

# POLITICAL QUALITY\*

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## I. INTRODUCTION

Political equality is in tension with political quality, and quality has recently been neglected. My thesis is that proper attention to the quality of democratic procedures and their outcomes requires that we accept substantive inequalities of political input in the interest of increasing input overall. Mainly, I hope to refute *political egalitarianism*, the view that justice or legitimacy requires substantive political equality, specifically equal availability of power or influence over collective choices that have legal force.<sup>1</sup> I hope to show that political egalitarianism exaggerates individual rights in the conduct of political procedures, and neglects the substantive justice of the decisions made through those procedures. Some unequal distributions of influence may better promote just decisions, and without reliance on any invidious comparisons such as the relative wisdom of the wealthy or the educated.

Put in general terms, the goal is to find an acceptable stopping point between merely formal political equality on the one hand, which places no limits on substantive political inequality, and equal availability of political influence on the other, whose distributive constraints are too severe. The principled basis I offer for such a point is a theory of democratic legitimacy that gives a significant role to the epistemic value of democratic procedures—their tendency to produce decisions that are correct by the appropriate independent moral standards.<sup>2</sup> This approach requires more than merely formal equality, since great substantive inequality in political input will be damaging to the procedure's ability to arrive at just decisions. In this it not only accommodates a traditional criticism of classical liberalism, but makes a closely related point against

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<sup>1</sup> Some political egalitarians would not limit the view's scope in this way, but it simplifies matters to consider this narrower view. If it is not correct, then the broader version couldn't be either.

<sup>2</sup> I describe an epistemic approach to democratic legitimacy called *epistemic proceduralism* in my essay "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in *Deliberative Democracy: Essays in Reason and Politics*, ed. James Bohman and William Rehg (Cambridge: MIT Press, 1997). I explain the pertinent idea of an independent standard there, and at greater length in "Making Truth Safe for Democracy," in *The Idea of Democracy*, ed. David Copp, Jean Hampton, and John Roemer (Cambridge: Cambridge University Press, 1993), 71–100.

the political-egalitarian ideal of equal *availability* of political influence, since that too is insensitive to the distribution of *actual* influence, and to the epistemic consequences of that distribution. The epistemic approach, then, seeks to structure politics so as to promote the quality of political decisions, but without relying on invidious comparisons between citizens or groups.<sup>3</sup> I defend the epistemic approach to democracy more fully elsewhere. Here my claim is that epistemic considerations should lead us to reject the goal of substantive equality of (available) influence. I thus draw out an implication of the epistemic view of democratic legitimacy for the issue of political equality.

Briefly, it is worth noting that this argument can be extended beyond the concern with epistemic value, though I will not develop these points in much detail. First, even for theories that accept that there is such a thing as epistemic value for some democratic decisions, it is plausible to hold that for other decisions there is no independent standard but only procedural justice. It may seem that the quantity of deliberation is worthless in those cases and all that matters is fairness. Second, some theorists will make no room for such a thing as independent standards for democratic decisions at all. In both these cases it may seem as if all that matters in democratic procedure is procedural fairness, and that my epistemic arguments for inequality would not apply. Notice, however, that in that case we should be satisfied with some random choice procedure. That we would not be satisfied even in the absence of epistemic considerations stems, I think, from the fact that quantity of deliberation, within certain distributional bounds, has other value even in addition to any tendency it might have to promote the discovery of truth. Some will put it in terms of the rationality of the decision, others in terms of letting participants be better informed about their genuine interests, and so on. My point here is only that tension between equality and quantity of input is not limited to contexts or theories where epistemic value is at stake. However, I will mainly press the point in the epistemic context.

Political egalitarianism requires equalizing opportunity for, or availability of, political influence, not actual political influence. This is because a citizen is in no way mistreated by the inequality resulting from her own free choice not to exercise all her available influence. My criticism is based on the value that more political deliberation has, other things being equal, on the quality of political decisions. But these epistemic consequences, as I call them, stem from facts about the amounts of actual input and participation rather than from facts about the amounts of input that are available. Thus, for some purposes below, the actual/available distinction will be important; but for other purposes it is not important. In much of what follows, I will speak of influence or input without specifying whether

<sup>3</sup> My criticism of fair proceduralism in "Beyond Fairness and Deliberation" leaves the question of political egalitarianism open. Here I take it up directly.

it is actual or available, and in those contexts I mean what I say to apply equally to both. When I mean one or the other I will be specific. I explicitly consider the difference at several points below.

Political egalitarianism may seem to be an extreme and implausible view, not requiring great efforts to refute it; but there is a plausible case to be made for it, even though, on reflection, it should be rejected. Here is one way of finding political egalitarianism tempting. Disputes over such things as distributive justice are deep and pervasive. Whatever the correct resolution of those disputes may be, we hope that a political decision about distributive justice can be legitimate, even if not just, on the basis of certain features of the political procedure, and not simply on the basis of whether the decision is morally correct, since the latter issue will be too deeply contested.<sup>4</sup> But now imagine a process in which those who have more money than others have more influence over the process. Such a process can easily seem unfair, depleting it of the moral capacity to render the outcomes of the process legitimate. At least if the process were fair, the outputs could be said to be fair in that procedural sense. A fair procedure, some argue, requires equal availability of input, or at least insulation of influence from things like differential wealth. It is natural to conclude that whether or not justice requires economic equality, legitimacy requires substantive political equality—equal availability of political influence—so as to keep the political process fair. Egalitarianism, then, is held to be the proper stance at least with respect to political input. For reasons that vary among its advocates, political egalitarianism is a popular and formidable normative theory of political legitimacy, one not to be easily dismissed.<sup>5</sup>

<sup>4</sup> On the distinction between justice and legitimacy in a liberal theory, see my essay "The Survival of Egalitarian Justice in John Rawls's *Political Liberalism*," *Journal of Political Philosophy* 4, no. 1 (1996): 68–78.

<sup>5</sup> Robert Dahl endorses political egalitarianism in *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 109, 114–15. Joshua Cohen, in "Deliberation and Democratic Legitimacy," reprinted in Bohman and Rehg, eds., *Deliberative Democracy*, sketches an "ideal deliberative procedure" which "is meant to provide a model for institutions to mirror" (73). One feature is that "the participants are substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation . . ." (74). Cass Sunstein, in "Political Equality and Unintended Consequences," *Columbia Law Review* 94 (1994): 1394, says: "Disparities in wealth ought not lead to disparities in power over government." Thomas Christiano writes: "Justice requires that individuals have political equality, that is, equal resources to influence decisions regarding the collective properties of society" (Christiano, *The Rule of the Many* [Boulder, CO: Westview Press, 1999], 87). Harry Brighouse advocates "equal availability of political influence," which "requires the insulation of the political process from [income and wealth] inequalities" (Brighouse, "Egalitarianism and Equal Availability of Political Influence," *Journal of Political Philosophy* 4, no. 2 [1996]: 120). Jack Knight and James Johnson ("What Sort of Political Equality Does Deliberative Democracy Require?" in Bohman and Rehg, eds., *Deliberative Democracy*) advocate "equal opportunity of access to political influence" (280), including "equality in the resources that any participant be allowed to employ in the deliberative process" (293). In addition, Rawls and Dworkin may be committed to versions of it; see notes 10 and 41, respectively. In criticizing political egalitarianism I do not expect to have fully refuted any of these authors, whose views differ in interesting ways from each other and from the simplified version of political egalitarianism that I discuss.

Put in simplest terms, I will argue that equality of input may come at the cost of quantity, and that both are important to the quality of the process and its outcomes. That is why substantive equality of influence is not a proper goal or constraint for the design of democratic political institutions.

A brief taxonomy of competing approaches may help avoid certain misunderstandings.

In what I shall call *authoritarian* theories of political legitimacy, invidious comparisons between people have often been used to justify unequal political rights and liberties even at the formal legal level, such as unequal legal rights to vote or hold office, ostensibly in the interest of high-quality political rule.<sup>6</sup> Another traditional view makes no invidious comparisons and thus accepts equal formal political rights and liberties, but rejects the goal of equalizing substantive political influence—equal availability of political input, including whatever resource distribution this requires. Call this mixed view the *formalist* view of political equality. Some hold, for example, that substantive political equality (in addition to formal political equality) is not compatible with due respect for an individual's right to property, or to freedom of speech, or, more generally, one's liberty to do as one chooses. This version of the formalist view, which I will call *libertarian*,<sup>7</sup> is not based on any claims about the resulting quality of decisions.

Call the principle requiring both formal and substantive equality of political influence, *political egalitarianism*—a view that I will argue wrongly neglects the quality of political decisions. My purpose is not to oppose formal political equality, much less democracy itself, nor to rely on either invidious comparisons among citizens or on strong rights to property or speech. I defend a formalist view, but not on a libertarian basis. On the other hand, the inequality of influence that I will defend does, like the property-based or liberty-based arguments, tend to allow specifically the wealthy to have more political influence than others (though not as much more as they now have). It shares this feature with libertarian theories, but its basis is entirely different.

Political egalitarianism and formalist views (including libertarian views) are anti-authoritarian, or liberal theories. The view I defend is also liberal, and formalist rather than egalitarian, but on an epistemic rather than a libertarian basis (sharing the epistemic concern with some authoritarian views). Call this view a *liberal epistemic view* of political equality (see Figure 1). The liberal epistemic view is formalist because it accepts formal (but rejects substantive) equality of political influence. But formalist views need not say that distribution of substantive political influence does not

<sup>6</sup> For quotations of several epistemic arguments used to disenfranchise the propertyless, blacks, and women, see Daniel Ortiz, "The Democratic Paradox of Campaign Finance Reform," *Stanford Law Review* 50 (February 1998): 906–9.

<sup>7</sup> This label is meant only to name a view of political equality. I leave aside the question of the relation between this view and a more general libertarianism.

