



THE CONSTITUTION OF EQUALITY

Democratic Authority and its Limits

Thomas Christiano

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THOMAS CHRISTIANO

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For Aline and Joseph

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Introduction

What are the moral foundations of democracy and liberal rights? Why is it important to make collective decisions democratically? And when the democratic decisions conflict with our own sense of what is just, what reasons do we have for setting aside our own views and going along with the democratic decisions? And what are the limits to this authority that democratic decisions have over us? These are the basic questions I attempt to answer in what follows.

Though democracy is a highly valued method for making collective decisions, there is little clarity regarding the grounds of the value of democracy. Most discussions of democracy either proceed as if there were no question of importance here or proceed on the basis of vague and unsystematic accounts of the grounds of democracy. The usual idea is that democracy is a good thing and that it should be a part of a just society. But the sense of its value is so strong that it seems to preclude reflection on the basis of this value.

And yet an examination of the grounds of democracy is essential if we are to understand the exact implications of our adherence to democratic principles. For instance, we need to know what the proper relationships between democratic and liberal rights are in order to have a solid foundation for the construction of a constitutional order. But it is unclear how we can have any such knowledge without a grasp of the values that underpin these rights. An appreciation for the normative grounds of democracy and for the basis of its authority can help us grasp the proper role of institutions of judicial review of democratic legislation in a democracy. Without a conception of the grounds of democracy we have very little but unsystematic intuitions to go on to settle these questions. And recent debates about the democratic deficit of international and transnational institutions often proceed without much in the way of systematic accounts of the nature and basis of democracy. Even if we are skeptical about the prospects for democracy in transnational institutions for the near term future, a proper grasp of the fundamental principles may guide our evaluation and design of these institutions.

Furthermore, an account of the grounds of democracy may help us respond to many who do not have allegiance to democratic principles. Opponents of democracy can be found among *laissez-faire* liberals who argue that nearly

all major social decision-making ought to be left to market forces. And many argue that democracy has no intrinsic value and that institutions of collective decision-making ought to be shaped to bring about the best outcomes according to some particular account of what those best outcomes are. Obviously, if one accepts one of these major political views, one is likely to have a very different conception of what institutions a society ought to have than if we have a robustly democratic political theory.

It does not help the cause of democracy, nor does it advance our understanding of how to resolve disputes among these various political theories, simply to insist on the value of democracy. The only way to adjudicate these debates is to offer systematic accounts of the grounds of democracy and see how these accounts fare in comparison with the opposing views.¹

The central animating contention of this book is the idea that democracy realizes public equality in collective decision-making. I argue that public equality, or the idea that the institutions of society must be structured so that all can see that they are being treated as equals, is the core principle of social justice. I will show that it is the moral foundation of democracy and the basis of liberal rights. Since it is at the basis of both democratic rights and liberal rights, I contend, the principle of public equality can ground the authority of democratic decision-making in a political society and it can show us where the limits of democratic authority can be found. So the principle of public equality both grounds the moral value of democratic decision-making and provides a just basis for constitutional limits on democracy. The idea of public equality, I argue throughout this book, provides the key to answering the central worries about the moral foundations and limits of democratic decision-making. These are the propositions I defend in this book.

For one thing, an account of the grounds of democracy can help us see how to respond to certain well-known objections to democracy. For example, many have objected to democracy on the grounds that it allows for the tyranny of the majority. But I will show in what follows that a proper appreciation of the foundations of democracy in public equality can lead us to understand the proper role of majority rule and the limits of majority rule in decision-making. In particular I will argue that the very same principle of public equality that underwrites democracy also underwrites basic liberal rights. And this fact, I claim, can help us see both the basis of the authority of democracy and the limits of that authority.

¹ An important exception to my claims above is the work of deliberative democrats inspired by the works of John Rawls and Jurgen Habermas. The most illustrious of attempts to find a systematic grounding for democracy is the work of Joshua Cohen, which I discuss in some detail in Chapter 5.

Others have argued that democracy is rule by the ignorant and ought to be replaced by elite rule. But I argue that the principle of public equality that grounds democracy can help us see why equality of citizenship is important. Public equality can also show how there can be a fruitful division of labor in society between ordinary citizens and expertise that preserves what is important in equality of citizenship while legitimating an important role for expertise in the making of law and policy.

