-rule? High levels of alternation mean that, at each time, the power differences between citizens of different parties are large. Let's compare this to a situation in which that power is distributed more equally at each time. Imagine that legislators paid equal attention to all their constituents. This would increase the power of citizens of the out-of-power party but decrease the power of the in-power party. There seems little reason to think that this would be either overall good or bad for self-rule. It would help the self-rule of those out of power. But it would diminish that of those in power. The former would be more likely to see their intentions made manifest in policy, but the latter would be less likely. These effects, it seems to me, should roughly balance out. And that holds on either time-relative or past-permissive accounts of self-rule. Thus, we should conclude that alternation doesn't much matter to this democratic value. High levels of alternation juggle around who gets to enjoy the value at what time. But, overall, they neither contribute nor detract from it.

Let me sum up. I've defended a time-relative account of self-rule. On this account, to be self-ruling our joint intentions, and the policies they bring about, have to be contemporaneous. This tells us what inertia, in particular means for the intrinsic value of American democracy. The meaning depends on how that inertia comes about. When inertia comes from a *ceteris paribus* reduction of the power of the in-power party, then it undermines self-rule. The inertia flowing from constitutional entrenchment is the best example of this: entrenchment reduces the chances of anyone getting their will made manifest in policy.¹⁰ But when inertia comes from empowering the out-of-power party it need not pose such a problem. The inertia flowing from the many veto players in the American system is the best example of this. This will likely reduce the self-rule of those in-power. But that is compensated by increasing that of those out-of-power. So some sources of inertia are bad for American democracy; some are not. Overall, the news for American

¹⁰This is not, however, the only example. Some people think that the size of the legislative agenda matters a lot to how easy the in-power party finds it to change policy (Baumgartner and Jones, 1993). The bigger the agenda can be, the more malleable is policy. On this view, measures which reduce the size of the agenda (e.g., by reducing the number of public hearings on policy) will also impair self-rule.

democracy here is mixed. It's certainly not unequivocally good: much inertia in the American system comes about in the deleterious way. But it is less bad than we might have feared. In the next section, we'll turn to how this matter to issues of institutional design.

6.6 Institutional Design and Time

What institutions can ameliorate the threat temporal phenomena pose to American democracy? Let's start with a point about how alternation and inertia are connected. This was a point we made in Section 6.2: 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. Fortunately, I think we can identify at least one case where we should clearly take this trade: when the increase in inertia is created by empowering those who are out of power. In such a case, the increase is not overall bad for self-rule. It does impair the self-rule of those in power. But it compensates for this by helping those out of power. Yet, the increase ameliorates alternation. Thus, it is good for democratic equality. So these trades help with one democratic value without harming the other. This makes them trades that we should take.

Let's make this more concrete. 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 help democratic equality. This means minority vetoes promote one value without hindering the other. Thus, we should favor minority vetoes.

Now, that's not to say that every type of minority veto will be desirable. 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 that 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 that they'll be bad for self-rule overall.

What are the concrete implications of this? 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 that 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.

Now this conclusion comes with an important caveat. I've provided some considerations which support minority vetoes. But I haven't provided an all-things-considered defense of them. They 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 they realize. Clearly, such circumstances have happened in 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 minority vetoes has to address such instrumental matters: I have not offered such a defense.

Yet, for all that, I do not think we should be too quick to conclude that minority

vetoed are instrumentally disastrous. 2021 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. Thus, 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.¹¹ 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 policy outcomes. Policy change is not an endless march towards Camelot. The in-power party can make policy worse as well as better.¹² 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.

Let's turn to some other institutional responses to our temporal phenomena. I've said that there's a trade-off between inertia and alternation. But, as I mentioned in Section 6.2, the trade-off only goes one way. Increasing inertia diminishes alternation. But 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.¹³ In competitive races—races incumbents face fierce opposition—officeholders have more incentive to look for support across the aisle. In Chapter 4 we mentioned a couple of institutional reforms which would likely help with this. One such reform was campaign finance reform. Public funding of candidates is associated with more competitive elections. A second swung on redistricting. If one draws House district with an eye to making them competitive, then one will very likely end up with more competitive districts. Thus, the phenomena we've discussed in this chapter adds to the case for these reforms. They'll help democratic equality without harming self-rule.

Finally, let's look at a way to cut through this trade-off. The institutional trade-off is a trade-off between institutions in a representative democracy. It arises because we can expect *representatives* to pay more attention to their own supporters than to anyone else. So we can cut through the trade-off by bypassing representatives. We talked about how to do this in Chapter 4. Directly democratic institutions put decision making power in the hands of ordinary citizens. Two such institutions are used often: the initiative and referendums. The initiative lets ordinary citizens

¹¹See Binder (2003, ch. 6).

¹²This is, perhaps, an ideological matter. Grossmann (2014, 114–117) argues that, historically, most policy enactments move policy in a liberal direction. So liberals should be perhaps more inclined than conservatives to think that inertia is instrumentally bad.

¹³Both Levitt (1996, 438) and Mian et al. (2010, 1983–4) conclude that congresspeople in competitive races pay more attention to their non-supporters.

put proposed statutes on the ballot paper. They do this after getting a certain number of their fellow citizens to sign a petition. Referendums come in two flavors. We previously mentioned popular referendums. These involve citizens singling out particular laws for approval or repeal. The laws are again those which are the subject of successful petition drives. But there are also legislative referendums. They involve legislatures proposing laws for popular vote. Both initiatives and referendums ameliorate alternation. They do this by reducing the power of officeholders. This makes the supporters of those officeholders less powerful and their non-supporters more powerful. So both measures ameliorate the inequality between ordinary citizens.

How do these measures affect inertia? They affect inertia differently. It's plausible that referendums exacerbate inertia. This is because they introduce another veto player into the policymaking process.¹⁴ Consider legislative referendums. Not only does a majority of the legislature have to approve the law for these to go through. A majority of voters also have to do so. The same goes for popular referendums. Not only do a majority of legislators have to approve a law of it to pass. Either nobody has to oppose it enough to organize a successful petition drive, or a majority of voters have to approve it after such a drive. So the trade-off remains when it comes to referendums. They ameliorate alternation but exacerbate inertia. Yet this is one of the cases where you should take the trade. It is a trade which boosts the power of partisans of the out-of-power party, even though it decreases that of those of the in-power party. What about the initiative? This is the device which cuts through the trade-off. The initiative doesn't introduce any extra veto players into politics. It instead introduces a new source of policy proposals: those who can launch a successful petition drive. There's no obvious reason why this would exacerbate inertia. So the initiative ameliorates alternation at the same time as ameliorating inertia. It does what representative institutions seem incapable of doing.

Let's sum up. If what I've just said is right, we have an extra argument for certain directly democratic institutions. In particular, we have a straightforward argument for the initiative. This ameliorates both alternation and inertia. And we also have an argument for referendums. These ameliorate alternation at the cost of exacerbating inertia. But, in this case, that is a good trade. So we should favor both types of directly democratic institutions. I've also argued for measures which help improve representative institutions. Minority vetoes, in particular, improve the distribution of power between the party in-power and that out-of-power. And that ameliorates the inequality between ordinary citizens of different party stripes. So the representative part of this system would ameliorate alternation at the cost of exacerbating inertia. The directly democratic part of this system would, via the initiative, ameliorate both these problems.

¹⁴See Tsebelis (2011, ch. 5) for a discussion of the logic here.

6.7 Conclusion

My aim in this chapter has been to understand how some temporal phenomena—alternation and inertia—impact the value of American democracy. In doing that, I've argued for particular conceptions of these values. I've argued that time-relative egalitarianism is better than complete-lives egalitarianism. I've argued that time-relative accounts of self-rule are better than past-focused accounts. The former means that alternation impairs democratic equality. It sunders egalitarian relationships between cross-partisans. The latter means that, when inertia arises from a reduction in everyone's power, self-rule is frustrated. The most salient example of such inertia is that which flows from constitutional entrenchment; when the constitution prevents new policies being enacted, this impairs a democratic value. Thus, both phenomena impair the value of American democracy. I've also argued that these conclusions matter to institutional design. They provide a novel defense of both minority vetoes and direct democracy. Thus, the temporal aspects of democratic decision making both impair American democracy and suggest how to ameliorate this impairment.

This completes Part II of this dissertation. Let's take stock. We've spent a lot of time talking about political elites. I've painted a rather grim picture of what such elites are like. In my telling, elected officials in the United States are free from popular control. They form an autonomous cadre in the hands of which political power lies. But this cadre is not totally immune to external influences. It is influenced by the rich and by interest groups. And members of this cadre are also disproportionately responsive to their own supporters. All this makes America a society of severe political inequality. It means power and authority are not evenly distributed. This, in turn, means that American citizens can't enjoy self-rule with respect to very many policies. Policy is the product of those in power: it is only rarely the consequence of what ordinary citizens want. So these facts alone suggest that American democracy doesn't realize the democratic values we discussed in Chapter 2 to any substantial degree. And that, so I've argued, undermines the authority and legitimacy of the American state.

We could stop painting the picture here. Our picture of American democracy would then be that of a political system rotting at the top; broken at the level of political elites. But I think this would be a misleading picture. The problems run deeper than that. In Part III of this dissertation we'll see that the problems with American democracy do not just inhere in an autonomous cadre of governing elites. They inhere in the thoughts, feelings and actions of ordinary citizens. How we vote, how we interact with cross-partisans and how we reason about politics all serve to impair the attainment of democratic values. We'll start, in the next chapter, with a set of citizen defects which have been the focus of much of the tradition critical of

democracy: defects in our intellectual engagement with the political sphere.

Part III

Mass-Level Failures

Chapter 7

Cognitive Shortcomings

7.1 Introduction

Ordinary citizens have been disappointing political scientists for at least a century. And I don't just mean *qua* undergraduates: I mean *qua* citizens. The main problem is how we think about politics. We have an array of cognitive shortcoming. We're uninformed. We don't have true beliefs about political matters. We're irrational. We bend the evidence to show our side in the best possible light. And we're malleable. We let political elites determine our political opinions. The aim of this chapter is to explain how and why these shortcomings matter. Here's my story: I think they impair our political autonomy. They impair our ability to make autonomous political choices. This impairment matters most to our self-rule. Self-rule requires that each of us has an autonomous influence over what government does. When we don't exercise our influence autonomously, we don't achieve self-rule. So our cognitive shortcomings diminish the extent to which we rule ourselves.

In the rest of the chapter I'll spell out, and defend, these claims. The chapter is split into four parts. In the first part we'll fix the notion of political autonomy and explain how it matters to both self-rule and democratic equality. In the second part we'll look at how our low level of information, and our irrationality, impair our ability to make autonomous choices. In the third part, we'll look at how our malleability does the same. Finally, in the fourth part, we'll examine how this matters to American democracy. We'll address the impact of our shortcomings on both self-rule and democratic equality. I'll suggest that they lack any clear impact on equality. That's because different defects counterbalance. Those who are less informed tend to be more rational and less malleable. But they have a large and negative impact on self-rule. Thus, the quality of America's citizens matters to the quality of its democracy. It exacts a high price in the achievement of a core intrinsic democratic

value.

I'm far from the first to address how ordinary citizens think about politics. As I said, we've been disappointing political scientists for at least a century. Many have thought that our cognitive engagement with politics impairs American democracy. We've seen that Lippmann (1925) made much of widespread, intractable, ignorance on political matters. Schumpeter (1942) took us to task for our political reasoning. Both issues make Caplan (2007), Somin (2013) and Brennan (2016a) skeptical of the value of American democracy. But, in my view, these writers have not addressed the matter quite adequately. The problem is that they've denied, or ignored, democracy's intrinsic value. So they've taken the significance of our shortcomings to be purely instrumental. Usually, they've said that these shortcomings matter just because they make government less likely to pursue good policies. But that, I think, misses out something important. Citizens' shortcomings matter not just because of their causal consequences. They threaten the attainment of these intrinsic values. My distinctive aim in this chapter is to explain how our cognitive shortcomings matter to the intrinsic value of American democracy.

7.2 What is Political Autonomy?

We'll start by getting a fix on the notion of political autonomy. This is just autonomy with respect to political choices. These are the choices by which one exercises influence over politics. How one votes is a particularly important political choice. But there are other kinds. Whether to protest, donate or run for office are all important political choices. All involve the exercise of influence over politics. What it is for a choice to be autonomous? Your choice is autonomous when it flows from your core values. It's hard to say exactly what this sense of 'flowing' is. But it requires your choices to match your core values: they must be what those values dictate. And that matching can't just be down to luck. The connection between your choices and your core values has to be robust. Equally, your choices have to be the product of *your* core values. They can't really be the product of someone else's values. You can't just be someone else's marionette. So autonomy precludes at least two things. It precludes an inappropriate relationship between your choices and your core values. And it precludes an inappropriate relationship between your choices and someone else's values. It requires that your choices flow, in a distinctive way, from your core values.

We better tighten our fix on the notion of autonomy. One good way to do this is by paradigm cases. Unwilling addicts are one such case. The unwilling addict doesn't, most fundamentally, want to take heroin. But their cravings drive them. When faced with the choice, their cravings overwhelm their deep desire not to take

heroin. They end up shooting up. The unwilling addict is of diminished autonomy. This is because their actions do not appropriately connect with their core values. Another paradigm case involves coercion. Consider the classic case of the highwayman. Dick Turpin puts a gun to your head and drawls “Your money or your life?”. When you give him your money, your choice lacks autonomy. This is because the coercion put you under the external control of Mr. Turpin. It means your actions flow from his values in an inappropriate way. In this way, external control quite generally undercuts autonomy.

A second way is to note some general features of autonomy. First, the relevant notion of autonomy is scalar, not binary. People can be more or less autonomous.¹ They’re not divided into the autonomous and non-autonomous. A well-informed, rational person free of external control is highly autonomous. But lacking a few of these features needn’t make one completely lack autonomy. It just diminishes one’s autonomy. Second, there are many different loci of autonomy. Choices can be autonomous. But so can actions, preferences and entire lives. These are likely inter-related. For example, a choice is autonomous insofar as it’s driven by autonomous preferences. An action is autonomous insofar as it is the output of an autonomous choice. A life is autonomous insofar as it’s comprised of autonomous choices. My main focus will be the autonomy of choices. That’s because this feeds most directly into our democratic ideals. Democratic ideals, I think, demand that citizens can make autonomous political choices.

The notion of autonomy just described should not be alien. And I think that it’s intuitively important. But the really important thing is the notion’s theoretical role. My main claim in this section is that this notion matters to the achievement of intrinsic democratic values. Let’s start with self-rule. It seems intuitively very plausible that a non-autonomous citizenry doesn’t achieve much of the value of self-rule. We’ll consider two kinds of cases. The first is a real-world case. The Liberian election, 1997, is the example. The country had just suffered eight years of civil war. The war’s initiator—Charles Taylor—was one of the candidates. He ran, chillingly, with the slogan “He killed my ma, he killed my pa, but I’ll still vote for him.” The message was that, if he didn’t win the election, he’d plunge Liberia back into war. This wasn’t lost on the electorate: he won with 75% of the vote.² This is coercion writ large. As a result, we shouldn’t take citizens to have voted for him autonomously. There was an inappropriate connection between their choices and Taylor’s values. This is why we shouldn’t take the Liberian people to have enjoyed much self-rule in 1997. Intuitively, it seems the value of self-rule requires autonomous choices.

¹For this point, see Haworth (1986, 83).

²For more on this sad episode, see Meredith (2011, 568).

Let's consider another, fictional, case. Sometimes, especially in the mid-century, science fiction writers would describe societies comprised of completely apathetic citizens.³ These were citizens who spent all their days watching television of the mindless entertainment variety. They knew very little about the world beyond the television screen. These societies had voting and elections. But the voters had little idea what any of the parties stood for. They had little ability to connect up their core values, if they had any, with their voting behavior. Plausible, the voting choice of such people wouldn't be autonomous in the right way. This undermines the extent to which such citizens could achieve the value of self-rule. It doesn't seem like they could get much out of voting. They would be unable to hook up their vote to their core values. Thus, again, it seems autonomy matters to the value of self-rule.

So much for intuitions. But the case isn't just intuitive. In Chapter 2, I spelt out two sources of the value of self-rule. I think that it's very plausible, on both sources, that autonomy is required to achieve this value. Let's start with freedom. The idea here was that attaining self-rule means that the law manifests your own will. This, the thought went, ensured that the coercive enforcement of the law does not preclude your will still being the ultimate determinant of your actions. This just means that the ultimate determinant of your actions will be your joint will rather than an individual will. And this means coercive enforcement of the laws needn't be a very onerous blow to your freedom. But for this to be plausible, the will that the laws manifest better be an autonomous will. Being forced to obey an edict one has made non-autonomously is not a way to secure personal freedom. Suppose Dick Turpin makes you command yourself to give him your money. This is not a way of making his coercion anodyne. Thus, political autonomy looks necessary to achieving the freedom-protecting value of self-rule.

The other source of the value of self-rule lay in self-authorship. Here, the idea was that self-rule helps one become the author of one's social and political institutions. This, the thought went, is valuable in the way self-authorship is usually valuable. It's valuable to create your own life, rather than just drift through it. But again, what seems to really matter here is the autonomous creation of your own life. Someone who makes important life choices under the pall of appalling ignorance, or makes them deeply irrationally, is drifting through their life. Consider someone who makes career choices without knowing what any of the careers involve. Intuitively, this person is not the author of their career. So self-authorship also requires autonomy. Thus, political autonomy seems necessary to achieving the authorship-promoting value of self-rule.

Let's turn to equality. Here my thesis is that what matters to democratic equality is an equal distribution of autonomous influence over government. If some people

³For example: Fahrenheit 451.

can influence government autonomously, but others can't, then democratic equality is impaired. Some theorists of democratic equality explicitly endorse this thesis (Kolodny, 2014b, 310). And it also seems to me to have some intuitive ballast. Let's think about the second, fictional, case discussed above. Suppose just half the citizens are completely ignorant about what government does. Half the citizens spend all their time mindlessly watching *The Great British Bake Off*.⁴ But the other half have a keen political sense. They know a huge amount about politics and can cast their vote in a way calculated to get what they wanted. Then there does seem to me an egalitarian problem here. This seem not to fully realize the ideal of democratic equality.

Here, the distinction between the positive and negative aspects of democratic equality is helpful. The positive aspect involved the value of putting ourselves into worthwhile egalitarian relation. The paradigm examples of such relationships were friendships. The negative aspect was the value of avoiding objectionable inegalitarian relationships. The paradigm examples of such relationships were social hierarchies. Inequalities of the sort described may well not put people in the objectionably inegalitarian relationship. The well-informed half of the citizenry might not count as social superiors of the other half. But these inequalities do seem to impair the positively valuable egalitarian relationships. The well-informed half of the citizenry will have trouble standing in these relationships with the other half. So autonomous influence might matter to the positive part of the egalitarian ideal but not the negative part. If we are to stand in relations like civic friendship, we must have equal autonomous influence over political matters.

This position seems to me buttressed by how personal relationships work. Suppose your partner has much greater ability to autonomously influence what you do together than do you. Suppose, for instance, you always decide what to do together by playing rock-paper-scissors. You're no good at rock-paper-scissors; you never do any better than chance. But, remarkably, your partner is far better than chance. They've cracked the uncrackable game. You don't have much ability to autonomously influence what you do. You don't know how your actions (i.e., always going rock) will affect what you do. But your partner has much greater influence to affect what you do. So you always end up doing what your partner wants. It's fitting to describe this situation as one in which your partner has much more power than you. And it's plausible that that impairs the character of the relationship. You should stop making big life decisions via rock-paper-scissors. Doing so makes your relationship, in this case, worse. This supports the claim that autonomy matters to the achievement of democratic equality. It's the autonomous exercise of influence which we need for the positive aspect of this value.

⁴Note the adverb; I don't mean to imply all such watching is mindless.

That completes the case for the claim that political autonomy affects the achievement of democratic values. In the next section, I'll argue that citizen's shortcomings impair their political autonomy. But let's end with a caveat and a connection. Here's the caveat: as I'm treating things, political autonomy is a fulcrum. My explanation of why our shortcomings matter rests on political autonomy. But, at least in this argument, one could do without a fulcrum. One could think that our cognitive shortcomings impact the attainment of these values independently, but this doesn't run through their impairing political autonomy. This seems to me less elegant than the explanation I'll propose. It seems to miss out an important commonality between how these shortcomings matter. But the ultimate upshot of this view would be the same as my view. Our shortcomings matter. They impair democratic values. And this view alone seems to me extremely plausible. But, for now, we'll continue spelling out the more elegant view.

Now for the connection. One might wonder how the notion of autonomy I've fixed on, and will spell out further throughout the chapter, connects to the notion of freedom used in Chapter 2. This freedom was meant to be one of the things self-rule protected. I am inclined to think that they're the very same thing. Self-rule protects freedom in the sense of autonomy, as I'm using the word 'autonomy' in this chapter. This gives us a nice, reasonably rich, account of what this notion of freedom is. But one needn't run with my inclination to accept the arguments in this chapter or Chapter 2. One could think that the notion of autonomy I carve out here should be kept distinct from this notion of freedom. Officially, then, I'll keep neutral. It doesn't matter much to my arguments whether these are one and the same notions. So I make no claims about their connection. I just make a claim about my inclinations. We can now look at how these shortcomings impair the political autonomy of ordinary citizens.

7.3 Information and Irrationality

Let's start by sketching the information level of ordinary citizens. One of the most venerable findings in survey research is that Americans are ill-informed about politics (Berelson et al., 1954, 308). The sense in which they are ill-informed is, simply, that when you ask them questions about politics, they get them wrong. Or they just admit they don't know. They don't have true beliefs about political matters.⁵ They cannot, for example, accurately describe the institutional set-up of the United

⁵Typically, political scientists don't distinguish between true belief and knowledge. The distinction doesn't make an enormous difference to practical politics. But, still, there is such a distinction. In this chapter I will mark it by using the term 'information' and its cognates for mere true belief and 'knowledge' for true belief plus justification plus anti-Gettier conditions.

States. They can't identify who important political actors are. They couldn't say what policies different politicians support. The authors of the most comprehensive contemporary assessment of the evidence conclude, *inter alia*, that 'large numbers of American citizens are woefully underinformed' (Delli-Carpini and Keeter, 1996, 270). Converse (2000, 331) sums up the state of scholarly consensus when he says that '[w]e hardly need to argue about low information levels any more.' Americans just aren't well-informed on important political matters.⁶

It's not just that Americans are uninformed about politics. Their information is also unevenly distributed. Some Americans are better informed than other. And this information tends to pattern with other sources of advantage. We can see this, again, by seeing how accurate different people are when asked questions about politics. Men are 1.35 times more accurate than women. Rich citizens are 1.59 times more accurate than poor citizens. White citizens are *twice* as accurate as Black citizens (Delli-Carpini and Keeter, 1996, 156–61). So the distribution of information seems to exacerbate pre-existing political inequalities. It seems to put those who anyway have less power at an even greater disadvantage.⁷ Again, Converse sums the situation up aptly. He says '[t]he pithiest truth I have achieved about electorates is that where political information is concerned, the mean level is very low but the variance is very high' (Converse, 2000, 331). People don't have much information, and what they do have is spread around very unequally.

American citizens aren't only ill-informed. They're irrational. This irrationality stems from their propensity to engage in motivated reasoning. Motivated reasoning occurs when non-accuracy goals motivate how one reasons. An accuracy goal is the goal of having accurate beliefs. There are a couple important non-accuracy goals. The first is the defense of pre-existing beliefs, especially pre-existing political beliefs. We seek out evidence and interpret new evidence so that it supports what we already believe. A second goal is a group-serving goal. In the United States, party is a very important political group. Citizens will bend the evidence, and their exposure to the evidence, so that it shows their party in the best possible light. We aren't driven by the goal of having accurate political beliefs. We're driven by goals like defending our pre-existing beliefs and our political side.

What does that look like in practice? Consider one of the experiments Taber and Lodge (2006) conducted. These researchers got participants to sit down in front of a computer. The participants were able to use the computer to reveal either arguments for or arguments against gun control. They got to pick which arguments they saw. Those who were already against gun control chose, mainly, to look at argu-

⁶For recent summaries of the evidence, see Caplan (2007) and Somin (2013). The consensus is not absolute, though. For a general critique of this literature see Lupia (2016).