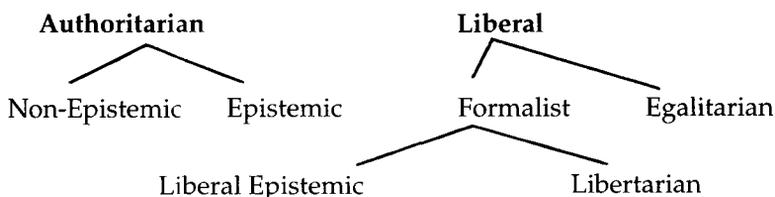


FIGURE 1.

matter at all (we might call that *strict formalism*; some libertarian views take this form). The liberal epistemic view does have the resources to criticize extreme inequality of influence, but rejects *equal* substantive influence as an appropriate goal. It is a *moderate formalism* in rejecting substantive equality, while not assuming that mere formal equality is enough.

My alternative to political egalitarianism diverges from it in approximately the way that John Rawls's difference principle diverges from a strictly egalitarian principle of distributive justice.<sup>8</sup> Rawls's view is often regarded as egalitarian, even though not strictly so. Likewise, the position taken here condemns great substantive (not only formal) political inequalities, but also finds decisive reasons to permit or require unequal influence under certain conditions. It is certainly more egalitarian with respect to substantive political influence than authoritarian or libertarian theories.

While this parallel with Rawls's theory of justice is instructive, the view defended here is also a criticism of a certain Rawlsian argument, and it may be less egalitarian than Rawls's view in one respect. In Rawlsian theory, the liberties to participate in politics must be equal for all. First, they must be formally equal, giving each citizen equal status under the law.<sup>9</sup> But second, they must also be substantively equal (or approximately so) in the sense that people should not have substantially greater opportunity to influence political outcomes as a result of their having a greater share of other primary social goods. While unequal influence would be compatible with formal political equality (formalist views), it is disallowed by a separate provision in Rawls's inviolable principle of equal liberty: each person's political liberties ought to be guaranteed a fair (approximately equal) value in addition to being formally equal under the law. Rawls's political egalitarianism is much stronger than his economic egalitarianism, since the former recognizes no justification for di-

<sup>8</sup> The difference principle states that inequalities can be justified if they benefit even the least well-off. See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 302; and Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 56.

<sup>9</sup> I will assume that where there is formal equality there is also full compliance.

vergence from the roughly equal value of the political liberties.<sup>10</sup> Specifically, the Pareto-style argument used by Rawls to justify (in principle) economic inequality seems to be denied application to the case of political influence. I begin, shortly, by asking why this is so.

Political egalitarianism neglects the fact that a small and limited discussion is not as valuable a guide to important practical decisions as is fuller, more extensive discussion.<sup>11</sup> There is something to be said for procedural fairness, but also something to be said for applying human intelligence more extensively to political problems. Some writers acknowledge this point,<sup>12</sup> but still avoid the hard question by assuming that equality need not reduce the total quantity of public deliberation. The point I want to urge is that if equal influence can only be achieved at lower levels of input, then the epistemic advantages of a wider discussion might, from any reasonable point of view, outweigh the disadvantages of some degree of unequal influence. This is not just a logical possibility but a real possibility in democratic politics. For this reason, equal political influence, and, more specifically, the complete insulation of political influence from differential wealth, are not appropriate goals in the design of deliberative democratic institutions.

## II. PARETIANISM AND POLITICAL INPUT

It is far from clear what equal political influence would mean. It is relatively clear what insulation of influence from differential wealth would mean. But the latter would typically still involve great inequality of influence, since money is not the only route to influence. Social connections, good looks, debating skill, and an eye for good points can all give a person more influence in political discussion than other people. On the other hand, a simple majority vote, without any discussion of the issue at hand, would, if such a thing were even remotely possible, embody pure

<sup>10</sup> Rawls stops short of insisting on perfect equality, but mentions approximately equal value of political liberties (*Political Liberalism*, 358). His name for this is "fair," not "equal," value, and this may reflect the view that equality is not the point. The challenge, then, as I see it, is to find a salient standard between merely formal equality and strictly equal substantive influence. It is not clear whether Rawls would include the fair value requirement of the first principle among the requirements of legitimacy, which is generally a lower standard than justice in Rawls's theory. (I discuss this in "The Survival of Egalitarian Justice in John Rawls's *Political Liberalism*.")

<sup>11</sup> I am not making any assumptions about the particular nature of the discussion, or its civility, etc. Some of the literature on deliberative democracy revolves around implausible standards of politeness and reciprocity that I do not want to commit to here. Moreover, the term "discussion" is not meant to exclude nondiscursive contributions to public debate, such as protests or political art. There are important nondiscursive components of any discussion, including public political discussion.

<sup>12</sup> See, e.g., Bruce Ackerman, "Crediting the Voters," *The American Prospect* 13 (Spring 1993): 71-80. I discuss Ackerman's view in more detail in Section V.

equal influence. So would a coin flip to decide among the available alternatives, whether or not discussion had occurred.

Several of the sources of unequal influence mentioned above may well be regrettable. The one that apparently is not regrettable, and not regretted by any democratic theorist I know of, is the extra influence a person has by virtue of offering good reasons in a context where good reasons are appreciated and have influence. That some people are better at this than others is clear from the utter political ignorance or perversity of some people. If they are worse, some are better. How can this unequal influence be allowed or even celebrated by theorists who espouse the theory that equal influence is called for by the principle of equal respect for persons? I do not doubt that extra influence of better reasons is called for, in some way, by equal respect for persons. But I do doubt that the principle that each person is owed equal political influence can cohere with these other ideas. Unequal influence through rational persuasion is one kind of unequal influence. If there are good reasons, deriving from or at least consistent with equal respect, to allow unequal rational influence, then unequal influence does not, in general, violate equal respect. If it does, then unequal rational influence does too.

In what follows, then, I shall interpret the ideal of equal political influence to mean specifically *the insulation of political influence from differential wealth or social rank*. This more familiar and attractive thesis is what I hereafter mean by "political egalitarianism." Still, I think it is mistaken.

I begin with a story some philosophers tell, and which I will criticize, about why opportunities for political influence ought to be equalized among adult citizens. It is true, they grant, that if distributing some good unequally will allow more of that good to be given to everyone, then, at least in many contexts, it would be irrational to insist on an equal distribution. For example, Rawls argues that justice allows distributing primary social goods unequally if and only if doing so benefits all (or at least, for simplicity, the worst off). There might well be a way to do just that if extra social productivity can be induced by giving people incentives for producing more. If more social goods are produced by giving a larger share to the most productive citizens, then perhaps the incentive will still work if some portion of it is channeled to benefit the less well off. If so, who could complain about the productive citizens getting more than the others get, since this benefits everyone?<sup>13</sup> Thus, it is granted that if opportunity for political influence could be improved for everyone by giving some more than others, this would perhaps be justified. But, the argument goes, political influence does not work like that: it is a competitive good. There is no way to increase the quantity available to all by giving some people more than others. So there is no justification for

<sup>13</sup> Rawls, *A Theory of Justice*, 78.

deviating from an equal distribution.<sup>14</sup> I believe this story goes wrong in several ways.

A quick terminological point: One distribution is normally said to be *Pareto-superior* to another just when it is better for some and worse for none. Call a distribution that is better for everyone *strongly Pareto-superior*. Since only the stronger concept concerns us here, I shall use "Pareto-superior" to mean strongly Pareto-superior throughout. I simply do not consider whether weak Pareto-superiority has anything to recommend it in the contexts discussed here.

The first problem with the argument just sketched is that it does not even consider whether any unequal distribution of influence would be *better* for everyone. It asks only whether it could produce more influence for everyone. Even if it could not, though, it might yet be better for everyone, and so perhaps might be justified on that basis. We should distinguish between two ways in which political inequality might be claimed to be Pareto-superior: (a) it might be Pareto-superior with respect to all goods taken together (call this *true Pareto-superiority*); or (b) it might be Pareto-superior specifically with respect to (availability of) political influence or input (call this *political Pareto-superiority*).<sup>15</sup> The argument sketched above inexplicably assumes that political inequality could only be justified by political Pareto-superiority. But why couldn't it be justified by true Pareto-superiority even if this did not satisfy political Pareto-superiority? All might be made better off, even if not all are given more political input or influence. This objection will not be pursued here. I mention it only to introduce the distinction between true and political Pareto-superiority.

Second, the argument supposes that political influence is a competitive good:<sup>16</sup> no one can get more of it without someone getting less. If a person's share of the total quantity of influence exerted is expressed as a fraction of that total, then influence would be a competitive good. But, of course, if one's share of wealth were expressed as a fraction, then wealth too would be a competitive good. We know wealth can be increased for some without decreasing the wealth of others, and thus a person's share can be understood in absolute as well as comparative terms. The same is apparently true of political influence, or if the word "influence" suggests otherwise, it is true of political *input*. Let *input* stand for an individual's

<sup>14</sup> See Harry Brighouse, "Political Equality in Justice as Fairness," *Philosophical Studies* 86 (1997): 166–67.

<sup>15</sup> By Pareto-superiority (political or not), I have in mind improvement in all positions in the distribution rather than effects on actual individuals. If two people switched places, so that one was worse off and the other better off, this would not yet count as a change at all from the perspective I want to consider. One distribution is Pareto-superior to the other if their graph lines flowing from lowest holdings to highest never cross, though they may touch (except in the case of strong Pareto-superiority).

<sup>16</sup> One well-known competitive good structure is the "zero-sum game." But that is a special case. Competitive goods need not have a "zero" or fixed sum.

absolute quantity of political participation (measured, for simplicity, in money),<sup>17</sup> and let *influence* stand for a person's fraction of the total political input. If everyone wrote more letters to their congressional representative annually than they now do, the total quantity of input would increase and no person's absolute quantity of input would decrease. Even if influence is a constant sum, the quantity of input is not. The comparative idea of one's share of influence, and the absolute quantity of input, are both important, and the argument below proceeds by taking the latter idea more seriously than usual.

