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## Fairness, Equality, and Democracy: Three Big Words

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*(Article begins on next page)*

# Sidney Verba

## **Fairness, Equality, and Democracy: Three Big Words**

### **WHAT IS A FAIR POLITY?**

IT ALL DEPENDS, AS ONE MIGHT SAY, ON WHAT FAIR IS. FAIRNESS CAN mean many things. Whatever it may mean (within the realm of common meanings of the term), it is important; and this for several reasons. Governments make collective decisions for a political unit, decisions that are binding and authoritative for a collectivity. These decisions play a major role in determining the nature of the social and economic systems in which they are made. The crucial nature of such decisions for the welfare of those affected by them easily explains why their fairness is important to the way in which those subject to these decisions evaluate them.

In this paper I will focus on what might be meant by fairness in a democratic regime. There may be more general fairness criteria applicable to any political system—democratic or authoritarian—but fairness in relation to political decisions is especially central in a democracy. Democratic regimes are supposed to be run by the citizenry—or at least the citizenry ought to be the ultimate authority. Democracies depend on legitimacy to function effectively; only when a regime is considered legitimate can it rule by consent rather than coercion. Democratic regimes cannot rely on coercion to govern and long remain democratic. Thus, public acceptance is important. This also explains why the public determination of what is fair—both as a matter of principle and in the

evaluation of particular actions of particular governments—is central in democratic rule.

The criterion for democratic fairness I put forward is political equality. I do not argue that political equality is the only possible criterion of democratic fairness or that fairness is the only criterion for judging a democracy, only that political equality is an important criterion for fairness in a democracy. Further, I argue that political equality as a criterion for a fair democratic political system is more crucial than is equality of income or wealth for a fair economy or equality of respect for a fair cultural or social system. I will try to define political equality to show why it is central to conceptions of a fair democratic polity, and—since I am more a foot-on-the-ground empirical researcher than philosophical thinker—show why it is, in fact, impossible to attain, would not be an unambiguous blessing if attained, but is, nevertheless, worth pursuing. I shall be dealing with issues of fairness in democracy generally, but will draw examples and material mainly from American politics. I would think that the same general principles apply elsewhere, although the distribution of the impediments to achieving fairness—one of my major themes—will vary.

## **WHAT, THEN, IS FAIRNESS IN POLITICS AND GOVERNMENT?**

### **Who Decides What's Fair?**

Is it philosophers and scholars of politics? Is it those with an active role in politics, whether in the media or more directly as activists, campaigners, or officials? Is it the public? There is a role for each. This paper will draw on the views that political philosophers have put forward in relation to fairness, the activities of political elites that might be construed as fair or not, and the perceptions of ordinary citizens as to what is considered to be fair.

In preparing this paper, I looked at the way in which fairness and politics are linked in ordinary political discourse. A crude search using Lexis-Nexis during the 2004 election period makes clear that the two terms (and their variations) are often linked. Space precludes listing all

the many meanings given to political fairness, but a few points can be made:

- ▶ Notions of fairness are often invoked in relation to democracy. Though democracy and fairness may each mean many things, they are expected to go together.
- ▶ Fairness may refer to the output of a political system: taxes should be fair. Laws should be impartial and not unfairly benefit one group over another.
- ▶ Fairness may also refer to process rather than output. Processes should be honest and transparent, be unbiased; promises should be kept.
- ▶ Equality is very often linked to fairness. Policies should treat all equally. They ought to be impartial and not biased. And processes should also be equal.
- ▶ People may disagree on what is the most significant criterion; most would, however, agree that all are important. The violation of any one of them would represent a limitation on that democracy. Fraud rather than honesty, secrecy rather than transparency, favoritism rather than impartiality, unequal rather than equal political voice, unequal rather than equal treatment. All of these would represent limitations on democracy and indeed call into question its legitimacy and acceptance.
- ▶ Disagreement about what is fair is more likely to come over which criterion to choose in a particular instance.
- ▶ Perhaps the greatest disagreements come in relation to evaluations of whether actions within a particular criterion are fair or not: when it comes to output, taxes should be fair, but is it fair to have a flat tax for everyone or a progressive tax?
- ▶ And, beyond the criteria, are the measurements of the output. Does President Bush's tax plan benefit the rich only or all citizens? And is that directly (by the impact of the tax on taxpayers' incomes) or indirectly (by the impact of the tax plan on the economy)?

### **Fairness as Equal Voice**

Of the various meanings that could be given to fairness, equality seems to be most relevant as the central evaluative criterion in judging democracy. I will focus on that. Furthermore, I will focus on equality in the political process rather than equality in the output of government. In our book, *Voice and Equality*, my coauthors and I wrote of the centrality of voice and equality to democracy:

Voice and equality are central to democratic participation. In a meaningful democracy, the people's voice must be loud and clear: clear so that policymakers understand citizen concerns and loud so that they have an incentive to pay attention to what is said. Since democracy implies not only government responsiveness to citizen interests but equal consideration of the interests of all citizens, democratic participation must also be equal (Verba, Schlozman, and Brady, 1995: 1).

Our notion of equal voice is similar to many definitions of the "essence" of democracy. Michael Saward's definition in his book *The Terms of Democracy* fits nicely the conception of political voice: democracy is "a political system in which the citizens themselves have an equal input into the making of binding collective decisions." A nondemocratic system, in turn, "is a system in which some individual or subgroup possesses superior power to make binding collective decisions without any formal accountability to citizens" (Saward, 1998: 15). The notion of equal voice is, in fact, central—in one form or another—to various conceptions of a just system. Brian Barry, in his work on justice as impartiality, finds that:

a decision process is fair to the extent to which all those concerned are well informed, and have their interests and perspectives expressed with equal force and effectiveness. It is fair to the extent that what counts as a good argu-

ment does not depend on the social identity of the person making it. And it is fair to the extent that it aims at consensus where possible, and where consensus is not possible it treats everybody equally (e.g., by giving everybody one vote (Barry, 1995: 110).

#### **Why Choose Equal Voice as the Criterion for Political Fairness?**

To begin with, that is what the word "fair" seems to mean. It involves a comparison coupled with a moral judgment. When the child moves from equating unfairness with something he does not like ("I want to stay up later, and it's not fair that I can't") to making a comparative statement ("It's not fair that my sister can stay up later and I can't"), he has caught on to fairness as a comparative/evaluative concept.

Or ask the *Oxford English Dictionary*. There we find (leaving out fair skin and fair damsels) reference to:

- ▶ Free from bias, fraud, or injustice; equitable, legitimate.
- ▶ Affording an equal chance of success; not unduly favorable or adverse to either side.
- ▶ Upright conduct in a game; equity in the conditions or opportunities afforded to a player.

If we interpret the term "game" to include the game of politics, we get to what seems to be the meaning most would give to a fair polity. People ought to be treated equally in their opportunity to take part in the game.

#### **Why Is Fairness as Equality Particularly Important In Evaluating Politics?**

Fairness as equality is, I believe, more central to government and political affairs than it is in other domains of human life. To begin with, government is, by its very nature, a *human agency* making *collective* decisions.

- ▶ Human action: Outcomes that derive from *human action* are more subject to moral evaluation than are acts of nature. Second,

outcomes that derive from *intentional* actions of human actors are more subject to such evaluations than are outcomes that are unintended. Third, intended actions that affect *large populations* and affect them *differentially* are even more open to moral evaluation. And, lastly, such actions, when *carried out or endorsed by government* (the authorized actor) are most open to moral evaluations (Shklar, 1990). A tsunami in the Indian Ocean may cause more human suffering than almost any other event, but it is not a moral act (though of course it may be seen as such from some religious points of view). The failure of governments to provide a warning system before the flood or adequate relief after will be so seen. If poorer people occupy the low ground and wealthier the high ground, with the consequence that more of the former drown, the income inequality that led to that outcome may be seen to be unfair; but it will not be as unfair as would government relief directed more fully to the better-off. Genocidal acts by marauding gangs in Rwanda or Sudan are morally condemned, but even more so if governments implicitly or explicitly support or sanction such acts. When governments are partial, biased, or corrupt, the moral evaluation is most severe.

