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POLITICAL LIBERTIES AND SOCIAL EQUALITY\*

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**ABSTRACT.** This paper examines the link between political liberties and social equality, and contends that the former are constitutive of, i.e. necessary to secure, the latter. Although this constitutive link is often assumed in the literature on political liberties, the reasons why it holds true remain largely unexplored. Three such reasons are examined here. First, political liberties are constitutive of social equality because they bestow political power on their holders, leaving disenfranchised individuals excluded from decisions that are particularly pervasive, coercively enforced, hard to avoid, monopolistic, and final. Second, they are constitutive of social equality due to their positional value, such that those who are denied such liberties are socially downgraded because and to the extent that others enjoy them. Third, they are constitutive of social equality due to their expressive value, in the sense that, by disenfranchising some individuals, the state publicly fails to recognize their equal moral agency. While unpacking these reasons, we address some criticisms of this constitutive link recently raised by Steven Wall and Jason Brennan.

I. INTRODUCTION

Why are political liberties valuable, if at all, and what is wrong with some segments of the population – such as women and paupers in the past, or alien residents and felons in some countries today – being denied franchise? A common response is that political liberties are valuable because they are necessary to ensure social equality. By withholding political liberties from some individuals, so the argu-

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ment goes, the state undermines their equal status as full members of society. Call this the *equal status argument*.<sup>1</sup>

The widespread acceptance of this argument notwithstanding, the reasons why political liberties are constitutive of equal social status, and are thus valuable, remain largely unexplored.<sup>2</sup> This makes the equal status argument vulnerable to the sort of concerns that Steven Wall and Jason Brennan have recently flagged. According to Wall, arrangements other than political liberties may suffice to secure equal status.<sup>3</sup> By guaranteeing equal civil liberties and a fair share of wealth to each citizen, for example, political institutions may fully ensure that all citizens are socially esteemed and have a sense of their own worth. Similarly, Brennan has recently argued that the relationship between political liberties and social status, although well established in Western societies, is a contingent psychological fact that could – indeed, according to him, should – be changed.<sup>4</sup> Wall's and Brennan's objections are connected in the following way. If, *contra* Brennan, political liberties were necessary to secure social equality, then any alternative arrangement would *ex hypothesi* fall short of achieving this, hence Wall's version of the objection would not succeed either. For this reason, throughout this paper we mainly focus on Brennan's argument.

An implication of Brennan's argument is that those who have striven for equal political liberties in the name of social equality – from Chartists, to suffragettes, to African-American civil rights activists, to current immigrants' voting rights movements – have

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<sup>1</sup> The argument has been used, among others, by John Rawls, *A Theory of Justice*, revised ed. (Cambridge, MA: Cambridge University Press, 1999), p. 404 fn. 39, in arguing for the importance of political liberties to secure the social basis of self-respect; by Thomas Christiano, *The Constitution of Equality* (Oxford: Oxford University Press, 2008), p. 93, in defending equal democratic rights; and by David Miller, 'Equality and Justice', *Ratio* 10 (1997): 222–237, p. 231, in arguing against J. S. Mill's plural voting.

<sup>2</sup> For example, in a recent volume on social equality – Carina Fourie, *et al.* (eds.), *Social Equality: On What it Means to be Equals* (Oxford: Oxford University Press, 2015) – this issue is largely ignored. Notable exceptions include Joshua Cohen, 'For a Democratic Society', in Samuel Freeman (ed.) *Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2002); Elizabeth Anderson, 'Democracy: Instrumental vs. Non-instrumental Value', in Thomas Christiano and John Christman (eds.) *Contemporary Debates in Political Philosophy* (Oxford: Wiley-Blackwell, 2009); Kolodny, N. 2014. 'Rule over None II: Social Equality and the Justification of Democracy', *Philosophy and Public Affairs*, 42(4): 287–336; Meena Krishnamurthy, 'Reconceiving Rawls's Arguments for Political Liberty and Its Fair Value', *Social Theory and Practice* 38 (2012): 258–278.

<sup>3</sup> See Steven Wall, 'Rawls and the Standing of Political Liberty', *Pacific Philosophical Quarterly*, 87 (2006): 245–270, pp. 257–261.

<sup>4</sup> Jason Brennan, 'Political Liberty: Who Needs It?', *Social Philosophy and Policy* 29 (2012): 1–27, pp. 6–10.

struggled for something that has no real status-conferring value. In this paper we contend that Brennan's argument does not succeed. Our ultimate goal, however, is not to respond to his criticisms, but rather to examine the reasons why political liberties are constitutive of social equality among citizens.<sup>5</sup> We advance three such reasons. By doing so, we aim to place the equal status argument on more solid ground.

The first reason is that political liberties endow their holders with political power, which, as we shall see, is particularly pervasive, coercive, hard to avoid, monopolistic, and final. The second is that political liberties are positionally valuable for securing equal status, given that those who are denied such liberties are socially downgraded because and to the extent that others enjoy them. The third is that political liberties are expressively valuable for securing social equality, since the state fails to publicly recognize the capacity of disenfranchised individuals to responsibly exercise political power. As we shall contend, the second and third reasons, though dependent on the first, are also discrete in the following sense: If political liberties did not confer political power, they would not be positionally and expressively valuable for securing social status. However, given that they do confer such power, being denied the right to vote and to run for office does further harm to one's equal status beyond the immediate harm of being denied access to political power.

Throughout this paper, we understand social status as an individual's relative standing in social relationships, i.e. whether she is treated as equal, superior or inferior to others. Such treatment in turn depends on her access to certain socially relevant goods, such as education, money, and power – i.e. the bases of social status – in the sense that access to such goods is necessary to avoid being treated as inferior. Social status is thus a social fact that can be analyzed as a triadic relationship involving the agent who has social status, the

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<sup>5</sup> In so doing, we build on the work of relational egalitarians, such as Elizabeth Anderson, 'What's the point of equality?', *Ethics* 109 (1999): 287–337; 'Equality,' in David Estlund (ed.) *The Oxford Handbook of Political Philosophy* (New York: Oxford University Press, 2012); Kolodny, 'Rule over None II'; Andrew Mason, *Living Together as Equals: The Demands of Citizenship* (Oxford: Oxford University Press, 2012); Martin O'Neill, 'What Should Egalitarians Believe?', *Philosophy and Public Affairs* 36 (2008): 119–156; Samuel Scheffler, 'What Is Egalitarianism?', *Philosophy and Public Affairs* 31(2003): 5–39; 'The Practice of Equality', in Carina Fourie et al. (eds.), *Social Equality: On What it Means to be Equals* (Oxford: Oxford University Press, 2015); and Jonathan Wolff, 'Fairness, Respect, and the Egalitarian Ethos', *Philosophy and Public Affairs* 27 (1998): 97–122.

specific basis that confers her social status, and others' attitudes recognizing such status – respect, appraisal, esteem, and so on.