If the total quantity of input can be increased, then we can ask whether there might be any way, beginning from an equal distribution of input, to increase everyone's amount of it by distributing it less equally. Here are two ways it might happen. One way would rely on reasoning familiar from the incentive argument justifying economic inequality on the grounds that it improves everyone's condition. Suppose that the promise of unequally large amounts of political influence for the wealthy increased the desire for wealth and the influence it brings. This, combined with economic incentives for greater social productivity, could be expected to induce more productivity than would exist in the absence of this promise of extra influence. Then perhaps the extra could be taxed or otherwise allocated to subsidize input for those with less influence. Political inequality would be accompanied by political Pareto-superiority. A second way unequal influence might increase everyone's input would be if citizens had to pay a surcharge on each purchased marginal unit of political input, which payment could be used to subsidize increased input for others. I leave aside the details of such a scheme for now, but I will return to the subject later.<sup>18</sup> In principle, this is another way unequal influence could produce more input for all, or political Pareto-superiority. In both of these cases, while everyone's input increases, some will have lost influence (fraction of input) while others will have gained it, and that will have to be figured into our evaluation of the situation. My point here is only that with respect to input, political Pareto-improvement (that is, movement to a Pareto-superior state) is theoretically possible. Later I will argue that it is also really possible, and that it is sometimes justified.

### *Political inequality and substantive justice*

Suppose that unequal input was not mutually beneficial as compared with an equal distribution—that it did not produce more input for all or more social goods for all—but that the unequal scheme did lead more reliably to just decisions. Just decisions will not necessarily benefit everyone, or even anyone, least of all anyone who has so far been benefiting

<sup>17</sup> I address this simplification below, in a subsection titled "Input as money."

<sup>18</sup> See the discussion below in Section V.

unjustly. But whether or not it is mutually beneficial, the greater substantive justice of the outcomes of the unequal distribution looks like a powerful reason in its favor. It is a separate standard from either true or political Pareto-superiority.

Can inequality of political influence promote the substantive justice of political decisions? Here is one way it might do so: Suppose that the only way to achieve equal (available) influence is by leveling down—preventing those who would otherwise have the most influence from having any more influence than those who would otherwise have the least influence. If this low level is very low, the reduction in the total volume of deliberation might damage its epistemic value. Think of a choice between two debates and their epistemic value for an onlooker: in one debate the pro side speaks for a total of sixty minutes, and the con side for only fifty. In the alternative debate they are given equal time: two minutes each. The epistemic value of the second debate is probably much lower than the first.<sup>19</sup> Something analogous is theoretically possible in political participation. If equality can only be achieved at a very low level, the epistemic value of the process might be greater under some unequal distribution of political influence. Notice that this reasoning employs no invidious comparisons between participants. And here the Pareto-improvement in input is only indirectly relevant in that it plausibly improves the epistemic value of the procedure.

If we ask what is wrong with equalizing political input at the very lowest level, say at the level of a coin-flip, it is natural to object that political decisions are not likely to be well made by any random choice from among the alternatives. Political decisions are too important to be left to chance. Some procedure that gives citizens the opportunity to influence political decisions will be more likely to lead to wise decisions than would a random choice. This is the epistemic value of a particular arrangement of political influence.<sup>20</sup> By raising the question of an arrangement's epistemic value, we can account for our alarm about the coin-flip method, and thus we can explain why the absolute amount of input is important. Under the right conditions, more input tends to produce more epistemic value.

Epistemic value accounts for a concern about quantity, but can it place any constraints on distribution? If one person has the wisdom it takes to make better decisions than would be made under any more equal distribution of influence, the simple criterion of increasing epistemic value would require empowering this person as the sole political decision-

<sup>19</sup> Of course, it would be unfair to formally give the two sides different time limits. But suppose both were allowed sixty minutes, but one side lacked leisure or strength enough to go beyond fifty minutes.

<sup>20</sup> For some purposes, it is useful to distinguish between this general instrumental value, and a specifically epistemic route to it, e.g., via reasoning, knowledge, understanding, etc. This distinction is not important here.

maker. This epistocracy, as I call it, is highly inegalitarian, to say the least. This epistemic approach, then, might seem to be no better at explaining plausible distributive constraints than would a maximizing principle or a Pareto criterion.

The epistemic goal need not be the only relevant consideration, of course. Even granting that some people might be far better at making the morally and technically best political decisions, such invidious comparisons among citizens are bound to be open to reasonable disagreement. I propose to place the following constraint on political justification: that it may not make use of doctrines or principles or assertions that can be rejected even by conscientious, cooperative, reasonable citizens. (In this I follow Rawls's liberal principle of legitimacy.)<sup>21</sup> No test or criterion for distinguishing the better from the worse judges of justice and the common good would be acceptable from all reasonable and conscientious points of view. Since reasonable people can reject invidious comparisons, such comparisons should play no part in political justification.<sup>22</sup> No basic formal or substantive inequality of political influence may be justified on the grounds of the superior skill or wisdom of any individual or group.<sup>23</sup>

Might it not turn out, even without invidious comparisons, that the greatest total quantity of deliberation could only be produced if some citizens had vastly more opportunity for input than others had? If greater total deliberation increases the procedure's epistemic value, then the epistemic approach, even limited by the proscription of invidious comparisons, would not place any limits on permissible inequality of influence. In reality, however, it is doubtful that the epistemic value of a political decision procedure simply increases with the total quantity of input regardless of its distribution. Those with the ability to slant the system in their own favor will often do so, sometimes willfully, sometimes out of ignorance of the legitimate interests of others. As inequality of influence increases, the opportunity for this kind of abuse increases. The epistemic

<sup>21</sup> Rawls, *Political Liberalism*, 137.

<sup>22</sup> See my "Making Truth Safe." As William Galston and Steven Wall pointed out to me, citizens who reject the public conception of justice that I hold proper voting to address are very unlikely to promote it through their votes (whatever the value of their political speech), and this could be agreed upon by all reasonable citizens. This is because reasonable citizens all accept the conception. Thus, there is some uncomfortable pressure on my theory to disenfranchise those who reject the conception, or to weight their votes more lightly for legitimate epistemic reasons. There are several lines of reply worth considering, but here I will mention only that if, as I believe, the public conception of justice will consist in rather abstract principles that do not have straightforward practical consequences without interpretation, there may be no method that is beyond reasonable objection for identifying those who reject the conception.

<sup>23</sup> There are complications. Certainly some bureaucratic or representative positions, e.g., entail greater power. The rule against invidious comparisons does not preclude hiring or electing the best-qualified applicants for such positions. But this would not be *basic* inequality so long as the position and its power and the hiring criteria are authorized, at least indirectly, by a legitimate democratic process that relies on no invidious comparisons.

criterion places limits on acceptable inequality all by itself, without any help from the idea that equal influence is intrinsically valuable or required by fairness or equal respect for persons. In the context of political participation, inequality tends to diminish epistemic value even as the total quantity of participation, suitably distributed, promotes it.<sup>24</sup> In light of these countervailing tendencies, the epistemic approach seems bound to steer between a strict political egalitarianism on the one hand, and an utter insensitivity to inequality of influence on the other.

*Is there an absolute right to equal influence?*

The outlines of my objection to political egalitarianism are now clear. Before going into more detail, it is worth considering whether epistemic considerations are simply irrelevant because they are trumped. Is there a moral right to equal political influence that goes beyond the right not to be the victim of invidious comparisons in political justification? Two arguments for such a right are commonly seen, but both appear to be fallacious.

First, it is often argued that inequality of political influence expresses disrespect for citizens as equals, or expresses the view that some are inferior or less worthy than others in some way.<sup>25</sup> Certainly, unequal political institutions often do express disdain, or condescension. But this is a contingent matter. Inequality does not express disrespect unless it is owed to disrespect. When it is, that is a moral failing of the particular societies involved, not a defect of unequal political influence itself. Unequal influence can, in principle, exist entirely for other reasons.

More to the point, how does the charge of disrespect fare against an argument that advocates inequality of influence only when it will give everyone more input and thereby increase the substantive justice of political decisions? Toward whom does this theory express disdain, condescension, or disrespect? The requirement of equal respect does not directly support a requirement of equal political influence (or its availability) any more than it directly supports the right to an equal income, an equally fulfilling job, or an equally quiet neighborhood.

Second, it is often argued that equality of influence is a requirement of justice because it is fundamentally unjust for some citizens to be deprived of the resources and education required to understand their own authentic values, or to articulate them clearly in public, or to understand the important issues that are at stake in politics.<sup>26</sup> We may grant that such deprivation is unjust; nevertheless, none of these three considerations is

<sup>24</sup> Rawls holds that the fair value of the political liberties "is essential in order to establish just legislation" (*Political Liberalism*, 330).

<sup>25</sup> Brighouse, "Egalitarianism," 123; Thomas Christiano, "The Significance of Public Deliberation," in *Deliberative Democracy*, ed. Bohman and Rehg, 256.

<sup>26</sup> Christiano, "The Significance of Public Deliberation," 341.

a comparative matter, and so none supports equality of influence. No one's self-understanding suffers just because some people understand themselves even better. No one becomes less articulate just because some are more articulate than he or she is. Each of these important considerations supports *improving* cognitive, economic, and other resources. This is precisely the kind of consideration that I think presses *against* a requirement of equal influence, since equality may often mean preventing some from more fully understanding their own values, or from becoming more articulate, if there is no way of getting everyone to a higher equal level. A more frankly egalitarian argument for the egalitarian conclusion would have to say that what is most important is not that people understand their own values, but that each person understand or misunderstand them equally. But that implausible argument has not, to my knowledge, been offered.

Even if unequal opportunity for input does not disrespect those with less, there is still the question of whether it is *unfair*. Political egalitarianism is often presented as required by *fair proceduralism*, the view that democratic outcomes get their legitimacy from the fairness of the political procedure. I have argued against the latter view elsewhere,<sup>27</sup> and have argued here that political egalitarianism is, in any case, unacceptable. And yet, the idea of some citizens having more influence than others can still seem to be unfair to those with less influence. Now if influence were equally available, and those with less had less voluntarily, then the charge could be easily dismissed. But on the liberal epistemic approach defended here, influence would be more readily available to those with more money. How could this be fair?