- ▶ **Collective decisions and allocations:** The fact that governments are human, intentional agencies that make decisions for collectivities makes fairness, and fairness as equality, especially relevant. Some may consider market allocations unfair—and individuals certainly do not have equal voice in markets since resources are unequal and markets certainly do not yield equal outcomes—but the fact that they are the result of a multiplicity of individual decisions rather than a single government decision likely reduces the resentment of an outcome perceived to be unfair.

### **Why Is Equal Voice Especially Important In Evaluating Democratic Government?**

Fairness as equality is especially significant in democracies; it is indeed an intrinsic component of democracy. If we take democracy to be a political system in which the ultimate rulers are the citizens—in which

decisions by governing bodies are responsive to the needs and preferences of the citizenry—then fairness as equality means that citizens have an equal voice over government actions, that the game of politics is played on a level playing field: “equity in the conditions or opportunities afforded to a player.” Political equality thus refers to the conduct of the game—the process by which political decisions are made. The fair game has rules and procedures that give each player (citizen) and each team (group or category of citizens) an equal chance of winning.

Equal voice is also instrumentally valuable to successful democracy. Democracy depends in good part on citizen consent. Perceived inequalities of voice challenge the legitimacy of the government, reducing consent and requiring, perhaps, a more coercive government. If the inequalities in voice are the result of intended government actions—fraud, biased election laws, bribery, and backroom access—such violations by governments that are expected to be responsive to the people are most likely to lead to widespread discontent. Equal voice, this makes clear, needs not only to be equal objectively (whatever that entails) but needs to be perceived to be so.<sup>1</sup>

Fairness as equality is also closely linked—indeed, in some cases, may encompass—many of the other features associated with democracy. Democracies are evaluated by the extent to which they provide freedoms to all citizens, they follow the rule of law and afford all citizens impartial treatment before the law, openness, and transparency, honesty in governmental actions, accountability to the public. All of these virtues are either fostered by or foster equal political voice.

In addition, though this discussion focuses on political equality as equal voice, it is not unrelated to equality in government policies and in the implementation of those policies. Democracy is a system by which citizens, ultimately, control governmental decisions. It is also a system whose basic principle includes equal consideration of the needs and preferences of all citizens. Equal political voice is the key to equal consideration. It is through political activity that citizens convey to the government their needs and their preferences. And equal political activity—equal voice in the processes of politics—makes it more likely that

government policies will provide equally beneficial output to citizens. Note, however, that equal voice is not the same as equal consideration of the needs and preferences of each citizen. Equal voice may not—*will not*, in fact—result in equal consideration, for reasons spelled out later. Nevertheless, it is a significant step—indeed, a requisite to such consideration and sufficient as a criterion for political fairness.

Last, just as political equality is especially relevant in democracies, equality is more especially relevant to the politics of democratic regimes than to their economic systems. The political ideal—however unattainable it may be—is for equal political voice for all citizens; an ideal embodied in such institutions as equal voting rights, equal rights to free speech, and equality before the law. There is no such equal ideal in economic matters; no one person, one dollar to parallel the ideal of one person, one vote in political matters; or, rather there is no such expectation of economic equality if economic welfare derives from the market. If, however, government produces the economic inequality, it is another matter. As Ronald Dworkin puts it at the beginning of his account of equality as the sovereign virtue: “No government is legitimate if it does not show equal concern for the fate of those citizens over whom it claims dominion. . . . [But] when a nation’s wealth is very unequally distributed, as the wealth of even very prosperous nations now is, then its equal concern is suspect.” This is the case, however, because “a citizen’s wealth massively depends on which laws his community has enacted” (Dworkin, 2000: 1). This would not be the case—or, at least, less strongly the case—if unequal distribution were solely attributable to market forces.<sup>2</sup>

This is not, however, to argue that politics and economics represent, in fact, two separate spheres of justice and equality. A normatively justified inequality in the economic realm—the wide differential in income across individuals, for instance—undercuts the normatively expected equality in the political realm, as, for instance, when large-scale campaign contributions can buy more votes than the single vote to which a citizen is entitled. (This is a major theme of the rest of this paper.) The fact that one perceives a “boundary violation” between the

two spheres when greater income gives greater political voice indicates how central is equal voice in politics, more than equality is central in other domains. Those with higher incomes can legitimately buy a wider array of goods from bigger houses to fashions to gourmet foods. They ought not to be able, legitimately, to buy elections or access to officials.

### **How Is Political Voice Expressed? The Modes of Political Activity**

Citizen voice can be expressed in many ways. The most common—that which is engaged in by more people than any other mode of expression—is through voting. But there are many other modes of citizen activity: time given to political campaigns or work for political causes, contributions of money, contacts to officials, protests, petitions, initiating legal action, and more. These activities create two kinds of input into the political decision-making system: information and pressure. They inform elected officials, candidates for office, as well as nonelected officials about the needs and preferences of the citizenry. And they apply pressure—the promise of reward, the threat of sanctions—for a positive response. Different acts provide different amounts and mixes of information and pressure. Measuring the strength of any individual's political voice—how much information and pressure he or she communicates—is not easy, in fact, is impossible in any full sense. Locating instances of equal voting strength across individuals, as we shall see, is difficult enough—even though the vote is a simple and measurable act to which citizens are usually limited to one and only one. Locating equality as a sum of the political acts of individuals is much more difficult. As we will see, the strength of a citizen's political voice is the complex sum of many activities. Yet comparisons can be made, certainly precisely enough to locate inequalities.

### **The Stages of Political Equality<sup>3</sup>**

Complete political equality would refer to a process by which citizens would be equal in their input into the political system and would receive an equal response. For this to occur, citizen equality would need to exist

in several stages of a process by which citizen input is responded to by governmental output.

**Process: Equal Political Voice**

- ▶ Citizens would have equal political rights.
- ▶ Political structures would provide the opportunity for equal exercise of those rights.
- ▶ Citizens would have equal individual capabilities to exercise such rights.
- ▶ Citizens would also have equal institutional and social support for the exercise of those rights.
- ▶ Citizens would be motivated actually to take advantage of such rights.
- ▶ And citizens would be equal in exercising their rights.

**Output: equal response**

- ▶ Messages sent would be equally heard.
- ▶ And messages would be equally responded to.

These stages need further explication. My main focus will be on equality of voice, though I will relate voice to response.

## **THE STAGES OF POLITICAL VOICE**

### **The Equal Right to Participate**

This main democratic requirement includes, among other rights, universal adult suffrage; freedom of speech, the press, and other modes of political expression; the right to organize political groups and political parties; and equality before the law. These basic entitlements, held (more or less) universally, are considered necessary features of any democratic regime in almost all contemporary conceptions of democracy. As far as the United States is concerned, these are pretty much in place as a result of the Nineteenth amendment, the civil and voting rights acts

of the 1960s, as well as the extension of the Fourteenth Amendment to the states. There are no legal barriers to citizen participation because of gender or race/ethnicity, and we have numerous legal protections against discrimination along those lines.<sup>4</sup> A muted debate about age restrictions on participation was largely ended with the Twenty-sixth Amendment. The right to vote, it must be noted, is more than an instrumental right—the chance to influence public policy (however marginally) by casting a vote for one's favored candidate. It is that, but much more. It "is the characteristic, the identifying feature of democratic citizenship in America, not a means to other ends."<sup>5</sup>

Two aspects of these issues deserve special note. One is the distinction between the explicit, intended consequences of equality-limiting rules and the unintended equality-limiting consequences of such rules. Restricting the voting rights of felons or former felons, under the explicit justification that felons have stepped outside the moral realm of citizenry, has the consequence of disproportionately restricting the voting rights of African-American males (Uggen and Manza, 2002: 777-803). In former times, restrictions based on literacy, on the explicit justification that people need to be literate to be informed voters, had the effect of limiting the political activity of immigrants and blacks—a limitation that was surely intentional regarding African Americans in the South. Does denial of the franchise to felons violate political equality? The right to vote is a basic civic right that ought to be available to all citizens, yet one can argue that those who have committed a felony may have forfeited that right because they have stepped out of civil society. If the loss of the franchise hits black citizens more heavily, but is an unintended consequence of the voting law, that is one thing—still controversial as to its fairness but possibly justifiable. But if its real and intended purpose is to disenfranchise African Americans—perhaps for partisan advantage or out of plain racial prejudice—it is clearly an unfair violation of political equality. The fact that a lifetime denial of the vote is largely found in southern states suggests that latter interpretation. The fact that such a law is also found in the state of Washington makes the case ambiguous.