Social egalitarianism opposes “hierarchies of social status,” as Samuel Scheffler has put it.<sup>6</sup> Such hierarchies emerge when, because of an unequal distribution of the bases of social status, an individual (or group of individuals) is considered to be socially inferior to another, in a way that threatens her standing as an equal member of society. To be clear, not all uneven distributions of socially relevant goods necessarily translate into hierarchies of social status. Yet some do. For example, as we shall discuss in Section III, uneven distributions of power in the workplace, such as those between employers and employees, need not always translate into social inequalities. However, some labor relations, such as those between the lord of a manor and his serfs or between a master and his slaves, clearly do. Uneven distributions of political liberties fall within the latter category. Or so we shall argue.

Before proceeding, four caveats are in order. First, a large and contested bundle of rights and liberties, such as the right to demonstrate and the right to petition, are often included among political liberties. We are no fetishists about precisely which rights and liberties count as political liberties. For tractability, however, we focus here on the right to vote and the right to run for office. Second, in this paper we make the normative assumption that social equality is valuable *per se*. Since both Wall and Brennan accept this too (while calling into question whether political liberties are necessary to ensure it), we remain agnostic about why this is the case.<sup>7</sup> Third, while we assume that social equality is valuable, we do not assume that it is the only valuable thing. Even if political liberties are necessary to fully ensure it, as we shall contend, this only provides a *pro tanto* reason to endorse an egalitarian distribution of political liberties. Since this reason might be outweighed by countervailing considerations, examining the latter would also be required to decide whether alien residents, felons, or other groups that often lack

<sup>6</sup> Scheffler, ‘What Is Egalitarianism?’, p. 22. Similarly, David Miller describes a society of equals as one “that is not marked by status divisions such that one can place different people in hierarchically ranked categories,” and Anderson describes the central tenet of inegalitarianism as a commitment to “basing a social order on a hierarchy of human beings ranked according to intrinsic worth.” David Miller, ‘Equality and Justice’, p. 224; and E. Anderson, ‘What Is the Point of Equality?’, p. 312.

<sup>7</sup> See Richard Norman, ‘The Social Basis of Equality’, *Ratio* 10 (1997): 238–252; and Carina Fourie, ‘What Is Social Equality? An Analysis of Standing Equality as a Strongly Egalitarian Ideal’, *Res Publica* 18 (2012): 107–126, for defenses of the intrinsic value of social equality.

political liberties should enjoy them, all things considered. Fourth, and relatedly, while we contend that political liberties are necessary to fully secure social equality, we do not claim that they are sufficient. Indeed, someone who lacks political liberties may happen to stand in a position of social superiority, all things considered, to others who are enfranchised (say, because the latter are deprived of some other socially relevant good, such as education or income, while the former is not). Our claim here is more modest – namely, that social equality cannot be *fully* secured without political liberties.

## II. BRENNAN'S ANALOGY

Let us now get started. Brennan begins his argument by conceding that, as a matter of fact, political liberties confer social status in democratic societies.<sup>8</sup> For that reason, we look down upon those whose political views are not taken into account, who may feel socially humiliated as a result. However, he contends, the link between social status and political liberties is a contingent psychological or cultural fact. Further, given the history of abuses and atrocities committed by political authorities, it is a morally vile fact. A world in which the right to vote and the right to run for office were seen as licenses akin to hairdressing or plumbing licenses, and thus unnecessary to secure one's equal social status, Brennan reckons, would be a better world than ours. Since our goal here is to address whether these liberties necessarily (rather than contingently) confer social status or not, we put the latter issue aside and focus on Brennan's former claim.

To argue that the relationship between political liberties and social status is contingent, Brennan uses a fanciful analogy. He asks us to imagine a scenario in which people tend to see being given a red scarf by the government as a crucial signal of membership and status, so no one is considered a full member of the political community until she gets her own scarf. Now suppose that the government gives red scarves to everyone, except homosexuals. Under these circumstances, Brennan argues, red scarves certainly give status, and homosexuals are justified in feeling humiliated and in taking to the street to demand to receive their scarves as everyone else does.

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<sup>8</sup> Brennan, 'Political Liberty: Who Needs It?', pp. 6 ff.

However, this does not make red scarves really valuable. In this scenario, red scarves have value in conferring social status only as a result of a social construction, and a bad one at that.<sup>9</sup>

The same applies to political liberties, Brennan contends. Like the scarves in his hypothetical scenario, political liberties confer status, and being denied such liberties implies having an inferior status to those who have them. Yet this happens only as result of a cultural fact that is contingent and could (indeed, according to Brennan, should) be changed. To put it in modal terms: while political liberties are valuable in actual circumstances, and red scarves are valuable in hypothetical circumstances, the value of each is counterfactually weak. For there would be nothing socially downgrading in denying red scarves or political liberties to someone in a range of alternative possible circumstances, in which they would no longer be valuable.

As pointed out above, an implication of Brennan's analogy is that those who have struggled for equal political liberties in the name of social equality have struggled for something that has no real status-conferring value. In the remainder of this paper, however, we show that his analogy does not stand up to scrutiny. We advance three reasons why political liberties are necessary to ensure equal status, which – unlike the reasons why red scarves confer status in Brennan's analogy – are counterfactually robust. While there are plenty of possible scenarios in which red scarves are not needed to achieve equal status, being denied political liberties undermines equal status both in actual circumstances and in a wide range of non-actual circumstances.

### III. POLITICAL POWER

The chief reason why political liberties, unlike the scarves in Brennan's analogy, are necessary to ensure equal status – and the reason upon which our later arguments developed in the next two sections depend – concerns the political power that such liberties bestow upon their holders. In modern states, political power is not only

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<sup>9</sup> *Ibid.*, p. 7.

formidable. It is also special, in four relevant ways.<sup>10</sup> First, it profoundly and permanently affects citizens' access to basic goods and services, such as healthcare, national defense, and a system of legal arbitration, as well as their access to basic rights and liberties, including the right to profess their religion, to choose whom to marry, and to travel where they wish. Second, political power is backed by the threat of force. Not only do public authorities tax citizens to fund the enforcement of their directives. They can also send officials with guns to persuade those who hesitate to pay their taxes or to observe such directives. Third, political power is difficult to avoid, as it can only be escaped by emigration, which is costly if possible at all. And fourth, political power is monopolistic and final, such that public officials' directives claim a monopoly of the use of force (so no private agent is allowed to use violence to enforce their directives) and enjoy normative superiority over any private ruling that may conflict with them.