We need to make several distinctions. First, departures from fairness are not always unfair. Second, there is a difference between a procedure that is internally governed by standards of fairness, and a procedure that (whether fair in the internal sense or not) it is fair to have. Each point requires some elaboration.

Departures from fairness are not always unfair. Consider a decision about which of two people should receive a certain indivisible good. This meager description often inclines us to think that fairness must guide the decision. But if the two people are drowning, and one is my son, fairness is not the operative moral idea. I ought to save my son, and this conclusion cannot be gotten from the idea that my decision process treats the two fairly. I ought to treat my son specially. Doing so is not based on fairness, nor is it unfair. Treating the two fairly would be wrong, though hardly unfair. We can call the right decision fair if all we mean is that it is not unfair, but fairness is still no guide in that case.

Similarly, the liberal epistemic view allows and requires departures from substantive procedural fairness, but this does not make the proce-

<sup>27</sup> Estlund, "Beyond Fairness and Deliberation."

dures it recommends unfair. A procedure is unfair only if it *wrongly* departs from fair procedure. Below, in Section III, I defend an “Epistemic Difference Principle” which, I believe, rightly departs from procedural fairness.

Second, a procedure can be thought of as fair to participants<sup>28</sup> in different senses. *Internal procedural fairness* of a decision procedure consists in roughly equal influence. Such a procedure may or may not be the morally right one to use in a given circumstance. A second kind of fairness of a decision procedure is present when the procedure is a fair one to have, whether or not it is internally procedurally fair. A popular way of elaborating this idea says that a procedure is a fair one to have if it is a procedure that would be agreed to in a hypothetical decision procedure in which all affected are represented and treated fairly in the internal procedural sense. This idea is best known from Rawls and Thomas Scanlon, and Charles Beitz analyzes political fairness in just these terms.<sup>29</sup> Beitz argues persuasively that this *external procedural fairness* (my term) may or may not end up endorsing actual internally fair decision procedures. Thus, if external procedural fairness is the proper standard of what procedure we ought to have, internal procedural fairness is of no independent moral significance.

How should authority be distributed in the classroom, or in the economic market? Fairly? We can now see that the issue of fairness applies at two levels. As for internal procedural fairness, it is not an appropriate standard for distributing decision-making authority in a classroom or in the market. This does not mean that departures from a fair distribution are *unfair*, since they do not depart from fairness wrongly. Furthermore, the inegalitarian distributions might be fair in the external procedural sense that they are procedures that it is fair to have if they are beyond reasonable objection suitably understood.

It is not obvious that external fairness is always the appropriate standard for what decision process there ought to be, and I will not consider that question. I will simply assume that this *is* so in the case of decision procedures for electing legislators and making laws for the basic legal structure of a society.

Political egalitarianism, then, calls for an internally fair political decision procedure, but I argue that it is morally mistaken to do so. A fair procedure neglects epistemic considerations and thus could be reasonably rejected in a hypothetical internally fair procedure for choosing actual political procedures. The scheme of Progressive Vouchers discussed

<sup>28</sup> We might distinguish between fairness to participants and fairness to candidates or potential beneficiaries. I am discussing fairness to participants.

<sup>29</sup> Rawls, *A Theory of Justice*; Thomas Scanlon, “Contractualism and Utilitarianism,” in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1982); Charles Beitz, *Political Equality* (Princeton: Princeton University Press, 1989), esp. ch. 5.

below (in Section V) instantiates the liberal epistemic view, and it is not internally fair since extra influence can be bought by those who can afford it. But it is not unfair, and it is a fair procedure to have if the improvement it brings in the epistemic value of the procedure would be acceptable to all in a fair hypothetical choice procedure.

Last, some may hold that social relations must rest on interactions in which wealth or rank bring no extra influence. One might take this simply as basic, or one might be led to this by the thought that only if there is a basic institutional level characterized by equal influence over politics could other inequalities, such as those in the economic realm, ever be justified by their source in those more equal political procedures. It would be a good reply to show that from a suitably formulated hypothetical decision procedure in which influence is pristinely equal, people would accept the inequalities of input required to improve the epistemic value of the political process. I will not attempt any such demonstration here, but I take this point to weaken the objection at hand. Some might have taken it as similarly basic that economic goods ought to be distributed equally, before considering the possibility of inequalities that benefit all. Then it becomes necessary to give some more specific argument about who could legitimately complain. I intend the points about the epistemic value of unequal but more voluminous public political input to raise a similar challenge.

### *Input as money*

For purposes of quantifying input, I will assume it can be measured by money spent on politics. This is most appropriate for the case of a campaign contribution, and more complicated for other kinds of participation whose market value may not be entirely determinate, such as volunteering, writing books, or joining demonstrations or political parties. Money, of course, has only relative value. If the absolute amount of money goes up in a closed economy, its value merely decreases. Money's value depends on the demand for it, just as with any other exchangeable good. So how can the absolute amount of political input go up if it is measured in money? The answer is that we are only looking at one segment of the economy: money spent on politics. When I speak of, say, twice as much being spent on politics, I am assuming that the overall amount of money in the economy has stayed roughly the same. So a dollar has retained its value, and twice as much value is being devoted to politics.

Concentrating on money is a very useful simplifying move, but it has several difficulties. First, *which money* counts as an expenditure on politics? My purposes are at a high enough level of abstraction that my points do not depend on specifying this in much detail. The only problem would be if there were reasons to doubt that any such distinction could usefully

be drawn. Certainly there is no sharp line here. The clearest cases would be candidates for office and political parties. Next would be advocacy groups that intentionally and expressly influence officials and voters, such as the American Civil Liberties Union, environmental groups, and so on. What about groups that seek mainly to educate the public about an issue? These are often on the borderline. Public education about the dangers of nuclear deterrence leans, perhaps, in the direction of the political. Perhaps education about how to have safe sex leans away. There will be borderline cases, but I do not see this issue as especially troubling. Numerous doctrines and policies depend on roughly identifying those activities and groups that should count as political for certain purposes, and I readily grant that the present approach would eventually need to rise to that challenge with more specificity.

The second difficulty is the problem of non-money input. It must be asked whether there are so many routes of political influence that cannot be subsumed under the concept of money contributions that the value of the overall model is very limited. Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, for example, compare contributions of *time* and *money* as different modes of participating in politics.<sup>30</sup> Even this is too simple to capture everything. Those who contribute "time," for example, will have varying degrees of strength, energy, intelligence, experience, and knowledge to contribute in any given period of contributed time. Again, however, this general point does little damage to my argument. It can be put this way: certain important resources employed in politics are such that equalizing their availability might well reduce the epistemic value of the overall process so much as to not be worth it. Money is the paradigmatic example, and is also perhaps the single most significant measure of political resources. Insofar as there are other political resources that do not obey the logic I apply to money, then my conclusions do not apply to them.

Political egalitarianism faces similar challenges, however. Even if it does not concentrate on money, but chooses some probabilistic notion of influence (for example, equal probability of being decisive), its egalitarian principle is impossible to interpret in practice unless more is said about how to measure these probabilities. What gives one person a greater probability of changing the outcome than another? Obviously, we know there are certain things that make such a difference, such as, notably, the amount of money donated to parties and candidates. But if that is a distorting oversimplification, then what are the other important factors, and why can't they be accommodated by the arguments I offer about the epistemic value of quantity, etc.? Answers to these questions may well place qualifications on the conclusions I defend here.

<sup>30</sup> Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality* (Cambridge, MA: Harvard University Press, 1995).

### III. THE EPISTEMIC VALUE OF EQUALITY AND QUANTITY OF INPUT

Epistemic considerations may cast doubt on fair proceduralism, upon which political egalitarianism often rests, but it might be thought that epistemic considerations themselves end up favoring political egalitarianism on other grounds. Fair proceduralism says that outcomes of democratic choice derive their legitimacy from the fairness of the democratic process. But political egalitarianism could instead rest itself on claims about the value of equal political input from an epistemic point of view.<sup>31</sup> It is natural to think that inequality in political input increases opportunities for oppression and discriminatory ignorance, and in these ways decreases the expected quality of democratic outcomes. In this section I want to grant quite a strong epistemic value to equality of input, and to attempt to formulate it in fairly precise terms. The reason is that in the next section I will argue that there are still important cases in which inequality of political input would be justified if there were offsetting increases in the quantity. So, in fact, I will be granting perhaps implausibly much to the epistemic importance of equality of input, but doing so will only strengthen my argument that, nevertheless, political egalitarianism fails.

The assumptions discussed in this section are just that: assumptions. They are not obviously correct, certainly not in all circumstances, nor can their merits be fully discussed here. I attempt to forestall objections but then proceed to show what can be derived from the assumptions. If the results are interesting, this raises the stakes about whether and in what circumstances these assumptions, or something close to them, can ultimately be defended.

I will assume that there is epistemic value to having an equal distribution of input, and that the epistemic value increases with the degree of equality, other things being equal. Thus, the epistemic approach has a place for the value of equality of political input:

*Epistemic Value of Equality:* Given a quantity of input, a more equal distribution of that input has more epistemic value.<sup>32</sup>

<sup>31</sup> Christiano (in "The Significance of Public Deliberation") explores the epistemic basis of political egalitarianism in addition to fair proceduralism. "[E]quality in the process of democratic discussion . . . improves the quality of the outcomes of democratic decision making" (256). Since Christiano advocates equal *access* rather than equal actual input (253), it is not entirely clear how his approach would have epistemic advantages.

<sup>32</sup> By a more equal distribution, I shall mean as measured by the so-called Gini coefficient (a measure of inequality sometimes used by economists). There are various alternative measures, some more appropriate than others for different purposes, but the Gini measure is simple and has no significant disadvantages that I know of for our purposes. The choice between various measures will not matter for my main points, and readers can safely proceed with only an intuitive idea of greater or lesser distributed equality. See Larry S. Temkin, *Inequality* (Oxford: Oxford University Press, 1993), ch. 5, for a critical discussion of several alternative measures of inequality; see esp. p. 129f. for a discussion of the Gini coefficient.