Another important factor in relation to equal rights is the locus of control over participatory rights. The fact that many aspects of voting rights—the rights of felons, for instance—are the control of individual states raises obvious issues of equality of rights.

The equal right to take part in politics does not ensure that people will take part equally. I shall deal with that issue in the next several sections where I consider the structural and individual characteristics that affect whether and how people participate. But the nature of rights is relevant to the issue of how close one comes to actual equality in political voice. If one wanted, through law, to ensure equal actual participation it would require, in addition to a permissive and equal right to participate, a legal ceiling and a legal floor on how much activity in which an individual could engage. The amount of activity for each participant would be limited. This is the case with the vote; each voter is allowed one. However, for full equality, one would need a law that says that a citizen does *not* have the right *not* to vote. Compulsory voting does not exist in the United States though it exists in some other nations.<sup>6</sup> For other modes of activity, the creation of a ceiling and a floor is more complex. The amount of activity can vary and does. Individuals can write more than one letter and give more than one dollar. Making it illegal not to participate—compulsory attendance at meetings, compulsory contributions to election campaigns—smacks of authoritarianism, and that road to full equality may lead to the end of democracy. Setting a ceiling on activity—such as the limitation to one vote—is more complex when it comes to money (where ceilings have been set to mixed effects) and hard to imagine when it comes to other acts (for instance, a law that one can only say so much or write so many letters). These are important issues and will come up again when we discuss differential capabilities.

So although most normative theories of participation are in agreement that equality of rights is a necessary condition for democracy, some controversies remain, both in fact and in terms of the ideal state. I will not focus on these controversies, but will turn to the next step in the path to effective citizen voice: political structures that foster equal voice.

### **Political Structures to Foster Equality of Rights**

Rights are exercised in political and legal settings. These settings affect the use and the equality of the use of such rights. This can be seen in relation to the vote, the political act that comes closest to affording an equal voice to individuals. Even assuming that all citizens have an equal individual right to cast one and only one vote, voting may be unequal. Votes cast might not be counted; votes not cast might be. Corrupt election practices such as ballot destruction and ballot box stuffing are well-known features of some elections. As we know from recent presidential elections, there are many ways in which ballot access can vary—legally and illegally, advertently and inadvertently—that bias access to the vote with consequences for voting equality.

In addition, a single vote counts for more in a smaller constituency: citizens in Wyoming cast votes that have 70 times the weight for US senator as a vote in California, and a similar, though less extreme distortion is found through the Electoral College's means of allocating elector seats. In addition, through party-based gerrymandering as well as other forces, fewer congressional constituencies are truly competitive. In such locales, the vote of the minority party supporter surely counts for less.<sup>7</sup>

Issues of district size illustrate the effect of some inequality-producing structures on other democratic desiderata. The unequal value of the vote in different-size states was, originally, adopted to protect minorities—that is, those who lived in smaller states—from domination by the majority living in larger states. This justification of protection for small states is no longer particularly relevant today. But the general point that limiting equality of political voice might increase the democratic goal of protecting minority rights remains valid.

Inequality-creating variations across constituencies are less obvious when it comes to other modes of political activity. In the United States, the First Amendment freedoms that undergird the right to take part in election campaigns or to communicate with government officials are uniform and strong across states and localities. Different campaign contribution laws across states might, on the other hand,

lead to different degrees of income inequality in political activity from state to state. Perhaps the greatest variation in political and government institutions that might affect the equality of political activity differentially from locale to locale would be differences in the quality and equality of educational institutions from state to state or locality to locality—since schooling is the major source of the civic skills needed to be active. We will return to this theme when we consider variations in individual resources for activity.

#### **Nongovernment Structural Sources of Inequality**

Organized interests play a major role in American politics, and they have a major impact on the capacity of citizens to communicate political voice. Organizations may do so in several ways: individuals may act politically by belonging to, working in, or contributing to associations that try to influence the government. Or organizations may represent or act as surrogates for individuals who may or may not belong, speaking for them through lobbying or campaign contributions or informal connections to officials. And organizations can mobilize individuals to political activity. The issue of who, exactly, organizations represent and the relationship of organizational representation and equality is complex and hard to define and measure in any precise way. Suffice to say that the pressure group system has for long "sung with an upper-class accent," to use Schattschneider's well-known description, and there is no evidence that this is diminishing. It may indeed be increasing as such institutions as labor unions become smaller. There are many more organized interest groups speaking for the more advantaged members of society than for the less well-off. And the advantaged are more likely to belong to and be active in organized associations that stimulate and mobilize political voice.<sup>8</sup> The institution that does most to mobilize less advantaged citizens, especially since the weakening of labor unions, is the church. And churches, as one of the few institutions in America that draws members from across economic levels, does reduce (or at least not accelerate) socioeconomic stratification of political activity. However, the impact of this religion-based mobilization on economic

equalizing policies is diminished somewhat by the fact that their agendas are often on social, cultural, and religious issues. On the other hand, if such issues are the important preferences of disadvantaged people, an increase in their political voice on such matters does represent an increase in the equality of political voice (Burns, Schlozman, and Verba, 2001).

#### **Equal Capacity: The Individual's Resources<sup>9</sup>**

As the old saying goes, freedom of the press is a wonderful right if you own a press. Rights require resources. One of the basic resources is civic skills: the ability to understand and act effectively in relation to political and civic life. These skills include the ability to participate effectively: knowledge of political decision-making structures so as to intervene effectively in the decisional processes as well as the capacity to speak publicly, to organize and work with others so as to communicate one's preferences effectively. In addition, effective participants need information on the basis of which they can make choices that increase the chance that their activity will result in outcomes they actually prefer. This includes an understanding of public policies, the stance of candidates on such policies, as well as some information about the likelihood that a candidate will fulfill campaign promises. Those who lack such information and understanding cannot be thought to have equal political expression with those who do. Their voices may be as loud, but their ability to achieve their preferences will be limited. They may vote but their vote may go to the wrong person—that is, someone who will foster policies they do not favor (Verba, Schlozman, and Brady, 2004; Delli Carpini and Keeter, 1996).

Thus, a fair and equal political process may rest on an equal educational system and equal access to reliable information about political choices. Equality of information and understanding is, obviously, not easy to come by. Education is far from equal; political skills are also unequal. Candidates and the media may not be as helpful as one would like. Studies have shown that individuals can get by with less than full knowledge of political issues and alternatives. Individuals

can use information shortcuts; they can reasonably be guided by party leaders, they can rely on surrogate informational resources, such as reliable friends or other political “role models” who can help one make reasonable decisions. Such surrogates reduce the need for individually possessed skill resources. Access to such surrogates is, however, likely to be quite unequally distributed (Huckfeldt, 2001).