⁷This point originally comes from Downs (1957, ch. 12).

ments against gun control. Those who were already for gun control chose, mainly, to look at arguments for gun control. They were then asked to rate the strength of the arguments. People rated the arguments they looked at—those supporting their existing position—as much stronger than did people who didn't already have the position the argument supported. And people came out of this with more extreme attitudes. Those who had initially opposed gun control were now even more opposed to gun control. Those who had initially supported gun control were now even more supportive of gun control. This illustrates that first non-accuracy goal. People gathered and interpreted evidence so that it backed up what they already thought.

Many lab-based experiments have identified motivated reasoning about politics. One sees this in experimental set-ups like the ones above (Taber and Lodge, 2006; Lodge and Taber, 2013). But one also sees it in quite different set-ups. David Redlawsk and his co-authors have often found the existence of motivated reasonings in set-ups designed to simulate real-life campaigns (Redlawsk, 2002; Redlawsk et al., 2010). Psychologists outside of political science departments have studied the phenomenon with set-ups too varied to quickly summarize (Lord et al., 1979; Kunda, 1990; Ditto and Lopez, 1992). And it's not only in the lab where the phenomenon can be identified. Survey experiments, usually using nationally representative samples, also provide evidence of widespread motivated reasoning. Consider, for example, the experiment reported by Healy et al. (2014). They asked respondents which bureaucrats were to blame for intelligence failures in the run-up to 9/11. They found that people were unwilling to attribute blame to co-partisans. They were very willing to attribute blame to cross-partisans: the authors attribute this to motivated reasoning. This is just one example. Many different survey experiments provide evidence of motivated reasoning in the field (Jacobson, 2010; Nir, 2011; Bolsen et al., 2014; James and Van Ryzin, 2017). So motivated reasoning seems common. We often reason in pursuit of non-accuracy goals.

7.3.1 ...and Autonomy

Why does this matter? It matters, I think, because one is better able to make an autonomous choice when one knows more about the outcome of your choices. Or, to put it another way, ignorance impairs autonomy. This claim seems apparent in cases.⁸ Let's start with a personal case. Suppose you've just graduated from college. You're deciding whether to become a banker or a philosopher. But imagine you know very little about what either career involves. Perhaps you know that banking has something to do with money. Perhaps you know that philosophy has something

⁸I take it also to be contained in Raz's claim that "an autonomous person is aware of their options" (Raz, 1986, 382).

to do with books. But that's it. You don't know the day-to-day of either career, nor the sorts of hours you'd work nor the type of people you'd work with. Then your capacity to choose autonomously seems diminished. In this case, you will less enjoy the value of authoring your choice than had you known more. Your ignorance impairs your autonomy.

Such cases seem equally powerful when it comes to political choices. Suppose, for example, you're deciding who to vote for. But you don't know anything about the different candidates. You don't know what policies they support. You don't know their history. You don't know what groups they're associated with. You're severely ignorant. Then it seems to me that this impairs your ability to make an autonomous voting decision. If you had more relevant knowledge, then you would be better able to choose autonomously. This again supports the idea that knowledge matters to autonomy. When you lack knowledge relevant to a choice, your autonomy is diminished.

What kind of knowledge is relevant to a given choice? There are many possible views here. But the most attractive view seems to me one that says that relevant knowledge is that which bears on which of one's options align with one's core values. Thus, few people need to know the candidates' hair colors in order to know whether to vote for them. Few people are at root committed to only electing red-heads. But one needs to know some things about the candidates. Suppose one's core values implicate policy. Then one needs to know the candidates' policy positions. If one is at root opposed to military interventionism, one needs to know their foreign policy stance. If one is at root pro-choice, one needs to know their stance on abortion. Or suppose one's core value just concern performance issues. One only really cares about how the economy is doing. Then, it helps to know each candidates' track record, or how competent an economic manager they have been in the past. In both cases, certain facts will help determine what vote choice best aligns with one's core values. Knowledge of these facts will help put you in a position to vote autonomously.

Let us say more about citizens' core values. We can shed some light on what these are by looking at the correlations between people's answers to survey questions. For instance, people's responses to survey questions about the virtues of 'traditional family ties,' tolerance of 'newer lifestyles' and adjusting one's 'views of moral behavior' to societal change all correlate (McCann, 1997, 570). Underlying core values can explain these correlations. For example, we can posit an underlying level of moral traditionalism to explain this. That roughly means a level of attachment to traditional moral values. This approach draws validity from the fact that people tend to keep their levels of traditionalism across multiple surveys. In contrast, their answers to individual questions are notoriously unstable (Converse, 1964). This suggests the posited values really do exist. Different authors have

attributed to citizens different core values using these methods. McCann (1997) attributes people various levels of egalitarianism and moral traditionalism. Goren (2013, 89–122) thinks attitudes towards limited government and the international use of force are core values. And he also attributes people varying levels of moral traditionalism. The key takeaway from this is that knowledge of the matters mentioned in the previous section does seem relevant to these values.

This makes it straightforward to see how citizens' low level of information bears on political autonomy. Citizens often get it wrong when you ask them about seemingly relevant facts. They misstate candidate's policy positions. They mischaracterize candidates' past. They fail to understand exactly how their political institutions work. This is clearly incompatible with their knowing these facts. To know a fact, one must at least have a true belief about it. They don't have true beliefs about political matters. So, they don't have political knowledge. This lack of knowledge impairs their ability to make autonomous voting choices. It doesn't eradicate it: they surely know some things relevant to their voting choice. After all, maybe how good looking each candidate is does matter a little bit to who they should vote for. But they can make a less autonomous choice than had they known more. And the more that their ignorance encompasses relevant knowledge, the less able are they to make an autonomous decision.

This also explains why voter rationality matters to political autonomy. Voter irrationality does not matter directly. It's not that voter rationality immediately impairs autonomy. But irrationality undermines knowledge. Even if one has a true belief, if it was arrived at irrationally then one lacks knowledge. This is not a controversial claim. It is simply the claim that justification is necessary to knowledge. To see it illustrated, reconsider to the career decision case. Imagine that you come to believe that you're best off being a banker. But you don't have any evidence for this. What you did was call up an astrologer and have them compare the positions of the celestial orbs to your date of birth. The result: you should go work for Goldman Sachs. Now suppose that serendipity struck. For you, banking would be the more satisfactory career. Nonetheless, you clearly don't know that banking is the more satisfactory career. The fact that your belief is not supported by the evidence, that it was formed irrationally, means it does not amount to knowledge.

Moreover, in this case, you don't seem to be in any better position to make an autonomous choice than were you to suspend judgement on what career would be best for you. Forming true beliefs through astrology doesn't put you in a better position to be autonomous. Thus, true belief is not sufficient for making autonomous choices. It really is knowledge that matters. You have to know about the outcomes of your choices. It is now clear why citizen irrationality impairs autonomy. Irrationality means that, very often, political beliefs are rationally suspect. They've been arrived at via motivated reasoning. This means that, true or not, such beliefs

don't amount to knowledge. But it is knowledge that puts one in a position to make autonomous choices. Thus, such beliefs will not put citizens in a position to make autonomous choices. Citizens' cognitive shortcoming, then, undermines political autonomy by undermining citizens' knowledge.

We'll now turn to some objections to this position. We'll start with some philosophical objections and then turn to some empirical objections.

7.4 Objections and Replies

7.4.1 Autonomously Chosen Ignorance

The first objection, at root, says that the knowledge condition on autonomy is too crude. The condition ignores the fact that ignorance can be autonomously chosen. Suppose the ignorant graduate could have learnt about his relevant career options. But he chooses not to do so. Then perhaps his ignorance doesn't diminish his ability to make an autonomous choice. In general, perhaps ignorance only impairs autonomy when it is not autonomously chosen. Moreover, perhaps citizens have every opportunity to become politically well-informed. Thus, their ignorance must be autonomously chosen. Then their ignorance may not impair their ability to make autonomous political choices.

It seems to me that this objection can be well met. We first observe that it just isn't very plausible that autonomously chosen ignorance has no effect on one's autonomy. Consider, for example, the following case. Suppose you've deliberated long and hard about your future career. You know all about banking and all about philosophy. But the deadline approaches. It's April 15th: you have to choose whether to go to graduate school. Yet now suppose someone offers you an amnesia pill. This pill will erase all your knowledge about both careers. You'll still have to choose careers; you just won't have any of the knowledge relevant to the choice. If you take the pill, your ability to make an autonomous choice seems diminished. You'd be in a better position to choose autonomously were you not to take the pill. So, intuitively, even autonomously chosen ignorance seems to impair the autonomy of choices.

We can support this intuition by considering how other autonomy-impeding conditions work. To take a clichéd case, suppose I sell myself into slavery. Then my choices when enslaved are non-autonomous. But my lack of autonomy is itself the product of an autonomous choice. So an autonomously chosen but autonomy-impeding condition—enslavement—impairs the autonomy of my choices. Or suppose I autonomously choose to be lobotomized. This makes me incapable of deliberating rationally. In this case my choices when lobotomized are non-autonomous. So an autonomously chosen but autonomy-impeding condition impairs the auton-

omy of my choices. Autonomously choosing an autonomy-impeding conditions does not usually make that condition harmless. By analogy, we can infer the same goes for ignorance. Ignorance, autonomously chosen or not, destroys the ability to make autonomous choices.

Yet, somehow, the voluntary assumption of the autonomy-impeding condition does still seem to make it less autonomy-impeding. Can this be explained? It seems to me that it can. We first distinguish between the autonomy of a choice and the autonomy of a whole life. An autonomous life is made up of autonomous choices. But different choices contribute to the autonomy of a life to a different extent. For example, autonomously choosing who to marry matters more than autonomously choosing your brand of toothpaste. Now here's the crucial bit. Plausibly, how much the non-autonomy of a choice detracts from your lifetime autonomy depends, in part, on how much that non-autonomy was itself autonomously chosen. So, suppose that you've chosen to suffer an autonomy-impeding condition. Then, the fact a later choice isn't very autonomous detracts less from your lifetime autonomy than it otherwise would. But that doesn't rescue the autonomy of those later choices. They remain of diminished autonomy.

Let's see how this works in the case of political ignorance. Suppose a citizen autonomously chooses ignorance. Perhaps they decide to become a monk. They cut themselves off from the temporal world. They know little about what happens outside their monastery. This probably does not detract much from their lifetime autonomy. Monks needn't live less autonomous lives than the rest of us. But it detracts from the autonomy of their political choices. If they find themselves in the voting booth, they cannot make an autonomous choice. They don't have the knowledge to do so. And this means they cannot partake in the democratic values I've discussed. So ignorance, autonomously chosen or not, matters to autonomy.

7.4.2 Is Motivated Reasoning Irrational?

The second objection targets just a part of this position: the claim that motivated reasoning undercuts knowledge. I've just assumed that motivated reasoning is irrational. But, the objection goes, this assumption is misguided. Motivated reasoning is perfectly rational. So, it doesn't matter how widespread such reasoning is. Citizens' autonomy is untouched. This objection seems to me hard to maintain. It seems obvious that motivated reasoning often undercuts rationality. Just consider, for example, the study described in the previous section. Here, those who were antecedently against gun control sought out argument against gun control. They judged these arguments to be stronger than their competitors. And this increased their confidence in the badness of gun control. It seems to me that something has obviously gone wrong here. People's beliefs, at the end, do not look rational. And

the point generalizes. It's just *intuitively clear* that many of the products of motivated reasoning are irrational.

But this objection does get something right. It's hard to put our finger on exactly why motivated reasoning undercuts rationality. That's because the ways motivated reasoning actually works are, in certain contexts, completely anodyne. Motivated reasoning, for example, is often associated with confirmation bias. This consists in seeking out evidence which supports your pre-existing beliefs. When subjects against gun control, in Taber and Lodge (2006), sought out arguments against gun control argument, they were suffering confirmation bias. But, sometimes, confirmation bias is anodyne. Imagine, for example, that you're Descartes, deciding whether you know there's an external world. You certainly think you do. So you search out all the arguments supporting this belief. But you find them lacking. So your faith in your knowledge is shaken. This case of confirmation bias is rationally harmless. Descartes' *Meditations* does not proceed in a clearly irrational way.

Equally, motivated reasoning is often associated with something called the prior attitude effect. This occurs when one's prior attitude on an issue affects how one evaluates novel evidence. This is made manifest by those against gun control judging arguments which oppose gun control as relatively strong. But again, there are cases where this seems anodyne too. Here is such a case: I am certain that $0 \neq 1$. I'm at least as confident in this as I am in anything else. But it's quite easy to find compelling-looking arguments that $0=1$.⁹ I can see where some of these arguments go wrong. But, for some of them, I can't. Yet I am sure that they do go wrong. I'm basing my confidence that these arguments go wrong on my prior belief that $0 \neq 1$. The upshot of these points is that it's not entirely obvious *why* we should think motivated reasoning is irrational. It would be nice, then, to have an explanation of how motivated reasoning undercuts rationality.

We have two options here. We could look for a *sui generis* rational requirement which motivated reasoning violates. I think the best option here are evidence-gathering requirements. Many people think that there are rational requirements about what you may believe given your evidence. You should have the beliefs supported by that evidence. But it also seems plausible that there are requirements about what evidence you must gather. For example, you should go out and gather some evidence. And you're required not to gather misleading evidence. You go wrong when you gather misleading evidence. Or, at least, you of wrong when you gather evidence you could tell in advance would be misleading. Both confirmation bias and the prior attitude affect will violate this requirement. They both instantiate gathering misleading evidence and so both violate the requirement to gather

⁹For example: <https://www.youtube.com/watch?v=4ZpUjcLJEqw>.

non-misleading evidence.¹⁰

This is perhaps obvious in the relevant cases of confirmation bias. So I'll just explain why it is also plausible in the case of the prior attitude affect. The key point is that this effect seems to arise from how people search for arguments. Compare what happens when someone sees an argument against their pre-existing position and one for that position. According to Lodge and Taber (2013, 149–169), they spend much longer thinking about the argument in the former case. What are they doing with that time? They're thinking up counter-arguments. They're thinking up reasons the argument against their position might be unsound. They very rarely do this with arguments for their position. But arguments are evidence and thinking up arguments is a way of gathering such evidence. And this way of gathering evidence gives them misleading evidence. They're left with rebutted arguments against their pre-existing stance and unrebutted arguments for it. So here, plausibly, they've violated a rational requirement to avoid gathering misleading evidence.

But these claims are controversial. Specifically, it's controversial whether there are rational requirements on evidence gathering. So it's good that there's a second option. We can just rely on the claim that motivated reasoning contingently destroys rationality. If non-accuracy goals drive you, then you seem likely to violate other epistemic norms. Most obviously, consider the norm: be accurate! It would be a jaw-dropping coincidence if one satisfied this norm despite not aiming at accuracy. Alternative goals need not align with this norm at all. So, we can expect that those driven by non-accuracy goals rarely meet this norm. Motivated reasoning, then, seems likely to lead to the violation of quite quotidian norms of rationality. That's enough to be confident that it impairs people's rationality, even if there aren't sui generis norms that it tends to violate.

7.4.3 Do Surveys Elicit Information?

We now turn to some empirical objections to the position I've outlined. These objections content that I understate the level of political information among American citizens. The first such objection target the surveys that underpin the view that Americans have little information about politics. The method behind such surveys is simple: you ask people some factual questions. Then you see if they get the right answer. If they don't, you infer they don't can't accurately answer the question. This method presupposes that asking people the right questions is a good way to find out what they believe. But one might object to this presupposition. Perhaps we can't find out what citizens think about something by asking them about that thing. Perhaps, then, these surveys don't really bear on citizens' knowledge.

¹⁰For an extended defense of such a requirement, see (Flores and Woodard, n.d). See Goldberg (2017) and Worsnip (2019) for some interesting further discussion of evidence-gathering norms.

There seems to me two important ways to ground this objections. First, one might point out that people are lazy, and searching memory takes effort. So they might not bother to search their memory to answer these questions. There's some evidence that that happens. Prior and Lupia (2008) find that if you give people small incentives, they get more answers right. In their sample, incentives made subjects get eleven percentage points more answers correct. Second, one might point out that it can be unclear when an answer is right or wrong. This is especially so when survey questions aren't multiple choice. Gibson and Caldeira (2009) suggest that, in some such surveys, around 70% of answers marked as incorrect could be marked as "nearly correct". So maybe you can't find out how accurate people's beliefs are by just asking them questions.¹¹

There's undoubtedly some truth in this. Probably Americans aren't as ill-informed as commentators sometimes suggest. But I doubt these caveats defeat the conclusion that Americans are uninformed. Take the first one. An eleven percentage point improvement is a big one. Yet the difference between only 44% of people being able to name any branches of government and 55% isn't vast. In neither case do Americans have much information much about politics. Concurrently, open-ended survey questions might be sometimes difficult to assess. But most survey questions are multiple choice. These are not difficult to assess. So I myself don't think these points rescue the knowledge of American citizens.

7.4.4 Different Core Values

Let's turn to another set of empirical objections. Perhaps citizens' core values aren't the ones described above. It's true that some people might really value egalitarianism or moral traditionalism. But some people don't. There're two salient ways people might differ. First, they might be single-issue voters. Maybe they only care about abortion policy. So, to vote in line with their core values, all they need to know is which party is pro-choice and which party is pro-life. They don't need any of this other information. And maybe they do have such domain-specific information. Second, maybe they have more quotidian concerns altogether. They just want general prosperity. They don't care about *how* general prosperity is achieved. They want results: they don't care about methods. Then all they need to know is which party is likely to get the results. And maybe they do have such result-orientated information. Maybe, in other words, citizens are information specialists: they know a lot about the issues that are important to them.

These objections fail, I think, on empirical grounds. Let's start with single-issue voters. Citizens are not usually highly informed about specific domains. Their lev-

¹¹Lupia (2016) contains an invaluable discussion of these issues.

els of information across different domains is highly correlated. Citizens who're ill-informed about trade policy are usually ill-informed about social policy too (Delli-Carpini and Keeter, 1996, ch. 4). So when we're ill-informed in one domain, we're not focusing our attention on the issues we really care about. We just don't have much information about anything. Now, of course, some topics receive more attention from certain citizens. Likely, seniors are better-informed about social security than teenagers.¹² And some citizens *are* information specialists: some have a huge amount about of information about a single issue. But most are not. The electorate isn't fragmented into groups of issue specialists. Low levels of average information don't obscure high levels of specialized information.

What about results-orientated information? Here the problem is more basic. How a politician plans to achieve some outcome *is* relevant whether they are likely to achieve that outcome. Those proposing dodgy methods aren't likely to get good results. So our lack of information of methods matters. More than this, it's very difficult to get results-orientated information. To get it, one needs to know which methods work. For this, it might help to be informed about economics. But many citizens are essentially innocent of such information. They know very little about economics (Caplan, 2007, 23–114). So citizens are in a bad position to have results-orientated information.

There are some less esoteric facts which might bear on results. Track-record is the salient one. Perhaps how well a party has governed in the past is (strong) evidence of how it'll govern in the future. Perhaps. But citizens also often lack the information which would allow them to judge track-record. Let's just take economic conditions. Half of us can't guess the current employment rate to within 5 percentage points. Fewer than a third can get the inflation rate right to within the same margin (Holbrook and Garand, 1996).¹³ That encompasses almost the entire variance in each measure over the last fifty years. It's no trivial error. The point generalizes to other conditions. We just lack a lot of the information which bears on results. So, regardless of whether voters are single-issue focused or results orientated, they lack relevant knowledge.

7.4.5 Do Surveys Ask the Right Questions?

Let's turn to a final empirical objection. Maybe political scientists have asked people the wrong questions. Political science surveys, some people have said, are a bit like pop quizzes. They ask people who the candidates are. They ask what candidates' policies are. They ask how governmental institutions work. They ask what

¹²Henderson (2014) provides some evidence for this.

¹³We do better on whether these rates have gone up or down. But we're still quite inaccurate. See Conover et al. (1986).

national economic conditions are like. But maybe this misses out a lot of relevant information. It misses information about local economic conditions. It misses information about candidates' demographic characteristics. And it misses information about the judgement of opinion leaders. Yet perhaps such information is enough for voters to know which vote choice coheres with their core values.¹⁴ Suppose you find out that local luminaries like a candidate. That could be excellent evidence you should vote for that candidate. Thus, perhaps citizens can dispense with the information plumbed by standard surveys. They can rely largely, or entirely, on the information that such surveys ignore.

No doubt there's some truth in this. Citizens undoubtedly have information of the sort described. It undoubtedly bears on what vote coheres best with their core values. But the key question, for us, is a question of magnitude: on average, how much does such information bear on that coherence? Now this is an extremely hard question to answer directly. It's impossible to evaluate everything voters know. But we can answer the question indirectly. We can look at whether, when voters are uninformed by political scientists' standards, they vote as they would were they well-informed. If they don't, then that's direct evidence that the knowledge tapped by these surveys makes a difference to how people vote. And this is indirect evidence that this knowledge can't just be substituted for by street-smarts. Information about who local luminaries like doesn't replace the type of book-learning that surveys tap.

In my view, the empirical evidence does not sustain the objection. Consider, for example, the findings in Lau and Redlawsk (1997). They identify which candidate best matches voter's issue positions, groups affinities and personality assessments. They find that voters voted for the best-matching presidential candidate about 75% of the time, and this improves among the better informed. They were 'pleasantly surprised' by these results (1997, 594). But such surprise makes sense only against low expectations. The elections they study all had just two serious candidates. One would expect voters voting randomly to vote for their best match about 50% of the time. This suggests that voter's actual level of information helps them vote as if they were better informed in at most a quarter of cases. In the other case, they were just lucky. This coheres with results reported in Bartels (1996). Bartels uses statistical simulation to estimate the probability each voter would have voted for some candidate, were they fully informed.¹⁵ He finds that actual voters deviate from this level by, on average, about ten percentage points. Had they voted randomly, they would have deviated by about twenty percentage points. As he puts it, their

¹⁴Probably the most influential advocates of this idea are Popkins (1991, 44–72), Sniderman et al. (1993, 19) and Lupia and McCubbins (1998).

¹⁵He uses interviewer assessments of respondents knowledge. He is relying on the correlation between these assessments and other measures of political knowledge. See Bartels (1996, 203).

actual levels of information reduce “the average magnitude of their deviations from a hypothetical baseline of “fully informed” voting by about 50%” (1996, 217).¹⁶ This isn’t nothing. But it means that, were voters better informed, they would vote very differently.

The upshot of this is that the information that surveys tap likely bears very weightily on what vote matches voters’ values. After all, voters act as if it does: they vote very differently when they have this information. They act as if book-learning is not replaceable by street-smarts. Thus, I doubt political scientists have been asking only the wrong questions. I think they’ve been plumbing information relevant to citizens’ choices. The lack of such factual information undermines their ability to make autonomous political choices. But at this point I’ll leave the matter up to the reader to judgement.

It is time to move on to a different citizen defect.

7.5 Malleability

Ordinary citizens have policy preferences. We say we do, anyway. But where do we get them from? Very often, we get them from political elites. Indeed, often we just toe the party line. Democrats tend to adopt the policy positions which Democratic politicians espouse. Republicans tend to adopt the policy positions which Republican politicians espouse. The crucial thing is that we choose policy based on party, not party based on policy. We’re followers rather than leaders. We take our cues from the top. We don’t drive policy from the bottom. In other words, we’re *malleable*. Our preferences are molded by the preferences of political elites. That, anyway, is what many political scientists have come to believe. Many political scientists think that the origins of our political beliefs lie in the heads and tongues of political elites.

Why believe this? The strongest evidence comes from the panel studies in Lenz (2012).¹⁷ A panel study is a special type of survey. It’s a survey where you ask the same respondent the same questions at different points in time. Each time you ask the respondents is called a wave. Lenz was able to find nine panel studies in which a political issue became important between survey waves. Take, for instance, what to do with Social Security contributions. This issue became prominent in the 2000 election on October 3rd. That was the date of the first televised debate. Bush and Gore sparred over it. Bush wanted to let people invest their social security contributions in the stock market. Gore did not. Before the debates about 70% of the

¹⁶Rapeli (2016) provides a recent review of how information effects vote choice. For similar effects on policy preferences, see Althaus (2003).