Of course, giving more input to people who are more likely to promote the best decision would be a counterexample. Nevertheless, we are assuming that there is no politically legitimate basis for such invidious comparisons—for holding that some citizens are wiser in this way—since this will always be open to reasonable disagreement. Thus, no distribution of input can be epistemically evaluated by considering *which* citizens are at which levels of input. We proceed for these purposes as if everyone were equally wise, even though none of us need believe that. Under this assumption it is natural and common to hold that inequality of input is harmful to the expected quality of the decision.

Next, it is also natural to assume that under the right conditions more discussion and participation is epistemically better. This is more controversial, and I consider objections shortly.<sup>33</sup> Assume:

*Epistemic Value of Quantity:* For any given level of equality of input, a greater quantity of input at the same level of equality has more epistemic value.<sup>34</sup>

Note that despite the simplifying name, this does not state that more quantity is always epistemically better. That would be a stronger and less plausible assumption. I assume only that where increases do not increase (or decrease) inequality they promote the expected quality of the decision.

Now each of these two factors, quantity and equality, has some power to compensate for a lack in the other. If increased equality improves quality for any given quantity, then (unless the slightest decrease in the quantity is epistemically catastrophic) there is the possibility of a reduction in the quantity small enough that it could be made up by increased equality of distribution. Likewise, a slightly less equal distribution can be, I will assume, epistemically compensated by a sufficiently great increase in the quantity.

I propose to assume, then:

*Compensation of Quantity for Inequality:* For an equal distribution *E* of a given quantity of input, and any degree of inequality *i*, there is

<sup>33</sup> See the discussion below in the subsection entitled "Is more better?"

<sup>34</sup> Increased quantity at a constant level of Gini inequality (see note 32 above) may seem to guarantee political Pareto-improvement, but it does not. Here is one category of counterexample: Consider a distribution, call it *Distribution 1*, among ten people. Suppose the bottom person has 0 units of input and the top person has 1,000, and each of the middle eight people has 50. Gini inequality rounds to .58, and the total is 1,400. Now the level of inequality can be maintained even through a Pareto loss, as follows: reduce the middle eight to 48 each (the Pareto loss), but raise the bottom person to 40.8 and the top person to 1,200. This is *Distribution 2*. This also rounds to Gini = .58 (and the remaining difference can be completely expunged by precisely tinkering with the numbers, but I am keeping it simple here). But the total has gone up to 1,424.8. Distribution 2 has a Gini-constant increased quantity, but is not Pareto-superior to Distribution 1.

some (logically possible) arrangement of a greater quantity that has degree of inequality  $i$ , and is also epistemically superior to E (unless E was already epistemically infallible, producing the best possible outcome all the time).

We already know that if the inequality were kept the same or decreased (starting from equality, of course, inequality cannot be reduced), then the epistemic value would be increased by raising the quantity. This much follows from the first two principles alone. This third principle says that even if inequality is increased, and no matter how much, the epistemic damage can be offset by a sufficiently increased quantity. This does not follow from the other two principles, since they leave it unsettled how much epistemic value an increased quantity has at very high levels. If this stayed constant at all levels, then the compensation principle would follow. If the marginal epistemic value of quantity of input decreases too fast, then some degrees of inequality might do more epistemic damage than can be offset by increasing the quantity.

Notice that we are forced to accept that the marginal epistemic value of input decreases at least at very high *ex ante* levels of epistemic value, since there is not much road to travel to get to infallibility. For any given degree of epistemic improvement, then, there is some high *ex ante* level of epistemic value that is so close to infallibility that such an improvement is logically impossible. Now perhaps very low levels of *ex ante* epistemic value (or, alternatively, low levels of input) have special features, but let us put that aside and assume that there is, at all levels, decreasing marginal epistemic value of input. Quantity will still always be capable of compensating for inequality so long as the marginal rate does not cause increased quantities to converge on some epistemic value short of infallibility. So long as there is always a quantity great enough to bring epistemic value arbitrarily close to infallibility, then inequality can always be epistemically offset by some increase in quantity. Think of it this way: Begin with an equal distribution of some quantity of input. Now introduce some degree of inequality, thus causing epistemic damage. Now keep the level of inequality constant but increase the total input. There is no logical upper bound on input; thus, if increasing input converges on infallibility (despite a decreasing marginal rate of epistemic value), then it eventually epistemically surpasses the original equal distribution.<sup>35</sup>

<sup>35</sup> One very simple way to model the decreasing epistemic value of input is to suppose that, so long as the level of inequality is kept constant, a given extra unit of input produces an epistemic increase that is some constant fraction of the gap between the *ex ante* epistemic value and infallibility. So, for example, each extra unit of input (suppose this is some amount of money spent) might get you 10 percent of the remaining way toward infallibility. The next unit gets you 10 percent of the remaining way, which is less progress than the first unit. Any value for the marginal unit (e.g., \$1, \$1,000), and any constant setting of this fraction of the

If quantity offsets inequality, there is the question of how much it takes. Consider the epistemic damage done by a given departure from equality. Now, holding that level of inequality constant, how much must the quantity be raised to undo the epistemic damage? More precisely, what must the initial sum be multiplied by to epistemically offset for the inequality? Call this the problem of the *epistemic compensation factor*. If the marginal epistemic value of input were constant rather than diminishing, or at least if we had good reason for fixing on some particular rate of diminution (rather than merely on a family of rates),<sup>36</sup> this would still be a daunting question. Under the circumstances, we cannot hope to arrive at anything like a strong reason for any very precise answer, and I will therefore proceed without one.

Even without knowing how much quantity is required to epistemically offset a level of inequality, we can at least make one assumption that grants more epistemic value to equality for the sake of argument. When inequality is increased by some people gaining input, let us assume that the epistemic damage of the inequality outweighs the epistemic enhancement from the added quantity whenever the increases of those who gain are not shared with all who have less. (There is no reason to suppose that those [if any] with more than the gainers must also gain, since with respect to them alone inequality has been reduced rather than increased. There is no epistemic threat in that segment of the distribution.) Thus, we will assume that:

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gap (1 percent, 20 percent), will allow increasing quantities to converge on infallibility. I will proceed on the assumption that the marginal epistemic value of input at a given level of inequality has this structure. This says nothing about how fast an extra unit of input increases epistemic value, since this can be set very low or very high consistent with my assumption.

*Decreasing Marginal Epistemic Value of Input:* Assuming inequality stays the same, then for any quantity, and any epistemic value, there is some constant fraction  $F$ , such that a unit of extra input moves the epistemic value of the scheme forward by removing that fraction  $F$  of the gap to infallibility.

This assumption is one way of representing the intuitive thought that quantity improves epistemic value, other things being equal. I offer no argument for placing no limit on this improvement short of infallibility, though this seems the simpler position in the absence of any reason to believe there are more severe limits. A weaker claim, placing such limits, would probably be sufficient for practical purposes, but it is difficult to know *which* weaker claim. With this in place, we are entitled to our assumption that quantity compensates inequality.

One odd feature of this model is that it is oblivious to the *ex ante* level of input, but notices only the *ex ante* epistemic value. In one scenario, then, the total input might be \$1 million with an epistemic value of .5. Another scenario might find total input at \$100 and an epistemic value of .5. If \$1,000 moves a distribution 10 percent of the way toward infallibility, it would do this in both cases. This might seem to ignore the apparently greater epistemic value of each unit of input in the latter scenario, which has the same epistemic value as the former but with less input. I leave these complexities aside, but perhaps a more refined model should take account of them.

<sup>36</sup> See note 35.

*Gains Must Be Shared Downward:* Any less equal distribution is epistemically inferior unless gains are shared downward. (In that case it still depends on whether the inequality is too great.)

Inequality can be produced or increased either by some getting disproportionately more than before, or by some getting disproportionately less, or both. When some get disproportionately more, we have just said that this is epistemically inferior unless the gains are shared downward. If inequality is produced or increased solely by some getting disproportionately less than before, then this both increases inequality and reduces the quantity, so this is always epistemically inferior. Suppose some get less and some get more, with the total quantity and inequality increasing. Here the gains are not shared downward, and therefore the result is epistemically inferior.

These considerations lead to the following notable principle:

*Epistemic Difference Principle:* No deviation from strict equality is epistemically superior unless everyone gains input.

We can see this as follows: First, no distribution can epistemically top equality unless it is a higher quantity (Epistemic Value of Equality). But from strict equality, any increase in the quantity in which increases are shared downward (as required by the principle that Gains Must Be Shared Downward) must increase the input for all, which gives us the Epistemic Difference Principle.

Since I am criticizing political egalitarianism, it makes sense to let any errors work to the advantage of equality. Again, the Epistemic Difference Principle (and the assumptions from which it follows) may give too much epistemic weight to equality, but this will not harm my eventual conclusion that inequality of input will still often be justified.<sup>37</sup>

Clearly, a defense of inequality on epistemic grounds will rest on the possibility of (strongly) politically Pareto-superior cases, where equality would reduce everyone's absolute level of input. Keep in mind that strongly Pareto-superior options will not be sufficient for epistemic gain, since this

<sup>37</sup> If the left-out group is very small, we could increase inequality only a little, increase quantity a lot, and still fail to share downward. Is it plausible to say this does more harm than good? What if only one person out of a million is left out of the increase? Here we should allow that the quantity probably outweighs the inequality. We can avoid this problem if we limit our purview to changes that affect groups that make up a substantial fraction of the whole. Then leaving one group out of an inequality-increasing input increase will raise inequality significantly so long as the quantity is increased significantly. Let us also assume that we mean no more here by social groups than groupings according to amount of political input. So the membership of, for example, the lowest group can change. If two sets of people were to end up with completely exchanged levels of input (set A now has as much input as set B had, and vice versa), the distribution of input would not have changed for present purposes.

depends on the degree of inequality involved and the unknown epistemic compensation factor.