Everything that has been said about skills and information can also be said—with even greater firmness—about financial resources. Political contributions represent the mode of political activity that is the most unambiguously resource dependent. One needs money to take part in politics as a financial contributor. And, as Hemingway reminded us, the rich have more of it.<sup>11</sup>

Resources and opportunity make political equality deeply dependent on equality in other domains, such as education, income, connectedness, and health and well-being. In turn, political equality fosters equality in other domains by increasing the likelihood of policies that favor educational, social, and economic equality. This makes clear why the capacity to exercise equal political voice is of central concern in a democracy. Amartya Sen, in his discussion of what “goods” are crucial to equalize, refers to certain basic capabilities needed to achieve a full life (Sen, 2000). Political voice is one of these, since it allows the individual to acquire many other valued goods, such as income, education, health, and respect. And the latter, in turn, are general capabilities that enable the acquisition of political voice. In other words, political voice may be in the center of a virtuous circle of capabilities for those advantaged in a society as well as a vicious circle of incapacities for the disadvantaged.

#### **Is Unequal Voice Based In Unequal Resources Unfair?**

As with all forms of inequality, the degree of normative concern depends on the source of the inequality. When it comes to such resources as skills or money or social connectedness, the question can be raised as to whether the disadvantaged are so because of structural conditions beyond their control or because they do not take advantage of opportunities. Is it that schools were unequal or pupils did not work hard?

Are income differences—and the resulting inequality in the ability to influence politics through campaign contributions—the result of unequal job and career opportunities or unequal effort? If those who lack resources are in some way deprived of the resource in ways beyond their choice, that is more unfair than if the resource inequality is based on unequal effort in school or in the economy. Such questions go well beyond the scope of this paper. But both individual choices and structural inequalities are probably at play—and certainly the latter are not insignificant.

In addition, whether an inequality in resource is considered unfair may depend on the resource. In the analyses of the resource basis of political activity, my collaborators and I focus attention on a variety of resources of which money, time, and skills play a major role (Verba, Schlozman, and Brady, 2004). The extent to which disparities are perceived as being unfair varies across these resources, with disparities in money being the most delegitimizing. Large-scale political contributions from those who have the resources call into question the fairness and equality of the electoral process. But if some have more time and give more time to political campaigns than others, that is not seen as being as unfair.<sup>12</sup> And though the ability to act effectively in politics is a skill very unequally distributed, the fact that one participant can make compelling statements at political meetings and another cannot is not an inequality thought to challenge the fairness of the process.

#### **Equal Voice: Do People Use Their Rights, Opportunities, and Resources?**

That one has the right to exercise political voice, as well as the opportunity and the capability so to do, does not mean that one will do so. Equal rights, equal opportunity, and equal capacity do not necessarily result in equal voice. Individuals may lack motivation to participate. People have different tastes. Some care about politics; they are more engaged and interested, more willing to give time and effort to express their views and defend their interests. Others care more about getting ahead on the job, or, in their nonworking hours, care more about time with family, or about sports or entertainment. The reason for differen-

tial expression of political voice may be that some *cannot be* as active as others (they lack resources) or it may be that some *do not want to be* active (they care less). If someone stays home from a local council meeting because he prefers to watch a favored television program and therefore has less voice over some local issue that may affect him, we would not consider that unfair. It would be different if the lack of activity was due to lack of resources (say, for a babysitter).

However, motivation, like resources, has origins. Schools inculcate interest in politics and teach civic skills. If differential motivation comes from differential schooling, motivation may represent a socially determined outcome rather than a chosen taste. Nor can one separate motivation from resources. If one does not have the resources to be active, one is also likely to have lower motivation. In a similar manner, differential motivation may derive from unequal treatment in the political or economic system. Numerous studies have shown that a sense of efficacy is a key to activity. Those who think they can be effective in political matters are more likely to be active. But efficacy is learned. It can be based on previous experience. In our studies of participation, we found that many individuals were unwilling to participate in politics because they had tried and failed. Learned apathy applies to groups as well. Those from less valued groups—women, minority racial or ethnic groups, immigrants—may feel disrespected in society and therefore feel unmotivated to take part (Conover, Searing, and Crewe, 2004).

What this means is that political equality may be self-reinforcing, and political inequality may be as well. Many democratic theorists have stressed the educational role of political participation. Citizens learn to be enlightened and effective citizens by taking part. Unequal opportunities to take part or the perception of such teach a lesson that leads to more inequality in the future as those who see themselves as weaker withdraw from the game.

#### **Equal Political Voice: A Summation**

The previous discussion makes clear that achieving fully equal voice as input—the criterion chosen for this analysis—is difficult, unlikely,

and may have negative consequences associated with it. Nevertheless, I argue that it is a goal worth striving for if one wants a polity that will be considered fair by those living in it—and by most philosophers and social scientists observing it. Or, to make the goal more modest yet, a polity that deviates in a gross manner from the conditions of equal voice has little chance of being considered fair.

However, to get full political equality, one has to consider the consequences of citizen voice. Suppose one could achieve or come close to a polity in which citizens were all equally free to express their political preferences and do so: Would that represent political fairness? In large part yes, but obviously not completely. If the public were sending messages about needs and preferences, would it not be important that the messages be received and acted upon, that the process creating equal voice should also produced equal response?

#### **Considering Equal Response: Is Anyone Listening?**

The right to participate, the capacity to participate, and actual participation represent crucial steps toward equal consideration. But equal consideration may involve additional steps having to do with the response of governing officials to the expressed political voice. What if you send a message and no one pays attention? Two individuals may speak as loudly or as clearly, but the message of one may be heard and the other ignored. Two citizens may be equal in their voice (both write frequent and compelling letters to government officials, and both attend town meetings regularly), but one may, for various reasons, receive more attention than the other.<sup>13</sup> If some letters are read and others left unopened, if some campaign workers or contributors have the ear of the candidate and others do not, that is not equal voice. This makes clear that one has to look beyond the acts of the individual to locate political equality. Indeed, equality as fairness would demand an equal hearing: that the public be heard, that letters be read, that votes be counted. The equal expression of political voice is the first and necessary step to political equality as fairness, but an unequal reception when equal political voices are raised may generate an even greater sense of

unfairness than would the absence of equal expression. Such is often the case following the "opening" of a formerly closed polity.

#### **And What Is the Response?**

I have focused on political equality as process, not political equality as output or results; on having the right, the capacity, and the motivation to express one's preferences and doing so, rather than on getting one's wishes fulfilled. However, the ultimate purpose—or, at least, one of the main purposes—of political activity is to get the government to do something in one's interest, whether that be a policy or a political favor. Political equality in its fullest sense would be equal policy output. Full equality of treatment would be a set of policies that treated all citizens equally. In some sense, these last two aspects of political equality—being heard and getting results—represent its "true" instrumental meaning and are the ultimate payoff of equal participation and equal voice. They are difficult to observe and measure. The literature on the receipt of messages and the response to them is not as well developed as that on the messages sent. Making the connection is complicated since policies derive from many forces, not just citizen input. And sorting out why preferences and elite decisions overlap is not easy.<sup>14</sup>

#### **Why Is Procedural Equality More Important Than Output Equality?**

In democratic societies, where preferences and values are not set by some higher religious doctrine or by unaccountable authorities, there will inevitably be differences of values and preferences across individuals and groups. Some will prefer one political outcome (particular people or parties in control of the government), others another outcome (other officeholders, other policies). In the struggle for control over personnel and outcomes, some will win and others lose. The democratic dilemma is gaining the voluntary acquiescence of the losers to the results they do not favor. The democratic answer is that the losers dislike the outcome, but accept it as legitimate if the rules of democratic procedure are followed—and if those rules are fair. Process justifies outcomes.<sup>15</sup>