¹⁷The development of the view itself, though, owes most to Zaller (1992).

public supported investing. After the debate, Gore supporters changed their positions radically. Almost all the strongest Gore supporters who learnt of his position adopted it. But those Bush supporters who had antecedently opposed investment became much more likely to favor it. In this case, the candidates' positions were unambiguously driving citizens opinions. And this is not the only case he investigates. He looks at nine further cases. In seven of these he finds unambiguous evidence that elites were molding public opinion. In the remaining two he doesn't find such evidence. But this, he argues, is explicable by special features of those cases.

How do elites mold our political attitudes? There are two schools of thought on the matter. The first comes out of the political science literature on heuristics and shortcuts.¹⁸ The idea here is that citizens are looking for cognitive shortcuts. They're looking for ways to come to accurate beliefs without wasting too much time thinking about politics. Party cues provide an excellent shortcut. The citizen might think that their party is usually right. So simply adopting that position is a good way to get an accurate belief for a minimum of cognitive effort. Toeing the party line is, on this view, a good accuracy-goal driven heuristic. The second school is more pessimistic. It comes out of the motivated reasoning literature. We've already seen how this works. The idea is that citizens are motivated to have the attitudes which align with their partisan side. When they find out political elites on their side have a certain policy position, they do their best to convince themselves of that policy position. They *inter alia* twist the evidence to back up their side's view. On this view, they're driven by less epistemically wholesome goals than accuracy. They just want to make their side look good, even if only to themselves.

No doubt elites exert influence via each mechanism sometimes. But when these ideas have been squared off against one another it has been the latter which wins out. The crucial test has been a test of how much mental effort party cues induce. The first idea—the heuristics and shortcuts hypothesis—suggests that party labels should make it easier for citizens to come to a policy position. It should cut down the time they have to take to work out their stance on an issue. But the second idea—the motivated reasoning hypothesis—suggests it should take longer. This is especially so when they initially disagree with the party line. They then have to go through the laborious task of convincing themselves that their party has it right after all. Several studies have found that, in the lab, the second thing is what happens (Petersen et al., 2013; Bolsen et al., 2014). People take longer to come to a policy position when faced with party cues than when not faced with such cues. So no doubt elites work their influence by each mechanism sometimes. But this is

¹⁸We mentioned some of this in Section 7.4.5. See (Popkins, 1991; Sniderman et al., 1993; Lupia and McCubbins, 1998).

some evidence that motivated reasoning is the more common mechanisms of elite influence. So elites mold our preferences, and they often do it by taking advantage of our irrationality.

7.5.1 ...and Autonomy

Why does this matter? I think it impairs the autonomy of those preferences. And I think this impairs the autonomy of choices driven by those preferences. This is because I think that there's an independence condition on autonomy. Autonomous preferences must be, in some sense, free from external control. This condition explains why coercion diminishes autonomy. When Dick Turpin point the gun at your head, one is definitely not free of external control. One is subject to his will. It also explains why autonomy is impaired in some other clear cases. Consider a case of manipulation. Suppose you buy Campbell's tomato soup every day without fail. And suppose you do this due to subliminal advertising. Every advert you watch flashes "BUY CAMPBELL!" at the end. This causes you to buy the soup. Here your actions seem to be of diminished autonomy. That's also because they are not independent. They are under the control of the Campbell soup corporation. This external control undercuts their autonomy. So, a lack of independence undercuts autonomy. And the extraordinary influence of elites, I think, disables citizens' independence. Thus, it threatens their autonomy.

What kinds of interpersonal influence impairs autonomy? This is a key question for evaluating when the influence elites have over public opinion is the relevant kind. Not all such influence is malign. Suppose that elites influenced public opinion through argumentative persuasion. They gave good arguments for their positions and we adopted them on the basis of these arguments. We judged and weighed the reasons elites presented to us. And we reliably adopted the beliefs supported by the good reasons. This would do nothing to impair our autonomy. But that is probably not how elite influence usually works. Broockman and Butler (2017) provide some interesting evidence of this.¹⁹ They convinced U.S. State legislators to send letters to constituents they disagreed with on a policy issue. They found that legislators, just by stating their own position, moved their constituent's opinion on the issue. They didn't need to give any argument at all. Indeed, more argument for the legislators' position didn't add anything to the persuasive effect of the letters. This is not argumentative persuasion at work. Constituents weren't being convinced by the reasons in support of their legislator's position. They were simply adopting it.

¹⁹Cohen (2003) also provides evidence. He finds elite endorsements of a policy have a huge influence on people's policy preferences, even when those endorsements don't come along with any arguments.

So let's put argumentative persuasion aside. I just pointed to two ways in which elites do influence citizens. On the one hand, citizens might just adopt elite positions as a cognitive shortcut. On the other, citizens might adopt it via motivated reasoning. I suggested both happen, but that the latter is likely more common. Influence that goes via motivating reasoning is, I think, one of the kinds of influence that impairs autonomy. This follows from a general principle: when you influence someone's attitudes via such an irrational mechanism, then that impairs their autonomy. Playing on someone's irrationality is sufficient to impair their autonomy. Many cases support this thought. We just mentioned the case of subliminal advertising. Here, the advertiser makes you want tomato soup by bypassing your rational capacities. Your desire, in this case, is not based in reason. But there are other famous cases too. Consider poor Othello. Iago plays on Othello's irrational jealousy and thereby induces him to murder Desdemona. Here Iago is exploiting Othello's lack of reason. This exploitation impairs Othello's autonomy. Or consider a skillful demagogue. Imagine that the demagogue exploits the irrational fears of his audience. The audience irrationally fears some social group. The demagogue stokes this fear and justifies his grab for power by the need to resist this group. Here the demagogue is manipulating the audience. He is thereby impairing their autonomy.²⁰ The general point, to re-iterate, is that when you get someone to want or believe something by exploiting their irrationality, then you impair their autonomy. But motivated reason is not a rational way to form beliefs. So when elite influence exploits people's inclination to engage in such reasoning, this amounts to exploiting their irrationality. Thus, it impairs their autonomy.

Now let me emphasize the sense in which motivated reasoning is irrational. Here we must distinguish between epistemic and practical rationality. Epistemic rationality concerns how you should go about forming beliefs. Practical rationality concerns how you should go about acting, given you have certain beliefs. Motivated reasoning needn't be practically irrational. It is, after all, usually rather nice to believe that one is on the side of the angels. If motivated reasoning helps you maintain that belief without impairing your ability to realize concrete ends, then perhaps it can be practically rational. But it is epistemically irrational. Our belief forming processes should be aimed at accuracy. That was the argument in the previous section: bending the evidence in order to see our partisan side in the best light is an epistemically irrational way of dealing with that evidence. Thus, when elites influence us via exploiting our inclination to do this, they are working through our

²⁰I don't think we must describe the influence of elites as a type of manipulation. But the literature on manipulation is useful for thinking through these cases. See Noggle (1996) for an illuminating discussion of the case of Othello and see Gorin (2014a) for an interesting discussion of the connection between manipulation and rationality. Gorin (2014a) argues that not *all* cases of manipulation work through rational shortcomings.

epistemic irrationality. And that impairs our autonomy no less than exploiting our irrational fears and jealousies does. Thus, a core mechanism of elite influence is autonomy-destroying.

Let's turn to influence that proceeds via cognitive shortcuts. The status of this is less clear. But I'm inclined to think that it also raise worry. Let's bring out the worry with an example. Suppose you meet a master rhetorician. They're eloquent and charismatic and clever. They can convince you of anything they want. They decide, on this occasion, to convince you of what you have good reason to believe. They decide, for example, to convince you that you should eat your greens. They do this by pointing to your reasons to eat your greens. They don't deceive or misdirect you: they work through your rational capacities. You do end up thinking you ought to eat your greens (now you just need to beat akrasia). There seems to me something unsettling about this case. After all, you're putty in the hands of this rhetorician. They decided on this occasion to work through your rational capacities. But they could have easily decided otherwise. The method by which they've influenced you does not reliably track your reasons. It seems to me that this impairs your autonomy. More generally, let's say that a mechanism of interpersonal influence reliably gives you a correct, reason-based attitude when it couldn't easily have failed to give you such an attitude. When a mechanism of interpersonal influence is not reliable in this sense, it seems plausible that that influence impairs your autonomy.²¹

Now here's the worry. When you believe whatever party elites tell you, because you trust those elites, you're in a similar position as when subject to the master rhetorician. You could easily have ended up with a false belief or one based on bad reasons. After all, from your perspective, this is what happens to the rank-and-file on the other side of the party line. When they trust elites of their party, they've been led astray. Yet there but for the grace of God goes you: you could easily be subject to such misguiding elites. Indeed often you are. Your same-party elites are surely not always right. Often, if you just believe what they tell you, you will form false beliefs. So, availing yourself of shortcuts looks suspect from the point of view of autonomy. It is not a reliable way to form a reasonable attitude. Even when it gives you correct attitudes based on good reasons, it could easily have failed to do so. As I've said, I'm inclined to think that this means such reliance imperils your autonomy. If that is right, then following elite cues is not a way to preserve your independence. It is not a reliable enough method for doing as you have reason to do.

Thus, not every way of influencing someone is akin to coercion or manipulation. But the ways elites actually influence citizens are. They likely exert influence in one of two ways: either through our motivated reasoning or through our reliance

²¹See Gorin (2014b) for this type of view about manipulation.

on shortcuts. Both types of influence impair our autonomy. The former means elites are exploiting our irrationality. The latter means our attitudes aren't reliably accurate and reason-based. The first point seems to me more important; I suspect motivated reasoning is the more common channel of elite influence. And I am much more confident that this channel of influence impairs autonomy than does the other. But in both cases our malleability seems like more bad news for our political autonomy.

Let's now address a couple of objections to this position.

7.6 Objections and Replies

7.6.1 *Mens Rea*

Here's the first objection: autonomy-destroying external influence has a mental component. The person who exerts influence has to have certain mental states for it to impair autonomy. Consider coercion. Suppose someone locks you in a room. If they did this to extort money, then it counts as a case of coercion. So it's a special imposition on your autonomy. But imagine that, instead, they had no idea you were in the room. They locked you in by accident. Then it's no case of coercion. Now it might still impair your autonomy somewhat. But it does so no more than if the wind were to have blown the door shut. It doesn't impair your autonomy in the distinctive way interpersonal influence can impair your autonomy. It doesn't make you someone else's tool. The thought is that, whatever this mental component is, political elites are missing it. So their control over our political attitudes poses no special threat to our autonomy.

What exactly is the missing mental component? Well, the coercion case suggests that elites have to intend to influence our actions and attitudes. When they take positions, they're trying to mold our views. Otherwise their influence can't possibly count as autonomy-destroying. But elites surely have such intentions. Political elites don't talk to journalists and make speeches for the fun of it. They are trying to affect public opinion. So the objection better not hinge on elites missing the intention to influence ordinary citizens' opinions.

Perhaps the missing mental component concerns exactly how that influence works. One thought is that, for interpersonal influence to be autonomy-destroying, the influencer must intend it to work in a suspect way. Perhaps they have to be trying to influence you in a way which undermines your autonomy. Consider, for example, the soup advertiser. We might think that they are only impairing your autonomy with their subliminal advertising when they themselves think of what they're doing as impairing your autonomy. If they don't, we might think, they aren't impairing your autonomy. And we might deny political elites think of their influence in any

such way. So we might deny that their influence could impair our autonomy.²² This thought would sustain the objection. But it's not a promising thought. Clearly the advertiser can impair your autonomy without thinking that they're impairing your autonomy. They might have no conception of what autonomy is. Nonetheless, by showing you their crafty subliminal advertising, they're putting you under their control. Interpersonal influence can impair autonomy even when the influencer doesn't conceptualize it as impairing autonomy.

So is there any further mental component to autonomy-destroying influence? I'm unsure. But, if there is, I suspect it comes down to a type of recklessness. For example, suppose elites impact your attitudes with a disregard for whether their impact works through rational mechanisms. They don't mind if they induce the attitudes they want through such mechanisms. But they're not counting on it. For them what matters is inducing the attitude: any means will do. This type of recklessness seems indicative of autonomy-destroying influence. So I suspect that, if autonomy-destroying influence does have a further mental component, it comes down to a disregard for the mechanisms through which that influence functions.²³ But this seems to me bad news for the objection. It might be that some political elites do mind how they influence citizens' attitudes. Some elites might really care about exerting influence only through argumentative persuasion. But I suspect that most political elites are less scrupulous. I suspect that they care most about shifting public opinion; any means will do. They don't much mind if you come to agree with them through poor reasoning. But, if that's true, I doubt we can save our autonomy by an appeal to the good nature of political elites.

7.6.2 Iterated Control

Here's a second objection. I've appealed to several sufficient conditions for autonomy-destroying influence. I've claimed that when influence runs through irrational mechanism it tends to impair autonomy. And I've claimed that when influence leaves one with fragile attitudes—attitudes that could easily be non-autonomous—that tends to impair autonomy. But perhaps these claims are false. Perhaps we can come up with a different account of the paradigm cases which motivate this condition. I think the most promising alternative idea invokes a notion of iterative control. To spell this out, we first define a notion of proximate control. An attitude of yours is under someone's proximate control when you have the attitude, they want you to have. When they want you to prefer x to y you do prefer x to y , and when they want you to prefer y to x , you do prefer y to x . An attitude is under your iterated

²²Noggle (1996) has a view a little like this about manipulation. See Barnhill (2014) for some useful critical discussion.

²³See Baron (2014) for this view in the case of manipulation.

control when its being under someone else's proximate control is itself under your proximate control. Your attitude only varies with what they want because you want it to do so. We might think that it's only failures of iterated control which impair our autonomy. It's only when we're not under control of being under control that our autonomy is threatened. And here's the objection: our malleability is under our own control. So it poses no threat to our autonomy.

I have some sympathy for this account of autonomy-destroying influence. It does deal adequately with the argumentative persuasion cases. The literature on motivated reasoning attests to the fact that whether we're persuaded is typically under our control. But, even if this account works, I doubt it can sustain the objection. That's because I doubt citizens' malleability is under their control. I doubt this for two reasons. First, most citizens don't think they're under the proximate control of political elites (Cohen, 2003; Taber and Lodge, 2006). We can quite often see the influence of elites on others. But we think we ourselves escape this influence. This creates a barrier to freeing ourselves from the proximate control of elites. Even were we to want to be free of such control, we think we need make no changes to do so. Second, I just argued that elite influence typically occurs due to motivated reasoning. But motivated reasoning typically depends on partisan group identities. Such identities are extremely stable, and difficult to change. And when one has such identities it is difficult not to engage in motivated reasoning. Even when one incentivizes people to pursue accuracy, they often can't help themselves from reasoning in the pursuit of partisan goals (Bolsen et al., 2014). So it seems to me likely that most of us can't easily free ourselves from elite control. So, on this account, elite influence still impairs our autonomy.

I think we should conclude that our malleability very likely does impair our political autonomy. Elite influence over preferences often counts as an autonomy-destroying form of external control. More generally, I've argued that our cognitive shortcomings quite broadly undermine our political autonomy. They all undercut our autonomy.

7.7 Democratic Values

So how does all this affect how well American democracy attains intrinsic democratic values? I think their impact is most straightforward, and important, in the case of self-rule. I've already argued that to achieve the value of self-rule we have to be able to autonomously influence government. If our joint intentions bring about government policy, but this doesn't occur via our individually autonomous choices, then we don't achieve much of this value. But, so I've argued, generally speaking we are uninformed, irrational and malleable. All the factors undermine our ability

to make autonomous political choices. So our shortcomings undermine our ability to attain the values of self-rule. It's not just the lock elites have on power which poses an obstacle to our achievement of self-rule. The problems with how we think about politics also undermine our ability to achieve this value.

Now that's not to say they completely get rid of it. I argued that our cognitive shortcomings diminish autonomy, not that they erase it. How deep a diminishment we should judge it depends on how severe our shortcomings are. I think the evidence indicates that these really are quite severe. Most of us are ill-informed about politics. Most of us reason about politics quite irrationally. And many of our opinions seem to come from political elites. Collectively, these shortcomings are not just a mild departure from the ideal. They make it very difficult for many people to make autonomous political choices. So they pose a severe obstacle to achieving much of the value self-rule. They put this value, to a large extent, out of reach.

How do these shortcomings impact equality? In Section 7.2, I argued that (at least) the positive ideal of democratic equality required an equal distribution of autonomous influence over government. So, how do our shortcomings bear on this distribution? Let's start with political information. In Section 7.3, we noted that political information is unequally distributed. And we noted that those with more power anyway tends also to be better informed. Considered on its own, that impairs equality. It exacerbates the inequalities between those with more and less political power. So, at first glance, this seems to impair democratic equality.

But matters are muddier on second glance. We should consider political information in concert with our other shortcomings. That is because more information tends to make people less rational and more malleable. Consider irrationality. Better informed people engage in more motivated reasoning (Taber and Lodge, 2006). That's because they do it more effectively. They use their extra information to convince themselves that what they want to believe is true. So, their extra information might not really count as knowledge, in the philosophically relevant sense of the term, at all. Their knowledge may be undermined by their irrationality. Thus, their information won't pay-out in protecting their autonomy.

A parallel point goes for malleability. Better informed people are more influenced by elites (Zaller, 1992; Berinsky, 2009). That's because they know what elites think. And you need to know what elites think to copy them. So the direct effect of being uninformed may be to impair autonomy. But, indirectly, it has a protective function. It protects from irrationality and malleability. What's the upshot of this? It blocks the conclusion that the distribution of citizen shortcomings exacerbates inequality amongst ordinary citizens. Lack of information tends to exacerbate existing inequalities. But irrationality and malleability ameliorate them. It's not obvious which effect is greater. So it's not obvious whether citizen shortcomings make the relationships between ordinary citizens less egalitarian.

That does not mean such shortcomings have no bad implications for democratic equality. As I stressed in Part II, it's not just inequalities between ordinary citizens which matter. It's also inequalities between ordinary citizens and elites. And here our shortcomings do seem likely to exacerbate inequalities. Political elites tend to be well-informed about policy. Lack of information doesn't much diminish their power. Moreover, the malleability of ordinary citizens increases their power. It is hard to know how much office holders engage in motivated reasoning. But incentives diminish, albeit don't eliminate, such effects (Prior and Lupia, 2008). And political elites have some incentive to have accurate political beliefs. Their accuracy actually impacts policy, in a way that that of ordinary citizens' beliefs rarely does. So they're likely less vulnerable to motivated reasoning than are the rest of us. So our shortcomings likely put us at a more severe disadvantage vis-à-vis such elites. They exacerbate the inequality of power between ordinary citizen and elected officials.

But the issue here looks a little minor compared to the phenomena we've already discussed. The picture I painted in the previous chapters was one in which a small cadre of elites hold a near-monopoly on political power. This poses a very substantial barrier to equality between elites and ordinary citizens. The extra barriers posed by citizen shortcomings looks rather small. Simply put, these shortcomings are not the most serious component of inequality between elites and ordinary citizens. Now they might make a substantial *causal* contribution to this inequality. They might in part explain why the inequalities described in Part II obtain. I take no stand on this. But their constitutive contribution to those inequalities looks relatively small.

This discussion has concerned how our shortcomings impact the distribution of autonomously exercisable influence. But perhaps that focus is myopic. In Chapter 2, I claimed that there were other constraints on positively valuable egalitarian relationships. In particular, I claimed that there was a welfare constraint on such relationships. Participants in such relationships have to care about one another's welfare. And that means, in part, being motivated to promote or protect on another's welfare. One might think that citizen ignorance, especially, violates this constraint. That is because citizens should expect to vote for worse candidates given this shortcoming. But worse candidates have worse policies, and worse policies can be a terrible blow to one's fellow citizens.²⁴ So perhaps our shortcomings do matter to egalitarian relationships after all. Perhaps they violate the requirement that we care sufficiently about the welfare of our fellow citizens.

I do not think that that is right either. I think the level of knowledge (for example) that we must reach, in order to care appropriately about our fellow citizens'

²⁴This line of argument has some similarity with that in Brennan (2011, ch. 4). But Brennan does not draw a connection to democratic equality.

welfare, is actually rather low. That level is a function of two things: the cost of obtaining political knowledge and the chance such knowledge will make an actual difference to our co-citizens welfare. The first is not trivial: it's hard work being well-informed about politics. You have to spend a lot of time reading *Politico* and *The New York Times*. That is all time stolen from your other activities. But the second is trivial. The chance such knowledge makes a difference is very small. This is because the chance your vote makes a difference is very small. Rarely do individual votes decide elections. So we needn't be very well-informed to evince an appropriate level of respect for our fellow citizens' welfare. The same goes for our other shortcomings. The positive aspect of democratic equality imposes lax requirements on good citizenship.²⁵ And it's not like citizens are completely uninformed or completely irrational or completely malleable. Thus, I suspect that most citizens meet these lax requirements. Our shortcomings don't impair democratic equality in this way either.

So let's sum up. Our cognitive shortcomings, so I've argued, pose a high barrier to our achieving much of the value of self-rule. They mean that even when our intentions impact policy, we don't get that much value from this. I take this to be their primary import. This is why they matter most. Their connection to equality is more tangled. The distribution of political information exacerbates inequality amongst ordinary citizens. But that of irrationality and malleability ameliorate it. Now these shortcomings probably widen the gap between political elites and ordinary citizens. But they are far from the most serious contributor to that gap. And these shortcomings are probably not severe enough to impair the positive aspect of democratic equality. Thus, our shortcomings matter much more for self-rule than equality. In the next section we'll look at a final pair of objections to this overall view. I think neither are particularly convincing. So I think this overall view is the right one.

7.8 Objections and Replies

7.8.1 Only Access Matters

Here's the first objection. Above, I've claimed that autonomy matters to equality and self-rule. But maybe that's wrong. Maybe what really matters is *access* to autonomy. On this view, we can achieve self-rule by just giving people access to autonomy. Whether they take up that access doesn't matter. Likewise, we can achieve equality by solely equalizing access. Whether people equally take up that access is, again, irrelevant. But, plausibly, the phenomena I've been discussing

²⁵We'll return to this matter in Chapter 9.

don't really imperil access to autonomy. After all, people *could* get better informed. They *could* reason rationally. They *could* make up their own minds on political matters. So, in some sense of 'access', they have access to high degrees of political autonomy. And if access in this sense is all that matters, then that means democratic ideals aren't in danger after all.

This view seems to have little plausibility in the case of self-rule. It does not seem plausible that mere access to political power does much at all to bring about self-rule. Suppose turnout in elections dropped to zero. But imagine the government kept running elections year-in and year-out regardless. Everyone could vote. But nobody chose to do so. There are very few such circumstances, I think, in which people would count as self-ruling. Imagine a government comes into power (presumably by a coin toss) and enacts its program. That program would not manifest the intentions of the citizenry. And this wouldn't help the freedom-protecting or authorship-promoting values of self-rule. So this objection looks like a non-starter when it comes to this value.

But it is more promising when it comes to equality. Indeed, we discussed the view associated with this objection in Chapter 2. The view associated with this objection says that only the opportunity for power matters to democratic equality. In that chapter I gave some arguments against that view. But it'll be helpful to state a salient argument here. Suppose we let an examination determine access to public power. Only those who passed the test got to vote.²⁶ You can get the vote as long you demonstrate a certain amount of knowledge about politics, the ability to reason about it rationally and the power to make up your own mind. There's a sense in which everyone can do this. So there's a sense in which everyone, under such a regime, has access to political power. This is exactly the same sense in which everyone has access to autonomy. But, in this case, it seems obvious that democratic equality is not achieved. So access to power, in this sense of 'access', is not sufficient for equality. Thus, I don't think this objection goes through when it comes to equality. It's not just opportunity for power which matters to equality: it is actual power.

7.8.2 What's Relevant?

Here's the second objection. Perhaps not all kinds of ignorance matter to democratic ideals. Suppose I don't know exactly how different policies will turn out. So I don't know exactly what vote best coheres with my core values. But suppose I do know

²⁶Brennan (2016a, 210–14) advises we try out just this. In a sense, China's regime implements something like this model. You have to pass extremely competitive exams to get into public office in China. In 2018, for example, about 900,000 took the National Public Servant Exam: there were 14,500 open position (Xinhua, 2018).

where different candidates stand. So I know how my vote is liable to affect policy. One might think that this sort of ignorance doesn't detract from self-rule at all. And suppose some citizens knew much more about how policies will end up than did I. Then, one might think, this doesn't seem to make me less than their equal. Thus, it's only certain kinds of ignorance which impact democratic values.