In this book, I will offer a theory of the moral foundations of democracy. I will argue that democratic institutions have intrinsic moral value. They are essential to the public realization of equality in a political society. The main idea I want to defend is that democratic and liberal rights are grounded in the same fundamental principle of public equality. One cannot justify the one without the other. This parallelism of justification also implies a parallelism of structure. Liberal rights guarantee each person rights that give them the freedom with which they can act rightly or wrongly but which people have duties not to interfere with. In the same way, democratic assemblies have rights to make decisions, which are sometimes just and unjust but which citizens must nevertheless obey. Democracy has real authority over many issues that arise in a democratic society and this authority is grounded in the preeminent importance of the principle of public equality in evaluating political societies. So though the citizen attempts to advance justice and the common good according to her lights, she rightly accepts the decision of the democratic assembly as authoritative even if it goes against her sense of what ought to be done. I will argue, however, that there are certain standards of justice that not even fully democratic decision-making may violate. These standards constitute the limits to democratic authority. And the ground of these standards is the very same principle of public equality that provides the moral justification of democracy in the first place. All of these ideas, I contend, are grounded in the fundamental moral principle of public equality that animates social justice. Hence, I claim to give a moral vindication of the authority of democracy and the limits of that authority.

THE BASIC IDEAS

I begin by defending and explaining the basic principle of public equality. My starting point is a defense of the principle of equality as one of the basic principles of justice. Justice is grounded in the dignity of persons and it thereby demands that each person's well-being be advanced but that no person be sacrificed for the sake of the greater good of others. The proper response to

the equal dignity of persons is to advance the interests or well-being of persons equally. Justice demands that the well-being of each person be advanced equally or at least that all persons have available to them equal basic conditions for advancing their well-being. And these principles give the most fundamental aim of social and political institutions: to advance the common good and to make sure that each person's well-being is advanced equally.

When we attempt to realize equality among persons in a political society regulated by laws that guide the actions and deeply affect the welfare of every person in society, we are required to do so in accordance with a public conception of equality. Political society establishes social justice among its members through its system of rights and duties and its distribution of burdens and benefits. It does this primarily by setting up institutions regulated by law. But it must do so in a way that each person can see that he or she is being treated as an equal in the process. Hence, the members of society must be treated in a publicly clear way as persons whose well-being matters and whose well-being matters equally.

But how can a society achieve this publicly clear realization of equality? The most pervasive facts of our experience in any moderately complex society are the facts of diversity in the conditions of each person's well-being and disagreement about our interests, the nature of justice, and what will promote the common good and justice. Our experience has shown us that we are all deeply fallible in our efforts to come to an understanding of our own interests as well as those of others and the common good. Moreover, we know that our conceptions of the interests of the members of society and how the common good is to be conceived tend to reflect the limited conditions of life that we have experienced and thus tend to be cognitively biased toward our own well-being. How, amid all this disagreement, diversity, fallibility, and cognitive bias can we hope to structure a society in such a way that each citizen can see that he or she is being treated as an equal?

Democracy and basic liberal rights along with a guarantee of a decent minimum of economic resources, I contend, are the most fundamental and indispensable principles for achieving this public realization of the equal advancement of the well-being of citizens. They treat persons as equals in a way that each person can see, precisely because they acknowledge the multitude of differences between persons and respect those differences. Democracy and liberal rights do this by giving each person a say in the shaping of the world he or she shares in common with others and giving each person a say in shaping the conditions for the realization of his or her own individual interests. Though the moral foundation of my account of democracy and liberal rights as grounded in public equality is individualistic, the implications of the account are not exclusively individualistic. I argue that the principle of

public equality that grounds liberal rights can provide some grounds under certain circumstances for protecting the interests of persons as members of certain marginalized groups in society.

The fact that democracy and liberal rights both are necessary to the realization of public equality is what underwrites the thesis that democracy has authority over issues over which there is substantial disagreement and the thesis that democracy's authority is limited by the necessity of maintaining public equality. The account of the authority of democracy and its limits grounds some basic guidelines for the design of a constitutional order that realizes public equality. Hence, the idea of public equality provides the foundations for democracy and some instances of judicial review over democratically made legislation. Public equality can also help us understand the claims of certain highly politically marginalized groups in political society such as indigenous peoples in the Americas. I argue that the existence of a persistent minority in collective decision-making implies that the democratic assembly fails to satisfy public equality fully. This too suggests a limit to the authority of the democratic assembly and thereby implies that steps must be taken to afford the minority greater political autonomy or greater say in collective decision-making, depending on the particular situation.