When someone is denied access to such power – say, because she is a woman in a country where only men can vote – her social status is downgraded. For in being denied franchise, she is unable to legally influence decisions that will severely affect her basic interests, cannot be easily escaped, are backed by force, and have final *de facto* authority over her. Further, she is placed at the mercy of those who enjoy the right to vote (i.e. male citizens), and are thus able to impose their will – in the special way that political power grants – without her being able to legally fight them off. In short, in lacking franchise, she is unable to exercise power with the above features and, moreover, placed in a position of inferiority to those who, not lacking it, can exercise such power over her.

It is thus misguided to characterize the social status conferred by political liberties as a mere cultural or psychological fact, as Brennan does. Political liberties do not confer equal status by means of a contingent social construction. They do so by means of the particularly pervasive, coercive, inescapable, monopolistic, and final type

<sup>10</sup> For discussion of these features see Jan Narveson, 'Democracy and Economic Rights', *Social Philosophy and Policy* 9 (1992): 29–61; Richard Arneson, 'Democratic Rights at National and Workplace Levels', in David Copp et al. (eds.), *The Idea of Democracy* (Cambridge: Cambridge University Press, 1993); Leslie Green, 'Rights of Exit', *Legal Theory*, 4 (1998): 165–185; Iñigo González-Ricoy, 'Firms, States, and Democracy: A Qualified Defense of the Parallel-case Argument', *Law, Ethics and Philosophy*, 2 (2014): 32–57; Kolodny, 'Rule over None II'; Chiara Cordelli 'On the Scope of Democracy: the Case of Churches' (unpublished manuscript). For a historical account of the emergence of such features, see Charles Tilly, *Coercion, Capital, and European States* (Cambridge, MA: Blackwell, 1990).

of power that such liberties bestow upon their holders; which, being a constitutive element of such liberties, makes them instrumentally indispensable to fully secure equal status.<sup>11</sup> Hence, when denied political liberties, individuals have a reason to feel socially inferior, other things equal, to those who retain them. And this is a reason that holds across a wide range of nonactual circumstances, whether those individuals happen to think of themselves as socially inferior or not, just as married women under coverture laws had a reason to see themselves as socially inferior to their husbands, whether they happened to think of themselves in this way or not.<sup>12</sup>

Before we go any further, two clarifications are in order. The first is that the status secured by political liberties mainly depends on whether they bestow power upon their holders, and only secondarily on whether such liberties, and the power they bestow, are exercised or not.<sup>13</sup> To illustrate this point, consider an anarchist who has, and will likely continue to have, no desire to vote in national elections, let alone to run for office. She would nonetheless be socially downgraded if she were denied those rights.<sup>14</sup> This is not only because, as we shall see in Sections IV and V below, she would be comparatively and expressively harmed. It is also because she would thereby be denied her share of political power, i.e. her ability to influence political decisions, irrespective of her exercise of such power. As an anarchist, she may end up never going to the polls or running for office. Yet she retains the ability to do either, and to exercise her share of political power, if and when she changes her mind.

For example, Spanish anarchists have historically despised elections. Yet, in 1936, when the very survival of the Second Republic was under threat, they changed their minds and went to the polls en masse to support the Popular Front, something that was decisive in ousting the conservative coalition from office. There is thus a requirement for social equality that access to political power be

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<sup>11</sup> This occurs in the twofold way suggested above, and to which we shall return in more detail in Section IV – because political liberties' status-conferring value is not only absolute (i.e. dependent on how much access to the status-conferring good their holders have) but also relative (i.e. dependent on how much access to such good their holders have compared to others).

<sup>12</sup> We are grateful to Andrew Williams for comments on this.

<sup>13</sup> Kolodny, 'Rule over None II', sec. 7, also highlights this difference.

<sup>14</sup> G. A. Cohen makes a similar point in relation to liberty of movement. G. A. Cohen, 'Freedom and Money', in Cohen, G. A., *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy* (Princeton: Princeton University Press, 2011), pp. 191–192.

available on a permanent basis, as Elizabeth Anderson has stressed (more on this below in Section V).<sup>15</sup>

Secondly, it bears noting that political power may be importantly constrained or reduced. Indeed, when the risk of it being abused is sufficiently high, this may be rightfully done, all things considered. When this occurs, political liberties become less significant in conferring social status, and the status of those who lack such liberties is less affected as a result. However, this further demonstrates that the relationship between social status and political liberties is partly a function of the amount of political power that the latter confer, rather than a merely contingent social construction. One may believe that political power is vile, as Brennan does. One may then want to constrain how much political power exists – for example, by setting constitutional limits on its use, or by downsizing the state’s capacity, or by replacing state power with impersonal market forces or anarchist social arrangements. In the next section we shall discuss the extent to which this may be done. Yet this issue is conceptually different from the issue at hand here. Whether political power necessarily confers status is one thing. Whether it should be constrained, downsized, or entirely replaced (if this is possible at all) is another.<sup>16</sup>

The next section aside, this paper focuses on the former issue, i.e. whether political power necessarily confers status. Brennan thinks it does not. We think otherwise. For, as we have seen, political power is coercive, difficult to avoid, pervasive and final, hence unavoidably diminishing the social status of those on the losing end of its distribution, i.e. those whose political liberties are denied. In short, if political power were sufficiently constrained or reduced, then political liberties would certainly be less significant for defining the social status of their holders. Yet the constitutive relationship between political liberties, political power, and social status would remain intact.

Let us now consider two important objections to the power-based version of the equal status argument. The first objection is that political liberties, in practice, do not confer much power to those who hold them and, accordingly, do not make a big difference in

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<sup>15</sup> Anderson ‘What is the point of equality?’, p. 289.

<sup>16</sup> We thank an anonymous reviewer for pressing us to clarify this point.

ensuring equal status. There are two possible versions of this objection. The first is that, in existing democracies, a minority of well-organized and powerful citizens often controls political decisions.<sup>17</sup> Granted. Yet, while this is often the case, it does not undermine the general claim that political liberties, inasmuch as they bestow power upon their holders, are constitutive of equal status. If some powerful minority systematically captures political power, social equality is likely to be less than fully secured precisely *because* political liberties fail to bestow political power upon them in this case. The relationship between political power and social status remains intact.