If this is true, then my account of relevant knowledge from my discussion of political ignorance is wrong. Knowledge which bears on how one's actions match one's core values doesn't matter to autonomy. Only knowledge which bears on the short-term effects of one's actions matters. So this objection, if sound, would force us to change the account of relevant knowledge. But this wouldn't force us to change our conclusions. That's because citizens lack much relevant knowledge, even on this more circumscribed notion. For example, we often don't know the parties' policy positions. So we're ignorant of how our vote affects policy. Thus the remaining discussion would go through undisturbed.

But I doubt this objection is sound. After all, suppose citizens knew more about how their vote coheres with their values. That certainly looks like an improvement to self-rule. If I knew how different policies were to turn out, then I could better rule myself. And, in the above case, it also seems to me like an improvement to equality. If the poorly informed were better informed, it seems to me that this could make this situation more egalitarian. Thus, I doubt we need further circumscribe what knowledge counts as relevant. I think the original account of relevance is right. But, even on a more circumscribed notion, ignorance still matters to democratic values.

7.9 Conclusion

Let's sum up. In this chapter we have for the first time turned the spotlight on ordinary citizens. And we've turned it to a feature of ordinary citizens which has been discussed extensively: the defective ways in which we cognitively engage in politics. I've argued that our cognitive shortcomings pose a very serious problem for our political autonomy. They greatly reduce our ability to make autonomous political choices. This doesn't, so I've suggested, pose that much of an issue for democratic equality. But it poses a serious issue for self-rule. It makes it very difficult for American democracy to realize much of this latter value. It makes it very difficult for American citizens to rule themselves. This, then, is how our cognitive shortcomings matter to American democracy. They prevent, or at least greatly diminish, self-rule. Americans would be in a far better position to be self-ruling were their cognitive engagement with politics of a higher quality.

Are there ways to solve this problem? Unfortunately, in this case, the outlook is bleak. This is clearest in the case of political information. Levels of such infor-

mation are about as low today as they were at the dawn of survey research (Delli-Carpini and Keeter, 1996, ch. 3). But since then we've seen seismic changes in the political, social, economic and technological character of America. In 1940 five percent of Americans went to college; today fifty percent do. In 1940 fewer than half of Americans finished high school; today over ninety percent do. In 1940 people had to get their political information once a day from their local newspapers; today, any piece of political information is almost available to almost everyone at almost every time. These changes have not made a dent in average levels of political information. In the light of this, it is not clear what feasible reforms would. I suspect the same is true of the other cognitive shortcomings I've discussed in this chapter. They are here to stay.²⁷

²⁷Somin (2013, ch. 7) makes essentially the same argument.

Chapter 8

Polarization

8.1 Introduction

America is tearing itself apart. The parties are further away from each other than they have been for generations. The difference between them now makes up a vast ideological chasm. Meanwhile, ordinary Americans have begun to hate one another. They don't want their kids to marry across the party aisle. They discriminate against cross-partisans. They think that those affiliated with the other party are stupid, selfish and a danger to the country. Living memory does not stretch back to a time America has been this divided. And America is only getting more divided. Every year politicians have a little less common ground. Every year cross-partisans view one another with a little more contempt. America, in sum, is polarized and getting more polarized. All this has woeful implications for American democracy. It snuffs out America's ability to realize democratic values. It frustrates the promise of democracy in the United States.

That, at least, is the story we hear from newspapers and television studios.¹ We sometimes hear it, or parts of it, from the academic presses.² In this chapter we'll see whether it gets things right. We will first need to disambiguate between types of polarization. The story above describes two: elite ideological polarization and mass affective polarization. The former amounts to political parties getting further apart ideologically. The latter amounts to growing animus between ordinary citizens of different partisan affiliations. I think the story is misleading when it comes to elite ideological polarization. For the intrinsic value of American democracy, this has no woeful implications. In fact, it probably promotes the value of self-rule.

¹See, for example, Brooks (2019). According to Levendusky and Malhotra (2016), there are about 20% more stories about polarization nowadays than there were twenty years ago.

²For example, see Bishop (2009).

The more distinctive the parties, the more self-rule Americans enjoy. But I think the story is too timid on the matter of mass affective polarization. This does have woeful implications for the intrinsic value of American democracy. I think it precludes the positive aspect of the egalitarian ideal. It makes it hard for positively valuable egalitarian relationships to form across party lines. But it doesn't just prevent the formation of such relationships. It constitutes distinctively objectionable relationships amongst citizens. These aren't objectionable because inequalitarian, they're objectionable because adversarial. Thus, mass affective polarization threatens more than just democratic values.

On balance, the upshot of this seems to me more bad news than good news. The ills of mass affective polarization outweigh the goods of elite ideological polarization. Moreover, the former cement a distinctive type of ill. In Chapter 6, I raised some worries about the relationships between cross-partisans. I said that there were inequalities of power between cross-partisans. But one might deny that these inequalities make cross-partisan egalitarian relationships untenable. Perhaps they aren't sufficiently acute. The findings explored in this chapter cement these worries. These inequalities may not preclude valuable cross-partisan egalitarian relationships. But the mutual contempt does. And it does a lot worse besides. It makes those relationships adversarial. This makes achieving much of the positive aspect of democratic equality very difficult. In the rest of the chapter I'll substantiate these claims. Let's start with the good news.

8.2 Elite Ideological Polarization

In 1968, George Wallace famously complained that “[t]here’s not a dime’s worth of difference between the two parties!” He was right. In the 1960s, the parties were ideological doppelgängers. They agreed about a wide range of policies. They did not have sharply distinct governing philosophies. Some issues which now divide the parties, like abortion and gun rights, were not even on the agenda. Others, like civil rights, had more intraparty than interparty import. Civil rights divided the Democrats; it did not divide Democrats from Republicans. But towards the end of the decade this began to change. The parties became more ideologically distinct. The Democrats, increasingly, became the party of liberalism. The Republicans, to an even greater extent, became the party of conservatism. Republicans pushed a small-government, socially traditionalist governing philosophy. Democrats pushed a big-government, socially tolerant governing philosophy. The parties, over a forty years period, first staggered and then stormed apart ideologically. In the modern day they provide far more distinctive policy platforms than they did in the 1960s. This endpoint is what I’m calling elite ideological polarization: divergence on sub-

stantive policy issues amongst the political parties.

How do we know that this happened? In Chapter 4 I described an oft-used measure of congressional voting behavior: DW-NOMINATE. This is a summary measure of the voting record of each member of Congress. What it summarizes is who votes with who: those who get above 0.5 tend to vote with other people who get above 0.5, and those who get below 0.5 tend to vote with other people who get below 0.5. On this measure, legislators from different parties have been getting further apart for fifty years.³ Now that doesn't guarantee that the parties have been becoming more extreme. But more extremity is an excellent explanation of the divergence. And it's an explanation buttressed by two points. First, these scores only directly tell us who votes with who. But they match intuitive judgements about who's most ideologically extreme. Ted Kennedy gets a very low score; Jesse Helms gets a high one. Second, these scores correlate highly ($r > 0.9$) with the assessments of congressional voting records from ideological interest groups. When the American Conservative Associate (ACA) says that someone has an extreme voting record, then so does DW-NOMINATE. The two points make it plausible that these scores tap legislator ideology.

One still might doubt this. The main worry is that what's really happened is a different phenomenon: elite *partisan* polarization. Elite partisan polarization involves members of each party voting together for non-ideological reasons. They might unite to make the other side look bad and their side look good. They might care not a whit for policy. Consider, for example, the politics of corruption investigations. There's no ideological charge in these: no ideology is for more corruption. But there sure is a partisan charge. Corruption investigations always benefit someone: usually the party not being investigated. So votes on such investigations induce deep partisan splits. This is elite partisan polarization in action. The worry is that the entire divergence picked up by DW-NOMINATE scores is down to this. Yet, fortunately, we can alleviate this worry. We do this by helping ourselves to the work of Frances Lee (2009, ch.3). Lee distinguishes between ideological and non-ideological issues. Corruption is one example of the latter. Space exploration and executive oversight are others: no ideology opposes executive oversight. She shows that polarization is about twice as pronounced on ideologically charged issues. The best explanation of this is that the parties are far apart ideologically. Elite polarization is not merely a matter of partisan bickering. It's a matter of substantive policy dispute.

In the rest of the section, I'm going to argue that this is, in one important respect, a good thing. Elite ideological polarization helps American democracy better attain

³For a review of the literature see (Hetherington, 2009, 415–19). For some other important works see Poole and Rosenthal (2007, ch. 4) and Theriault (2008, ch.2).

the value of self-rule. But I don't think the same about elite partisan polarization. This might have some redeeming features, but I suspect they are few. I defend divergence on substantial policy issues. Here's my basic argument. Elite ideological polarization affects people's choice sets: it changes the options that they can choose between. But the properties of these choice sets matter to how self-ruling they are. In particular, their diversity and their quality matter. Elite ideological polarization increases their diversity and probably doesn't negatively impact their quality. Thus, overall, it is likely good for self-rule. In the rest of the section, I'll discuss this argument in depth.

8.2.1 Self-Rule and Choice Sets

Let's start by reminding ourselves what self-rule is and why it's valuable. Some citizens enjoy self-rule with respect to some political event when that event manifests their joint intentions. This is valuable for two reasons. First, it means that the coercion related to that event is less a blow to their freedom. When the event is a law, for example, its coercive enforcement impairs their freedom less. Second, it means that they stand in an authorship relationship to that event. That event is not something entirely alien to them. They are themselves responsible for it. This is the story about self-rule I laid out in Chapter 2. The thesis of this section is that these values are—often—better achieved when the political parties are further apart.

The key point is that elite ideological polarization changes the nature of voters' choice sets. When there is little such polarization, voters face relatively similar options. Each party will enact similar policies. But, when there is a lot of elite polarization, voters face more distinctive options. The parties will enact quite different policies. The crucial question, then, is how the properties of a choice set matter to self-rule. Here's how we'll approach the question. We will look at how the properties of individual's choice sets affect their capacity to achieve the values associated with self-rule. We want a notion of self-rule which tracks these values. Thus, we'll say that one is in a better position to be self-ruling when one's choice sets have these value-promoting properties.

Let's start with authorship. What features of your options matter to your authoring something? For a start, the more diverse your options the better are you able to be a self-author. Your options are diverse when they are very different. What matters here is not the number of options available to you. Being able to choose between five hundred identical cereals doesn't give you diverse options. Rather it's how distinctive your options are. To see this, imagine that you have two job offers: banker for Goldman Sachs or banker for Morgan Stanley. These are very similar jobs. They're both good jobs, at least for a certain kind of person. But, if these are your only options, you're in a worse position to be a self-author than had you

more distinctive options. Suppose, for example, you were instead choosing between Goldman and academia. Then your ultimate choice contributes more to your self-authorship. It makes your career more fully your own. Thus, more diverse options let you be more author of your own life.⁴

It's natural to explain (and defend) this in terms of difference-making. When your options are very similar, which one you choose doesn't make much of a difference. If you'd chosen differently, or not at all, your life would have ended up much the same. But when your options are very dissimilar, which one you choose makes a huge difference. If you had chosen differently, your life would have been very different. You would have ended up as an investment banker rather than as a professor. And, crucially, how much a choice contributes to self-authorship is a matter of how much that choice makes a difference. When your life would have ended up pretty much the same whatever you chose, the choice isn't much of a manifestation of self-creation. So, the more diverse your options, the more your choice makes you a self-author.⁵

But diversity is not the only feature of one's options which matters to self-authorship. Their quality also matters. Quality matters in two ways. First, it seems that having very bad options doesn't much help make you a self-author. Consider again the medieval thief. That each of their options is so bad is reason to think that they're not in much of a position to be a self-author. And this would hold even were their options much more diverse. Suppose they were deciding between losing their right hand and spending five years as a galley slave. These options are quite different. But again it seems they're not in much of a position to be self-authoring. The natural explanation of this is that, if one of your options is not minimally decent, then your having that options doesn't help you be a self-author. Indecent options don't count for the purposes of self-authorship. Thus, you must have multiple minimally decent options to be a self-author.⁶

How do we determine what a minimally decent option is? One way to do this

⁴Raz (1986, 375) makes a similar point.

⁵For a vivid political case of the import of diversity, consider the choice that faced the Dominican voter in 1942. Trujillo had ruled the country for about a decade. But, since 1938, he had done so out-of-office. In 1942, he decided it was time to retake the presidency. Naturally, he would run under the banner of the incumbent Dominican Party. Yet he was under pressure, from the United States, to make the election free and fair. This led him to authorize—indeed create—an opposition party. But suspicions were raised when it was noticed that the opposition party was called the Trujillo party. Suspicions were inflamed when it was noted that Trujillo was its presidential candidate. As it happened, Trujillo won one hundred percent of the vote: 190,229 votes under the opposition banner and 391,708 votes under the incumbent banner. The Dominican voter could freely and fairly choose between Trujillo or Trujillo. I take it that this choice was not diverse enough to give the Dominican people much self-rule. See Wiarda (1968, 66) for an account of this episode.

⁶Raz (1986, 373–77) also endorses this thought.

is objectively. If, objectively, an option is sufficiently morally bad, or sufficiently bad for the chooser's well-being, one might adjudge it not minimally decent. The chooser's opinion about their options needn't matter.⁷ Yet this seems counterintuitive in some cases. All my options could, objectively, be morally terrible. But I might not see things that way. Perhaps I am a war leader, who revels in the slaughter of my enemies. My bellicosity has left me with only violent options; but that that seems like no bad thing to me. Such a person, in my view, could be author of their own lives: they would typically author a morally reprehensible life. So, I prefer a subjective account of minimal decency. On this view, an option is minimally decent as long as the chooser does not think it is too noxious, too unpalatable. It is their attitudes which are critical. Your self-authorship, then, is in part dependent on you seeing your options as decent.

The second way quality matters, I believe, is that simply having *better* options puts one in a better position to be a self-author. You're in a better position to be a self-author when you're choosing between a set of individually very good options than a set of merely minimally decent options. In the former case, your choice will more manifest your values. How the value of one's set of options is determined here is not by their average value or their median value or even their sum value. It's closer to the value of one's best option. To see this, suppose you have the option of being a galley slave or being in the Rolling Stones. The fact that you have the rowing option doesn't drag down the quality of your choice set in the relevant sense. Subtracting this option—forcing you to be in the Stones—would not put you in a better position to be a self-author. Thus, you are in a better position to be a self-author when your options are better, where this is understood as especially sensitive to the value of your best option.

These points all go for the freedom protecting value of self-rule too. Suppose you make some choice out of a very limited, low quality set of options. And suppose you're coerced into following through with that choice. This coercion seems like a pretty large blow to your freedom: it seems like a much larger blow to your freedom than had you more diverse, higher quality options. For example, imagine that you're choosing the method of your own execution. The execution is set, you just get to decide how you go. The fact that you don't have any decent quality of the choice means that the execution counts as a pretty serious blow to your freedom. Your getting guillotined is hardly a manifestation of your intention. It is more a manifestation of your circumstances. And, equally, the better your options are the less the coercive enforcement of your choice seems to impair your freedom. If you had truly wonderful options, we might not much care about the coercive enforcement of the one you ended up choosing. Thus, the diversity, minimal decency, and

⁷This is how I interpret Raz (1986, 378).

maximum value of your options matters here too.

Let's now see how this matters to elite ideological polarization. The import of diversity is straightforward. Growing elite polarization just consists in parties getting more distinctive. So, this growth has made citizens' options more diverse. This puts them in a better position to be self-ruling. We can make the point concrete. Imagine citizens were faced by two nigh-indistinguishable, centrist, parties. These parties agree on all central issues of policy. Their disagreements are trivial. They disagree only on whether the minimum wage should be \$7.25 or \$7.35 per hour. Huge public battles are fought over a ten cents difference on minimum wage policy. The issues which make any such policy desirable are given no airing. In this case, the lack of diversity between citizens' options detracts from their self-rule. We should lament their bland centrism. Were the parties to polarize, were they to disagree more deeply about more important issues, citizens would be in a better position to be self-ruling. There is a clear-cut way, then, that growing elite polarization has been good for self-rule: it makes citizens options more diverse.

The import of having minimally decent options is ambiguous. On the one hand, the polarization of initially centrist parties means that those on the political extremes likely have more minimally decent options. Previously, they may have found both centrist parties sufficiently noxious, sufficiently unpalatable, for them to count as having no such options. As one of these parties has shifted towards them, they have acquired at least one decent option. On the other hand, those on the center-left and center-right might have lost a minimally decent option. Consider people on the center-left. As the Republican party has veered rightwards, it may from their perspective no longer count as a minimally decent option. Voting Republican is, for them, sufficiently noxious that they now have but one decent option: voting Democrat.⁸ Which of these effects is more important is hard to say. Assuming there are more people in the center than the extremes, the latter will have affected more people. Yet, plausibly, moving from zero decent options to one decent option is more good than moving from two decent options to one such option is bad. So, how elite ideological polarization impacts this aspect of quality is ambiguous.⁹

The import of having high maximum value options, again, favors elite ideological polarization. Elite polarization will, often, improve the value of people's best option. We can see this in a simple case. Assume that there are two parties, the ideological space is unidimensional, and citizens are uniformly distributed across this space. Assume, also, that the value of an option for each voter is entirely determined

⁸Many believe that Republicans have moved more to the right than the Democrats have to the left (Mann and Ornstein 2013; Barber and McCarty 2013). If so, then in reality this burden falls most heavily on the center-left.

⁹Notably, on the objective view of minimal decency, elite polarization will often not matter at all. Two centrist parties can, presumably, both be morally reprehensible.

by its distance from that voter in this ideological space. In this setting, putting both parties in the center won't maximize the value of citizens' best options. We need to spread the parties more evenly in ideological space. Precisely, we want to place one party halfway between the left pole and the middle, and the other party halfway between the right pole and the middle. This will minimize how far, on average, voters are from their closest party and thus maximize the value of their best option. Insofar as the quality of their options in general is especially sensitive to this value, this will also maximize the quality of their options. The point generalizes to other settings. To maximize the quality of citizen's option, as conceived of as dependent on the value of their best option, we'll often want a substantial dose of elite polarization.

We can now sum up how elite polarization matters to self-rule. The diversity and quality of citizens' options matters to how self-ruling they can be. Elite ideological polarization plainly improves diversity. It gives citizens genuinely distinctive choices. It's impact on quality is more complicated. In some ways, and in some cases, elite polarization can help quality; in others it can hinder it. Thus elite polarization is clearly good in one respect and ambiguous in the other. So, it is more likely to be non-instrumentally good than bad.¹⁰ The last sixty years of elite polarization, in this respect, looks worthy of more celebration than lamentation. Political elites divided by ideology most likely make citizens better able to rule themselves. When there is not a dime's worth of difference between the parties, the cost is exacted in the coin of self-rule.

Let's quickly address an objection to this conclusion. Suppose one adopts a preference satisfaction conception of democratic values. On this conception, democracy is only valuable insofar as it gets people policy close to what they want. It doesn't matter whether they themselves help bring about that policy. Then the problem with elite polarization is that it means people will likely be getting policies further from what they want. But few philosophers endorse this conception of democratic values. One reason is straightforward: benevolent dictatorships can realize this value. Dictators can enact what the people want. Yet dictators don't so realize any aspect of democracy's intrinsic value. So to rely on this is to rely on an extremely dubious account of democratic values. Of course, this isn't a full argument against this account. And I'm not going to give such an argument here: this ground is well-trodden.¹¹ But my conclusion about elite polarization does rely on rejecting the preference satisfaction conception of democratic values.

¹⁰Note that, if what I've said is right, introducing a third party would be excellent for self-rule. I don't belabor this possibility, because third parties face so formidable a task in winning American elections.

¹¹For a succinct critique, see Kolodny (2014b, 206–8).

8.2.2 Who Controls the Choice Set?

I'll consider one more objection to this line of thought. This concerns control over the options one is choosing between. Suppose, when deciding your career, you made a prior choice about what choices to have. You spent all your time with the investment bankers and ignored your professors (more fool you). Thus, it was your own prior choices which determined the properties of your present choice set. In this case, those properties might not matter at all. The fact that your options are limited may impair neither your autonomy nor your self-authorship nor your pursuit of worthwhile projects. Analogously, the same may go for the political case. Suppose the electorate determined the structure of elite competition. Then perhaps the nature of their electoral choices doesn't matter at all to self-rule. They've set that nature. And perhaps, in the United States, the electorate does determine that structure of elite competition. Thus, the diversity and quality of their electoral choices may not matter. The actual level of elite polarization may be irrelevant to how much self-rule Americans can achieve.

This objection is interesting. And perhaps the normative premise is correct: perhaps, when the electorate determines their electoral choices, the properties of their choice set are less important. But I doubt the empirical premise is correct. I doubt that, in the United States, the electorate determines the structure of elite competition. For why would one think this? I think the best argument in its favor points to the primary system. In the United States, candidates for both major parties are elected in primaries. And perhaps this gives the electorate influence over the structure of competition. The thought is that, via participating in the primaries, ordinary citizens have determined the options that they're faced with on election day. But there are two reasons to be skeptical of this argument. The first is institutional. In most states in the United States, only registered party-members can vote in a party's primary. And in most states, you can only vote in one primary: you can't vote in both. Both reduce the extent to which each individual has an influence over the options they're faced with. They have a direct influence over the identity of one of the candidates, but not over that of the other.

The second, more important, reason concerns participation. Few people vote in primaries. In the last thirty years, about 20% of voters have participated in primaries.¹² Thus, few people directly wield the influence they get via primaries. Now, if *opportunity* for influence is all that matters, then perhaps this is not so worrying. Everyone could vote in at least one primary. But this seems especially implausible in the case of self-rule. It's not just the opportunity to mold government which lets us take part in grand collective projects. It not just this opportunity which makes us

¹²Calculated from: <https://www.pewresearch.org/fact-tank/2016/06/10/turnout-was-high-in-the-2016-primary-season-but-just-short-of-2008-record/>

co-author of our environment. We have to have actually influenced our government. But the vast majority of Americans have not exercised such influence via primaries. So the mere existence of such primaries doesn't rescue the values of self-rule. For most people, primaries go unused. Thus, there is little reason to think the electorate have determined the structure of elite competition.

Perhaps that's too quick. There is another argument in favor of this empirical claim. Anthony Downs, famously, envisaged a world in which competitive parties would be pushed towards the ideological position of the median voter (Downs, 1957). The idea was that voters vote for the party closest to them in ideological space. And parties want to win elections. So, they'll position themselves closest to the majority of voters. When there are just two parties, this means parties will occupy the ideological position of the median voter. Thus, the ideological position of voters determines where parties position themselves. Now, empirically speaking, this does not seem like a good argument given the evidence we've just seen. Forty years of polarization sit uneasily with Downs' vision. A theory inconsistent with the evidence isn't good grounds on which to defend an empirical claim. But there is a more important normative point here. The point is that, even were Downs' theory true, it's doubtful that it would give voters the right type of influence over the choice situation. The Downsian mechanism lets voter influence be unwitting. Voters needn't *do* anything to influence the parties' positions. They certainly needn't have their preferences in order to mold elite competition. Their influence over party position can be entirely accidental.

This seems insufficient for voter's influence over their choice sets to matter in the relevant way. Consider this in a personal case. Suppose my prison guards really want to please me. They always, as a result, offer me the meal they know I like best. But they never give me a choice of meals: they always present my meal as a *fait accompli*. There's a *sense* in which I determine what meal I get: were I to change what I wanted, they'd get me something different. But this doesn't seem like the kind of sense which gives me any of the values of self-rule. For an effect on a choice situation to matter, it has to be a deliberate, informed effect which is independent of external influence. More generally, in my view it has to be an autonomous effect in the sense characterized in in Chapter 7. Were the Downsian mechanism to be operative, I doubt this condition would be met. I doubt people have the preferences they do in order to ensure that, or even in the knowledge that, those preferences influence party positioning. And, as we saw in the previous chapter, it's also unlikely that they have these preferences independent of external influence (Lenz, 2012). Thus, even were Downs' vision accurate, the nature of our electoral choices would still matter to how much self-rule we could achieve.