Equal political voice refers to the conduct of the game—the process by which political decisions are made. It does not mean equality of outcome; it is not a children's game in a progressive school where everyone gets a prize. There are inevitably winners and losers. But the fair game has rules and procedures that give each player (citizen) and each team (group or category of citizens) an equal chance of winning. Procedures lead to outcomes. If the outcome is unfair and unequal, proper equal procedures can remedy it. But if procedures are unfair or unequal, they may, in and of themselves, make it difficult or impossible to remedy the inequality. If a group is deprived by tax law of fair and equal treatment, but the process of decision making is equal and fair, the law can be changed. The acts of the deprived may be weaker because of the inequality, but they at least can work to change it. If, however, the deprivation is a procedural one—a deprivation of equal political voice, where, say, the tax is a poll tax—the deprived group may not be able to redress that inequality. Inequalities are less severe where those who are treated unequally can work to redress the inequality.<sup>16</sup>

It may be useful to consider the opposite position, well articulated by Ronald Dworkin (2000: 185 ff). Dworkin argues for a conception of political equality based on equality of government output, rather than one based on process, as is our notion of equal voice. His argument is that the difficulty of defining and measuring equality of influence makes it an undesirable focus as the goal of political equality. It is true that equality of voice is difficult to measure. It is, however, easier to measure than equality of output. Measuring equality of output is, I believe, more difficult given differences in taste. One would have to evaluate the equality of the outcome in the light of the relationship of the output to the different preferences of citizens or, stated more generally, in relation to the inevitable different conceptions of the good. One need only observe debates about social issues such as abortion and gay rights, or economic issues such as taxes and social security, to know that there are many views as to what is a fair policy outcome. Which represents fair and equal treatment: a progressive tax or a flat tax? Policies supporting free abortion choice or policies limiting or barring

abortion? The public is divided on such issues, and a policy choice in one direction or another is not likely, in terms of the substance of the policy, to be seen to be fair and equal.<sup>17</sup>

Equality of voice is, in contrast, neutral as to desired outcome or conceptions of the good.<sup>18</sup> It represents a general capability—in Sen's terms—to achieve many goals; in the case of political voice, to achieve whatever one wants to government to do. It is true that it is not easy to measure in any simple way, but it would seem to be more tractable than measuring equal satisfaction of preferences when the latter are heterogeneous.<sup>19</sup> Equal voice, in addition, is an especially important criterion of fairness in light of the role of subjective evaluations of fairness in democratic politics. While either process or result may be seen as unfair, violations of equality in the political process will, I believe, result in a greater sense of unfairness coupled with a larger loss of legitimacy than will unfairness in output.<sup>20</sup>

#### **Process and Outcome: Can They Be Separated?**

Although I have focused on the process by which citizens use political voice to make their needs and preferences known rather than focusing on the output that results from their input, process and output are not easily separated. Citizens have different preferences for government policies, and political processes are not neutral in the equality relevant output they produce. Different electoral processes lead to differential results for different preference groups. They may favor minorities over the majority or vice versa. They may favor one group over another. Policies can be made in many ways and in many places: more or less directly by the citizenry through direct democracy procedures, or, if made more indirectly, they can be made in the executive or the legislature or the courts, in legislative committees or on the floor, by legislatures or bureaucratic experts, by central or local governments. Thus, the nature of the political process—and the degree to which it affords equal voice—will, of necessity, require taking into account the equality relevant outputs that it produces. In turn, political outcomes are not neutral in relation to an equal political process. If equality of citizen

voice depends on resources—on money or skills—policies that affect income distribution or variations in school quality have an impact of political equality.

### **Output, Equality, and Fairness**

Thus, even if citizens can and do express political voice and the expression is equal, the issue of equal output remains crucial and complex in relation to the perceived equality and fairness of a political system. How can a policy be equally responsive to all members of a polity if decisions must be made under conditions of differential preferences? Since binding decisions—binding on all citizens—are made by governments, there will inevitably be winners and losers. Under what circumstances will losers believe that their receipt of the short end of the stick was fair? This issue is at the heart of discussions as to fair electoral systems and, more generally, as to policymaking in fragmented societies. I cannot enter that discussion here—it would take a longer paper. But several points are worth making.

- ▶ The problem of diverse preferences is so severe that political thinkers have sought ways around it. One major way around the conflict of preferences is to seek consensus on preferences, either by limiting a polity to like-minded citizens or by engaging in discourse that leads to some form of consensus. The former, I believe, is impossible with the possible exception of small utopian communities, which tend not to remain consensual for all that long. Whether discourse can result in consensus is an open question. It is not a likely general solution to the problem of conflicting preferences.
- ▶ Electoral regimes provide different ways of dealing with preference conflicts. Majoritarian systems most fully create winners and losers. Other regimes tend toward minority protection. In the former, the members of the majority will find the result fair; the minority will likely find it less fair. Under the latter, the opposite may happen as a majority sees itself thwarted by a minority or by minorities. Some argue that proportional representation will result in more wide-

spread acceptance of results as fair and equal than will winner take all majoritarian systems, though the point is contested.<sup>21</sup>

- ▶ The degree to which some members of a polity find a policy unfair will depend in part on the distribution of policy positions and their intensity.
- ▶ The more groups in society are polarized so that one set of individuals is on one side on all issues (whether that be a single dominant issue or a multitude of issues that always divide the society the same way), the more does one have a consistent tyranny of the majority and the more are the losers likely to find the outcome unfair.<sup>22</sup>
- ▶ This all suggests that feelings of illegitimate inequality and unfairness will be less if particular segments of society, though they may lose in a particular instance, believe they may win in the future. This means that all groups, winners and losers, will have had an equal chance to express their views. It also means that losers will have the chance to join a winning coalition in the future, so that the loss on issue X will be balanced by a win on issue Y, that their turn may come. They may have lost, but if they were accorded an equal voice and if they are not discouraged by their loss, they may—if they continue to have an equal voice and if they can find partners from among the winners last time—win in the future.

This makes clear why equal voice is central to maximizing legitimacy in divided societies. Losers are more likely to accept their loss as fair if the road to the loss afforded them equal voice and if they may hope to win in the future. Unfortunately, not all social divisions afford that opportunity to losers. In such circumstances, fairness as equality will be hard to achieve. The glory of democracy (when it works) is the ability to put in office representatives and to create policy that will be accepted by those who favor an alternative set of officials or other policies. Losers accept the outcome because the process is seen to be fair and it remains open for other configurations of outcome in the future.

The tragedy is that the conditions for such a process and such outcomes is not always—perhaps not often—there.<sup>23</sup>

#### **Fairness as Equality or Fairness as Winning**

Much political debate about fairness is about processes: strong government versus multiple veto points, localism versus central decision making, judicial activism versus legislative dominance, majoritarian elections versus proportional representation, and on and on. These are valid topics of debate in terms of their principled relation to political equality. But the evaluation of process is often colored by a desired outcome, rather than a principled position on the process. There are individuals and groups that prefer federal to state power or vice versa as general principles, but more often groups prefer federal control over an issue area when the outcome is likely to be favorable at that level, and state control when that appears likely to benefit the particular interest. Today's supporter of judicial activism is tomorrow's fan of judicial restraint—depending on who will win under which process. This is not a matter of crude self-interest. That of course plays a role. Business interests opt for federal control or state and local control depending on where they will get a better deal or have more lobbying clout.<sup>24</sup> But supporters of non-self-interested policies—pro-life or pro-choice on abortion, gay marriage rights, for example—also often choose the process that leads to the outcome they prefer.

This applies as well to evaluations of the fairness of a political process. I do not have data on the subject, but I believe it likely that liberals who are concerned about the inequalities that large contributions bring into the electoral arena were less upset when the large contributions in 2004 went to the liberal group MoveOn than when the contributions went to the conservative Swift-boat fund. An equal political process is a desirable ideal, but winning a substantive battle may be more important. Furthermore, though the existence of a fair and equal process ought to legitimate a political outcome and make the losers accept the loss, evaluations of the fairness and equality of the process will be influenced by who wins. It depends, as always, on whose ox is

being gored. All this complicates the issue of defining and achieving political equality—but, in fact, makes it more important to do so.