The second version of the objection is more relevant. Even if all votes were equally meaningful, in large political communities such as modern democracies in which millions have the right to vote, each single vote has a negligible impact on the final decision. For example, there are over 1.7 million Americans for each seat in the U.S. Congress, as Brennan illustratively notes.<sup>18</sup> The amount of power that political liberties bestow upon each voter is thus vanishingly small and, it may be argued, their corresponding influence on social status is similarly insignificant.

We concur with the first part of that inference, but not with the second. While, in large political communities, political liberties may not bestow much power individually, they do bestow a great deal of power collectively. Individual voters each have little power, but they do have great power together – and in modern states, in which the state’s capacity is formidable, the collective power of voters is equally formidable. Political liberties confer status not so much because of the individual power bestowed upon each of their holders, but rather because of the collective power that their holders can exercise together. In this respect, political liberties are like many activities in modern societies, given the sharp division of labor that characterizes them. Of course, some activities are individually decisive (e.g. surgery). Yet many individual activities require coordination with a myriad of other individuals to have any meaningful

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<sup>17</sup> See, in the context of American politics, Larry Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton: Princeton University Press, 2008); and Martin Gilens and Benjamin I. Page, ‘Testing theories of American politics: Elites, interest groups, and average citizens’, *Perspectives on Politics* 12 (2014): 564–581.

<sup>18</sup> Brennan, ‘Political Liberty’, p. 11.

impact. Consider the impact of a single scientist on the final industrial output of a technological innovation, or the impact of a single employee of the intelligence services on the overall security of the country, or even the impact of a single art restorer on the restoration of a cathedral. All of these are activities that confer social status on those who perform them, crucially shaping their sense of self-worth. Yet, like political liberties, they do not do this because of their individual impact, which is often negligible, but rather because of their collective impact in coordination with the activities of other individuals.

A possible rejoinder is that collective power has little to do with individual power. Consider the case of women. While an individual woman voter has nearly no power, collectively women voters can exercise a considerable amount of power. But now consider a scheme where one percent of all voters are randomly disenfranchised. Here, a woman may lose her right to vote yet still have the same collective power as women who retain it, for the amount of power had by women as a whole remains the same. If having collective power is what confers equal status, it may be argued, such a scheme should not be troubling from the standpoint of social equality.

This rejoinder misses an important point, however. Such a scheme would leave each disenfranchised woman with the same probability of things going her way. But she would not have power, for she would not be able to participate in the causal chain resulting in the relevant impact. The social status of the members of a collective is defined not only by whether they, as a group, can have a certain socially relevant impact, but also by whether they can individually contribute to the actions leading to such impact.

To illustrate, suppose the professional licenses of one percent of the population were withdrawn, resulting in one percent of scientists, one percent of intelligence employees, and one percent of art restorers being unable to perform their occupation. This would have nearly no impact on the overall scientific output, security, and heritage conservation of the country. If the objection were sound, such a withdrawal of licenses should likewise have no impact on the social status of those whose licenses are withdrawn, which is obviously false. This is because what is constitutive of equal status in these

cases is whether they, as individuals, can take part in a collective activity that makes a socially valuable difference. Similarly, women's social status as members of a powerful collective does not only depend on whether they can collectively exercise political power. It also depends on whether they, as individuals, can take part in the joint exercise of such power. What confers status is not the fact that they are women in a context in which women can exercise power, but rather that they are *enfranchised* women in such a context.

Consider now the second objection. While power inequalities in non-political decisions are pervasive in a number of social realms, such as the workplace, often these may be unproblematic, for they do not necessarily entail differences in social equality, understood in a fundamental sense. Doctors and patients, professors and students, employers and employees, and so on, enjoy uneven degrees of power over each other, without this necessarily creating inequalities in their status as members of society. Why, then, are inequalities in political power special? Why do inequalities of political power clearly translate into social inequalities while inequalities of non-political power, which are often greater, do not – or at least not necessarily?

We address this concern by raising two points. The first is that political power is special due to the four features stated at the outset of this section, which tend to be absent, or less salient, in cases of non-political power. First, unlike political power, non-political power does not involve the use of coercion (e.g. public officials can send officials with guns if you refuse to comply with their commands, while employers cannot, as Jan Narveson has argued<sup>19</sup>). Second, non-political power is easier to escape (e.g. the costs of changing citizenship are very high, when possible at all, while the costs of changing jobs tend to be lower). Third, non-political power is subordinated to political power (e.g. the directives issued and enacted by public officials are generally final, while the commands issued by an employer, when in conflict with such directives, are generally overridden by them). Fourth, non-political power tends to affect our basic interests less severely and less permanently than political power (e.g. the effects of laws are generally profound and permanent, while the effects of an employer's commands tend to be more innocuous and short-term).

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<sup>19</sup> Narveson, 'Democracy and Economic Rights', p. 53.

We raise the second point in response to a possible rejoinder, according to which the above features are sometimes present, albeit perhaps to a lesser extent, in cases of non-political power. For example, in a monopsonistic labor market, an employer's power may be difficult to avoid and coercive. When this happens to a sufficient degree, we may want to consider such power political or quasi-political, and constitutive of social status as a result. However, since these features tend to be more present in state or state-like institutions – sometimes as a matter of degree, as in the case of avoidability, other times as a matter of kind, as in the case of final *de facto* authority – the difference generally holds. This difference is in turn crucial for explaining why asymmetries of political power entail asymmetries of social status, while asymmetries of non-political power do not, or at least not to the same extent.

#### IV. POSITIONALITY

In this section, we elaborate on the idea that the status-conferring value of political liberties is not only absolute but also positional. We first show how these two values are connected. We then examine four relevant differences between red scarves and political liberties with regard to their positional status-conferring value. In doing so, we show why Brennan's analogy does not hold and further examine what is special about political liberties' status-conferring value.

As defined in Section I, social status is a triadic relationship involving an individual, the bases of social equality, and others' attitudes – where the goods that form the bases of social equality are valuable, *inter alia*, as a means to achieve such status. This instrumental value is defined not only by how much access one has to the relevant status-conferring good (their *absolute status-conferring value*), but also by how much access to that good one has relative to others (their *positional status-conferring value*). Think of education, which may confer status not only as a result of the socially relevant knowledge that the student acquires (i.e. its absolute status-conferring value), but also because of the position that she achieves relative to other students, such as whether she is first-class, second-class, and so on (i.e. its positional status-conferring value).<sup>20</sup>

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<sup>20</sup> This example is entirely conditional on education actually conferring status, something that here we have not argued for. Its purpose is merely illustrative.