But it's anyway unlikely that the Downsian mechanism determines the structure of elite competition. So, what does determine this structure? More specifically,

what has caused the last fifty years of elite polarization? It's impossible to really be sure about this. But there seem to be two important factors. Neither factor indicates much influence, in the relevant sense, of ordinary citizens on this structure. The first is geographical sorting. Over the last fifty years, Americans seem to have sorted geographically.¹³ Democrats tend to live next to Democrats and Republicans tend to live next to Republicans. This, it's often thought, has contributed to elite polarization in Congress. It's meant that—in the House especially—congresspeople have more uniform constituencies. So perhaps that has let them to be more extreme. But this geographical sorting probably wasn't driven by the intention to mold elite competition. Few Democrats move to Manhattan to make Manhattan's members of Congress more extreme. Geographical sorting probably wasn't done with even the knowledge that it would affect elite competition. And, so I've suggested, without knowledge and intention, influence over choice sets doesn't much matter.

The second factor is the polarization of activists.¹⁴ From the 1970s, activists became more ideologically extreme. This itself might have had its origins in the polarization of political thinkers. Political thinkers—the kind of people who published in *The New Republic* and *The National Review*—had polarized by the 1950s.¹⁵ This polarization of activists, plausibly, lead to the polarization of political elites. Elites need activist support to do well in primary and general elections. So successful elites tend to be those whose views are in line with those of activists. But, again, this seems to realize little input from the general public. Very few people are activists, even if many could become activists. So most ordinary citizens had little influence on this process. Thus, I suspect that ordinary citizens have not had much influence, in the relevant sense, over the choices they're faced with on election day. So the properties of those choice sets matter to their self-rule.

Let me sum up. The picture I've just painted is one in which ordinary citizens are presented with a choice between two parties in each election. Few of them have exerted much actual influence on the choices they're faced with. Elites hammered this out amongst themselves, perhaps with activist input. Counterintuitively, it is for just this reason that the nature of their choice set matters. If they'd molded the options they were themselves faced with, the nature of those options would perhaps not much impact their self-rule. Yet, so I've argued, this nature shouldn't be a worry: in the United States, voters have reasonably diverse options. This is the product of recent increases in elite ideological polarization. Thus, we have reason to welcome such an increase. In at least one important respect, it is good for intrinsic democratic

¹³See Bishop (2009) and Theriault (2008, ch.5). Klinkner and Hapanowicz (2005) argue that, by historical standards, this sorting isn't that extreme. But their analyses do nonetheless show recent geographical sorting.

¹⁴See Theriault (2008, ch.6) and Layman et al. (2010).

¹⁵According to Noel (2014).

values.

8.3 Mass affective polarization

We now turn to mass affective polarization. This is a divide in feeling rather than thought. It is a matter of cross-partisans disliking one another. Such dislike seems to have been growing since the 1960s. There are several ways to identify this growing animus. One is with feeling thermometer ratings (Iyengar et al., 2012, 2019). When you ask Americans how warmly they feel towards members of the other party, they report much more frigidity than they used to. The coldness in cross-partisan feeling is striking relative to feeling towards other groups. There is more coldness between cross-partisans than between different religions, races or classes. A second is with implicit attitude tests. These suggest that Americans have greater implicit biases against cross-partisans than against those of other races (Iyengar and Westwood, 2015). A third is by eliciting loaded judgements. Americans today are much more likely to say that cross-partisans are stupid, selfish, mean and hypocritical than they are to say these things about co-partisans or independents (Iyengar and Westwood, 2015). The overall picture is that Americans dislike cross-partisans. Loathing flows across party lines.

That animus manifests itself in action. Americans are wary of both personal and economic relationships with cross-partisans. On the personal side, they shun cross-partisans on dating applications. They find it difficult making friends with cross-partisans. They tend not to marry across the party aisle.¹⁶ On the economic side, they avoid employing cross-partisans. They demand more money to work for cross-partisans. They avoid buying from them.¹⁷ Partisan animus, in other words, is not just survey-question deep. Americans don't just express hostility to cross-partisans; they act on it.

I've argued that one type of polarization—elite ideological polarization—is in several respects good. I think this type of polarization—mass affective polarization—is very bad. In this section, I explain why. In part, this is because it precludes valuable egalitarian relationships. It impairs the positive aspect of democratic equality. But that is not the only problem with mass affective polarization. It's not just that it prevents good relationships. It's that it facilitates bad ones. Jason Brennan (2016a) has called these relationships 'civic enmity'. My story differs from Brennan's, but I think his term is apt. Mass affective polarization puts us in objectionable relationships. Thus, mass affective polarization makes citizens' relationships worse.¹⁸

¹⁶ See Huber and Malhotra (2016), Chopik and Motyl (2016) and Iyengar et al. (2018) respectively.

¹⁷ See Gift and Gift (2015), McConnell et al. (2018) and Panagopoulos et al. (2016).

¹⁸ How will my story differ from Brennan's? In two ways. First, Brennan thinks that democratic co-

Let's start by fleshing out the first point.

8.3.1 Precluding Civic Friendship

Consider a relationship like friendship. Friendship requires certain things. To be friends with someone, you have to care about their welfare. You have to relate as an equal to them. Perhaps you have to participate in joint activities. But friendship also precludes certain things. You can't have contempt for your friends. Nor can you loathe them. Perhaps you don't need to *like* all your friends—you can perhaps maintain a friendship with someone you no longer like. But strong dislike seems incompatible with friendship. You're not friends with someone towards whom you feel mainly negative emotions. This is the affective requirement we mentioned in Chapter 2. Friendship precludes certain negative emotions.

In Chapter 2, we also saw that there was a civic analogue to friendship. There's a relationship one could have to one's fellow citizens akin to friendship. When we care about our fellow citizens' welfare and relate to them as equals, we can share a civic friendship with them. This isn't friendship, exactly. Friendship requires more face-to-face interaction. But it is a valuable relationship nonetheless. And we argued, in that chapter, that this made up an important part of the egalitarian value of democracy. Democratic equality wasn't just valuable because it avoided objectionably inegalitarian relationships. It had positive value. It put us in a position to achieve attractively egalitarian relationships.

But, like friendship, it's plausible that this civic relationship is incompatible with certain things. If you feel contempt or loathing towards many of your fellow citizens, then you can't stand in the civic analogue of friendship towards them. The connection to mass affective polarization is clear. Cross-partisans do feel deeply negative attitudes towards one another. Now perhaps that doesn't make personal relationships like friendship impossible between cross-partisans.¹⁹ You might dislike Republicans *in general*. But you might not dislike *this* Republican. One might make exceptions for those ones knows personally. But when it comes to the civic analogue of friendship the barrier seems insuperable. One knows relatively few cross-partisans personally. So one's capacity to make exceptions is starkly limited. So cross-partisan contempt impairs cross-partisan relationships. It means

citizens are inevitably enemies (Brennan, 2016a, 235–45). I think some are inevitably rivals, but that rivalry alone is harmless. Second, Brennan thinks partisan contempt is unfitting because the disputes between parties “are tiny” (Brennan, 2016a, 232). I agree that these disputes look tiny compared to, say, the dispute between the Bolsheviks and the Tsar. But they have a lot of moral import: people live or die on the basis of which party wins these disputes. I think this import could, in theory, make partisan contempt fitting. I have a different explanation of why cross-partisan contempt is unfitting. So our views are similar in tenor but differ importantly in detail.

¹⁹Although, clearly, it makes them more difficult. See n.16.

civic friendships can't span party lines. This is the first problem with mass affective polarization. It prevents us standing in certain valuable relationships to our co-citizens. Thus, it prevents American democracy from achieving much of the positive aspect of democratic equality.

8.3.2 Facilitating Civic Enmity

The second problem with mass affective polarization is that it facilitates enmity. Most of us are familiar with examples of this relationship. Your enemy might be a despised neighbor, a hated co-worker, an abhorred competitor. These relationships seem noninstrumentally bad. A life full of enmities is a worse life. It is good for you not to have enemies, in a sense parallel to it being good for you to have friends. Friendship is intrinsically good, enmity intrinsically bad. Now, two things seem to suffice to make you someone's enemy. First, you work against them. This means you do things which tend to make their life worse, or just prevent them achieving their goals. Your actions frustrate their desires. Yet that alone does not make someone an enemy. Consider top athletes. Often, they do things that frustrate each other's desires. They defeat each other in tournaments. But they needn't be enemies. Second, then, you have a negative attitude towards them. You despise, hate or loathe them. You feel contempt for them. Mere rivals don't have such attitudes. When they do, they become enemies. Plausibly, it is bad to have enemies: it is bad for one's relationships with others to be marked by conflict and contempt.

Let us apply this to politics. Electoral competition alone makes cross-partisans rivals. Insofar as they aim to get their party into office, they are working against one another. Democrats work against Republicans' desired candidate. Republicans work against Democrats' desired candidate. Both are trying to frustrate the others' goals. But such rivalry alone is not problematic. There is nothing problematic about the rivalry between Nadal and Federer. Yet affective polarization adds to such rivalries. It consists in cross-partisans having animus, contempt, loathing for one another. This turns such rivalries into enmities. By so doing, it makes cross-partisan relationships noninstrumentally bad. There are very many such relationships, for very many co-citizens identify with a party. Thus, mass affective polarization creates many bad relationships. It transforms many anodyne rivalries into objectionable enmities.

One might resist the thought that these cross-partisan enmities are bad. The most promising source of resistance, it seems to me, relies on the idea that sometimes enmity can be justified. Sometimes, it is fitting to feel contempt for people and permissible to work against them. Suppose, for example, that you find out your neighbor is a white supremacist. It may well be fitting to, on this basis, feel contempt for them. It will be permissible to work against their political goals. Enmity

towards them may in this sense be justified. More generally, when someone has reprehensible values, it may be justifiable to be their enemy. And one might also think that, when one's enmity is justified, then it isn't bad. It makes your life no worse to have well-chosen enemies. Now we apply this to politics. One might claim that the members of one party have reprehensible values. So, it will be justifiable to be enemies of the members of that party. Thus, cross-partisan enmities aren't bad after all.

I think this objection fails. For a start, I doubt that relationships of enmity are anodyne even when justified. To see why, reconsider the case of the white supremacist. It would be better never to have to be this person's enemy. This gives you reason, antecedently, not to interact with them very much. It perhaps gives you reason not to be their neighbor in the first place. By avoiding such interactions, such proximity, you can avoid having to be their enemy. This is well-explained if even justified enmity is bad. It is hard to explain if it is anodyne. Now, unjustified relationships of enmity may still be especially bad. When you have unfitting contempt for someone, this is worse than when you have fitting contempt for them. When you impermissible work against someone, this is worse than when you permissibly do so. Yet I suspect that this is because it makes your life worse to have unfitting attitudes and do impermissible actions. That doesn't mean that justified enmity is wholly anodyne. It can still be, as intuition suggests, bad in itself.

Yet we needn't rely on this point. For, in any case, I doubt that cross-partisan contempt is usually fitting. I doubt this for three reasons. The first is that ordinary citizens' values are only loosely connected to their parties' policy platform. So, suppose a party's platform does reflect reprehensible values. That's little evidence that supporters of the party have those values. This thought flows from Philip Converse's famous claim that most citizens are 'innocent of ideology' (Converse, 1964). The claim is that most voters don't have the type of ideologies which inform party platforms. I'll note two pieces of the evidence for this here.²⁰ On the one hand, few people (about 20%) cite ideology or policy when asked to explain their judgements of political actors. They cite the group affiliation of those actors. Or they cite how they think those actors will impact their material environment. On the other, few people (about 18%) are able to describe the ideological difference between Democrats and Republicans. Most don't know what these distinctions are. Both make it hard to judge partisans as guilty of ideology. Thus, there seems little reason to think that most ordinary partisans have the values manifested by their parties' platform. So, it doesn't matter whether these values are contemptible. Even if they are, that won't justify contempt for ordinary party members.

²⁰For a much fuller contemporary summary, see Kinder and Kalmoe (2017). The figures in the text are from this book.

The second is that, for most people, their political values are a consequence of early socialization and social pressure. It's difficult to evade such forces. This, I think, makes people a little less culpable even if they hold reprehensible values. Here's an example: Aristotle was misogynistic. He thought women were inferior, in many ways, to men. But we shouldn't see Aristotle in exactly the same light as a modern misogynist. That's because he had an excuse: he was raised with these views and most people around him shared them. Thus, it would have been difficult for him to see that they were false. This should temper our condemnation of Aristotle. But most ordinary partisans, I think, have a similar excuse. Consider ordinary Republicans. Most Republicans are raised Republican. Most live in an environment full of other Republicans. This is one of the best explanations of why they have the views they do. It's linked to a social identity—their partisanship—which they've imbibed from their social milieu.²¹ And this makes it hard for them to see the (putative) reprehensibility of those views. So they too have an excuse. The exact same point goes for ordinary Democrats. If their views are morally reprehensible, they have an excuse for holding them. I think this makes any severe level of contempt on the basis of such people's values unwarranted. They might have reprehensible values. But they aren't fully culpable for having such values.

The third is that contempt on the basis of someone's values is only fitting when it *is*, fundamentally, based on their values. If you hate a white supremacist because they didn't go to college, then you're in the wrong. You may fittingly hate them on the basis of their views. But it's unfitting to hate them on the basis of their ill-education. Yet dislike of cross-partisans is probably not based on their ideology. There are two reasons to think this. First, such dislike is no more pronounced amongst those with more extreme policy positions. Democrats who differ most on policy with Republicans don't dislike them more. Thus, it would be a surprise were such dislike to be grounded in differences in values. Second, increased affective polarization does not seem to have come along with a big increase in the divergence of ordinary citizens' policy attitudes. Democrats and Republicans do not seem to differ more on the issues than they did in the past. Their disagreements are now just laced with vitriol. This would be a surprise were people's vitriol grounded in disagreement on values.²²

²¹The conception of partisanship here was made famous by Campbell et al. (1960). For more recent defenses, see Green et al. (2002) and Achen and Bartels (2016). We'll discuss it more in the next chapter.

²²For both points, see Mason (2018, 51–4) and Lelkes (2018). Lelkes in particular is replying to Rogowski and Sutherland (2016), Webster and Abramowitz (2017), and Bougher (2017). These three studies claim that affective polarization is driven, in some sense, by ideological divergence. I think Lelkes' criticisms of these studies are generally convincing. To add to what he says, most of the evidence in these studies is adduced as support for the view that ideological divergence *amongst elites* drives mass affective polarization. This doesn't suggest ordinary citizens are responding to the

So what does drive contempt for cross-partisans? It's most plausible to see it as a manifestation of out-group bias. This is how its leading theorists construe it.²³ They think that we identify with some partisan groups and in opposition others. When we identify with a group of any kind, we feel favorably towards that group. When we see a group as opposed to those we identify with, we often view its members negatively. These feelings are driven by group psychology. Thus, even if members of a party do have reprehensible values, it's unlikely that our actual attitudes of contempt for them are fitting. Those attitudes are based in facts about group membership. But those facts do not justify contempt. It is not appropriate to feel contempt for someone just because they're not in your in-group.

The upshot of this is that mass affective polarization puts citizens into relationships of unjustified enmity. Thus, in sum, it is bad for two reasons. First, it severs attractively egalitarian relationships. Second, it replaces them with objectionably adversarial relationships. This is the truth behind our general sense that polarization is non-instrumentally bad. It makes citizens' relationships worse.

I want to stress the practical implications of this position. I think that they're very important. The relevant implication concerns how we should manage our own attitudes. If what I've said is true, we have weighty reason not to feel contempt for cross-partisans. Doing so is bad for both us and them. It precludes relationships of civic friendship and facilitates relationships of civic enmity. And doing so cannot be justified on the grounds of its fittingness: such contempt is unfitting. So, it seems that we shouldn't feel contempt for cross-partisans; we're doing wrong when we feel such contempt. Now this obligation is very often violated. Many people feel contempt for cross-partisans. Anecdotally, few people feel qualms about expressing such contempt. Thus, this mandates a large revision of how many, perhaps most, of us orientate ourselves towards cross-partisans.

8.4 Mass Policy Polarization

We are now done with the most important work in this chapter. But we're not done with the chapter. I've talked about two types of polarization: ideological divergence amongst elites and affective divisions amongst ordinary citizens. These are the types of polarization which, I think, make a large difference to the achievement of democracy's intrinsic value in the United States. But many other phenomena get called polarization. These have been the subject of lively dispute in political science. The dispute has been about the levels and change in levels of various types mass *policy* polarization. These each involve the distribution of policy attitudes

ideologies of other non-elites. So these studies don't support the hypothesis under discussion.

²³See (Iyengar et al. 2012, 407–8; Lelkes 2018, 68–9; Mason 2018, 1–17).

among ordinary American citizens. In this final section I'll explore whether these notions of polarization matter to the intrinsic value of American democracy. My view is that they shouldn't be a source of much worry. Most likely, they're somewhat good for intrinsic democratic values. But the types of polarization which matter much more are the types we've already discussed.

We'll first lay out three different types of mass policy polarization. The first of these is *mass ideological divergence*. The level of mass ideological divergence is how far apart, on average, ordinary citizens are on different policy issues. Take, for example, abortion policy. Some people think that abortion should never be legally permissible. Some think that it should be permitted in cases of rape, incest or risk of death. Some think that it should always be legally permitted.²⁴ There's an intuitive sense in which there's most distance between the first and final of these options. The level of ideological divergence on abortion is the average distance between people's attitudes towards abortion policy in this sense. The notion generalizes. Ordinary citizens might differ more on their preferred tax rate, healthcare policies or amount of foreign intervention. The level of mass policy divergence amounts to the average distance between people's attitudes on such policy issues.

The second type of mass policy polarization is *party sorting*. This consists in the alignment between people's party identification and their ideologies, where ideology is understood primarily in terms of issue positions.²⁵ When party sorting is high, people have the view their party backs. Republican identifiers are pro-life; Democratic identifiers are pro-choice. Republican identifiers want to cut taxes; Democratic identifiers want labor protections. To see a low level of party sorting, consider the situation of conservative southerners in the 1960s. They wanted to roll back the New Deal. They wanted segregation. They certainly did not want the Voting Rights Act. Yet they identified with, and often voted for, the Democratic party. They did not have the view their party backed. Their shift to the Republican party increased the level of party sorting. It made their policy issues better aligned with their party identity. The level of party sorting is the extent to which party identification and policy attitudes are in alignment.

The third type of mass policy polarization is *ideological consistency*. This concerns the correlation between citizens' different issue positions.²⁶ High levels of ideological consistency mean citizens bunch up into ideological groups. The members of these groups take the same side on policy issues. In the United States, the most important such groups are Conservatives and Liberals. High levels of consistency mean few people are liberal on some issues and conservative on others. Few

²⁴These options are options in the National Election Survey (NES) abortion attitude item.

²⁵See Levendusky (2009, 4) for this definition.

²⁶For this definition, see Baldassarri and Gelman (2008, 418–21).

people are both pro-choice and for smaller government. Few are against gun control and for public healthcare. People are either liberal across the board or conservative across the board. In extremity, they either share the same side on everything, or disagree on everything. The level of ideological consistency is the extent to which having the position of a given ideology on one issue correlates with having the position of that ideology on other issues.

The literature on mass polarization—polarization among ordinary citizens— began life as a literature on mass policy polarization. Fiorina et al. (2005) claimed that America was a nation of centrists. They denied that there was much mass policy polarization. They denied that mass policy polarization had increased in recent decades. Abramowitz and Saunders (2008) denied the denials. Abramowitz (2010), in particular, argued that America was once a nation of centrists but is no longer. To some extent, this was a verbal dispute. Fiorina and his co-authors denied that mass ideological divergence had increased. In contrast, Abramowitz and Saunders claimed that party sorting and ideological consistency had increased. Both views seem credible. On the former, people's positions on survey questions don't seem to have gotten further apart (Levendusky 2009, 70–75; Hill and Tausanovitch 2015). But, on the latter, those positions have got better aligned with their party identification (Levendusky, 2009, 44–50). And, so Abramowitz and Saunders (2008) argue, people now have increasingly ideologically consistent policy positions.²⁷ Thus, mass ideological divergence may well not have recently increased. But both party sorting and ideological consistency likely have. So, how does each phenomenon matter?

There is little reason for mass policy polarization, of any sort, to preclude egalitarian relationships. The key point here is that mass policy polarization amounts to a pattern of agreement and disagreement. Ideological divergence means people disagree deeply on certain policy issues. Ideological consistency means that those with different views disagree on many issues. Party sorting means that members of different parties disagree on policies. But egalitarian relationships don't require agreement between their participants. Disagreeing with someone doesn't make you their subordinate, or them yours. It also doesn't stop you being in a positively valuable, egalitarian relationship with them. I can disagree deeply with a friend on many important issues yet still have an excellent friendship. We need not agree with our friends. As with friendships, so with civic friendship. We need not agree with our fellow citizens in order to share a civic friendship with them.

Their import for self-rule is more complicated. On the face of it, it is not obvious why mass policy polarization would impair self-rule. But I think that there is a way for it to do so. The key point is that, for some people to be self-ruling with respect

²⁷This second point is disputed. See Baldassarri and Gelman (2008).

to some policy, they have to jointly intend that policy be enacted. But, as we noted in Chapter 2, this requires that they agree on enacting that policy. Mass policy polarization, as we've just noted, often involves disagreement. It means people disagree more deeply on certain issues, or that (some) people disagree on a greater number of issues. Those who disagree cannot together be self-ruling with respect to the subject of their disagreement. And this threatens to reduce the extent to which self-rule can be realized. Mass policy polarization, in other words, can reduce what we agree on. This can impair our ability to form the joint intentions we need to be self-ruling.

Let's see how this works with mass ideological divergence. Imagine two citizens disagree about the top tax rate. One aims to help bring about a top tax rate of 30% and another aims to help bring about a top tax rate of 40%. Their disagreement means that they can't share an intention about what the top tax rate should be exactly. But they might both, also, have a vaguer intention: that the tax rate be between 30% and 40%. They can share this intention. Now suppose that their intentions diverge. The tax cutter now wants the tax rate to be 20%. The tax raiser now wants it to be 50%. This means they can no longer share the intention that the tax rate fall between 30% and 40%. They can, at best, share the intention that it fall between 20% and 50%. Their growing divergence, in other words, reduces the specificity of the joint intentions they can share about the tax rate. So, it reduces the specificity of the policies they can be self-ruling with respect to. This goes for healthcare policy, foreign policy, criminal justice policy too: in general, the further apart are citizen's policy positions, the less specific are the intentions that they can share, and so the less specific are the policies that they can be self-ruling with respect to.

A similar point goes for both party sorting and ideological consistency. Party sorting means that cross-partisans, insofar as they adopt their (conflicting) party position, cannot share intentions with respect to those positions. This means two sorted cross-partisans cannot both be self-ruling on such issues. Equally, increased ideological consistency means that liberals now disagree with conservatives on more issues. Previously they might have found some common points of agreement. Now such commonalities have been extirpated. This means that there are fewer policy issues on which they can share intentions, and so fewer issues on which they can together be self-ruling with respect to. So, in general, the disagreement realized by mass policy polarization threatens certain kinds of self-rule.

The crucial question is how worrying this threat should be. My view is: not very. For a start, let's be clear that it is only worrying against certain background assumptions. These assumptions are that, sometimes, relatively specific policy preferences drive political participation. For suppose neither tax cutter nor tax raiser were ever motivated by their preference about tax policy. They are never led to

vote, donate, campaign in order to enact this preference. Then it doesn't really matter whether they agree on tax policy. They'd never be self-ruling with respect to such policy anyway. This assumption, as we'll see in the next chapter, is questionable. But, for the sake of argument, let's grant it here. Even so, I think the threat is not worrying. That is because mass policy polarization, if it has increased at all, has increased along partisan lines (Abramowitz 2010, 43–47; Lelkes 2016, 398). Republicans and Democrats have been getting further apart. Republicans have been aligning more with the Republican party and Democrats with the Democratic party. Republicans have got more consistently conservative beliefs and Democrats more consistently liberal beliefs. But it is already very difficult for joint intentions to span party lines. So, this doesn't preclude any joint intentions that weren't already precluded. What mass policy polarization threatens to do, party division already does.