*Is more better?*

Even theorists who acknowledge the epistemic value of political deliberation often argue that, above a certain quantity of input, there is little or no epistemic value in having more. Ronald Dworkin argues that current levels of political campaign advertising in the U.S. could easily be cut (by stronger contribution or spending limits) in the interest of fairness, without damaging the epistemic quality of the process, since current advertising is often repetitive and negative. "Such limits [would not] seriously risk keeping from the public any argument or information it would otherwise have."<sup>38</sup> Obviously the same could not be said if existing levels of spending were already very low, and thus Dworkin implicitly grants that, up to a point, more campaign speech tends to be epistemically better.

I am granting for the sake of argument that any increase in equality that does not lower everyone's level of input is an epistemic gain (from the Epistemic Difference Principle), but this is a way of assuming an epistemic value of equality strong enough to offset the epistemic damage of the lost speech. Dworkin's argument is different. He doubts that, at current levels, speech that would be lost by limiting spending has any epistemic value in the first place, and so there is little or no loss to offset. If correct, his arguments would call into question my assumption of the Epistemic Value of Quantity: that at a given level of inequality, more input is epistemically better. The arguments, though, are not persuasive.

First, the repetitive and negative nature of campaign discourse (assuming it to be so) by itself hardly damns it as epistemically worthless. The educative power of current campaign advertising is an empirical matter, with a number of studies suggesting that Dworkin's speculation is mistaken and that such advertising adds to the information and understanding of the electorate.<sup>39</sup> Common sense also suggests that repetition of facts, ideas, and reasons can be an important component of learning of all kinds, and that "negative" claims about opponents can be valuable and informative even if some different mix of negative and positive claims would be even better. Simply eliminating some mostly negative ads might very well be an epistemic loss.<sup>40</sup>

<sup>38</sup> Ronald Dworkin, "The Curse of American Politics," *New York Review of Books*, October 17, 1996, 21.

<sup>39</sup> See, for example, Stephen Ansolabehere and Shanto Iyengar, *Going Negative* (New York: Free Press, 1997): "As we have shown in several chapters of this book, television actually fosters the democratic ideals of an informed and reasoning electorate" (145). Their worries about political advertising lie elsewhere.

<sup>40</sup> Ansolabehere and Iyengar also argue (in *Going Negative*) that negative campaigning drives voters away from the polls. This might itself have epistemic disvalue to be weighed against the value of the information provided. But this is not a point specially about high

Second, even if some portion of current speech by big-spending campaigns were epistemically worthless, Dworkin seems to conclude that trimming the big campaigns back to the level of approximate parity with the smallest campaigns would still not entail great epistemic losses. This is certainly less likely to be true, and depends a great deal on how much cutting would be required. Bill Clinton and Bob Dole might produce little epistemic bang for the marginal buck at their high levels of spending; but we cannot conclude, and it seems clearly false, that little would be lost if they were only allowed to spend roughly as much as was available to, say, Ralph Nader. The epistemic cost of equalizing expenditures downward cannot be easily dismissed, though of course this leaves open the possibility that the epistemic value of the increased equality of input might offset the epistemic cost of the lost quantity. Indeed, the Epistemic Difference Principle could probably not condone the present vastly unequal distributions of input that Dworkin is criticizing; but he is too dismissive of the epistemic costs of *equalizing*, and is led to an implausibly strong political egalitarianism.<sup>41</sup>

Finally, it must be acknowledged, if only speculatively, that there are a number of ways that higher levels of input might damage the epistemic value of discussion. Perhaps at high levels of input, campaigning gets negative. Perhaps it gets increasingly repetitive. Perhaps these or other features of discussion at high levels of input drive away voters. Perhaps the more people hear, the more confused they get. Perhaps the more people argue, the more intransigent they get. Even if some of these are true, though, the main conclusions of this essay would continue to apply at quantities of input below these turning points. And even if these effects were known to be genuine in principle, it would often be very difficult to know whether any actual level of input approached the turning point in question. But I must leave the matter here.

In general, the sorry state of present campaign discourse does not support in any simple way the proposition that the quantity could be reduced by imposing spending limits without doing damage to the epistemic value of the process. It may well be that at high levels of spending the epistemic value of the marginal campaign dollar is too low to be epistemically worth the inequality it causes, but that is not our question. The goal at this point is only a defense of the Epistemic Value of Quantity: the claim that at a fixed level of inequality of input, more input is epistemically better. For reasons like Dworkin's, some may doubt that this is

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levels of campaign spending, unless for some reason high levels of spending increase negativity. And even then, in order to suppose that limits could be imposed without epistemic loss, it would need to be shown that the bad epistemic effects of the marginal speech outweigh the good.

<sup>41</sup> Dworkin is not explicit about how much equality of influence should be sought through campaign finance regulations or other means. But he does say: "Each citizen must have a fair and reasonably equal opportunity . . . to command attention for his own views" (Dworkin, "The Curse of American Politics," 23).

true for the combination of high levels of spending and high levels of inequality. But the doubts are not well founded.

If equality and quantity serve quality in something like the way I have assumed, then some inequality could be justified as a part of an arrangement that promotes quantity and thereby promotes the expected quality of decisions. I turn now, in the next two sections, to whether circumstances favoring inequality on these grounds could actually occur.

#### IV. AN INCENTIVE ARGUMENT FOR POLITICAL INEQUALITY

Consider a case where inequality has been introduced but the quantity of input has been increased enough to epistemically offset the inequality. Why distribute the extra quantity unequally? The Epistemic Value of Equality tells us that distributing that same new quantity of input equally would be epistemically even better, so why not do that? If you do not distribute input unequally, you will not need to epistemically compensate for it with quantity, says an important objection.

Under some circumstances, though, a higher quantity is impossible without diverging from equality. Suppose, for example, that input is currently equal, but that no more resources are forthcoming so long as the distribution remains equal. Some citizens are willing to produce more input (say, through money contributions) but only if they get more of this input than others and it is not simply redistributed equally. Thus, the quantity can be increased, but only at the cost of introducing inequality. The higher quantity would indeed produce even more epistemic value if it were distributed equally rather than unequally, but unless it is distributed unequally in a certain way it will not be produced in the first place. One natural explanation would be that those who could produce more input will not do it without special incentives. Let us call this the *incentive argument for unequal input*.

The parallel with disputes about the application of Rawls's difference principle is striking, but limited. Rawls holds that (roughly)<sup>42</sup> economic inequality is not justified unless it benefits the least well-off, and calls this the difference principle. He considers the possibility that certain schemes of inequality might be required to provide incentives for talented people to be more socially productive. If so, and if this extra productivity redounds to the benefit of the least well-off, then the inequality would be justified. Many believe that this is indeed the case and that it justifies wide economic inequalities, though Rawls is noncommittal on this empirical question. This *incentive argument for inequality* and the incentive argument for unequal input are similar.

<sup>42</sup> I say "roughly" because he concentrates on primary goods, which are not limited to what is usually understood as economic matters.

There are differences, however. In Rawls's theory, equality and efficiency compete as moral values of a basic social structure. It is not that inequality causally limits productivity; rather, equality (in the form of the difference principle) is a moral constraint on productivity. In our case, the overriding value is the epistemic value of the procedure (in terms that are beyond reasonable objection). Equality of political input is not placed as a moral constraint on maximizing epistemic value or increasing the quantity of input. Inequality itself (so we are assuming) damages epistemic value. Epistemic value is what establishes the tension between quantity and inequality, and not any independent moral value of an equal distribution.<sup>43</sup>

*What is the highest equal level?*

The incentive argument shows how it may not be possible to take the gains from a political Pareto-improvement, and have them distributed so as to preserve equality of influence. The gains may not be produced but for the incentives provided by the unequal distribution. For example, some people might contribute a great deal to the political process only if the money buys them a certain amount of input that cannot be supplied to everyone. The highest possible equal level of input might be lower than the levels that can be provided to all under certain unequal schemes of distribution. Before illustrating this with an imaginary voucher scheme, notice that the idea of the highest possible equal level could mean several different things. It is important to be clear which one is in question when I claim that there can be political Pareto-improvements over the highest equal level.

One thing the highest possible equal level might mean is the *de facto* highest possible level: the highest equal level that is possible given the attitudes and motives that people actually have, justifiably or not. This concept will not suit our purposes, since it may only be due to some people's injustice that some higher equal level cannot be achieved. In that case, the inequality that is needed in order to surpass that *de facto* highest

<sup>43</sup> The similarities between these two incentive arguments for inequality are sufficient, however, to force us to answer an important objection advanced by G. A. Cohen. Cohen argues that it is not clear that a proper citizen in a fully just society could have the motives that the incentive argument assumes. He wonders what would justify a citizen's holding out for more pay than others when he or she is capable of doing the work without it. Cohen has developed this criticism in a series of essays, including "Incentives, Inequality, and Community," in *The Tanner Lectures on Human Values*, vol. 13, ed. G. Peterson (Salt Lake City: University of Utah Press, 1992), 263-329; "The Pareto Argument for Inequality," in *Contemporary Political and Social Philosophy*, ed. Ellen Frankel Paul, Fred D. Miller, Jr., and Jeffrey Paul (Cambridge: Cambridge University Press, 1995), 160-85; and "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26, no. 1 (Winter 1997): 3-30. I have defended Rawlsian inequality against Cohen's arguments in "Liberalism, Equality, and Fraternity in Cohen's Critique of Rawls," *Journal of Political Philosophy* 6, no. 1 (March 1998): 99-112, and those arguments apply fairly directly here as well.

equal level is not entirely just, but represents a capitulation to some unreasonable citizens in order to do the best that can be done under unjust circumstances.

A more appropriate idea of the maximum equal level of input is the highest equal level of input that could be achieved while neither capitulating to any citizen's unjust motives, nor demanding more of citizens than is required by the idea of a fully just society. We might call this the *de jure* equal maximum, but for brevity I will simply call this, the pertinent concept of the equal maximum, *E-max*.