HOW THE ARGUMENT WORKS

The arguments I offer in this work are of a variety of sorts. On the one hand, the argument of this book is a partly foundationalist one. In part, the argument relies on the intuitive strength of the initial starting premises concerning the dignity of persons and the importance of well-being in the argument for equality. Also, the accounts of the fundamental interests of persons are meant to be intuitively compelling starting points in the arguments for publicity, democracy, and liberal rights. These elements are meant to provide relatively uncontentious starting points for my arguments for equality, publicity, democracy, and liberal rights as well as the accounts of the authority of democracy and its limits.²

² It is important to note that the relation of ground to consequent is not necessarily a relation of premise to conclusion. The latter relation, in order to be legitimate, must start from premises that are more evident to the audience than the conclusion and this relation will depend on the audience. The relation of ground to consequent is not based on the idea that the ground is more evident to some particular group of persons. It is an account of the objective relations that exist among values. Sometimes one principle is grounded in another less evident principle as is the case between democratic and liberal principles and the principle of equality. In my argument for equality, the relation of ground to consequent corresponds to the relation of

But the argument has strong coherentist elements as well. The elucidation of the grounds of a principle can help us understand that principle better than we had previously understood it even if the ground is less evident. And I try to show this in the case of the grounds of democracy. For I show that democracy's grounds are the same as those of liberal rights. And this has important implications for how we are to conceive of the relations between these two systems of rights. In my view, the grounding of democracy and liberal rights in the principle of public equality provides a satisfying solution to many long-standing problems of political theory. Furthermore, I take it as an important desideratum that a basic moral and political theory has a unified core of grounding principles that illuminate all the parts of the view. While I do not agree with Sidgwick that this is a *sine qua non* of moral theory, I do think that it is a good thing if you can get it. And I claim in this book to have achieved this in some measure by showing that democracy and liberal rights are grounded in public equality.

In addition, my conception of the grounds of democratic and liberal rights is meant to provide a good explanation of what I take to be the complexity and fine-grained nuance of the phenomena that I am trying to account for. The history of liberal and political institutions should provide some abstract guidance to the theorist in determining how a normative theory about these institutions should be constructed. So I take it as an important desideratum of a political theory that the principles that it supports can account for the complexity and nuance that we see in the actual institutions and practices that we have experienced. This guidance is very abstract; it need not be conservative in the sense that the institutions that exist are the right ones. But the theory must be able to explain for instance why liberal rights have the complex structure they have.

The accommodation of the fine-grained texture of liberal rights and democratic rights is a result of the central importance of the requirement to advance the well-being of persons in the main social and political institutions. In this respect, my view shares something with classical utilitarianism. It shares a respect for the empirically discernable and multifaceted conditions under which well-being can be advanced. Many political theories fail to do this because there is little room in their approaches for anything other than a priori argument. They tend to produce inflexible and crude principles that simply are not capable of dealing with the rich diversity of empirical conditions that we face in political life.

premise to conclusion. The dignity of persons and the corresponding principle of well-being are both grounds of, and premises in an argument for, the principle of equality. The principle of equality is ground of democracy and liberal rights but most would not accept that it is a more evident principle than the principles of democracy (although some would).

At the same time, I claim to capture the idea that there are certain limits founded in justice to what one may do to persons in a political society. Thus my approach attempts to avoid the excessive flexibility of a consequentialism that justifies sacrificing some individuals for the sake of others. The principle of equality when combined with the importance of the well-being of persons simultaneously accommodates the rich empirically graspable diversity of moral and political life while setting strong constraints on how one may treat persons. Thus I claim, in part, to reconcile considerations that have seemed to many to support consequentialism with considerations that have seemed to support a more deontological approach. This reconciliation will be most evident in Chapter 4.