Why is that? Well, in Chapter 2 I suggested that for some people to share an intention they must have meshing subplans. That is, their plans to execute that intention must be jointly compatible. But, plausibly, cross-partisans usually lack meshing subplans when it comes to enacting policy. Reconsider the tax cutter and tax raiser. Suppose the cutter is a Republican and the raiser is a Democrat. It is a plausible conjecture that the Republican would usually plan to get their tax policy enacted by helping elect a Republican and the Democrat would plan to get their policy enacted by helping elect a Democrat. But these subplans don't mesh: they're jointly incompatible. So, they can't share an intention that the tax rate be between 30% and 40% anyway. It's as if they intended to together paint a house, but they each planned to paint it a different color. Such jointly incompatible subplans prevent joint intentions. The point generalizes. Most people, I conjecture, plan to contribute to policy by helping elect the candidate they support. But cross-partisans support different candidates. Thus, their subplans are jointly incompatible. This alone stops joint intentions spanning party lines. So mass policy polarization probably makes little difference to self-rule. It stops cross-partisans sharing certain policy intentions. But their having these intentions was likely prevented already by the very fact of party division.

We now turn to one final, important point. Some types of mass policy polarization—party sorting and ideological consistency—contribute to self-rule. This is because they facilitate not just disagreement between cross-partisans, but also agreement between co-partisans. Party sorting means that people agree with their own party on more policies. This likely contributes to self-rule, because one's party's policies cannot manifest your will unless you agree with them. If you vote Republican, but favor strong labor protections, then Republican labor policies aren't going to manifest your will. Your intending to help enact such protections won't causally contribute to those protections. So, when your party wins office, that party's poli-

cies are more likely to manifest your will. Equally, ideological consistency means that people agree with other party members on more policies. This allows for more intra-party joint intentions. It means Democrats agree with Democrats on more policies, and so they can share intentions with respect to more policies. So, when Democrats win elections, more of their joint intentions can manifest in policy. Now many other conditions must be in place for sorted, consistent voters to enjoy self-rule. But sorting and consistent voters form more cohesive parties. This puts them in a better position to be self-ruling.

Let's sum up. If I'm right, then mass policy polarization does not damage democratic equality. Democratic equality doesn't demand agreement. But it does, potentially, impair self-rule. It precludes certain intentions from spanning party lines. Yet party divisions already precludes such intentions. And some forms of mass policy polarization have benign effects. Thus, overall, it is unlikely that mass policy polarization non-instrumentally detracts from the value of American democracy. It is more likely non-instrumentally good than bad.

8.5 Conclusion

Let me sum up. I've argued that elite polarization helps facilitate the value of self-rule. That's the good news. But I've also argued that mass affective polarization precludes valuable relationships and instantiates objectionable ones. That's the bad news. As I said at the start, the bad news seems to me more bad than the good news is good. The limitation on the good news is that, although elite polarization helps us achieve the value of self-rule, there remain substantial barriers to achieving this value. Elite polarization doesn't loosen the grip of elites on public policy. And it doesn't turn people into well-informed, rational and independent citizens. It's still to be welcomed. But in the face of these existing barriers I doubt much self-rule can be achieved. The good news is not good enough to ensure much of the value of self-rule.

But the bad news raises new problems for the achievement of democratic equality. In Part II we saw that there were severe barriers to egalitarian relationships between elites and ordinary citizens. Elites have much more power than ordinary citizens. This isn't made anodyne by popular control. We also saw that there were some barriers to those relationships between cross-partisans. These barriers weren't trivial. But they were less severe. The findings I report in this chapter, I think, raise very severe barriers of this latter kind. Their relationships are ones of mutual contempt, rather than civic friendship. And this seems to me to be very bad news indeed. It seems to greatly diminish the extent to which America can achieve the positive aspect of democratic equality.

I want to end this chapter by emphasizing the limits of my investigation. I have focused on the intrinsic import of polarization, the way in which it constitutes or precludes intrinsic democratic values. I have not discussed its instrumental import. Yet it is plausible that polarization is instrumentally bad. The main worry here concerns the survival of democratic institutions.²⁸ The worry is that, in highly polarized environments, people are more likely to support the subversion of such institutions. Voters who hate partisans on the opposing side are more likely to support their president or legislators in tilting the playing field against them. Legislators who think that the electoral victory by their opponents will lead to policy catastrophe more likely to engage in such tilting. Eventually this tilting can slide into the executive takeover of democratic institutions. Or it can lead to tit-for-tat cycles of violence, and one can end up in the Spanish Civil War. I think these are weighty instrumental worries about both elite and mass polarization. Thus, our instrumental concern with these kinds of polarization may well outstrip our concern with how they matter to intrinsic democratic values. This just reflects the fact that my aims are constrained: my goal hasn't been to get a fix on the instrumental import of empirical phenomena, but rather to illuminate their intrinsic import. Yet, when it comes to polarization, instrumental considerations may swamp intrinsic ones.

Let's now turn to a final set of such phenomena: the motivations driving our vote.

²⁸For these worries, see Levitsky and Ziblatt (2018), McCoy and Somer (2019) and Svobik (2019). Some also emphasize worries that elite polarization causes policy gridlock (Binder 2003; Mann and Ornstein 2013). I suspect how much one should worry about this depends on one's political ideology. Grossmann (2014, 114–117) presents evidence that, in the past, most policy enactments moved policy in a liberal direction. So liberals have more reason to oppose gridlock than do conservatives. But aside from this it might be that gridlock stops as much bad policy from being passed as good policy.

Chapter 9

Voter Motivations

9.1 Introduction

Sometimes we vote on the issues. Consider a voter who detests gun control. They might, on this basis, vote Republican. Their opposition to gun control drives their vote choice. They vote Republican because they share the Republican party's policy position. But sometimes we instead vote on performance. Consider a voter who loves the booming 1990s economy. They might, on this basis, vote for Clinton. Their assessment of the incumbent's performance drives their vote. They vote for Clinton because, well, it's the economy, stupid. And, sometimes, we vote on group identities. Consider a Catholic from 1960. Perhaps they cannot stomach voting against their church. They might, on this basis, vote for Kennedy. They vote for Kennedy because he is a Catholic, like them. Their group identities drive their vote. These voters differ in the basis on which they vote. They differ in the reasons they have for voting the way they do. Policy issues drive issue voters. Performance issues drive performance voters. Group identities drive group voters. But which type of voter motivation is best for democracy?

That question is the primary question of this chapter. It plumbs how the prevalence of different voter motivations impacts democratic values. But this question is primary in a purely pragmatic sense. Answering it helps us answer two questions of great import. First, it helps us answer the core question of this dissertation. How well does America realize democratic values? We just need to put our answer to the primary question together with empirical evidence about how common each type of voting behavior is. Second, it helps us answer a more personal question: how *should* we vote? The answer to this depends, in part, on how actual voters can contribute to democratic values. Thus, our interest in the primary question is a functional interest. Its answer shines a light on more pressing matters.

Let's make two things clear about this primary question. First, when I talk of 'voter motivation' I am talking about the reasons on which people base their vote. A reason, in this sense, is a psychological state which drives our actions. Much of what we do is driven by such reasons. Often, such reasons matter morally: when I give my partner a gift, I do it because I want them to enjoy the gift. This makes my act commendable, or at least permissible. If I gave them a gift because I wanted them to feel beholden to me, my act would not be commendable. The argument of this chapter is that voters' reasons matter to democratic values. Second, when I talk of 'democratic values' I am—as usual—talking about non-instrumental democratic values. These are features which make democracy valuable besides its causal consequences. More than intrinsic values matter to democracy. Instrumental values matter too. But intrinsic values are one of the things which matters. Thus, we can re-phrase the primary question. It is: what type of voter motivation, were it widespread, would best contribute to intrinsic democratic values?

These three types of voting have been the subject of sustained empirical investigation. Yet, for all that, they have not been the subject of much normative investigation. When political scientists evaluate them, they do so in terms of instrumental values. For example, they explore which motivation will produce the best policy.¹ They ignore how these motivations matter to intrinsic democratic values. Meanwhile, political theorists have written a lot about voting but little about voter motivations. Rather, they've addressed whether citizens ought to vote in the first place. The driving problem here is that each vote has a very small chance of making a difference to an election. So: is it rational to vote at all?² They have spent much time on this question. But they have rarely explored what should motivate those who do vote.³ Jason Brennan (2011) has investigated a connected topic. He has examined whether those who vote ought to know about politics.⁴ The connection, as we'll see later, is that voter competence and voter motivation interact in contributing to democratic values. But voter competence, on its own, tells us little about voter motivations. So voter motivations have been neglected. I suspect that that neglect is unfair. Voter motivations, I will argue, matter to democracy.

Here's the plan for the chapter. In Section 9.2, I'll say more about the nature and prevalence of our three types of voter motivations. We focus on issue voting,

¹For example, see the Achen and Bartels (2016, ch. 4) discussion of retrospective voting.

²For the problem see Downs (1957, 274). For three different responses, see Parfit (1984, 73–75), Goldman (1999) and Guerrero (2010).

³An exception is those working in the 'Public Reason' tradition. Such writers claim that state action is legitimate if and only if it is supported by a justification all reasonable people accept. Among those who think this, Rawls (1993, 235) denies that motivation matters much to how we should vote. Quong (2011, 274–90) contends that it does.

⁴Brennan thinks so. See Arvan (2010) for a reply.

performance voting, and group voting because each is the topic of a large empirical literature. In Section 9.3, we'll remind ourselves of some important features of our two core intrinsic democratic values: equality and self-rule. In Section 9.4, we'll identify how different types of voter motivations matter to these values. In Section 9.5, we'll turn to how these types of voter motivation interact with voter competence. In Section 9.6, we'll see what this means for American democracy. Finally, in Section 9.7, we'll see what that means for how individual Americans should vote.

9.2 Types of Voter Motivation

The three kinds of voting we will focus on are voting on the issues, voting on performance and voting on group identities. We focus on these not because they are the only possible motivations voters could have. Rather, we focus on them precisely because they have been the subject of such sustained empirical investigation. Issue voting is at the core of spatial modelling of voting behavior (Downs, 1957, ch.8). Early empirical researchers took it to be an influential driver of voting (Campbell et al., 1954, 112–136). Voting on performance became a topic core to the study of voting behavior in the 1970s. A vast literature plumbs, in particular, whether and how voters respond to the economic performance of incumbents (Kramer 1971; Fiorina 1981). Voting on group identities was a preoccupation of the early empirical literature on voting behavior (Berelson et al. 1954, 54–87, Campbell et al. 1954, 88–112). Recently, it has again become a prominent focus. Achen and Bartels (2016) claim that, in the political sphere, group identities form “the very basis of reasons” (2016, 213). This empirical literature allows us to assess the prevalence of each kind of voter motivation. As we'll later see, that will help us to evaluate the quality of American democracy and the duties of American citizens. But first I'll say more about each kind of voting.

We'll begin with issue voting. This is voting on the basis of shared policy platform or issue positions. Consider Democrats who voted for Obama because they wanted public healthcare. They were issue voting. Or consider Republicans who voted for Trump because they wanted to build a wall. They too were issue voting. Their agreement with that candidate on the issues drove their vote. They wanted certain policies enacted. These candidates said that they would enact them. This is why they voted for the candidate. How often does issue voting happen? The preponderance of evidence indicates that it doesn't happen very often. There are two weighty pieces of evidence for this.⁵ The first turns on what voters say

⁵The first of these pieces comes from Campbell et al. (1960) and the second comes from Converse (1964). For contemporary updates, see Lewis-Beck et al. (2008, ch. 10) and Kinder and Kalmoe

when you ask them what they like about different candidates. They rarely mention policy issues. Fewer than 20% mention any issue positions at all. So issue positions seem unlikely to drive vote choice. The second is that voters themselves likely lack firm positions on most issues. Their expressed issue positions are inconstant. At one time, they'll say that they're all for, for example, federally provided universal employment. At another they'll say that they're all against it. Voters seem to be constructing an opinion on the fly.⁶ But opinions constructed on the fly surely don't drive vote choice. This evidence suggests that issue voting is relatively rare: it happens more often in textbooks than ballot boxes.

Not everyone is convinced by this evidence. Some people think that issue voting happens quite often. They point out that voters' issue stances correlate with their vote choice. Voters vote for the party who shares their issue stances. And so these people infer that voters' issue positions drive who they vote for.⁷ But, in turn, many find this argument unconvincing. The problem is that this evidence doesn't establish the direction of causality. People often take their issue position from the party who they're going to vote for. They conform their policy stance to the party line. So these correlations might be due to people's vote choice driving their policy preferences rather than their policy preferences driving their vote choice.⁸ And there's good evidence that this is what's going on. In some cases, one can identify exactly when people find out that they don't share their preferred candidate's issue position. Afterwards, they more often change their mind on the issue that stop liking the candidate.⁹ So, it seems to me unlikely that issue voting happens very often.

Now let's turn to performance voting. This is voting based on the expected performance of the candidates.¹⁰ It is voting on one's expectations about their performance at promoting widely shared goals. Think of those Democrats who voted for Clinton because they thought he'd boost the economy. They were performance voting. Or consider Republicans who voted for Bush because they thought he'd make America safer. They too were performance voting. These people might have had no view on which policies will help with prosperity or safety. They might just have had views on which candidate will best promote such goals. Often, such views are based on assessments of prior performance in office. These are called retrospective assessments. But they might also be based in the perceived personal qualities

(2017).

⁶See Zaller (1992) for more discussion.

⁷See Ansolabehere et al. (2008) for an influential example of this argument.

⁸For this reply, see Achen and Bartels (2016, 41–45).

⁹This is discussed at greater length in Chapter 7. The direct evidence for it is from Lenz (2012, ch. 3, 8). But see Cohen (2003) and Berinsky (2009) for supporting evidence.

¹⁰For the "performance" terminology, see Lenz (2012, 2).

of candidates: their integrity, intelligence, competence and so on. All these things can ground assessments of a candidate's expected performance.

Among political scientists, the consensus is that performance voting is extremely common. The best evidence for this involves retrospective voting on the economy. A huge number of observational studies look at this. Incumbents suffer when the economy is diving. They flourish when it's rising.¹¹ There are also some panel survey studies on performance voting. These studies interview the same individuals many times. This lets them see whether performance assessments change before vote intention changes or vice versa. Lenz (2012) is a landmark study. He shows that, when people think the economy is doing badly, they later reduce their approval of incumbent presidents. The former seems to be causing the latter. It's a short jump from this to the conclusion that economic perceptions also drive vote choice.

Let's turn to group voting. This is voting on the basis of group identities. Catholics voted for Kennedy. White southerners voted for Wallace. Black people voted for Obama. It is standard to understand this in terms of social identities.¹² Social identities start with self-categorization: we see ourselves as members of certain groups. And they add to this an emotional charge: we care about our group memberships. How does that affect voting behavior? Well, when we have such a social identity, we're driven to achieve positive distinctiveness for it. That means we're driven to "maintain or achieve superiority over an out-group" (Tajfel and Turner, 2004, 378). We want to raise the status of our group above that of other groups. In the electoral context, getting a group member or affiliate into office is the main way to do this. Having a president who comes from your group enhances your group's status. Thus, we often vote for fellow group members or affiliates of our groups. When I talk about group voting, I mean voting so driven by social identities.

Why construe group voting like this? Because it comports well with social identity theory. This theory is rooted in experiments Henri Tajfel did in the late 1960s. Tajfel set out to plumb the origins of group conflict. He assigned people to groups arbitrarily. In one such experiment, he did this by asking them which of two abstract artworks they preferred. After picking, the subjects were told they were either in the group which liked Klee or that which liked Kandinsky. He then asked them to allocate money among the other subjects. They could choose to ensure either that (a) everyone got the maximum amount of money, or (b) their group got more money than the other group, but less than the maximum possible. He found subjects favored (b). They preferred their group to be worse off in absolute terms

¹¹See Key (1966); Kramer (1971); Fiorina (1981) for the seminal works on this. See Achen and Bartels (2016, 93–98) for a recent discussion of this classic literature. See Lewis-Beck and Stegmaier (2018) for a recent overview of the later literature.

¹²See, for example, Achen and Bartels (2016, 228–29) and Mason (2018, 1–17).

but better off relative to other groups.¹³ These experiments showed, first, that it's easy to motivate people by group identities. In Tajfel's experiments, subjects never even saw members of either group. They were told only that they had similar taste in art. And they showed, second, that when driven by such identities, we don't just want our group to do well. We want it to win: we want it to be superior to other groups. The claims are at the core of social identity theory. The first makes it likely that identities are operative in political contexts. The second suggests that we should understand that operation in terms of status enhancement. Thus, this more basic psychological theory grounds our construal of group voting.

Group voting also seems to be very common. Race, religion, gender, geography are all common bases for group voting.¹⁴ But perhaps the most common type of group voting is voting on party identification. Those who identify as Democrats vote for the Democratic party. Those who identify as Republicans vote for the Republican party. Why think of this as a kind of group voting? Because party identification behaves like a social identity. It's more like Catholicism than it is like Libertarianism.¹⁵ People avow their party identifications in survey interviews. They talk about their party in terms of 'we'. They feel attacks on their party as personal insults. They get a party identification by early adulthood. They usually stick with it for the rest of their lives. Party identification looks for all the world like a social identity.¹⁶ Thus, since it has a pervasive impact on vote choice, group identities have such an impact.

In sum, on the strength of this evidence, group and performance voting happen often. Issue voting is rarer. I want to end this section with two final, clarificatory, points. First, I wish to stress again that these three kinds of voting don't exhaust voters' possible motivations. Perhaps voters also vote based on candidate charisma, or on their perceived self-interest. But we have less empirical traction on these issues than on the three types of voter motivation just canvassed.¹⁷ And, as the evidence

¹³For the striking original finding, see Tajfel et al. (1971). It has been widely replicated. See, for example, (Billig and Tajfel, 1973; Locksley et al., 1980; Gagnon and Bourhis, 1996).

¹⁴Achen and Bartels (2016, ch. 7) lay out some case studies supporting this.

¹⁵Campbell et al. (1960) is the canonical source of this idea.

¹⁶See Green et al. (2002, 32–40, ch. 3) for this evidence.

¹⁷In this connection, I want to make a remark about self-interest as a voter motivation. There is a large literature, stemming from Kinder and Kiewiet (1981), on whether performance voters are *pocketbook* voters or *sociotropic* voters. Pocketbook voters vote for incumbents when they think that they've personally been doing well. Sociotropic voters vote for incumbents when they think that the national economy has been doing well. This distinction is sometimes equated with that between self-interested and altruistic voting (see e.g. Brennan 2011, 162–63; 2016a, 49–51; 2016b). But that is a mistake. Sociotropic voters, as Kiewiet and Lewis-Beck (2011) argue persuasively, may be entirely self-interested. They may be voting for the candidate who they see as good for the national economy solely because *they themselves* will do well when the national economy is doing well. Indeed, this point is made clear by Kinder and Kiewiet's initial paper on this topic. They stress that "[t]he

I've cited indicates, many of these kinds of voter motivations clearly matter. They have a big impact on how voters behave. So, they're a good place at which to start. They carve out important drivers of voter behavior—ones the prevalence of which we have some grasp on. Thus, understanding of the normative significance of these kinds of voter behavior will put us in a position to answer concrete normative questions about real world democracies.

Second, many voters no doubt have multiple of these motivations. They are motivated in part by the issues, in part by performance, and in part by group identities. Sometimes, these motivations may be entangled. One might, for example, have one's policy position because of one's group identity. Perhaps one opposes gun control because one identifies as a white man.¹⁸ Or, to take another example, one's group identity might lead one to prioritize certain performance issues. Perhaps one think terrorism is the top priority, because one identifies as a Republican.¹⁹ Nonetheless, we can disentangle the impact of different motivations. In theory, although rarely in practice, we can say of individual voters the relative force of these factors. We can say whether they were driven more by the issues, or by performance, or by group identities. In both theory and practice we can say, for the electorate as a whole, which of these motivations has the biggest impact on vote choice. That is what the empirical work just cited attempts to do. We'll return to this issue in section 9.4. But that is all we'll need to do to answer our normative questions. Yet, before turning to that, I must say more about what makes democracy valuable.

9.3 Democratic Values, Revisited

A clear fix on the values I outlined in Chapter 2 makes the import of different sorts of voting behavior is transparent. The first value was equality. I advanced a relational egalitarian conception of this value. The idea is that democracy improves the quality of our relationships. Democratic societies, the thought went, can be societies of equals in a way that other societies cannot. There are two aspects to this ideal: a negative and a positive aspect. The negative aspect is that democracy allows us to avoid certain objectionably inegalitarian relationships. The paradigm examples of these relationships are those which constitute social hierarchies. Caste societies make up an especially odious case. There's something objectionable about the relationship

distinction between pocketbook and sociotropic politics is *not* equivalent to the distinction between a self-interested and an altruistic politics" (Kinder and Kiewiet, 1981, 132). Thus, we know frustratingly little about how prevalent self-interest is as a voter motivation.

¹⁸Melzer (2012) claims that this is common.

¹⁹This is consistent with survey data. See Jones (2019).

between a Brahmin and a Dalit. Democracy helps prevent the existence of such relationships. The positive aspect is that democracy allows us to achieve certain attractively egalitarian relationships. The paradigm examples of these relationships are things like friendship or modern marriages. The thought is that there's something distinctively valuable about a friendship. Democracy can help bring about a civic analogue of such relationships. So there are two ways democracy improves the quality of our relationships. On the one hand, it prevents objectionably inegalitarian relationships. On the other, it promotes attractively egalitarian relationships.

What attitudes, exactly, are necessary for the civic analogue of friendship to be in place? I didn't give complete answer to this. But two claims I made will matter in this chapter. First, citizens must be committed to avoiding the objectionably inegalitarian relationships.²⁰ They must be committed to avoiding positions of superiority over their fellow citizens. And this commitment must affect how they act. This is made plausible by the analogy with friendship. A friend who thinks nothing of lording their superiority over you is not really a friend. Second, citizens must not only think about their own welfare. They must care about that of their fellow citizens. Again, this draws plausibility from the analogy with friendship. You're not friends with someone if you don't care about how their life goes.²¹ So both these claims draw support from the analogy with personal relationships. But they also have independent appeal. When some citizens don't have these motivations, something seems to have gone wrong. Such citizens don't seem to be in the positively valuable relationships. Thus, I'll assume that these are two constraints on the positive aspect of the egalitarian ideal. This will make up a major part of our assessment of different voting behaviors. There are some motivations which are just incompatible with having these commitments.

We now turn to a second democratic value: self-rule. The conception of this I advanced hinged on joint intentions. A joint intention is just an intention one shares with others. When we together intend to paint a house, raise a child, start a business we have a joint intention. Now suppose some citizens have a joint intention to bring about some political event. This could be an action of government or an outcome of government action. And suppose that their having this intention brings about this thing (in the right way). The idea was that we could then say these citizens were self-ruling with respect to that event. I gave two explanations for why that was valuable. First, I suggested it protected citizen's freedom. It made government coercion less liable to make them unfree. Second, I suggested it makes them authors of their political and social affairs. It helps them stand in an active, agentive relationship to

²⁰ Viehoff (2014, 359–61) endorses a connected claim: he thinks citizens must avoid the inequalities in power which partially constitute the objectionably inegalitarian relationships.

²¹ Scheffler (2015) explores this claim at length. It's also defended in Viehoff (2014, 353).

these affairs. That's enough reminding. We can now get on to seeing how different types of voter motivation impact these values.

9.4 Evaluating Voter Motivations

First, we look at issue voting. Suppose everyone voted on the basis of policy issues. Imagine policy stances motivated peoples' vote choice. How much would this facilitate democratic values? I think the answer is: a lot. Let's start by looking at how it would affect self-rule. Consider the people who, in 1932, voted for Franklin Delano Roosevelt (FDR). Imagine they did so because they wanted unemployment relief. This is a prerequisite for their having a joint intention to enact employment relief. It's a prerequisite for that intention bringing about unemployment relief. So enactment of employment relief might manifest the joint intentions of FDR voters. So, these people may be self-ruling with respect to unemployment relief. More generally, issue voting is a prerequisite for policy manifesting joint intentions. The more widespread is issue voting, the better positioned are people to be self-ruling with respect to particular policies.