### **EQUAL VOICE: A CLOSER LOOK**

#### **Political Equality Is Not All there Is to Democracy**

In what follows, there will be discussion of impediments to political equality, conditions that make political voice less equal. These impediments will be, crudely speaking, of two sorts. Some limitations on equality are detrimental to well-functioning democracy—for instance, unfair advantages given to particular groups of people by social recruitment structures or limitations on free organizational formation that apply differentially. In other cases, the limitations on equal voice may foster other democratic values: violations of majoritarianism may limit equality but, at the same time, protect minorities. Or limitation on populist equal voice may increase government effectiveness. The latter instances of conflict among democratic values will remind us that equal voice is but one of many criteria for democratic performance.

#### **Equal Voice Is Not Necessarily Loud and Effective Voice**

It is important to distinguish the amount or strength of citizen voice from the equality of citizen voice. Citizens can be relatively equal in their political voice but, on average, have little voice. Indeed, it is often easier to achieve equality at the lower end of a scale than at the higher end. (As a line-backer on the Green Bay Packers is purported to have said about Vince Lombardi: “Coach Lombardi always treated all us players equally . . . like dogs!”) Indeed, it can be argued that political equality is in fact detrimental to the strength of citizen control. Equal citizen voice might be more easily achieved in a “mass” political system in which citizen voice is limited to voting in populist elections and where the underlying set of institutions that structure elections and mobilize citizen participation—that is, an effective party and civil associational system—is weak or nonexistent. The dilemma is that those institutions that foster citizen voice—either positively by organizing citizen voices so that they can be expressed more coherently and effectively

or negatively by offering a counterweight to what would otherwise be the overwhelming imbalance of strength of the individual citizen and the state—are often highly stratified. Advantaged citizens—those with higher incomes or more education or in higher status jobs—are much more likely to belong to voluntary associations representing their economic or social interests or providing the resources—such as social connections or civic skills—that enhance their activity.<sup>25</sup> This stratification in the United States has increased as unions—the main institution for organizing less advantaged workers—have declined.<sup>26</sup>

### **Widespread and Strong Versus Equal Voice: A Closer Look**

Effective democratic voice is, one would assume, loud and widespread and equal. Lots of people participating, communicating substantial information about their needs and preferences through their activity, and the activity coming equally from each citizen or from a representative set of citizens. If the purpose of democratic participation is to communicate the needs and preferences of citizens, does one need widespread participation? Might not a representative sample communicate just as well? George Gallup talked of the sampling referendum as a democratic tool.

To begin with, we must note that such communication of needs and preferences is not the only democratic function of political activity. Political activity creates community; by being active people come to feel that they are members of the same polity. It creates bonds. For this to happen people must, themselves, participate. In addition, participation may be educative. People learn about politics by taking part; they become informed by having to choose how to act. Last, activity builds legitimacy. Voting in an election is an act of support for the political system, even if one votes for the opposition and against the regime in power.

On the other hand, when it comes to the issue of equal consideration of the needs and preferences of all citizens, what may be most important is that the participation come from a representative set of citizens. A representative sample survey—which emphasizes random

selection and, ideally, rules out self-selection bias—would do that if it were truly unbiased. So would a “real world” participatory system in which participation came from only a subset of the citizenry, but that subset were representative of the politically significant differences that exist in society—that is, differences that are or might become the subject of governmental action—might also be an adequate means of informing political leaders of the needs and preferences of the citizenry. Inequality might not then matter. Unfortunately, almost no survey is in fact truly unbiased and representative. And in the “real” world of participation, the rules of sampling and respondent selection do not hold. Participation is biased by resource and institutional constraints and by the self-selection bias associated with the need to be motivated. Furthermore, the constraints on participation and the variations in motivation are not randomly distributed with respect to politically significant differences. The result is biased participation.

Even if participation were, in fact, unbiased, the level of activity would still matter. A large sample survey that was truly representative would probably provide a better picture of the state of the public than any census or any participatory system based on citizen voluntary activity. However, its legitimacy would still be called into question because it was a sample. Similarly, low voting turnout—even if the nonvoters were randomly distributed across social groups and political positions—can diminish the political clout of an election outcome.

Last, the above discussion of the equality of citizen voice ought not to be taken as meaning that loud and effective citizen voice is a minor feature of democratic participation. An effective political process is one in which many opinions can be expressed, policies debated, citizens informed. A limited process that satisfies representation of preferences may not be one that allows for the formation of preferences, the mobilization of alternative views, and the rich and lively engagement that one hopes for in democratic processes. But, of course, this is fully consistent with the desire to have equal voice manifested at all stages of the political process. The debate ought to be both equal and lively. In putting equality first, I am not arguing that loud and clear and wide-

spread voice is not also important. Equality is not everything—but it is a lot.

### **Institutional Arrangements and Equal Voice**

Equal voice does not entail any particular mechanism or structure for converting citizen preferences into government action.

Does equal voice require a majoritarian system? Not really. If a minority consistently dominated decision making leaving no voice to the majority, it would certainly violate political equality. In contrast, a universal veto system, where any citizen could block a proposal, would not necessarily be incompatible with equal voice, as long as all citizens had an equal right, opportunity, and capacity to exercise such a veto. Of course, such a system would either represent an unattainable utopian consensus or an unworkable stalemate for any government action. However, equal voice does not require a pure majoritarian system where all decisions were decided by majority rule—through a system in which parliament was dominant and elected by majoritarian elections.<sup>27</sup> I will return to complex systems later.

*Trustee versus delegate equal voice.* This is relevant in representative systems with representatives who consider themselves delegates who wish to heed that voice. But it is also relevant to those who would play the role of trustee: who work for the betterment of constituents as she, the trustee, sees it, not necessarily as the constituents themselves may see it. Government by experts is, for example, a form of trustee government in which output is determined, not by citizen preferences, but by elites who are knowledgeable and want to serve the citizens' best interests. For the trustee or the expert/trustee, citizen voice that applies pressure on decision makers to hold them accountable might play little role. Citizen voice, however, conveys both information about the needs and preferences of citizens and pressure for the representative to respond to those needs and preferences. Equal voice is essential for the trustee or expert for the information it carries—if not about citizen preferences that the trustee/expert might want to ignore, but about the actual circumstances and needs of citizens. If

that information comes from a biased set of activists—that is, if there are significant needs that are silent—the ensuing policies will be similarly biased.

*Adversarial versus unitary democracy.* Equal voice is relevant in systems based on adversarial relations among people with different interests and preferences who are trying to win out over others as well as in consensus-seeking systems aimed at finding some higher public interest. The calculus of what rules will make things equal will be different, but a fair competitive election process or a fair process of deliberation will require equality across participants.

**Institutional Structures: Citizen Voice Can Be More or Less Equal under Various Political Forms**

*Representative systems:* Citizen voices can be more or less equal in a representative democracy where citizen activity is largely limited to electing representatives. In such a case, equality of voice would entail equality in the electoral process that chooses representatives: one person, one vote, fair and open elections, appropriate districting, equal ability to influence the votes of others, which might, perhaps, entail limits on the role of money, etc.

*Direct democracy:* In a system with emphasis on referendums, equality would entail equality in the referendum voting process; again an equal vote and equal ability to influence the votes of others, etc., as well as equality in the ability to put measures on the ballot.

*Discourse or participatory democracy:* Equality would entail equal access to the public discourse and equal capability to take a full and effective part in the discussion.

*Interest group democracy:* Equality would entail equality of membership in and/or representation by organizations that try to influence policy.