This empirical aspect of the arguments I make in this book implies that they depend fairly heavily on ideas that require empirical testing to be fully defensible. I invoke ideas about cognitive bias in persons, the fruitfulness of debating opposite points of view in the democratic forum as well as the idea that people can see that they are being treated publicly as equals in a democratic society. These ideas are essential to the argument but I cannot provide a full validation of them here. They require extensive empirical research. Unfortunately, the research on these hypotheses has been thin in many cases and is still in the process of being developed. I invoke some of the research where I can and I invoke historical evidence at other points. At times the argument simply relies on commonsense ideas. Good political theory is necessarily a mix of empirical and purely moral components. What political philosophy must do is provide the underlying ideas of justice and the good and it must provide a map that gives us pointers as to what kinds of empirical research needs to be done to fill out the overall political theory. This is the most we can expect from philosophy in political theory. It is only one part of an overall division of labor in the construction of an adequate political theory. This makes the conclusions somewhat tentative and revisable in the light of new empirical evidence. It also makes the basic approach highly receptive to new and surprising empirical research.

So the arguments I offer in this book are meant to have a multifaceted methodological base. Considerations of foundational principle mesh with considerations of rational unity and considerations of respect for the long experience societies have had with political institutions. And all of these considerations are meant in the end to hang together in a coherent whole.

Finally, this book does not pretend to provide a complete theory of justice or the good society. What it does claim to do is to provide the most important principles of a complete theory of social justice. Many issues remain undiscussed. For instance, I do not discuss the relative merits of different desert conceptions of justice. Nor do I discuss the many important debates about

multiculturalism though I do attempt to show what space there is for this in the theory of democracy. This is because the principal focus of the theory is on the foundations of the authority of democracy and the limits of the authority of democracy. In my view, many of the substantive issues of justice are ones that must be debated within the democratic forum. The theory defended here does have implications for these debates. It states that these debates must be framed within a fundamentally egalitarian theory. And it states that for the most part different theoretical contributions on these issues ought to be offered in the democratic forum where they can be discussed among equals. And in the last chapter, I argue that the kinds of cultural, social, and political cleavages in society that produce persistent minorities in democracies are serious moral challenges to the authority of democracy and thereby provide some important space for the claims of marginalized minorities.

OUTLINE OF THE CHAPTERS OF THIS BOOK

In the first chapter, I provide a fundamental argument for the principle of equality of advancement of interests that underwrites the principle of public equality and thereby the whole theory of democracy, liberal rights, and the basis of the authority of democracy and its limits. The animating idea behind this principle is the conception of the person as a being that has a special worth not to be sacrificed for the sake of other persons. My conception of the person provides the basis for an account of the well-being of the person and of the importance of advancing the well-being of each person. This conception of the person also provides the basis of what I call the generic principle of justice and the principle of well-being. I add support for the principle of equality by defeating what is probably its most serious challenge: the leveling down objection. Though I do not fully examine the principle that each should receive in accordance with his or her deserts, I do argue that such a principle must be subordinate to the principle of equality and that the principle of equality should be seen as the fundamental framing principle of justice.

In Chapter 2, I take this highly abstract and impersonal principle of equality and show how it must be used to guide the establishment of justice in society. The task of the chapter is to defend the basic principle that must constrain any kind of effort to realize justice in a society. The principle of publicity, which has ancestors in a variety of basic principles of law, constrains the realization of principles of justice by requiring that those principles be ones that people can see to be in effect. Thus the maxim, justice must not only be done, it must be seen to be done. I show how this principle can be defended with

the help of the principle of equality and with the help of a conception of the function of principles of social justice as well as an account of the basic facts and fundamental interests that are brought into play when justice is to be realized in a particular society. From these arguments, I defend a principle of public equality or the public realization of the equal advancement of interests.

The principle of public equality is the central principle in all the arguments that follow. It is on the basis of the principle of public equality that the arguments for the justice of democracy and liberal rights are grounded. It is also on the basis of the importance of publicity to social justice that I ground the authority of democracy and the limits of the authority of democracy in Chapters 6 and 7.

In Chapter 3, the main purpose is to show that democracy is one of the necessary conditions of the public realization of equality in any moderately complex society. Here I call on the basic facts of social life and some of the fundamental interests that are peculiarly salient in this context. First, the basic facts I call on are the facts of diversity, disagreement, fallibility, and cognitive bias. These facts about persons in societies color everything that we must think about how to structure the society. Any theory, I contend, that does not attempt to accommodate these facts in its conception of how to establish justice in society is fundamentally flawed. Furthermore, there are fundamental interests that stand out when these facts are taken into account. First, the interest each person has in correcting for the cognitive biases of others is essential. Second, the interests that each person has in making the world he or she lives in a home are fundamental to the advancement of the well-being of that person. Third, each person has interests in being able to learn the truth as far as possible about their interests and about the common good and justice. Finally, each person has a fundamental interest in being recognized and affirmed as an equal among other persons. These facts and interests and the basic principle of public equality, I contend, support the most important thesis of this book: that social justice requires that there be a collective decision-making process for the whole society and that each person has by right an equal say in the collective decisions of their society.