Now, widespread issue voting does not guarantee such self-rule. Issue voters might not *jointly* intend to enact any policies. To see this, suppose that Bratman's account of such intentions is right. Bratman (1992) thinks that some people have a joint intention to ϕ when (a) they each intend that they together ϕ , (b) they have jointly compatible plans for contributing to ϕ -ing and (c) they're not coerced into ϕ -ing. Issue voters might fail to meet these conditions. They might, for example, only think of their own contribution to policy. They might not intend that they together with others enact policy. But, in truth, these conditions are not that hard to meet. FDR voters could have easily intended to bring about unemployment relief with other FDR voters. Their individual plans to contribute to this—voting for FDR—are jointly compatible. And nobody was coerced into voting for FDR. So widespread issue voting doesn't ensure that voters have the joint intentions self-rule requires. But it puts them in a good position to have such intentions. It helps enable them to be self-ruling.

Yet there is a more important way in which issue voters might fail to achieve the value of self-rule. They might be very incompetent. Suppose that they don't know much about FDR's policies. They have an inkling that he's the one offering a New Deal to the American people. But they can't really remember. Might it not have been, they wonder, Hoover who was banging on about a deal? But, on the basis of the inkling, they vote FDR. Here, they're not very competent voters. If they aimed to help enact the New Deal, their actions didn't very reliably contribute to this goal. They could have easily voted for the candidate who would stymie it. We'll talk

more about such incompetence in the next section. But, for now, I'll just register the belief that when issue voters are incompetent in this way, they achieve little self-rule. Voter incompetence means policies at most match, rather than manifest, voters' joint intentions. Thus, widespread issue voting aids, without assuring, the achievement of self-rule.

Let's turn to equality. Citizens need certain attitudes to achieve the positive aspect of democratic equality. They must have some care for the welfare of their fellow citizens. They must be committed to avoiding inegalitarian relationships. Issue voters can fall short on these commitments. Consider people who voted for Wallace in 1968 because they liked his segregationist platform. These people were issue voters. But they don't achieve the positive aspect of democratic equality. They violate both conditions. They were not sufficiently concerned for the welfare of their fellow citizens. They were not sufficiently committed to the avoidance of inegalitarian relationships. So, for issue voters to help achieve this value, they can't vote on the basis of odious commitments. But issue voting is compatible with such abstinence. Issue voters might well vote on issues which aren't odious. So, not all issue voting is consistent with the positive egalitarian value. But there's no inherent tension between issue voting and democratic equality. Issue voting, when combined with the other attitudes, does facilitate such equality.

Second, we look at performance voting. Suppose everyone votes on the basis of expected performance in office. Expected performance motivates vote choice. How much does this facilitate democratic values? We'll start with self-rule. Self-rule is a little less well achieved by widespread performance voting than by widespread issue voting. That's because it's only outcomes which can now manifest people's intentions. Suppose people voted for FDR, in 1932, because they thought he would be a better economic performer than Hoover. That's a low bar. But it paid off handsomely. FDR didn't just enact unemployment relief. He helped pull America out of the Great Depression. In this case, the economic upturn might well manifest the joint intentions of FDR voters. But the actual policies FDR implemented would not have manifested these intentions. More generally, performance voting fits with outcomes, rather than policies, manifesting voters' intentions.

Why is this worse than issue voting? Well, to explain that we have to make some more assumptions about issue voting. I assume that few people want a set of policies with total disregard for the outcomes of those policies. They think that those very policies will produce some desired outcomes. So they also have the intention to produce an outcome. So, for such issue voters, both policies and outcomes manifest their joint intentions. That's why they have a leg-up on performance voters. For performance voters, only the outcomes manifest the intentions. Performance voters might well be responsible for large parts of their social environment. But issue voters—at least given certain assumptions—are responsible for larger parts. But I

want to be clear on my view here: the leg-up is the size of a small leg. Issue voting beats out performance voting on achieving self-rule. But the margin of victory is not large. Both seem to me respectable ways of achieving this value.

Let's turn to equality. Issue voting and performance voting are in the same position when it comes to equality. Performance voting doesn't guarantee the achievement of the positive aspect of democratic equality. Some people performance vote on the basis of inegalitarian commitments. Their performance voting won't aid this value. Some vote on sheer self-interest. They ask not what a candidate can do for their country, but just what the candidate can do for them. This doesn't help the achievement of democratic equality. But performance voters need not exhibit such misbehavior. They might vote for who they think will produce the best outcomes for all their fellow citizens. They might vote for Clinton because they think he'll make everyone better off. So widespread performance and issue voting are consistent with democratic equality. Neither ensure it, but both can facilitate it.

Finally, we look at group voting. Suppose everyone votes on the basis of their group identities. They vote for candidates affiliated with the groups with which they identify. And they do this to boost the relative social standing of their group. How does this affect democratic values? We start with self-rule. This type of voter motivation, were it widespread, would not be good for self-rule. When you group vote, neither the policies of government nor the outcomes of those policies manifest your intentions. You didn't intend to bring about any particular policies. You didn't intend to bring about any particular outcomes. You voted on the basis of group affiliation. So group voters don't enjoy self-rule with respect to policies or their outcomes. Now it's not that they enjoy nothing. When they get someone affiliated with their group into office, this can count as the manifestation of their intentions. Any ensuing change in social hierarchies can also count as manifesting their intentions. But, generally, such changes aren't enormous. Obama's election didn't transform race relations in the United States. So this seems less important than policy or policy outcomes manifesting their intentions. It makes voters, at best, responsible for but minor changes in status hierarchies. Thus, widespread group voting would not much help the achievement of self-rule.

Now let's consider equality. Is widespread group voting consistent with the positive aspect of democratic equality? This depends on the type of group voting. There are three types. First, there's *maintaining superiority*. Suppose one identifies with a group which holds a privileged place in a social hierarchy. One votes as one does to maintain this group's elevated place in the hierarchy. This is surely incompatible with a commitment to social equality. You can't be both committed to social equality and motivated by maintaining the status superiority of your group. This is exactly a vote motivated by a commitment to social *inequality*. In the United States, some instances of racial voting give us concrete examples of this. The United States

is a racially stratified society. It isn't white people who suffer the racial oppression. So consider the case of white people who vote on the basis of their racial identity. This is a case of maintaining social superiority. If such voting is widespread, then that impairs the realization for the positive egalitarian value.

Second, there's *creating superiority*. Suppose one identifies with a group which holds neither a high nor low place in the social hierarchy. One hopes one's vote will facilitate a realignment in status hierarchies. It will help this group gain status and, in particular, become superior to other groups. This again is incompatible with a commitment to social equality. Such voting behavior is part of a commitment to social inequality. The best concrete examples of this is voting on the basis of party identification. In the United States, party groups hold roughly similar levels of social status. So, consider Republicans who vote for the Republican candidate to raise the social status of Republicans. They're attempting to create social superiority. This is incompatible with a commitment to social equality. So widespread group voting of this type would also impair the positive aspect of democratic equality.

Third, there's *ameliorating inferiority*. Suppose one identifies with a group which holds a low place in the social hierarchy. One votes for a group-affiliated candidate to ameliorate the status inferiority of this group. One hopes that, if the candidate wins election, the group will gain status. The status gain won't make that group superior to other comparison groups. Rather it will make it closer to their equal. This seems completely consistent with a commitment to social inequality. The driving force here isn't a desire for social superiority. It is a desire for equality. In the United States, much race-based voting exemplifies this. Consider Black voters who voted for Obama. This needn't have hurt the positive aspect of democratic equality. In this case, elevating one's group's status amounted to diminishing America's racial hierarchies. This is surely a motivation compatible with egalitarian commitments. So, widespread group voting of this type is quite consistent with democratic equality.

So different kinds of group voting interact differently with democratic equality. Voting in order to ameliorate the inferiority of a group is compatible with the positive aspects of equality. One can have attractive egalitarian relationships with people moved by such motivations. But voting in order to protect or produce the superiority of a group clashes with this aspect. This type of voting manifests a lack of commitment to equality. One cannot have a civic friendship with those who wholly lack such commitments. One's civic friendships are impaired with those who have only very weak such commitments. So, how group voting impacts the positive aspects of equality depends on the type of group voting in play. Now that doesn't mean group voting impacts the negative aspect of democratic equality. I doubt it does. Group voting, by itself, never puts people into relationships of subordination. But it can prevent relationships of civic friendship. It thus impairs the positive, but

not the negative, aspect of democratic equality.

Let me conclude the section by returning to an issue I raised in section 9.2. We've been exploring the question of how the prevalence of different voter motivations impacts democratic values. But these motivations are often combined in individuals: often, single voters are moved to some extent by all three types of motivation. How does that affect our discussion? To account for this, the key thing we need to be able to do is evaluate how much each motivation matters on average. The larger the average impact of issue voting, and to a lesser extent performance voting, the better positioned is a democracy to achieve self-rule. The more can citizens' social and political affairs manifest their joint intentions. The larger the average impact of privileged group identities, the worse positioned is a democracy to achieve the positive aspect of democratic equality. This, in effect, answers the first question of this paper. Roughly speaking, issue voting is best, followed by performance voting, followed by group voting. And that answer puts us in a better position to assess how voters' motivations affect the value of American democracy. But we're not yet in a quite good enough position. For how these motivations matter to democratic values depends on how competent voters are. So we now turn to voter competence.

9.5 Voter Competence

Let's say that someone is competent with respect to a certain aim when they reliably do what promotes that aim. They do what promotes that aim in many contexts. Let's say that voters are competent insofar as they're competent with respect to the aims which underly their vote. In this section, we will look at how voter competence modulates the contribution those aims make to democratic values. This is crucial to do for two reasons. First, it tightens our grip on how voter motivation and democratic values relate. It tells us when certain motivations successfully contribute to those values. Second, we need to do this to understand how voter motivation contributes to the value of American democracy. There are well-known doubts about the competence of American voters.²² If voter motivation only contributes to democratic values when voters are sufficiently competent, then that matters to our assessment of that contribution. So, what's required of voter competence for voter motivation to contribute to democratic values?

It depends on the value. Let's start with self-rule. Suppose voters wanted to vote for the candidate who would perform best. But imagine that they're utterly incompetent. They judge candidates on the basis of good looks or how well tank

²²See, for example, Brennan (2011, ch. 7).

helmets fit on their head.²³ But head size does not predict which candidate will be the best performer. Yet suppose the lucky thing happens: a majority of voters do end up voting for the best performer. As previously noted, intuitively this means that the good performance doesn't manifest their joint intentions in the sense necessary for self-rule. For this type of manifestation, their vote and the good performance has to be more reliably connected. Voters, in general, have to be competent in order for the value of self-rule to be achieved. Now, that's not to say that there's a sharp cut-off at which they achieve the anointed standard of competence. Rather we should think of it in scalar terms. The more competent voters are, the more of the value of self-rule they can attain. So, when voters are quite incompetent, their issue and performance voting contribute little to self-rule.

I think this point is clear in personal cases. Imagine that you start a business. But, let's suppose, you are not a very good businessperson. You hire layabouts, invest in fads, advertise on Myspace. Left to your own devices, you'd quickly run your new business into the ground. But, fortunately for you, you're a Rockefeller. And your indulgent uncle is both a very good businessman and very, very rich. He works behind the scenes to rectify your mistakes. He hires hard workers. He contacts the right politicians. He intimidates your competitors (he's a Rockefeller, too). This makes your business a moderate success. In this case, it seems to me that you're not the author of this success. That's because you were so unreliable at achieving it. You were only saved by fortuitous family connections. So, that success doesn't really redound to your credit. In this personal case, incompetence seems to undercut the achievement of authorship. That's evidence that, in the political case, incompetence also undercuts the achievement of authorship. When people aren't competent with respect to their goals, in both cases, they are less the authors of those goals. The achievement of those goals merely matches, rather than manifests, their intentions.²⁴

Let's turn to equality. Here I want to build on a point I made in Chapter 7. I suggested there that you didn't need to be that knowledgeable or rational to meet the demands of the positive aspect of democratic equality. As I see it, this was a special instance of a more general point. Achieving positive equality does not impose very stringent constraints on voter competence. The key issue here is whether incompetent voting is incompatible with the attitudes that the positive egalitarian value require. If you're incompetent, does that imply you lack a commitment to equality?

²³Good looks do sometimes drive vote choice. See Ahler et al. (2017) for some recent evidence. The import of head size turns on your take on Michael Dukakis's ill-fated presidential push.

²⁴I am inclined to see voter competence as one of the component parts of the notion of political autonomy discussed in Chapter 7. Low levels of competence mean low levels of political autonomy. But we don't need to rely on this view for the purposes of this chapter. We just need an intuitive connection between voter competence and these democratic ideals.

Does it imply that you don't care appropriately about your fellow citizens' welfare? At first glance, the answer seems to be a clear "no". One can have goals one is no good at achieving. Suppose you really care about your nephew's welfare. But they live in England and you live in the land of the free. You just can't keep up with their life. The tyranny of distance defeats you. So you never get them the right Christmas presents. You get them films when they want games; sugar candy when they want chocolate; scarfs when they want "jumpers". You're not very good at contributing to their welfare. But that doesn't imply that you don't care about their welfare. You can care about things you're not very good at promoting. So, at first glance, voter competence needn't matter to how voter motivations impact democratic equality.

But perhaps first glances deceive. There are cases where your incompetence does indicate a lack of concern. Suppose you could easily find out what your nephew wanted. You just need to phone your sister. Then your incompetence suggests you don't care that much about your nephew's welfare. Your unwillingness to pick up the phone in part constitutes a lack of substantial concern. Two things seem to be going on in these cases. First, it's not very costly to become competent. You just need to dial the sibling. Second, this minor cost really boosts the chances of achieving the relevant goal. Calling your sister will make you much more likely to give your nephew good presents. So, when increasing your competence is relatively easy, and would substantially improve the chances of achieving some goal, lack of competence constitutes you're not putting much weight on the goal at all.

But these conditions are violated when it comes to voting. Most importantly, the chance such competence will improve the welfare of your fellow citizens is very small. This is because the chance your vote makes a difference is very small. Individual votes almost never decide elections. Even if you were the most competent voter in the world, that would in expectation yield a tiny benefit to your fellow citizens. Yet the cost of become a competent voter is not nil. You have to spend a lot of time reading the news, following the primaries, watching the debates. This is all time taken from other, more valuable, activities. Thus, I suspect you can be an incompetent voter while having the attitudes that the positive egalitarian values require. Incompetence doesn't constitute a failure to care appropriately about your fellow citizens welfare or to be committed to equality.²⁵ So self-rule is only achieved by reasonably competent voters. But the positive aspect of democratic equality imposes minimal standards of voter competence.

²⁵We made essentially this point in Chapter 7.

9.6 The American Voter

We can now see how the motivations of the American voter contributes to democratic values. After that, we'll be in a position to answer the more personal question: how should you vote? But we'll start with the values. We first address self-rule. Given the paucity of issue voters, only the performance voters can realize this value. How many of those are there? Well, when you ask voters what they like about candidates, about forty percent mention performance issues. About thirty percent mention topics like the economy. Up to ten percent mention candidates' personal qualities.²⁶ So this seems an upper bound for the number of performance voters in the American electorate. And it's a respectable upper bound: forty percent of voters is a lot of voters.

Yet, unfortunately, I doubt that these voters enjoy much of the value of self-rule. The problem is that, I think, many of them are rather incompetent. To see this, we draw from Christopher Achen and Larry Bartels' great book: *Democracy for Realists*. They argue, persuasively, that American performance voters are myopic and blind. They're myopic in the sense that, when they vote retrospectively, they vote on short-term performance. They're blind in the sense that they punish incumbents for things out of their control. Fixating on short-term performance and kicking incumbents for acts of God are not, I suspect, reliable ways to pick good performers. So I suspect American performance voters are not competent performance voters. And that means that they don't achieve much of the value of self-rule.

What's the evidence for voters' myopia and blindness? Let's start with myopia. Now everyone knows that economic performance correlates with incumbent vote share. But economic performance can be different over different time periods. It might be good over four years, but less good over the last two years. So Achen and Bartels (2016, 146–76) test what period of economic performance is associated with incumbent vote share. They find that an extra percentage of real income growth in the six months before the presidential election is associated with a big bump in incumbent popular vote margin: seven and a half percentage points. But income growth at other times isn't associated with any change in the incumbent's vote margin. Voters are just responding to economic conditions around the time they're voting. So it's tough luck being an incumbent who juiced the economy in just the first three years of your term. That cuts no ice with voters. Voters only care what you've done for them lately.²⁷

Now turn to blindness. Again, the best piece of evidence for voter blindness

²⁶See Lewis-Beck et al. (2008, ch. 10).

²⁷(Healy and Malhotra 2009, Montalvo 2011) report similar outcomes with respect to natural disasters and terrorist attacks respectively. Healy and Lenz (2014) argue that this is a manifestation of the "end" part of peak-end effects.

comes from Achen and Bartels (2016, 116–146). Incumbents, they reason, have no control over the weather. They might be able to make it metaphorically rain. But making it literally rain is beyond their purview. So they look at how, in the United States, incumbent vote share tracks rainfall. And they don't just look at this over the last ten or twenty or thirty years: they look at the whole 1897–2000 period. Very high and very low rainfall are each associated with lower incumbent vote share. In their telling, voters are punishing incumbents for bad weather. They're punishing them for droughts and floods over which they have no control. This is not a reliable way to pick good performers.²⁸ So American performance voters likely achieve little of the value of self-rule. American democracy, then, can attain little of this value. The American voter puts the value of self-rule largely out of reach.

But what about democratic equality? In particular, does American voting behavior impair the positive aspect of democratic equality? Let's start with the impact of performance voting. Here competency matters. But the competency constraint I advanced was minimal. Indeed, I think that even myopic and blind voters can meet it. After all, myopic and blind voters aren't *completely* incompetent: they still managed to kick out Hoover. They just have a low level of competency. But there is a tiny chance that their vote makes a difference. So this low competency is consistent with having the attitudes that the positive egalitarian value demands. It needn't mean that voters don't care appropriately about their fellow citizens or aren't sufficiently committed to equality.

Let's turn to group voting. Here the outlook is much gloomier. The first problem arises from the pervasive impact of partisan identification on voting behavior. I noted above that voting on the basis of party identification is voting in order to elevate your own social group above other social groups. It's a case of creating superiority. That's incompatible with a commitment to social equality. This is bad news for the positive value of equality in American democracy. In Chapter 8 we already saw one barrier to cross-partisan egalitarian relationships. We pointed out that attitudes of mutual contempt were hostile to such relationships. Now we add another barrier. Partisans on each side are trying to make themselves superior to

²⁸A large, albeit contested, literature supports the view that voters vote blindly. See Healy and Malhotra (2013, 295–98) for a review. The most interesting criticism of this work, in my view, comes from Ashworth et al. (2018). They suggest that voters might respond to natural disasters—like floods and droughts—because they provide new information. Perhaps, before a natural disaster, voters can't directly observe the competence of either incumbent or challenger. But perhaps it's justifiable for them to assume that incumbents are more competent than challengers. And perhaps natural disasters let them directly observe the quality of incumbents. This might sometimes reveal that incumbents are incompetent. Thus, when voters vote incumbents out after natural disasters, they might be responding to surprising facts about incumbent incompetence. If this is what's going on, then that's good news: it undermines the worries about voter blindness in the text. But, having said that, Ashworth and his co-authors are yet to empirically corroborate this suggestion.

those on the other. They cannot at the same time forge valuable egalitarian relationships across party lines. Substantively, that is of enormous import. Partisan identification is probably the strongest influence on voting behavior. Since it severs positively valuable egalitarian relationships, only a few such relationships can span party lines. Cross-partisan relationships cannot be civic friendships.

Yet things are worse than that. To see why, we have to look at some more empirical evidence. And we'll need to turn to current affairs: we'll need to turn to the election of Donald Trump. One of the most crucial points about Trump's rise is its connection to white identity. In the primaries, white voters more attached to their white identity were much more likely to vote for Trump. He won the general election with a majority of fifteen points amongst white voters. Again, white identifiers were most likely to vote for him. The reason is not obscure. His rhetoric was littered with both implicit and explicit racial appeals.²⁹ These appeals helped cement Trump as the candidate of white Americans. He swept to office on a wave of white identity voting.³⁰ White identity voting, as we noted above, is incompatible with relationships of equality. You cannot stand in an egalitarian relationship with someone while trying to cement your superiority over them.

Trump contributed to this wave. But he didn't create it. About thirty to forty percent of white Americans say that being white is very, or extremely, important to their identity (Jardina, 2019, 63). And white identity voting mattered well before Trump. It seems to have reduced the vote for Obama as well as for Black candidates in other elections (Petrow et al., 2018). For at least a decade, then, millions of white Americans have voted on the basis of protecting their lofty place in America's racial hierarchy.³¹ And it's doubtful that white people are the only members of privileged group to vote on the basis of the group identity. For example, Trump won by twelve percentage points amongst men. The more sexist someone was the more likely they were to vote for him (Schaffner et al., 2018). So it seems plausible (although the evidence is less strong) that male identity also mattered to vote choice. In short, group identity voting in America is not the preserve of oppressed groups. The members of privileged groups often vote their group identity.

This is even worse news for the positive aspect of democratic equality. Voting behavior rends positively valuable egalitarian relationships between partisans.

²⁹The New York Times keeps a list of Trump's racist comments. See Leonhardt and Philbrick (2018).

³⁰The story here comes from Jardina (2019, 230–47).

³¹There's some evidence, from Wong and Cho (2005, 712–15), that white identity was less politically efficacious in the 1972–2000 era. On the other hand, the beginning of this era included millions of votes for George Wallace, a man who, in his own words, “toss[ed] down the gauntlet before the feet of tyranny” right before declaring “segregation today...segregation tomorrow...segregation forever.” Thus, it would be bold to suggest that white identity voting is new to American politics.

And it also seems to, often, prevent them between the more and less privileged. That means those relationships can't hold between each American citizen. Now that doesn't mean they can't hold between anyone. Not every white person votes on their white identity. Not every partisan votes on party identity. Those who don't can share the positively valuable egalitarian relationships. But millions of people do vote on such bases. So the American voter strikes a blow against the positive aspect of democratic equality. That doesn't impair the negative aspect of the democratic equality. But, all the same, it is a big blow to the intrinsic value of American democracy. In light of the attitudes of cross-partisan mutual contempt, discussed in Chapter 8, I suspect that this value is very poorly realized by American democracy. This is the upshot of these phenomena for the core question of this dissertation.

9.7 How Should We Vote?

We're now in a position to give a partial answer to the question: how should we vote? The answer will be partial. We'll look at just the reasons democratic values give rise to. I think that the value of self-rule can give rise to two types of reasons with respect to voting behavior. First, it can give rise to a self-interested reason. You yourself benefit from achieving this value. But you only achieve this when your fellow citizens put you in a position to achieve it. They must have the intentions which would underpin a joint intention. And they must have formed those intentions competently. Otherwise it doesn't matter how you vote. The incompetence of your fellow citizens puts the value of self-rule out of reach. But neither condition is usually met in the United States. American voters, as we've seen, often lack the motivations they need to achieve the value of self-rule. They're often group voters. And those who are performance voters are rarely competent performance voters. So, in the United States, self-rule provides little self-interested reason to vote on particular motivations.

Second, the value of self-rule can give rise to an altruistic reason. Generally, we should help out our fellow citizens. If our doing something helps them achieve some good, we have reason to do the thing. One of our reasons to pay our taxes is that it helps us get good roads, parks, schools. It helps out our co-citizens. Thus, were American voters good competent issue voters, you'd have reason to be such a voter yourself. This would help them achieve the value of self-rule. But again as we've seen, American voters are not competent issue voters. So being such a voter doesn't help them achieve self-rule. You can only help those who help themselves. So you lack this altruistic reason to be a competent issue voter. Thus I doubt the value of self-rule gives American voters any reason to vote in certain ways. It would in an ideal democracy. In an ideal democracy it would give American voters reason

to be competent issue voters. But in our deeply non-ideal, real-world case, it is normatively inert.

Now one might resist this. Suppose you endorse a view like rule-consequentialism. On this view, one should act in line with the rules which, were they widely accepted, would lead to the best consequences. So imagine your college needs a million dollars to stay open. If every member of the college gave the college a thousand dollars it would stay afloat. This would be to great benefit overall. So you should give the college a thousand dollars. And you should do this even when you know you're throwing your money into the abyss; you know that your perfidious colleagues will never chip in. This sort of view says that you should be a competent issue voter despite it achieving nothing. For if everyone accepted the rule "be a competent issue voter", then we would achieve the value of self-rule. So my position won't be congenial to people with such rule-based moral views. But I am skeptical of such views. The cases at hand are exactly those where they seem to go wrong. In these cases, following such rules seems pointless. So, the relevant cases seem like counterexamples to such views. That is not secure footing from which to resist the position I've put forward.