*Use of the courts:* In circumstances where the courts are used as a channel through which government is influenced, equality would entail unbiased access to the courts and legal services as well as impartial treatment in court.<sup>28</sup>

### **Complex Equality and the Possibility of Equal Voice**

What does the existence of complex modes of political activity mean for equal political voice? In complex democracies where all or many of the above institutional possibilities for influence exist, equal voice might take many forms. The United States is such a complex democracy, with many ways in which policy can be influenced. There are many levels of government, separation of powers on each level, and a vast array of government agencies offering multiple channels of access. There are more elections for more offices in the United States than in any nation, not to mention a vast array of referendums at the state and local level. Organized interests are more widespread and active than in almost any democracy. Courts take a major policy role, by no means limited to the Supreme Court interventions on constitutional matters. Parallel to this are the many ways in which citizens can be active and multiplicity of ways in which citizen activity can be stimulated. There is a large and vibrant civil society and associational system, diverse media, and multiple ways in which citizens can express their views.

Equal voice, in such a complex setting, opens the possibility that individuals or groups might balance weak voice in one domain with stronger voice in another. Different individuals and groups can and do use different modes of activity, different channels of access, and deploy different resources. There is significant variation in which groups use which modes of activity and which channels. Some are active and effective in one arena while not so in another. And groups shop around to find the most advantageous approach. If you cannot get legislative response, try the courts; the feds are not responsive, go to the state house. Does such a multiplicity of possibilities foster equal voice?

One needs to scan all the modes of citizen activity and all the channels for the expression of citizen voice through that activity to estimate the extent of political equality. If one attempts such measurement—looking first at the degree of political equality in each mode—one finds unambiguously that political voice is far from equal. There is wide variation in the degree of equality from voting (the most equal of activities, though far from equal), through various kinds of campaign

or community activity, to political contributions (which tend to be the least equal). Even protest activity—the weapon of the weak who are otherwise not well endowed with political resources—is more often used by more advantaged citizens.<sup>29</sup>

If we summarize across domains, we find, in general, more rather than less inequality. Full equality in political voice would mean that each citizen or each significant political grouping would—taking activity all together—have an equal share of what was communicated in the various ways. In general, though, things usually come together to create overall unequal results. Those individuals and groups that are advantaged in socioeconomic terms are more likely to be active and effective across all or most of the channels and modes of activity, from the electoral system to the courts and the interest group system. They have more of what it takes to be active—more resources, more motivation, better connections. The result is an accumulation of inequality, not a balance of one inequality by another.

## **SOME POSSIBLE CONFLICTS WITH EQUALITY**

### **Equality and Effectiveness**

Government depends on expertise, on the refinement of citizen preferences through the legislative process. Equal voice as direct populist control can lead to inefficient government, shortsighted government, ineffective government. Equal voice does not necessarily entail such direct control. It could be equal voice over who is elected to office or over the implementation of laws. But insofar as those who are usually left out of decisions when voice is not equal—those less well endowed with resources, especially skills and information—are likely to have less understanding of policy issues, equality of voice may lead to lower quality of government performance. In turn, an ineffective government—where economic growth is stifled or national security ignored or other failures of policy take place—is not likely to be considered fair and equal. Few nations can completely avoid this downside of democratic equality of voice. (Note: the issue here is not one of political voice in general but equality of voice. Trustee or expert rule diminishes

the overall effect of citizen voice, but may allow equal voice and effective government. The issue here is that unequal voice—with disproportionate voice coming from more advantaged citizens who have a better understanding of the issues—may lead to more effective policies, perhaps for all citizens if, for instance, the trustee/expert increases economic growth and improves performance. Equality of process may be in conflict with effectiveness of output.

There is, however, another side to the story. Less well educated citizens may not have as full a grasp of policy issues as those better endowed, but they do know better than others their preferences and, probably, their needs. If they are silent, policy may be more efficient and effective, but it is also likely to be tilted to advantage some and disadvantage others.

### **Equality and Liberty**

In general, those who are less active tend to be people who are less committed to essential political liberties. Couple that with the possibility that equal voice will lead to majoritarian outcomes (they need not so do, but might), there is a chance that equal voice might be voice in favor of limiting the essential liberties needed for democratic functioning. Again, this is not an inevitable result. Indeed, one can consider equal voice as requiring equal political rights to free speech, as well as equal capability to exercise that right. If this is so, as Sen has argued, the usual counterpoise of liberty and equality is misguided. Equal voice entails a free voice.

### **In Sum**

Political equality can mean many things, from the equal right to participate to equal treatment of all by the government. Equal political rights are fairly well established in the United States, though they are sometimes not enforced equally. But equal treatment for all is not possible, since individuals and groups have different needs and preferences, and policies favoring some are less favorable to others. Thus, this approach to fairness as equal voice has concentrated on political equal-

ity as equality across individuals and groups in the capacity to express political needs and preferences and in the actual use of that capacity. Democracies are sounder when the reason why some lose does not rest on the fact that they are invisible to those who make decisions. Equal treatment may be unattainable, but equal consideration is a goal worth striving for. And for the latter to exist, equal capacity to express political voice and equal expression of that voice are key.

## **CONCLUSION**

A fair polity, I have argued, is one in which citizen voice is equal. I have tried to define equal voice and to argue for its centrality for a fair democracy. I have also discussed the conditions under which citizen voices will be equal. That discussion makes it clear that such equal voice is not easy to come by, and may be rare indeed. And even if all citizens speak with equally loud and compelling voices, the response may benefit some more than others. And there are other downsides.

So why do we want it? Equal political voice may not be attainable and sometimes may have negative effect, but it is better to have it (even if incomplete) than not to have it.

## **NOTES**

1. Thus, Barry says about justice as impartiality: "Principles of justice that satisfy its conditions are impartial because they capture a certain kind of equality: all of those affected have to be able to feel that they have done as well as they could reasonably hope to" (Barry, 1995: 7).
2. I return below to the relationship of equal processes for expressing political voice and equal outcomes from government action.
3. The characterization of these various stages is not based on an abstract formulation of what makes for equal political input. In a series of books and articles, my collaborators and I have traced out the workings of such a multi-stage civic voluntarism model to show how differences in political activity across groups—defined by class, race, ethnicity, gender, or age—derive from the interaction of resources,

motivation, and opportunity structures that lead to political activity. For the general presentation of the model, see Verba, Schlozman, and Brady (1995). For a closer look at the way in which institutions—schools, family, job, voluntary associations, and religious institutions jointly have a cumulative effect on motivation, resources, and opportunities, see Burns, Schlozman, and Verba (2001).

4. This point needs qualification, however. Formal rights may exist but be violated in practice. Consider, for instance, the 2000 election in Florida, where there appears to have been differential opportunity to vote, depending on where one lived—with serious consequences for racial equality in opportunity to vote.
5. Quoted in Thompson (2002: 19); from Shklar (1991). There continue to be, however, disagreements over the universality of the right to participate. For instance, in many states, convicted felons do not have the right to vote; in some cases, that ban remains in effect for life. Relatively few, if any, restrictions apply to the speech rights of people in the United States, but there are restrictions on monetary contributions from noncitizens. And the issue of voting rights for long-term non-citizen residents is controversial.
6. See Lijphart (1997) for an argument in favor of mandatory voting to achieve equality.
7. This is a good example of the way in which intent colors the sense of unfairness. If a “naturally occurring” district is tilted to one party, that will not be perceived to be as unfair—perhaps not unfair at all—compared with deliberate skewing through partisan dominated redistricting.
8. On recent trends in interest groups that documents the tilt of the pressure system toward business and the more advantaged and away from the poor, see Schlozman, Burch, and Lampert (2004). See also Berry (1999). Berry shows how the “new” public interest groups that often challenge business speak for middle-class issues such as the environment and rarely speak for the poor.
9. This approach is quite compatible with Amartya Sen’s capability approach. See Sen (2000). For an interesting discussion of the rela-

tionship between Sen's capability approach and Dworkin's resources approach, see Browne and Stears (2003).