The same applies to political liberties. As we have seen in the previous section, political liberties confer status in a twofold way. The first is absolute. Political liberties grant access to political power, since those who are denied franchise are excluded from decisions that are especially pervasive, coercive, hard to escape, monopolistic, and final. The second is positional, in the sense that if someone is denied political liberties, while others are not, she is placed in a position of inferiority relative to those who, having franchise, can exercise political power over her and are thus able to impose their will on her without her being able to legally fight them off. In short, the status-conferring value of political liberties is both absolute and positional.

We shall now show that these two values, though connected, are distinct. To be sure, political liberties' positional status-conferring value is *conditional* upon their absolute status-conferring value. It is because political liberties grant political power that those on the losing end of the distribution of such liberties are at the mercy of those who, unlike them, retain franchise. Otherwise no harm to the former's status would be done by the fact that they are disenfranchised while the latter are not. This, however, does not make political liberties' positional status-conferring value *reducible* to their absolute status-conferring value. To see why the former value is distinctive, consider a hypothetical society of 100 individuals in which

A = all individuals but one (John) can vote.

Since political liberties have absolute status-conferring value, being denied the right to vote harms John's social status. One may ask, however, whether this is *only* because John is deprived of political power or *also* because he lacks such power while everybody else has it. To see why the latter is the case, assume that a new electoral law is passed, leading to a new scenario in which

B = 30 individuals can vote while 70 (including John) cannot.

To see why political liberties' positional status-conferring value is discrete, let us focus exclusively on John's social status. If the status-conferring value of political liberties was merely a function of John's absolute position in the distribution of such liberties, then his status in B would be the same as in A, for his level of political power in A

and B remains constant. However, we take it that his status improves in B. This is not because of the psychological benefits John may get from having companions in misery – he is no longer the only disenfranchised individual – but rather because of the reduction of political inequality between him and the average citizen. While in A everybody else can exercise power over John, in B only a minority can do so. Once the other 69 disenfranchised individuals are levelled down in their access to political power, his position relative to those individuals improves – and so does his status, other things being equal. Since John’s access to political power nonetheless remains constant, this shows that the status-conferring value of political liberties is, at least to some extent, dependent on John’s relative position in the distribution of such liberties, i.e. it is positional.<sup>21</sup> That said, it is important to make clear that, despite the improvement in John’s relative position, B is a more socially inegalitarian scenario than A. For, all things considered, his relative improvement is clearly outweighed by the fact that disenfranchising 69 more individuals has sharply worsened both the absolute and relative position of the latter.

It may be argued that any good that forms the basis of social status, including red scarves in Brennan’s example, has some kind of positional status-conferring value, in the sense that those who are denied such goods are socially downgraded because and to the extent that others enjoy them. In the remainder of this section, we examine four peculiarities that political liberties exhibit regarding their positional status-conferring value, which show why Brennan’s scarf analogy fails.

The first and chief difference is, of course, that political liberties are a good that is more socially relevant – and thus more relevant to secure equal status – than red scarves because the former give access to a form of power that is coercive, pervasive, difficult to avoid, and final – a form of power that is unlikely to dissolve under non-actual circumstances. The red scarves’ value as a symbolic marker of social status is, by contrast, likely to vanish in numerous non-actual circumstances. Given that political liberties have positional status-conferring value by means of conferring power upon their holders,

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<sup>21</sup> We are grateful to an anonymous reviewer for pressing us to clarify this point, and to Christian Schemmel for comments on this issue.

the positional harm done by denying someone political liberties is counterfactually more robust than that of denying someone a red scarf. In other words, being denied political liberties while others enjoy them undermines one's social status *both* because a good that is crucial to determining one's social status (i.e. having political power over others) is unevenly distributed *and* because such determination is a constitutive feature of the relevant good, rather than something that could be easily changed – as is the case with the red scarves.

The second reason why political liberties are special in conferring social status is that the type of good to which they give access (i.e. political power) is, as suggested above and unlike red scarves, competitive in nature. That is, the amount of power that such liberties confer to each individual holder is a function of her position in the distribution of political liberties – political liberties are thus also positional in the way they confer political power.<sup>22</sup> For example, if a group of voters is disenfranchised, the amount of power had by those who retain the franchise does not remain constant. It increases – and, with it, the social status such power confers. For the fewer voters there are within a given population, the more impact each individual vote has. In this respect, political liberties are unlike red scarves, yet they are also unlike many other rights and liberties. Consider, for example, the right to bodily integrity.<sup>23</sup> This right gives access to a good that is unaffected by whether others enjoy it or not. So, when it is denied to some, the bodily integrity of those who retain this right is unaffected and, while the social status of the former group decreases, the status of the latter group does not increase accordingly, as happens in the case of political liberties. In short, the positional character of political liberties amplifies the inequalities in social status that result from inequalities in political power.

The third difference between political liberties and red scarves rests on the fact that the positional status-conferring value of a good is partially a function of whether the good requires, to be enjoyed, the exercise of capacities that are, other things being equal, morally

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<sup>22</sup> On the positional aspect of political liberties, see Brighouse and Swift, 'Equality, Priority, and Positional Goods', p. 476; Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989), 147–148, fn. 46.

<sup>23</sup> We are thankful to an anonymous reviewer for pressing us to clarify this.

valuable, such as the exercise of autonomous agency.<sup>24</sup> As we shall see in detail in the next section (as this is crucial to the third, expressive reason why political liberties are constitutive of social status), political liberties require, to be exercised, certain cognitive and moral capacities that are fundamental for autonomous human agency. (This is the reason why minors and the severely mentally impaired are often denied political liberties.) By contrast, wearing a red scarf – or, for that matter, enjoying other rights and liberties such as the right to bodily integrity – does not require the exercise of such capacities. Of course, this does not show that political liberties are constitutive of social status. It does show, however, that being denied political liberties while others (who are cognitively and morally equally equipped) enjoy them is, other things being equal, more downgrading in both actual and non-actual circumstances than being denied red scarves while others enjoy them.

The fourth and final difference is that one way of eliminating the uneven distribution of red scarves (and of many rights and liberties) – namely, by leveling down all members of the society, i.e. by granting red scarves to none of them at all – is not available in the case of political liberties. To see this, suppose, for *reductio*, that a further electoral reform suspending voting rights altogether were passed in B, leading to a new scenario in which

C = no individual can vote.