Let's turn to equality. This gives rise to reasons connected to the constraints on egalitarian relationships. You shouldn't do things which sever your egalitarian relationships. Now, were America entirely devoid of egalitarian civic relationships, this too wouldn't matter. But that is not the picture I just painted. Millions of people may vote on party identification and privileged identities. But millions also do not. You still have reason to avoid severing your egalitarian relationships with these latter people. That means you shouldn't vote on certain group identities. Voting on party identification seems out. Voting on whiteness or masculinity is definitely out. Such voting precludes a commitment to equality. In short, you can't be the type of group voter who votes on the basis of privileged group identities. Now that doesn't preclude voting on unprivileged group identities. Ninety-six percent of Black voters voted for Obama. They needn't have been doing anything wrong. But it precludes much group voting all the same. So equality imposes constraints on your motivations. Does it also impose constraints on your competence? Only minimal ones. This is because acquiring competence is costly and the chances of it making a difference are low. Thus you needn't hit the books to meet the requirements of democratic equality.³² Equality mainly requires you to manage the motivations underlying your vote.

So we've shed some light on how we ought to vote. Insofar as achieving democratic values is important, we have reason not to vote on certain motivations. In

³²Brennan (2011, ch. 3), of course, argues that voters have reasons to be competent which aren't grounded in self-rule or equality. I haven't engaged with his argument here.

ideal democracies, this reason would be quite constraining. We'd have reason to be competent issue voters. But the non-ideal nature of American democracy makes a crucial difference. It means democratic values impose quite lax standards on voting behavior. As long as we don't vote on relatively privileged identities, we are likely doing all that such values require of us. Of course, many of us fall short of even these standards. Many voters vote on white identity. Many more are driven by party identity. But the standard is not, in principle, hard to meet.

9.8 Conclusion

Let me sum up. We've looked at what sort of voting behavior is best for democracy. I've argued that widespread issue voting is best, followed by performance voting followed by group voting. I've also argued that this voting is best when competent. But American democracy, so I've suggested, does not fit this description very well at all. Voting behavior alone greatly diminishes America's capacity to achieve self-rule. Now, this doesn't put the negative aspect of democratic equality any further out of reach. Voting behavior alone does not put us in objectionably inegalitarian relationships. But it cements the worrying conclusion of the previous chapter. Democracy should facilitate some positively valuable relationships. But American democracy does not much facilitate these relationships. These relationships don't, in America, hold between cross-partisans. And they often don't hold between the members of privileged and unprivileged groups. This doesn't rule out such relationships completely. But the picture left of American democracy bears little resemblance to universalistic picture of civic friendship I sketched in Chapter 2. This is the final failure of American democracy I'll discuss. The next, concluding, chapter will be summary and synthesis. We'll sum up how American democracy fails to realize democratic value and why these failures matter.

Part IV

Chapter 10

Conclusion

10.1 The Picture

My central thesis has been that there are many serious ways in which American democracy fails and that these ways matter. We're now in a position to summarize the ways and how they matter. We'll start by painting, in broad brush strokes, the picture of American democracy which emerges from the previous chapters. Let's begin at the level of elites. Power over government is, on this picture, monopolized by a small cadre. Elected officials, interest groups leaders and the personally wealthy are the powerbrokers of U.S. politics. These groups are largely immune to external control. It's obvious that the personally wealthy are so immune. But so are the first two. Interest group leaders often means corporate leaders. There's no pretense of popular control in these cases. Sometimes this means the leaders of advocacy groups. But they too often have little substantive connection with ordinary citizens. They're professionals managing mailing lists of the well-to-do; not organizers managing cross-class associates. Meanwhile, elected officials are responsive to some of their constituents. But only weakly and only to some. They have, and exercise, a large amount of autonomy. And the some they are responsive to are their co-partisans. Ordinary citizens across the party aisle have little influence on their elected representatives. On the elite level, the picture is of a small cadre of decision makers who, when they respond to anyone, respond to their own supporters.

The picture gets no prettier at the mass level. We're winning no prizes for how we think about politics. We're ill-informed. We don't have much information about political matters. We're irrational. We treat political reasoning as a game of group defense. And we're malleable. We let political elites mold our opinions. When we do engage in politics, we tend to engage in it with more emotion than cognition. Now that's no problem in principle. But, in practice, that emotional engagement

manifests grotesquely. We form viciously negative attitudes towards those on the other side of the party aisle. We're contemptuous towards them. We don't wish to form relationships with them and are even willing to discriminate against them. When we vote, we're not driven by the issues or, often, the performance of officials. We're driven by the desire to put our social groups above others. On the mass-level, the picture is of ordinary citizens ill-equipped for the demands of political thought, indulgent of acrimony and—too often—driven by base motives.

Where does this leave our democratic values? Let's start with the negative egalitarian value. This value inheres in the avoidance of objectionable inegalitarian relationships. These are the relationships characteristic of dominance hierarchies. They're relationships in which some participants have much more power than others. The power of elites strikes the greatest blow to this value. The lack of popular control over government officials makes the relationship between them and ordinary citizens objectionably inegalitarian. It makes this relationship akin to other relationships of deep inequality. The power of group leaders and the wealthy adds more of such relationships to the mix. These people, through their power over government, have power over the rest of us. The problem is exacerbated by who elected officials respond to when they respond to anyone. They respond to their co-partisans. This gives the relationships between ordinary citizens across party aisles an inegalitarian cast. When Democrats are in power ordinary Democrats have more power. When Republicans are in power ordinary Republicans have more power. The relationship between ordinary Democrats and Republicans is thus made inegalitarian.

Let's turn to the positively egalitarian value. This value inheres in the promotion of valuable egalitarian relationships. These are relationships akin to friendship or modern marriage. Participants in such relationships relate on terms of equality. They are committed to relating on such terms. And they're committed to each other's lives going well. The existence of inequality itself tends to impair these valuable relationships. The inequalities between elites and ordinary citizens likely preclude such relationships. The inequalities between partisans of the in and the out of power parties make such relationships difficult. But the behavior of ordinary citizens exacerbates the problem. The contempt cross-partisans hold for one another snuffs out these valuable relationships. Meanwhile, citizens' voting behavior strikes another blow to civic friendship. Millions of people vote to defend their privileged position in America's various group-based hierarchies. This precludes the egalitarian commitments egalitarian relationships need. So how much these positively valuable relationships can flourish is at best boxed in. They fail to flourish between cross-partisans, and they fail to flourish between many members of different social groups.

Let's turn to self-rule. How much self-rule do Americans achieve? The answer has to be: not much. This is in part supported by the picture of American poli-

cymaking as elite dominated. If a small cadre of autonomous elites drive policy, then ordinary American citizens do not. Government policies cannot, under these conditions, manifest the joint intentions of many citizens. They might match those intentions. But there can't be much causal connection between what ordinary citizens want and what happens. Yet it's not just features of elite level politics which detract from self-rule. To be self-ruling, we must have autonomous influence over politics. But the quality of our cognitive engagement with politics mars any such autonomy. Our cognitive shortcomings cut the autonomy out of our exercise of political influence. Equally, to be self-ruling with respect to some political event, our intentions to bring about that event has to drive the exercise of our political influence. But, for many of us, no such intention drives our vote. Many of us vote on the basis of our group identities. This is ill-suited for making government policy manifest our collective intentions. Self-rule, then, is difficult to achieve with the type of citizens America has to work with.

What is the upshot of all this? At the start of this dissertation I said that America comes nowhere near realizing intrinsic democratic values. This is the upshot. America's political system realizes very little of what makes democracy intrinsically valuable. Few Americans count as self-ruling. The concentration of power in a small number of hands and how ordinary citizens engage in politics saps self-rule. Meanwhile America's political system is full of objectionable inequalities. The most severe are between elected officials and the rest of us. Almost as severe are those between the wealthy, group leaders and ordinary citizens. And the most wide-ranging are those between cross-partisans. At the same time, how ordinary citizens behave confines civic friendships to relatively small, disjointed spheres. Partisans of similar social groups can have such relationships. But relationships between others are fraught: our emotions and motivations prevent such relationships. America, in sum, realizes little of these democratic values. Moreover this isn't an aberrant or novel condition of American democracy. Most of the failures of American democracy are longstanding: they mean the U.S. has likely never realized much of democratic value.

Now, none of this is to say that America's political system doesn't realize any of the relevant values. Rather, we should understand these points comparatively. I gave a few relevant comparisons at the end of Chapter 2. First, America realizes little of these values relative to what we might expect. It is *surprising* how little of these values American democracy achieves. America's conception of itself often celebrates its democratic traditions; it is a shock those traditions have yielded so little of democracy's value. Second, America realizes little of these values relative to what would be feasible. It would be possible for power to be shared more equally and for ordinary citizens to engage more respectably. The United States is falling far short of its potential. Third, the amount of these values American realizes is not

large relative to other things of values. We should be more impressed by the beauty of the Grand Canyon than the intrinsic value of American democracy. The latter should attract relatively little of our approbation. American democracy, in all three senses, realizes relatively little of what makes democracy valuable.

That, in broad brush strokes, is the picture I've defended in the previous chapters. But these brush strokes give up on the fine detail. They occlude how each democratic failure connect up to each democratic value. But this is easily summarized: table 10.1 does the job. The left-hand column in the box give a list of democratic failures, or putative failures. These are the empirical phenomena which one might think affect an intrinsic democratic value. The top row gives a list of values. A cross in the intersecting box indicates that, holding all else equal, the empirical phenomenon impairs the value. A tick indicates that, on the contrary, it promotes the value. A line indicates that, as far as my arguments go, it does neither to any substantial degree. A list of crosses, ticks or lines separated by dashes indicates that which one occurs depends on the exact case. Two notes in interpreting this table: first, note the importance of the *all else equal* clause. In some of these cases altering one phenomenon should be expected to alter others. The table does not capture this. It captures the impact of altering one phenomenon without altering anything else. Second, the straight lines mean I haven't argued that a phenomenon must impact the relevant value. But I don't pretend to have given all the possible argument that one might think are plausible. Thus, one should think of the straight lines as open questions rather than settled answers.

This captures many, I suspect most, of the important ways in which American democracy falls short of democratic ideals. I think that a cursory knowledge of other democratic systems makes it clear that American democracy is not alone in falling short of such ideals. In many democracies, power is wielded by a small cadre of autonomous elites. In many democracies, ordinary citizens engage with politics with vitriol and little cognitive care. In many democracies, voters are motivated by group identities. America is not unique in its failures. As I said at the start of this dissertation, I believe that America's failures illuminate those of other political systems. An understanding of the American case contributes more generally to the theory of democratic failure. But I won't examine the quality of other democracies here: I leave that to the reader. Instead, we now turn to why the low quality of American democracy matters. And we'll start with the most practically important way it matters: the ways it matters for how us ordinary citizens ought to act.

Democratic Failures			
	Negative Egalitarian	Positive Egalitarian	Self-Rule
Decisionmaking			
Weak popular control	X	X	X
Power of the wealthy	X	X	X
Power of interest groups	X	X	X
Time			
Alternation	X	X	–
Inertia	–	–	–/X
Cognitive Engagement			
Level of information	–	–	X
Level of irrationality	–	–	X
Leaves of malleability	–	–	X
Distribution of information	–	X	–
Distribution of irrationality	–	✓	–
Distribution of malleability	–	✓	–
Polarization			
Elite ideological polarization	–	–	✓
Mass affective polarization	–	X	–
Mass policy polarization	–	–	–/✓
Voting			
Issue voting	–	–	✓
Performance voting	–	–	✓
Group voting	–	X	X
Incompetent voting	–	–	X

Table 10.1

10.2 Democratic Duties

Let's start with how we should orientate ourselves towards those on the other side of party lines. I've argued that our contempt towards cross-partisans is gratuitously harmful. It makes all our lives worse and it is itself unfitting. And I argued that this stops valuable civic relationships spanning party lines. Thus, we have weighty moral and prudential reason not to feel contempt for cross-partisans. This sounds like reasonably common-sense moral reasoning. But it seems to me an injunction not even honored in the breach. One often sees contempt expressed towards cross-partisans. One rarely sees anyone feel guilty about expressing such contempt. But, if I'm right, such contempt is objectionable. We should treat it as such. Taken to heart, this would change how many of us orientate ourselves towards members of the other party.

A second important upshot of the preceding discussion concerns voting behavior. I argued that democratic values gave us reason not to vote on the basis of relatively privileged group identities, including party identity. Such motivations undercut what's left of our positively valuable egalitarian relationships. In a perfect world, democratic values would be much more demanding than this. They would give us reason to vote on the basis of those issues we thought were best for everyone. But we don't live in a perfect world. In the imperfect world that we live in, few people vote on the policy issues. This means that our individual issue voting would not much contribute to democratic values. To contribute to such values, we have to be contributing together with others. Thus, we ourselves have little reason to vote on the issues. So the implications for voting behavior have the form of constraint rather than direction. We must not vote on privileged group identities. But, consistent with that, we may have a wide range of motivations.

These two points matter. But they aren't the most important normative upshots of the quality of American democracy. The most important upshots concern the authority and legitimacy of the American state. In Chapter 3, I argued that both are bound up with its democracy. Let's re-cap the argument concerning authority. There were three strands to the argument. First, I claimed that democratic values provided a foundation for state authority. There is weighty egalitarian reason to obey democratically made laws. The value of other people's self-rule also gives us some reason to obey those laws. Second, I argued, that many non-democratic accounts of authority hinge on democratic values. I argued that associative, fair play, promissory and gratitude accounts of authority work only in political systems which achieve high levels of democratic value. Third, I argued that you have egalitarian reason to avoid obeying non-democratic laws. Obeying these laws counts as treating the powerful as superior to your fellow citizens. Together, these arguments imply that democracy is intimately bound up with authority. It's more bound

up with authority than perhaps many have realized. States which achieve a lot of democratic value likely enjoy authority. Those which achieve little likely do not.

If I'm right, then America is in the second camp. That makes it unlikely that it realizes authority. It makes it unlikely that we ought to obey American laws. Indeed, if I'm right, then we have positive reason to avoid obeying such laws. In Chapter 5, I explored exactly which laws we have most such reason to avoid obeying. This exploration was tentative, because the evidence is not decisive. But the laws of poorer, more unequal states seem more suspect than those of richer, more equal states. And, on the federal level, tax law, in particular, seems as suspect a body of law as one is likely to find. These particular claims swing on particular empirical findings. But the more general arguments are more robust. The upshot of these general arguments is that the American state lacks authority.

What about legitimacy? In Chapter 3, I also argued that legitimacy was bound up in democracy. The most important point concerned coercion. The main challenge to state legitimacy is that coercion impairs individual freedom. But self-rule can perhaps ameliorate this impairment. Thus, self-rule can help disable the main challenge to legitimacy. If so, democracies are in a far better position to enjoy legitimacy than non-democracy. We also made a few subsidiary points. There is more reason to enforce democratically made laws. Doing so contributes to equality. There is powerful reason not to enforce non-democratically made laws. Doing so detracts from equality. And I suggested that state authority might provide a basis for state legitimacy. Together, these points put a state which realizes little of democratic value in a much worse position to enjoy legitimacy. Likely, far fewer instances of coercion on its behalf will be permissible.

Thus, the failures of American democracy erode the legitimacy of the American state. They make coercive enforcement of American laws less likely to be permissible. Now I haven't come to any conclusions about which cases of state coercion are permissible. I suspect that this must be decided on a case-by-case basis. Some cases might be sufficiently instrumentally valuable to be justified. But many will not. What these arguments do is deprive the latter cases of non-instrumental justification. Thus they make it very likely that these cases are impermissible. A concrete example is opportune. America imprisons over two million people. Per capita, it imprisons about the same number of people as does North Korea.¹ The instrumental case for this seems slight. These arguments make non-instrumental considerations far less likely to justify it either. Thus, they make such mass imprisonment, and the individual examples of coercion which make it up, far less likely to

¹Hawk (2012) estimates that there are 150,000 to 200,000 prisoners in North Korea. Thus North Korea imprisons 600–800 people per 100,000. The United States imprisons about 650 people per 100,000.

be permissible. This is one example. The more general point is that these arguments make it more difficult to justify state coercion.

All this means the failures of American democracy matter. They affect how we should manage partisan conflict, how we should vote, how we should relate to the law, how we should view the coercive apparatus of the state. These are not small issues. They constitute much of our political lives. These are the most practically important consequence of the failures of American democracy.

10.3 Designing Democracy

What is to be done to improve American democracy? I sketched a vision of an improved democracy in Part II of this dissertation. This vision was not meant to be an altogether inspiring vision. I don't think the institutions I've defended would push America onto the higher echelons of democratic value. But it was meant to be a vision comprised of feasible institutional proposals which would ameliorate America's democratic failures.² The central point here is that many of America's democratic failures inhere in her representative institutions. Legislators, by favoring their own supporters, create inequality between partisans of different parties. And, more importantly, legislators are free from serious levels of popular control. This creates inequality between them and everyone else. There are two general ways to ameliorate these failures. The first is to bypass representative institutions. This is what the institutions of direct democracy do. Referendums and the initiative would redistribute power from the hands of legislators into the hands of ordinary citizens. Now I don't claim that this will help ordinary citizens achieve much self-rule. But I do claim that it will help soften inequality. Thus, I endorse an old Progressive claim about direct democracy: the cure for the ills of democracy is, in part, more democracy.

The second is to failure-proof representative institutions. That means adopting or maintaining institutions which compensate for the egregious behavior of legislators. I've suggested several such institutions. One is minority vetoes. These redistribute power from the in-power party to the out-of-power party. They are desirable because legislators listen most to their own supporters. Thus, this redistribution helps with democratic equality. A second is campaign finance reform. Reducing the role of money in politics would likely reduce the influence both of the rich and

²Methodologically, my approach is in the spirit of what David Wiens (2012) calls "institutional failure analysis." In his words: "we can isolate three main phases of the failure analysis design process: (1) identify a failure (i.e., a flawed product or service); (2) diagnose the failure (i.e., analyze the character and cause of the failure); (3) design an artifact to overcome identifiable failures, including potential future failures." (2012, 54). This is the process I've carried out.

of interest groups. This would contribute directly to democratic equality and self-rule. And, indirectly, we saw some evidence that it would make elections more competitive. That could increase the extent to which legislators are under popular control and reduce their propensity to attend only to their own supporters. A third is redistricting. It is technically simple to draw House districts so as to maximize competitiveness. If increased competitiveness has these good effects, then such redistricting is desirable. Thus both these approaches—failure-proofing and bypassing—would, I suspect, improve the quality of American democracy.

Let's be clear. These things would improve the quality of American democracy in that they would aid the achievement of intrinsic democratic values. I'm not saying that they would cause huge improvements in the quality of public policy. I'm not saying they would turn America into the land of milk and honey. Now it would of course be vaguely ridiculous to propose changes which would make for much worse policy. Intrinsic democratic values are worthwhile, for sure, but perhaps less worthwhile than health, security, shelter. But I see little reason to think that this is too large a risk. Politics don't usually fall apart when they grant their citizens the chance to put bills on the ballot. The earth would not end with the advent of campaign finance reform. Thus, I think the case for the proposals I've put forward is a strong one. They would substantially contribute to intrinsic democratic values without making the heavens fall (or even wobble).

Let's turn to a different issue. I have suggested that the cure for the ills of democracy is more democracy. But, often, we don't get to choose between more and less democracy. Often, we choose between representative institutions and non-democratic institutions altogether. My position has important consequences for such choices. It undercuts some of the reasons to favor representative institutions in these cases. Here's why: some people think that democratic values ground a weighty reason to favor such institutions. When elected officials make decisions, they think that this realizes some important democratic values. But I've argued that, in the United States, representative institutions don't realize such values. That tells against this thought. Thus, when 'more democracy' means 'more representative democracy', we may as well be indifferent to more democracy. More representative democracy will get us little more of what makes democracy valuable.

Consider, for example, judicial review. This is a power that American judges have to strike down legislation which they think clashes with the Constitution. One old, important argument against judicial review is that it is undemocratic. An influential contemporary formulation comes from Waldron (2006). He accuses it of being "politically illegitimate, so far as democratic values are concerned" (2006, 1353). And he sees the problem as a comparative one. He thinks that elections are "evidently superior as a matter of democracy and democratic values to the indirect and limited basis of democratic legitimacy for the judiciary" (2006, 1391).

In other words, when representatives make decisions, we realize some democratic values. When judges make them, we realize little. But I've argued that, at least in the United States, representative decision making realizes little democratic value. Thus, the democratic difference between this and judicial decision making is less evident, or at least less large, than Waldron takes it to be. Yet a little difference gives us little reason to favor representatives over judges. So this argument against judicial review is undercut.³

The broader issue here concerns the relative power of elected representatives versus unelected experts. Some think that experts should have more power and representatives less.⁴ There are several ways to bring this about. One could have independent bodies make the decisions in particular domains. Many countries, for example, let central banks decide on interest rates. Many delegate much industry regulation to expert bureaus. One could go further: one could, for example, devolve the detailed writing of the tax code to a board of experts.⁵ These reforms all distribute power away from legislators and towards bureaucrats.⁶ Alternatively, one could incorporate experts more deeply into the decision making process across domains. Here the United Kingdom's House of Lords provides a model. Insofar as the Lords are experts, they represent a foothold for expert influence across policy domains. Some think that more countries should have such legislative chambers, and that such chambers should have more power.⁷

There is a democratic objection to such proposals. When you give power to independent regulators, the peoples' will cannot be made manifest in regulation. When you give power to the Lords, you make them superiors to their fellow citizens. These proposals thus clash with democratic values. Yet, if I'm right, there is a similar objection to giving power to elected representatives. Decision making by representatives, at least in the United States, does not much achieve democratic values. So, from the point of view of these values, the choice between these options will often be close enough to a draw. The value of democracy will not give us much reason to favor representatives over experts. Now that doesn't mean that we should give more power to unelected experts. But it undercuts a weighty reason against doing so. It means that the choice between expert decision making and

³Somin (2013, ch. 6) presents a similar argument in defense of judicial review.

⁴See, for example, Jones (2020).

⁵For this suggestion, see Blinder (2018, 296).

⁶For a stark real world example of this, consider the case of postwar Japan. It's been said that, in this era, politicians reigned while bureaucrats ruled (Johnson, 1982, 154): real power lay in the agencies rather than the legislature. Telling here is their respective literary renown. Shigeru Sahashi, vice-minister of the powerful Ministry of International Trade and Industry (MITI) is the protagonist of three novels; Eisaku Satō, the contemporaneous prime minister, is, as far as I know, the protagonist in none. If true, it is hard to see this balance of power as bad for Japan's postwar prosperity.

⁷For a discussion of several historical proposals, see Brooks (2006).

representative decision making must be made on grounds besides their contribution to intrinsic democratic values.

Thus, if American democracy really is in the parlous state that I've suggested it is in, then this has two consequences for institutional design. On the one hand, it points us towards ways to improve American democracy. Direct democracy and constrained legislatures might ameliorate its democratic failures. But, on the other hand, it should make us less worried about non-democratic institutions. After all, it is much more difficult to deeply derogate democratic values when so little value is realized. So it may be that cure for the ills of democracy is, in the long-run, more democracy. But in the meantime, a little less democracy cannot hurt much.

10.4 Final Remarks

Alexis de Tocqueville once wrote that “in America I saw more than America; I sought the image of democracy itself” (Tocqueville, 2002, 24). By ‘sought’ he meant ‘found’: he took Americans at the time to enjoy an almost “complete equality of conditions” (2002, 22). In the United States, he thought, “the great democratic revolution...seems nearly to have reached its natural limits” (2002, 13, 23). Perhaps this was true among white men in 1831, although I think that even that is unlikely. But, regardless, the image of democracy has blurred in contemporary America. A clearer view of current American democracy is rooted in the critical tradition. It is rooted in the work of writers who have had less optimism about American democracy. I hope to have contributed to this tradition in two ways. I hope to have shown how American democracy fails to live up to intrinsic democratic values. And I hope to have shown why this matters to the normative status of those subject to the American state. If I am right, then the failures of American democracy are no small matter: they transform the right and duties of American citizens.

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