Whatever the epistemic value of *E-max*, we know that there are logically possible unequal distributions that would be epistemically superior. This is because any given level of inequality, while doing some epistemic damage, can occur at a high enough level of input to have compensating epistemic advantages (see the Epistemic Value of Quantity assumption in Section III). We ought to ask, then, is there a causally possible distribution of input that is unequal but epistemically superior to *E-max*? If so, we might provisionally suppose that this inequality of input will be at least permitted and perhaps required, keeping in mind that formal political equality is guaranteed.

Next, we will consider a scenario for such epistemic improvements over *E-max* using an application of the incentive argument for unequal input.

## V. HOW COULD UNEQUAL POLITICAL INFLUENCE INCREASE INPUT FOR ALL?

Having granted considerable epistemic weight to more equal distributions of input, the fact remains that inequality may yet be called for on epistemic grounds, so long as it is politically Pareto-superior and not too unequal. In this section I argue that this is more than a mere logical possibility.

Suppose a society is supporting elections at the level of *E-max*<sup>44</sup>—equal available input at the highest level compatible with equality, given citizens' permissible (e.g., not unjust) motives. We know that there are logically possible unequal distributions of input that are epistemically superior to *E-max*. Some of these may not even require political Pareto-improvements; but to give lots of weight to the epistemic value of equality, for the sake of argument we are assuming that no departure from equal input is epistemically superior unless it is politically Pareto-superior—that is, unless it gives everyone more input. (See the Epistemic Difference Principle discussed above.)

<sup>44</sup> For example, suppose Ackerman's Patriot plan (discussed below, in Section V) is already in effect at the maximum equal level.

I want to sketch a simple voucher scheme that represents one way such improvements may actually be induced. My goal here is not to solve the many logistical problems involved in implementing such a scheme but to present a basic causal mechanism that appears to have this potential. It is important to keep in mind that the inequalities introduced may be so great as to cancel the epistemic advantage of the increased quantity. However, we can see that the inequalities might sometimes be very modest, and that this general strategy admits of many variations, some of which might be able to do even better than my examples.

### *Progressive Vouchers*

Assume that a society supports elections at the level of E-max. Now allow additional expenditures through and only through government-supplied vouchers. These have a cash value when contributed to certain political endeavors such as election campaigns, and no value otherwise. Each next or marginal voucher a person buys costs more than the previous, but has only the same value as the last. The cash value of the voucher is then paid, by the administering agency, to the campaign that receives the voucher from a citizen. But the purchase price was more than this, and the extra amount retained by the agency goes into a fund that is used to subsidize the price of vouchers, making them more affordable. This subsidy can be structured in countless ways, and I will sketch only one, which I will call the Singular Voucher version of Progressive Vouchers:<sup>45</sup> suppose the money in the fund is distributed among all those who are happy to receive only their one government-supplied voucher (call this the Singular Voucher). These Singular Vouchers are available for free, or if it seems wise to charge some fee, to avoid frivolous uses, then they are cheap. Their value is determined by the size of the fund and the number of people who want the Singular Voucher. Anyone who wants to contribute more than the Singular Voucher will have to purchase Progressive Vouchers and may not receive a Singular Voucher. This will become clearer with the examples provided below. But first some general points.

If we assume that some citizens would pay more than the cash value for Progressive Vouchers if this were the only way to have additional political input, then this will raise money to pay for Singular Vouchers that are free or very cheap for anyone who wants one. The result would be a politically Pareto-superior distribution of political input. In presenting examples, I will simplify in several ways: (1) I will assume that it is known (say, by experience) how many vouchers will be purchased by how many people. This avoids temporal and strategic complications about

<sup>45</sup> The name "Progressive Vouchers" might connote three relevant things: that the voucher plan promotes quantity of input in a politically Pareto-superior way; that it promotes quality of decisions by independent standards of, e.g., justice; and that it involves progressive rates for marginal vouchers.

setting prices and values of the vouchers. (2) I will consider possible purchase patterns in a pretty arbitrary and speculative way without any argumentative support. My purpose is illustrative, and therefore I only need the examples to be plausible enough to warrant further study and refinement by economists, political scientists, and others. (3) I ignore any administrative or transaction costs. (4) I assume that all available input is actually employed.<sup>46</sup>

Consider a community of 200,000 voters, the size of a small city such as Providence, Rhode Island. Suppose that the maximum equal level of contribution would be \$5 per voter per election cycle, yielding a total expenditure of \$1,000,000. Now suppose we allow vouchers in addition. Let each Progressive Voucher have a value (redeemable by campaigns) of \$50, but remember that each one (beyond the first) will cost more than this. To buy one costs \$50; to buy a second costs \$87.50; a third, \$153.13; a fourth, \$267.97; and the fifth and final permissible voucher costs \$468.95. (The marginal rate of increase is 75 percent, but this can easily be varied for other scenarios.) Alternatively, suppose citizens may buy more vouchers at correspondingly higher prices, but no one does. (This difference matters for First Amendment purposes discussed below.) Each voucher is still worth only \$50, but people who can afford it and want to have more political input may well pay more than the cash value; indeed, the cash value has nothing to do with what a voucher will be worth to a citizen. Nevertheless, I will assume in this example that not many citizens will buy many of these increasingly expensive vouchers.<sup>47</sup> Suppose that only 5 percent of voters buy any progressive vouchers: 1 percent buy one; 1 percent buy two; 1 percent buy three; 1 percent buy four; and 1 percent buy all five. Buying all five costs \$1,027.55, but a person's input is only \$50 times the number of Progressive Vouchers she buys and uses, in this case \$250, plus the amount that was already being spent under E-max, or

<sup>46</sup> The Progressive Voucher plan suggests that it is possible to epistemically improve upon an equal distribution of actual input. However, political egalitarianism, the egalitarian alternative we are considering, advocates an equal distribution of availability of, or opportunity for, input, not an equal distribution of actual input. Even if Progressive Vouchers can epistemically beat E-max, which involves equal input, can it beat the pattern of actual input that would emerge under equal availability of input?

The epistemic value of democracy under political egalitarianism depends upon the level and distribution of actual input, even though what it seeks to equalize is availability of input. Since Progressive Vouchers can beat the epistemic value of E-max, the highest level of equal actual input, then it would suffice to show that E-max epistemically beats actual patterns of input under political egalitarianism. This is easily shown, and derives from the fact that a scheme of equally available input has no tendency to allow a greater quantity of input than would be present under E-max. In that case, since the distribution of this lower or equal quantity will be a less equal distribution than E-max, which is exactly equal, then by the principle of Epistemic Value of Equality, the epistemic value under political egalitarianism will be less than that under E-max. Therefore, if, as I claim, a Progressive Voucher program can epistemically beat E-max, it can also beat political egalitarianism.

<sup>47</sup> This grants something congenial to opponents of my thesis. If more bought vouchers, it would simply mean that my conclusion would follow more easily.

\$5. The total input for the maximum spender under these assumptions is \$255. Rounded to the nearest dollar, these purchases build up a fund of \$2,628,560. Dividing this into a free or cheap Singular Voucher for every voter who chose not to purchase Progressive Vouchers (95 percent of all voters) yields a Singular Voucher worth about \$14. I assume for simplicity that all remaining voters receive and use a Singular Voucher (though if not, these vouchers can be worth more).<sup>48</sup> What is the result of this arrangement?

First, there is a Pareto-superior distribution of political input. Whereas before no voter contributed more than \$5 to political campaigns, now no one contributes less than \$19 since no one is without the \$14 voucher. Second, we have introduced inequality of input. The vast majority are contributing at a value of \$19, and a few at a value of \$255, and some in between. The input of the highest contributors is about thirteen times that of the lowest; on the other hand, a campaign can get as much by winning over a small coffee meeting of thirteen of the poorest voters as it can by wooing any single fat cat. Third, since the distribution is Pareto-superior, the total contribution is also greater. It has gone from \$1,000,000 to \$5,128,560—more than quintupled.<sup>49</sup> This greater quantity, we are assuming, has positive consequences for the epistemic value of the process, at least under favorable conditions, and so long as it is not too unequally distributed among participants.

The degree of inequality is certainly minuscule by the standard of actually existing politics in the U.S.,<sup>50</sup> and the increase in the total (with political Pareto-superiority) is enormous by any standard. We have no basis for saying that there is, or is not, a net epistemic gain, but this should be enough to suggest that the general strategy of Progressive Vouchers may offer a way of combining the epistemic values of the quantity of input and of equal distribution in a way that political egalitarianism cannot. Political egalitarianism would have mandated the E-max level of \$5 per person for a total of \$1,000,000 of input, forgoing the additional \$4.1 million of input that could be in-

<sup>48</sup> As Ackerman points out, vouchers can be spent with no opportunity cost, unlike ordinary contributions of money. This fact should vastly increase participation. Still, full spending of the vouchers is an unrealistic assumption made to simplify the model.

<sup>49</sup> This \$5,128,560 figure is arrived at by adding to the original \$1 million (from E-max) the proceeds from the sale of vouchers. Two thousand voters pay at each of the following five levels: \$50 for one voucher, \$137.50 (\$50 plus \$87.50) for two vouchers, \$290.63 for three vouchers, \$558.60 for four vouchers, and \$1,027.55 for five vouchers. Rounding to the nearest dollar, this yields \$4,128,560, which, added to the \$1 million from E-max, gives us a total of \$5,128,560.