I also consider a number of minor and two major objections to my account. The first major objection I consider is the view that laissez-faire property rights are the best way to distribute power equally against the background of basic facts and interests that I have elaborated. This view states that the best way to treat persons as equals is to disaggregate power and allow only a minimal state. I argue that this approach is incompatible with the underlying principle of equality. Next, I consider the objection that political power is best distributed in proportion to the knowledge citizens have. This is the most plausible competitor principle to democracy as it ties in to the importance of

knowledge in decision-making and it suggests a possible role of desert in collective decision-making. Knowledge seems to be a relevant desert basis when it comes to distributing political power. I show that the principle that power must be apportioned to knowledge cannot be justified given the underlying principles I have defended.

In Chapter 4, I defend an account of basic liberal rights on the foundations of the principle of public equality and an account of the facts of social life and the basic interests people have in liberal rights. It defends an account of the nature and basis of the fundamental liberal rights of freedom of conscience, freedom of private pursuits, freedom of association, and freedom of speech. One of the main results of the chapter is to show that liberal rights can be grounded in a way that is parallel to the democratic rights. Liberal rights are best understood as partly realizing public equality once the basic facts of diversity, disagreement, fallibility, and cognitive bias are taken into account and the interests that people have against the background of these facts are laid out. My account of liberal rights simultaneously explains the complexity and peculiar structure of liberal rights and the fact that liberal rights are trumps against many other interests people have in social life. My account also attempts to show how important liberal rights are while taking due account of the costs the exercises of liberal rights impose on people in society. I also attempt to respond to some natural objections that will occur to the reader. And I try to show that there is some space within my conception of liberal rights for accommodating the concerns of marginalized groups.

In Chapter 5, I attempt to understand and ground the place of deliberation in a just liberal democratic society. Up till now I have argued that the principle of public equality requires that citizens have democratic and liberal rights in society. I give an account of the role of deliberation in democracy and defend a view of how public deliberation can be justly undertaken. In the chapter, I deal with one of the principal rivals to my account of democracy. Many proponents of deliberative democracy have argued that in addition to the equalities I have defended, citizens ought to act in accord with what is called the principle of reasonableness, which says roughly that a reasonable person only proposes terms of association to his fellow citizens on a shared basis of justification. Citizens, this account asserts, must defend proposals for social organization only on grounds that other citizens can reasonably accept. This principle has been defended in a variety of ways. I argue that all the various arguments are deeply problematic and I argue that the considerations adduced in a number of the arguments actually end up opposing the principle of reasonableness once they are properly understood.

In Chapter 6, I argue that not only is democracy a highly desirable method of making decisions, it is a method that has authority over a wide range of

issues. Once again, the principle of public equality is the key to appreciating this thesis. My account of democracy says that democratic decision-making has intrinsic value. But it also allows that the results of democratic decision-making can be assessed independently of the process of decision that produced them. This sets up a possible conflict between the intrinsic value of democracy and the values of the outcomes. What are we to do when we grant that the decision was made democratically but we disagree with the outcome and believe it to be unjust? My argument here shows that the democratic values should win out in these circumstances and that democracy therefore has authority. The democratic assembly has the right to make decisions and even mistaken decisions. Each person has a duty, grounded in public equality and owed to the democratic assembly, to go along with the decision even when he or she disagrees with it.