It could then be argued that, if we exclusively focus on the positional status-conferring value of political liberties and hold other status-conferring factors constant, C would be preferable to B in terms of maximizing social equality. For the social status of the 70 individuals who already lacked suffrage would have been improved without the social status of the newly disenfranchised 30 individuals being undermined as a result.

This suggestion is a nonstarter, however. Given that a decision-maker is by definition needed wherever political decisions are to be made, taking away the right to vote from each and every individual, as described in C, is conceptually incoherent. If elections are suspended, then some decision-maker (a technocratic government, an enlightened king, a revolutionary vanguard, a charismatic leader, or whatever) will inevitably replace voters. Unlike in the scarf case, the

<sup>24</sup> We are grateful to Serena Olsaretti for suggesting this to us.

only way to avoid the social inequality resulting from an unequal distribution of political liberties is to confer such liberties to all individuals, hence leveling up those who previously lacked them.

Consider three possible rejoinders. The first is that leveling down need not be impossible because political power may be replaced, if not entirely then to a great extent, by impersonal market forces. This suggestion is problematic, however. For no markets can exist in the first place in the absence of legally enforceable property rights, as well as adjudication and enforcement authorities. Moreover, unfettered market forces are likely to lead to market concentration and the emergence of large businesses with near-political power, as outlined near the end of Section III, or, alternatively, to a need for antitrust authorities to ensure competition. In either case, political or near-political decisions must be made, hence raising similar worries regarding who should make them if social equality is desired.

A second potential rejoinder is that, even if impersonal market forces fail to enable leveling down, anarchism does not, as Niko Kolodny points out.<sup>25</sup> For no political decisions need to be made under anarchism. We concur. Yet this does not undermine our point, namely that where political decisions are to be made, a decision-maker is needed and leveling down becomes impossible. It only narrows its scope, not unrealistically, to nonanarchist scenarios in which political decisions are made (Kolodny makes a similar assumption).

A third potential rejoinder is that lotteries may replace elections without replacing citizens' votes with someone else's decision. This is an important point, but one that can nonetheless be accommodated by expanding the notion of political liberties to include selection by lot, whose democratic pedigree is longstanding. "Voting by *lot* is in the nature of democracy," Montesquieu famously claimed.<sup>26</sup> And some have recently put forward democratic alternatives to selection by vote in which members of parliament are randomly chosen.<sup>27</sup> What is relevant for the issue at hand is that, whether by vote or by lot, *someone* needs to be selected – or

<sup>25</sup> Kolodny, 'Rule over None II', p. 310.

<sup>26</sup> Montesquieu, *The Spirit of the Laws*; Anne M. Cohler et al. (eds.) (Cambridge: Cambridge University Press, 1989 [1748]), p. 13.

<sup>27</sup> Alex Guerrero, 'Against Elections: The Lottocracy Alternative', *Philosophy and Public Affairs*, 42 (2014): 136–178.

someone's political ideas or preferences, if these instead of individuals are to be selected. The only way to avoid inequalities in social status is, again, to include everyone – or everyone's ideas or preferences – among those who are eligible.

## V. EXPRESSIVENESS

Finally, let us consider the expressive function of political liberties in conferring social status. In this section we contend that, if we aim at social equality, an equal distribution of political liberties is appropriate not only for what it confers but also for what it communicates. More specifically, we claim that an unequal distribution of political liberties expressively harms individuals by failing to acknowledge their capacities as equal moral agents, undermining their equal status as a result.<sup>28</sup> We unfold this idea in two steps. We first introduce the very idea that institutions can express attitudes, and show why political institutions are special in doing so. Next, we examine the content of the judgment expressed by a political institution when it withholds someone's political liberties, and the reason why an equal allocation of such liberties is necessary, across a counterfactually robust range of circumstances, to avoid expressively harming citizens' equal status.

We begin by looking into institutions' expressive capacity. As has often been argued, ascribing attitudes to institutions is not implausible.<sup>29</sup> It makes sense to say, for example, that the U.S. Senate showed *remorse* when, in 2009, it passed a resolution apologizing to African Americans for slavery, or that Barilla, an Italian pasta company, expressed *disdain* for homosexuals when its chairperson claimed in 2013 that the company would never feature a gay family in its advertisements, while inviting them to “eat another brand of pasta.” For present purposes, we can set aside the intricacies of how institutions form attitudes. However, it should be emphasized that

<sup>28</sup> By focusing on individuals' *capacities* as moral agents, our view differs from a common view in the literature, according to which denying someone's political liberties is socially insulting, and therefore status downgrading, because it expresses unequal concern for her *substantive interests*. See Charles Beitz, *Political Equality: An Essay in Democratic Theory* (Princeton: Princeton University Press, 1989), p. 110.

<sup>29</sup> Elizabeth Anderson and Richard H. Pildes, 'Expressive Theories of Law: A General Restatement', *University of Pennsylvania Law Review* 1503 (2000): 1531–1564; Margaret Gilbert, *On Social Facts* (London: Routledge, 1989); Philip Pettit, 'Groups With Minds of their Own', in Frederick Schmitt (ed.), *Socializing Metaphysics* (Lanham, MD: Rowman and Littlefield, 2003); Christian Schemmel, 'Distributive and relational equality', *Politics, Philosophy & Economics* 11 (2012): 123–148.

these attitudes are discrete from, and cannot be reduced to, the individual attitudes of those institutions' members.<sup>30</sup>

Given that institutions are an enduring feature of everyday life, it is unsurprising that their actions and attitudes bear significantly on how individuals see each other and, therefore, on social equality.<sup>31</sup> In principle, both political and non-political institutions can express attitudes that affect our social status. We nonetheless contend that the expressive capacity of political institutions is superior to that of non-political institutions, and that the expressive harm caused by their attitudes is accordingly also greater and cannot be canceled out by non-political institutions.

To see the difference, imagine that the comment made by the Barilla chairperson had instead been made by the Italian prime minister, who might have claimed that the Italian government would never feature a gay family in public advertisements, further inviting them to use another country's public services. There are two reasons why the latter utterance is more insulting than the former. The first has to do with the *specific nature* of political institutions, as we elaborated while discussing the differences between political and non-political power in Section III. The state is capable of causing greater expressive harm than non-political actors because its statements are issued by institutions whose commands, unlike those of non-political actors, are backed with force, are difficult to avoid, are monopolistic and final, and affect the basic interests of their addressees in a profound and permanent way. It is more harmful to be insulted by an agent who has such power than by another, like the Barilla chairperson, who does not (and who is himself subject to such power).<sup>32</sup>

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<sup>30</sup> Christian List and Philip Pettit 'Aggregating sets of judgments: An impossibility result', *Economics and Philosophy* 18 (2002): 89–110.