<sup>50</sup> Only about 8 percent of eligible voters contribute any money to political campaigns. See Warren E. Miller, and the National Election Studies, *American National Election Studies Cumulative Data File, 1952-1992* (computer file), 6th release (Ann Arbor, MI: University of Michigan, Center for Political Studies [producer], 1994; Ann Arbor, MI: Inter-University Consortium for Political and Social Research [distributor], 1991).

duced if a certain (modest?) amount of inequality (with no invidious comparisons) were acceptable.<sup>51</sup>

*Patriot versus Progressive Vouchers*

Bruce Ackerman has proposed a different kind of voucher plan to reform campaign financing.<sup>52</sup> Under the Patriot plan each eligible voter would be given a voucher worth, say, \$10 which could be spent only on political campaigns, while contributions of regular money would be prohibited. In one stroke this would equalize the availability of a major means of political input. Ackerman, like few others, takes the overall quantity of political speech very seriously. He recognizes that if equality comes at the cost of quantity, it is not an easy choice. However, his proposal fails to face that difficult trade-off. At the \$10 level, Ackerman argues that (assuming most or all of the vouchers are spent—a simplification I join him in) aggregate political spending would go up compared to current levels. The more difficult question comes when it is recognized that there must be a maximum level to this equal voucher: maybe it is \$5; maybe it is \$20. Whatever the equal maximum, or E-max as I have called it, we must ask whether it is worth insisting on equality even if modest inequality could increase aggregate spending dramatically. This is a question Ackerman asks (“Do we really want equality at the cost of shutting down debate?”)<sup>53</sup> but does not answer, since he fails to recognize the potential for aggregate increases over the levels provided by his equalized Patriot vouchers.

Ackerman’s proposal is apparently to be funded by taxes. We might think about where the highest level of Patriot funding (E-max) lies by considering the following question: Assuming citizens were properly just and public-spirited, how high a tax should they institute in order to pay for Patriot vouchers? (I leave aside the real political challenges under less ideal circumstances.) There is, I assume, no limit to the epistemic value of bigger vouchers (from the principle of Epistemic Value of Quantity), but there must be a limit on how much should be raised for this purpose through taxes. For example, suppose, in a crude model, that there is a limit to how much a citizen should be required to pay in taxes (assume a “progressive” structure of higher rates for wealthier citizens).<sup>54</sup> Add to

<sup>51</sup> It might seem useful to know the Gini index for any such set of data. But no single Gini level can be assumed to be epistemically too much or too little. It follows from the Compensation of Quantity for Inequality assumption that higher levels of Gini inequality are epistemically acceptable at sufficiently higher quantities.

<sup>52</sup> Ackerman, “Crediting the Voters.”

<sup>53</sup> *Ibid.*, 72.

<sup>54</sup> Note the political problem of the wealthier being required by law to transfer resources to the less wealthy in order to subsidize political activity that may well be antithetical to their interests. But this may be just, and thus so I will not harp on the fact that my Progressive Voucher plan would avoid this political problem.

this all the other important uses for tax money, and Patriot vouchers find themselves with a limited piece of a limited pie, even where the limits are not due to anyone's unjust stinginess or distorted priorities. Ackerman may be right that this would still support aggregate spending that is greater than current levels, though he does not give any argument for that conclusion. In any case, my main point does not depend on challenging that claim. For even if it is correct, there is the question of the potential further aggregate increases that would be allowed by a properly structured incentive scheme such as Progressive Vouchers. If more debate is as important as Ackerman says, then it may be worth accepting some inequality in order to promote it. My aim is to explore under what conditions this might be so.

### *Free speech implications*

This is not the place to fully consider the constitutional questions raised by a scheme like Progressive Vouchers. In the United States, campaign finance reform has recently faced First Amendment obstacles stemming from the important role that campaign contributions and expenditures have in citizens' expression of political views. There remains a wide range of informed opinion about what regulations would be constitutionally permissible. Progressive Vouchers have some advantages in this connection, and I limit myself to briefly laying them out. Comparison with Ackerman's Patriot plan will help illustrate the main points.

The decision in *Buckley v. Valeo* asserted that "the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment."<sup>55</sup> The Court showed no reservations about public subsidies or "floors." Given the Court's formulation, it is unclear whether its objection was to (a) reduction in the *quantity* of speech, (b) *prohibition* of speech above a certain financial level, (c) a *leveling* motive behind the regulation, or some mix of these. Consider the Progressive Voucher idea in light of these three possible concerns.

First, the Progressive Voucher idea is designed to increase the aggregate quantity of political spending over E-max; thus, if the egalitarian Patriot plan raises the quantity (as compared to current real-world spending), then so do Progressive Vouchers. On this assumption, there is no loss of quantity in either plan. Second, the method of regulation employed by Progressive Vouchers need not be a prohibition of any input at any level of expenditure. Rather, input is made progressively more expensive at higher quantities for a given contributor, but is permissible if paid for. The number of vouchers was limited to five in the earlier example for simplicity. It could equally well be unlimited. Third, it must be confessed that the ar-

<sup>55</sup> *Buckley v. Valeo*, 424 U.S. 1, 48-49 (1976).

gument is partly a leveling one, but not entirely. A separate motive is subsidy of political input. This is a motive that is above constitutional reproach (according to the *Buckley* Court), though that does not mean that it can be pursued in just any manner. The motive is to increase the quantity without too much inequality, and this is achieved without prohibiting speech at any level. If the *Buckley* decision precludes any regulation that has limiting inequality of influence as part of its aim, then Progressive Vouchers would be unconstitutional. But the *Buckley* opinion contains no language that requires that reading. The famous sentence rejecting "restrict[ing] the speech of some elements of our society in order to enhance the relative voice of others" might be meant only to apply to *restricting* speech, which may not include attaching certain taxes or surcharges to it on a viewpoint-neutral basis and without any aim of preventing any particular speech, or any effect of reducing the quantity of speech.

Ackerman's Patriot proposal shares with Progressive Vouchers a leveling motive, but a much more ambitious leveling is involved. In addition, the Patriot plan involves ceilings, outright restrictions prohibiting spending beyond the level of the fixed voucher everyone receives. The Patriot plan may not involve reductions in spending compared with current levels (this depends on what level would or should be supported by taxpayers), but it does forgo the additional quantity of spending that Progressive Vouchers could induce. Ackerman may be right that the Patriot plan is not constitutionally doomed, but from *Buckley's* point of view Progressive Vouchers have important advantages over the political egalitarian scheme embodied in the Patriot plan. Progressive Vouchers have a stronger claim to promoting quantity of input; they involve no outright restrictions on spending; and their leveling ambition is far more modest and less central to their purpose. Progressive Vouchers are more likely than the Patriot plan to be compatible with the *Buckley* decision.

## VI. FINAL OBJECTIONS CONSIDERED

### *Why formal equality is preserved*

The epistemic argument against political egalitarianism may seem difficult to contain. It is natural to suspect that an argument that places great importance on the epistemic value of the political process is bound, in the end, to recommend what we might call epistocracy: rule by the wise. But this is prevented by the liberal criterion of legitimacy; since the supposedly superior wisdom of any proposed epistocrat will be open to reasonable disagreement, no invidious comparison of that kind is available in a valid political justification. The argument against political egalitarianism permits an epistemic justification for inequality of political influence that does not make any such invidious comparisons.

But if inequality of political influence can be given a noninvidious justification, what is to stop similar arguments from condoning even

formal, legal political inequality? In particular, mightn't there be ways of tinkering with the equal political liberties so as to improve the epistemic value of political procedures? If so, the epistemic argument would be led, embarrassingly, to recommend even unequal political rights and liberties under the law.

One way the embarrassment is avoided is by noticing how many possible violations of equal formal political liberties rely on invidious comparisons that are precluded by the liberal principle of legitimacy. Mill suggested that college graduates and certain others be given extra votes,<sup>56</sup> others might propose that Christians, or parents, or pet-owners are specially qualified to have extra influence as a matter of law. But none of these proposals is countenanced by an epistemic approach constrained by the liberal principle of legitimacy.

On the other hand, there are formal political inequalities that make no invidious comparison but, arguably, promote the epistemic value of the political process; but it is no embarrassment to endorse them. For example, members of the U.S. Senate and House of Representatives have more political power, as a matter of formal legal status, than other citizens. They are permitted to vote on momentous matters that you and I are not. One possible justification for the formal inequality involved in representative democracy is epistemic: having a small group of decision makers who can train and accumulate experience, and devote their full time to politics, serves the quality of the outcomes under the right conditions. If so, this is a good epistemic reason for formal political inequality of the most obvious kind, but one that makes no invidious comparison among groups of citizens.<sup>57</sup> No one is given extra political power on the basis of any supposedly greater wisdom or worth. People gain the extra political power of being a representative as a result of election, and the reasons for having a system of elected representatives to serve as legislators nowhere rely on invidious comparisons among citizens.<sup>58</sup>

<sup>56</sup> John Stuart Mill, *Representative Government* (New York: E. P. Dutton and Co., 1950), ch. 8.

<sup>57</sup> Political egalitarianism apparently cannot account for this kind of inequality.

<sup>58</sup> For a more difficult case, suppose it could be established beyond reasonable dispute that the quality of political decisions would be enhanced by selecting a small number of voters from the millions who register, and depriving all others of voting privileges. I do not think this has much plausibility, but suppose it were true. Giving only a few adult citizens the right to vote must be reckoned a version of formal political inequality. Now if the voting citizens were selected according to whether they were college-educated, or Christians, or pet-owners, and if this were done on the hypothesis that members of these groups were likely to make better decisions, or more fully deserved the power to vote than others, then the scheme would be utterly illegitimate. But if instead they were chosen randomly, and this still were reliably shown to have advantages for the quality of political decisions, it is no longer clear that the formal political inequality is objectionable. In truth, such a scheme would probably do more epistemic harm than good; but if it had overriding epistemic advantages, implementing it would not express disrespect for anyone.

Thus, the epistemic argument against political egalitarianism can be suitably contained. It is not led to endorse any erosion of formal political equality as it is normally understood.

## VII. CONCLUSION

Insistence on equality of political input would preclude even modest inequalities that increase input for everyone. Under favorable conditions, a greater quantity of input improves the expected quality of political decisions; thus, we need a good reason if we are to stand in its way. It would be perfectly proper to object to inequality of influence if it were based on invidious comparisons among citizens. It may even be illegitimate to base such inequality on putative rights to liberty or property, though I have not considered that question here. But modest inequalities that significantly increase input for all without any implication of disrespect or controversial pre-political rights may be capable of improving the tendency of political decisions to be substantively just and proper in a way that it would be unreasonable to deny. If so, incentive structures such as Progressive Vouchers may be practical devices for pursuing this liberal epistemic conception of political equality.

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