In Chapter 7, I discuss the limits and principal failures of democratic authority. Here I give an account of the nature of the limits to democratic authority. I show that there are certain things that the democratic legislature may try to do that undercut its claim to authority in those instances altogether. Here my accounts of the grounding of democratic and liberal rights in public equality and the parallelism of these grounds play a crucial role. I show that when a democratic assembly attempts to violate the basic democratic rights or liberal rights of its citizens, it no longer realizes public equality. As a consequence, I argue, it no longer has authority in that instance. It forfeits its right to rule in that instance. These are the negative limits of democratic authority. I also argue, however, that the democratic assembly weakens its authority by failing to ensure that each citizen has a decent minimum of economic resources with which to live a good life and that the democratic assembly weakens its authority when permanent minorities are formed in the society that never get their way in the democratic assembly. The failure to provide a basic minimum can be seen by all to be a violation of public equality and so is the existence of a persistent minority, or so I shall argue. All of these limits and principal failures are grounded in the principle of public equality that underwrites the authority of democracy in the first place. Hence we have a highly unified and nuanced account of the nature and basis of democratic authority and of the limits of democratic authority.

The Basis of Equality

The basic institutions of society are charged with the task of advancing the interests of all members of society equally. A just society advances the interests of all persons in it and it advances the interests of persons equally. This basic principle of justice is the moral foundation of democracy and liberal rights. A person's right to participate in the shaping of the world she shares in common with others, which characterizes a well-functioning democracy, is grounded in her fundamental interests as a member of political society. Most importantly, equality in political rights is grounded in the principle of equality in the advancement of the interests of its members. No political society can rightly claim to advance the interests of its members without giving them a say in how it is organized. And no political society can justly claim to advance the interests of its citizens equally without giving each citizen an equal say in the shaping of its institutions. In a parallel way, a person's rights to the freedoms of conscience, expression, and association and to the protections afforded by the rule of law are also grounded in his fundamental interests. And the equal rights to these freedoms are founded on the equal importance of each person's fundamental interests. The principle of equality of advancement of interests is the basis of democratic and liberal rights. Without the principle of equality and a conception of the fundamental interests of persons in society, no secure defense of the intrinsic worth of democracy and liberal rights is possible.¹ And a correct understanding of the interests of persons in society and the principle of equality is sufficient for understanding the basis of democracy and liberal rights. The rest of this book is devoted to demonstrating that the principle of equality and the fundamental interests of persons in society are the grounds of democracy and liberal rights.

But what is there to be said in favor of equality and how are the main objections to this principle to be overcome? It is essential to provide an argument for the idea that equality in the advancement of interests is the principle of distributive justice because many have rejected this principle

¹ I have argued that the principle of equality is necessary to ground the intrinsic worth of democracy in my *The Rule of the Many* (Boulder, CO: Westview, 1996), chapters 1 and 2.

and because it is so important to the evaluation of political societies. Such an argument can also help us see how one main objection to equality—the leveling down objection—can be met. Some have objected to the principle of equality of advancement of interests on the grounds that it implies that everyone should be made worse off if that is the only way that equality can be achieved. In this chapter, I sketch a defense of the principle of equality of advancement of interests. The argument proceeds by showing that justice is grounded in the dignity of persons. The dignity of persons, properly understood, grounds some main principles at the root of justice and these main principles ground the principle of equality in the distribution of well-being. Then I will undermine one objection to the principle of equality. Once we see how the principle of equality is grounded we will see that it is a common good principle: it does not permit leveling down for the sake of feasible equality.

Another objection has led some to resist the idea of equality: the disruptive interference objection. Some have argued that equality must be rejected because it seems to justify continual and disruptive interference in the lives of persons in order to maintain equality. I respond in part to this objection, first, by defining more clearly the role of the principle of equality and its relations with the rights and duties that characterize the relationships of family, friends, and colleagues. Second, in the rest of the book I will show that once equality is properly understood it can be shown to be the basis of a constitutional order in which each person has an equal say over the world she shares with others and which respects fundamental freedoms and the rule of law. Far from sanctioning continual and disruptive interference with people's lives, the principle of equality provides the grounds on which the security and freedom of the person can be guaranteed.

In what follows, first, I lay out the concept of the person that grounds the main principles of justice on which equality is based. Second, on the basis of this conception of the person, I defend each of the main principles: the principle of equal status, the principle of well-being, and the generic principle of justice. Then I defend the thesis that there are no relevant differences among persons under certain circumstances. Third, these principles are then shown to ground the principle of equality. Fourth, I address the objection that a principle of sufficiency is superior to a principle of equality. Fifth, I elaborate on the role of the principle of equality in relation to other special moral roles. Sixth, I address the leveling down objection. I show why this objection matters and why it fails. Finally, I show how certain basic conceptions of distributive justice relate to the principle of equality defended here.

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