<sup>31</sup> Rawls, *A Theory of Justice*, p. 229; Carina Fourie, *et al.* 'The Nature and Distinctiveness of Social Equality: An Introduction', in Fourie, *et al.*, *Social Equality: On What It Means to be Equals*, p. 7.

<sup>32</sup> As pointed out in Section III, non-state agents can sometimes exercise power that is political or quasi-political. When this happens, their utterances may be more insulting than those of non-state agents whose power is not political. For example, the Pope's dismissive claims about homosexuality can be more insulting than those made by the Barilla chairperson, yet only because the power that the Pope has is nearly political. We owe this example to Chiara Cordelli.

The second reason has to do with the *specific purpose* of political institutions, which, unlike private companies, have to realize the principle that individuals deserve equal consideration as moral agents.<sup>33</sup> Now, surely, non-political institutions are also bound by this principle. The ban on discrimination, for example, applies equally to the Italian government and to Barilla. A fundamental difference, however, is that while private companies can legitimately have particular interests to pursue within the limits of this principle, political institutions cannot legitimately have interests other than “to promote and protect the interests of its subjects,” as Raz has put it.<sup>34</sup> We provide ourselves with political institutions so as to realize our moral obligations to each other as members of a political community. While the principle of equal human worth is a mere constraint on non-political institutions, in the case of political institutions it is their guiding principle.<sup>35</sup> Accordingly, deviations from this principle by political institutions threaten our perception of each other as equals in a way that deviations by non-political institutions do not. In our example, it seems that the harm caused by Barilla to homosexuals is more likely to be repaired by other agents, such as LGBT NGOs, than the harm that the Italian government’s corresponding statement would cause, which would require some form of government action – a public apology at least – to be fixed.<sup>36</sup>

Having shown the distinct expressive capacities of political and non-political institutions, we now turn to showing that an unequal allocation of political liberties is expressively harmful and creates social inequalities. We shall first show that an unequal distribution of basic liberties, political and otherwise, fails to publicly recognize individuals as equal moral agents, hence creating status inequality. We shall then show that being denied political liberties is expres-

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<sup>33</sup> That this egalitarian principle is central to our thinking about political institutions is confirmed by the fact that virtually every contemporary moral theory of political institutions takes it as an initial assumption. See Amartya Sen, ‘Equality of What?’ in Sterling McMurrin (ed.), *The Tanner Lectures on Human Values, Vol. 1*, (Salt Lake City: University of Utah Press, 1980); Ronald Dworkin, ‘Comment on Narveson: In Defense of Equality’, *Social Philosophy and Policy* 1 (1983): 24–40; Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979), p. 111; and Adam Swift, *Political Philosophy: A Beginners’ Guide for Students and Politicians* (Cambridge: Polity: 2001), p. 93.

<sup>34</sup> Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), p. 6; Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991), p. 100, makes a similar point.

<sup>35</sup> See Ronald Dworkin, *Law’s Empire* (Cambridge, MA: Harvard University Press, 1986), p. 296–297; and *Sovereign Virtue*, p. 2.

<sup>36</sup> This was suggested to us by Christian Schemmel.

sively harmful in a way that being denied non-political liberties is not.

To show this, let us first consider the case of Bob and Amy, which we adapt from Brennan.<sup>37</sup> Bob is a purebred politician who, after a very politicized youth, has worked his way up to be state senator and now wishes to become governor. Amy, by contrast, has an entrepreneurial spirit. She had several small jobs until she successfully opened her own business. Suppose now that the government passes a statute that deprives a group of individuals, including Bob and Amy, of their basic economic liberties, thus banning them from engaging in independent economic activities.

This statute shows disrespect for the individuals it affects because it publicly fails to recognize their equal moral agency, thus expressively harming their equal status. There are three ways in which this occurs. The first is that if these liberties are necessary to realize their aims, the decision publicly expresses disregard for their conception of the good. This harm, however, is entirely dependent upon contingent psychological facts, and is counterfactually weak as a result. While Amy's status is clearly affected in this way, Bob's is not, for he has no plans to engage in commercial activities.

However, the statute is also expressively disrespectful in two further ways that do not depend on the subjective value of economic liberties, and are counterfactually robust.<sup>38</sup> Namely, since basic economic liberties – like other basic liberties – are a framework of legally protected paths and opportunities, depriving someone of them affects her moral agency in the following two ways. First, it restricts her access to alternative occupations, thus denying her the chance to change and pursue her conception of the good in ways for which economic liberties may be necessary.<sup>39</sup> Since the ability to

<sup>37</sup> Brennan, 'Political Liberty: Who Needs It?', p. 5. In this case, we assume that economic liberties are fundamental, yet only for the sake of the argument. Even though some have offered Rawlsian arguments in favor of considering such liberties fundamental, here we remain agnostic on both the status of these liberties and on the place they should have in non-libertarian accounts of justice. See James Nickel, *Making Sense of Human Rights*, 2nd ed. (Malden, MA: Blackwell Publishing, 2007); John Tomasi, *Free Market Fairness* (Princeton, NJ: Princeton University Press, 2012); Jahel Queralt, 'Are Economic Liberties Basic Rights?', Jason Brennan, et al., *Routledge Handbook of Libertarianism* (Routledge, 2017). Our argument would also hold if political liberties were contrasted with other, non-economic, fundamental liberties.

<sup>38</sup> See Rawls, *Political Liberalism*, p. 325.

<sup>39</sup> We can say that basic liberties are modally demanding in the sense that they require not merely that their holders can exercise them under actual circumstances, but also that they can continue to do so across a range of non-actual circumstances, Philip Pettit, 'Freedom and Probability: A Comment on Goodin and Jackson', *Philosophy and Public Affairs*, 36 (2008): 206–220.

revise one's conception of the good is a core feature of moral agency, the statute publicly undermines her agency. Second, the directive fails to recognize her as an economic agent capable of taking the choices that these liberties protect. This second form of expressive harm becomes evident if we understand our society as a cooperative system of production in which economic activities are a crucial way to participate in social life.<sup>40</sup> From this perspective, someone whose economic liberties are publicly denied turns out to be treated as less than a full member of the society, regardless of the use she makes of these liberties. This is the case, for example, for women in countries where they are legally banned from running businesses or from performing certain jobs on the basis that they are less suited to do so than men. The fact that some, or perhaps all, women happen to be uninterested in these economic activities in no way mitigates the expressive harm that such legal prohibitions cause.