10. The point is not as vacuous as it sounds. In our research we considered two resources that one can use in politics: time and money. The rich, we know, have more money. So do other politically relevant groups—that is, whites rather than blacks, men rather than women, people in high-status jobs rather than those in low-status jobs. This means that there are real needs and preference differences between those with more or less money. Time, we discovered, is not more available to rich or poor, or by race, gender, or occupation. Rather it depends on specific life circumstances—working full time or not, children or not—sometimes politically relevant differences but less often so. See Verba, Schlozman, and Brady (2005).
11. Actually, our data show that giving time to politics does not seem to be dependent on having free time; that is, the amount of time spent on political campaigns or community issues does not seem to be affected by job and family obligations. The old adage, "If you want something done, ask a busy person" seems to be true. Note that it is not the case that "If you want a large campaign contribution, ask a poor person." See Verba, Schlozman, and Brady (2005).
12. Or, as discussed above, two individuals may each cast the one equal vote to which each is entitled, but the vote of one may be counted and the other not counted. Or the vote of one (in a Senate race in Wyoming) may count for more than the vote of the other (in a Senate race in California).
13. Recent work beginning to close this gap includes Hill and Leighley (1992), Angela Hinton-Andersson (1995), and Bartels (2005). See also Campbell (2003) for a discussion of the impact of the elderly's views on government response. For an earlier attempt to link activity to response, see Verba and Nie (1972, chaps. 17-19).
14. There are others ways. John Rawls in *A Theory of Justice* starts in an imagined world of rational people in a contrived state of ignorance as to who they are and where they fit into society, and thus do not have conflicting preferences. But later in *Political Liberalism* he addresses

the inevitability of conflicting values and preferences and finds the solution to peaceful decision making in agreement on a freestanding overlapping consensus on a democratic process that involves tolerating alternative doctrines. This, as he notes and as many democratic theorists have noted before, is needed to maintain a stable democracy given the inevitable plurality of competing doctrines subscribed to by citizens in a democracy. Some deliberative democracy theorists might try to avoid differences in preferences for outcomes by open discussion through which people would come to an enlightened consensus. One need not be cynical to believe this will not remove all disagreements about policies or personnel.

15. Process and outcome are closely related. Process affects outcomes and outcomes, in turn, affect process. We return to this below as well as to further discussion of the focus on process rather than outcome. For an argument that outcome rather than process is the better approach to political equality, see Dworkin (2000: 185 ff) and the discussion below.
16. Nor can one expect political philosophers to mediate the conflicts within the public to come to a determination of what the public considers is fair and equal. As Brian Barry comments, "claims to derive conclusions from the alleged shared values of one's society are always tendentious. If they were not, it would have to be regarded as a remarkable coincidence that the shared values that a philosopher says he has detected always happen to lead to conclusions he already supports" (Barry, 1995: 5).
17. Except where the conceptions have to do with the nature of the political process. This, of course, is why certain democratic process characteristics—freedom of speech, right to vote, etc.—represent constitutional givens whose existence is prior to the political struggle over policies.
18. Dworkin says that equality of influence is more difficult to measure than equality of impact. The latter refers to the effect my act, acting alone—e.g., my vote—would have on a government decision or on the result of an election. The former refers to the effect my activity

would have through other means of action that may mobilize, such as others working in a campaign or for a cause, giving contributions. Influence seems much more important than impact. Each citizen who votes may have the same amount of voice (impact), but citizens who make campaign contributions may affect many votes (influence). For works that attempt to measure equality of citizen influence that encompasses impact and influence (in our terms, political voice) see Verba, Schlozman, and Brady (2005); Verba and Nie (1972, chaps. 17-19). For comparison across nations in the equality of political voice, see Verba, Nie, and Kim (1979). For a reformulation of the median voter model that moves from voting "impact" (counting each citizen as a voter with one vote) to an "influence" model (counting each citizen in terms of his or her own single vote and an estimate of how many other votes they influence through campaign activity and contributions), see Verba, Schlozman, and Brady (2005).

19. Another reason Dworkin considers process equality to be an undesirable goal is that we cannot and do not want to achieve what he calls vertical equality. Governing officials will always have—ought and need to have—greater political influence than do ordinary citizens. This is true, but equality of political voice need not require incorporating officials into its scope. In our formulation, it refers to horizontal equality among citizens. If we are concerned with feelings of unfairness, the fact that officials have more influence over government actions would not seem to be a problem *unless* their influence derives from perceived unfair horizontal process-based inequalities among ordinary citizens—that is, if the officials got into power through an unfair process.
20. See Lipjhart (1997). Dworkin makes a distinction between "choice-sensitive" and "choice-insensitive" issues (also called policy and principle issues). The latter ought to be kept out of a majoritarian decisional process because the correct decision does not depend on the views of the majority. His example is capital punishment or racial discrimination. But there would certainly be disagreement on what issues should be "above" democratic processes. And there will

certainly be cases in which there is agreement that an issue is one of principle, but disagreement on which side has it right. Pro-life and pro-choice supporters probably both think that abortion is a choice-insensitive issue. From the point of view of democratic processes, the most important issues that ought to be choice-insensitive are the basic political rights to participate equally. These ought not to be amenable to change by majority action.

21. Situations in which there are permanent and disadvantaged minorities—usually on religious or ethnic or racial grounds—are particularly difficult from the point of view of democratic fairness and democratic stability. An equal process may require violations of a mechanically equal process through reserved parliamentary seats or district juggling. These may, of course, be seen as unfair by the majority and their absence as unfair to the minority that otherwise has little or no political voice.
22. Majorities can be limited in their ability to ignore minority claims by constitutional guarantees of rights that cannot be voted away by the majority, or by special provisions for representation of minorities. But these may be thought unequal and unfair by the majority. And, as Brian Barry puts it: “There is, unfortunately, no procedural alchemy by which a majority bent on injustice can be made to pursue justice instead. This is a depressing conclusion. . .” (Barry, 1995: 101).
23. For example, consider the following: “Telecommunications and high-tech companies are pushing Congress to expand and make permanent the Internet tax moratorium . . . [that] . . . states oppose. . .” And the following: “With the rise of aggressive state attorneys general willing to investigate industries from tobacco to securities to insurance and banking, many large corporations have begun turning to Washington for relief. Though they once favored dealing with state regulators, many multinational corporations now would prefer the oversight of a single federal agency” (“Rebellion of the States,” 2005).
24. Individuals with income under \$15,000 belong to an average of 0.5 political organizations and 0.8 nonpolitical ones. The parallel figures

- for those with annual incomes over \$125,000 are 2.6 and 2.9. Source: Citizen Participation Study Data. For further information on this study, see Verba, Schlozman, and Brady (1995, appendices A and B, p. 535).
25. Affiliation with religious institutions is not stratified by socioeconomic advantage, a rare case in which such stratification is not present in relation to nongovernment affiliations. Less advantaged citizens are as likely to be affiliated with churches as more advantaged. But note: as likely, not *more* likely, which would represent an equalizing balance to the stratification in other domains.
  26. Such an election need not be based on single-member districts. Various forms can be considered majoritarian from this perspective, including proportional representation elections under which parties have to form majority coalitions in parliament.
  27. The source of political inequality for these various systems will vary, but for each inequality will rear its ugly head. In representative systems dependent on elections, differences in turnout rates among groups, constituency size, and composition, the oddities of the Electoral College, unfair voting procedures, and campaign contributions all play a role. In direct democracy, a similar role is played by skewed turnout as well as the role of money. In discourse democracy, differences of ability to enter the public square and take part in the deliberation in an effective manner make actual deliberations less than equal. And one does not know how to begin to describe the tilt of the interest group system toward select parts of society. More discussion and references are below.
  28. See Verba, Schlozman, and Brady (2005) for data on the relative equality of various political acts.
  29. On these "downside" issues, see Verba (2004).

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