In short, although economic liberties are irrelevant to Bob, the above statute insults his moral agency all the same. First, because it fails to acknowledge his ability to revise his ends – a core feature of moral agency – in the economic domain. Second, because it presents him as not fully capable of making certain economic choices.

The same applies to political liberties. Suppose the government suspended both Bob's and Amy's political liberties. This decision would certainly express neglect toward Bob's conception of the good, seriously downgrading his social status. Yet, Brennan may correctly object that this is due to a psychological contingency – namely, the subjective value Bob attaches to political liberties – that leaves open whether political liberties are *really* valuable. However, it should be clear from the previous case that this does not undermine our argument. Our claim in this section is that the expressive value of basic liberties, political and otherwise, does not result from the benefit individuals might obtain from exercising them.<sup>41</sup> It rather results from the public acknowledgment of the equal moral agency

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<sup>40</sup> Anderson, 'What is the point of equality?' pp. 318–319.

<sup>41</sup> Psychologically, they may actually benefit from being denied some liberties, as Andrew Williams has suggested to us. For example, Bob could perhaps electorally benefit from lacking the right to own a company, as no one would hence be able to claim that, if elected governor, he would divert resources to his company.

that an equal right to these liberties entails.<sup>42</sup> Thus, the decision to withhold Amy's political liberties downgrades her social status even if she could not care less about them. The reasons for this are analogous to those in the economic case. First, withholding her political liberties restricts the range of alternative choices available to her, thus failing to recognize her capacity to revise her conception of the good in important ways. Second, the decision marks Amy as less important in the eyes of others as a bearer of interests, and it also fails to acknowledge her as someone who has a sense of justice and is capable of responsibly exercising the ability to rule over others that such liberties confer.<sup>43</sup>

These two scenarios show that basic liberties, political and otherwise, are necessary to secure individuals' equal status. More specifically, they show that an unequal allocation of basic liberties is expressively harmful not only because it expresses neglect toward certain conceptions of the good, but also – and more importantly for the issue at hand, given its greater counterfactual robustness – because it shows a lack of respect for individuals' capacity to form and revise their goals.

It should be emphasized, however, that denying political liberties is expressively harmful in a way that denying non-political liberties is not. This is due to a fundamental difference between these two kinds of liberties. While both political and non-political liberties enable their holders to form, revise, and pursue their goals, thus entrusting them with power over their own lives, political liberties – but not other liberties – further entrust them with power over *other people's* lives. Hence, when the state denies someone her political liberties, it publicly presents her as not fully capable of governing *both* her own life *and* other people's lives. She is prevented from taking certain life choices and also from having a say in defining the institutional framework within which others will choose, thus adding insult to injury.

Consider now the following potential objection. Whether or not suspending some individuals' political liberties expresses a compar-

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<sup>42</sup> Cohen, 'For a Democratic Society', p. 111, makes a similar point. This point is further elaborated in Inigo González-Ricoy, 'Democratic Legitimacy and the Paradox of Persisting Opposition,' *Journal of Applied Philosophy*, 34 (2017): 130–146, pp. 139–142.

<sup>43</sup> According to Christiano, *The Constitution of Equality*, p. 93, this amounts "to treat[ing] her like a child or an animal."

ative negative judgment may depend on the reasons that are offered to support this decision.<sup>44</sup> Disenfranchisement may be expressively harmful when it is justified in a way that calls into question the native moral capacities of the disenfranchised person. It is fairly uncontroversial that disenfranchising a specific group of individuals due to their purported lower cognitive capacities suffices for the state to signal their social inferiority. For example, one of the reasons offered against women's suffrage was that women were emotional creatures incapable of making sound political decisions.<sup>45</sup> Now, whatever "being an emotional creature" means, it is clear that this type of reasoning presents women as incapable of competently exercising their right to vote in virtue of their nature, i.e. because they are women. But disenfranchisement can be less offensive, so the objection might go, if it is justified on the grounds that politics is a complex business for which not everyone has the required skills. Reasons of this sort might lead to disenfranchising individuals, yet only in historically and institutionally contingent circumstances. For example, it could be the case that the disenfranchised individuals are illiterate because they have not had access to elementary education. Unlike the previous justification for denying women's suffrage, this type of reasoning might not call into question the native cognitive capacities of the disenfranchised individuals. Had they enjoyed access to elementary education, they would be able to vote. In the hypothesized historical circumstances, however, it may not be unreasonable to disenfranchise them. Just as not everybody may be able to provide meaningful scientific input, sometimes not everybody may be able to provide meaningful political input.

This objection rightly points out that the justification of an institutional action is crucial for interpreting the attitude it expresses. Accordingly, the reasons offered to disenfranchise a group of individuals affect the extent to which that decision expressively harms them. Our point, however, is that political inequality is never entirely inoffensive. Being denied political participation is insulting in two ways in which being denied the right to participate in scientific discourse or in other complex non-political activities is not. The first is the pervasive impact of political participation on people's lives.

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<sup>44</sup> We are grateful to Steve Macedo for pressing us to discuss this.

<sup>45</sup> See Diane Atkinson, *Votes for Women* (Cambridge, Cambridge University Press, 1988).

When an individual is stripped of her political liberties, she is denied the right to participate in political decisions, which, as we pointed out above, are coercively imposed upon her and others, monopolistic and final, difficult to avoid, and pervasive in affecting our basic interests. The second is that individuals have a sense of justice – while they rarely have scientific hypotheses to test – that is publicly disparaged as inadequate or irrelevant when they are denied the right to participate in politics.<sup>46</sup> This is offensive even if, for whatever reason, their political judgment happens to be poor.

## VI. CONCLUSION

This paper has discussed the link between political liberties and social equality. Against the view that political liberties influence individuals' social status only as a matter of cultural and psychological contingency, we have argued that this link holds across a wide range of actual and non-actual circumstances. We have advanced three reasons to support this claim, appealing to the power-based value of political liberties for conferring social status, as well as to their comparative and expressive value for the same end. These three reasons explain why the equal status of those at the losing end of an uneven distribution of political liberties is not fully secured. Two qualifications are in order, though. First, since we have assumed that social equality is valuable, yet have not shown why, the status argument only provides a conditional reason for an equal allocation of political liberties. Second, since social equality is not the only value, that reason is only *pro tanto*. Further work is needed, then, for an unconditional and all-things-considered conclusion on the matter.

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<sup>46</sup> Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999), p. 239, makes a similar point.