

What Is the Point of Political Equality?

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Political egalitarians hold that there is a distinct ideal of political equality, which is used to define and justify democracy. So what is political equality? The orthodox view says it is *equality of opportunity for political influence*; many mention a rival view, that political equality is *equality of political influence*, only to dismiss it as a nonstarter.

I used to subscribe to this orthodoxy and merely quibble about its best interpretation. But reflecting on an unusual, oft-forgotten historical injustice pushed me toward heresy. In Australia from 1962 to 1983, First Nations citizens were treated differently than others by being denied the duty to vote, in order to make them vote less often than others. They were thereby made less politically equal. Why? I say: because they were made to exert less actual influence, without having any less opportunity for influence.

My first goal is to develop this argument about the nature of political equality. After explaining political egalitarianism (sec. 1) and the racial disparity in the duty to vote (sec. 2), I argue that it made First Nations citizens less politically equal (sec. 3) but did not give them any less opportunity for influence (sec. 4). This case, I argue, can instead

For helpful comments, I want to thank Reyhan Durmaz, Joe Horton, Adam Lovett, Keshav Singh, two anonymous reviewers at the *Philosophical Review*, and an audience at the Dianoia Institute for Philosophy. For their work as research assistants, I want to thank Shayan Assaf, Lauren Perry, and Sara Purinton. Finally, I want to acknowledge that this article was written on the lands of the Muwinina people, the Palawa/Pakana people, and the Wurundjeri people, and then revised on the lands of the Gadigal people.

be used to motivate the view that political equality consists of equality of influence (sec. 5).

My second goal is loftier still. The racial disparity in the duty to vote also illuminates the *point* of political equality. The orthodox view is typically undergirded by taking political equality to be concerned with some cosmic injustice that inheres in states of affairs depending on the distribution of power. This is doubly mistaken. The point of political equality is deontic, not telic; and what it prescribes is relational, not distributive. The point of political equality, I say, is for the state to treat each citizen as an equal coauthor of the law, which requires equal respect for and responsiveness to each citizen (sec. 6).

This account of the point of political equality can then, in turn, further illuminate its nature. It undermines the residual argument for, and the best version of, the orthodox view that political equality consists of equality of opportunity for influence (sec. 7). And it supports equality of influence as an essentially regulative principle (sec. 8). For you and I to treat each other as equal coauthors is not just for us to give each other the same opportunities to influence our collective product, regardless of whether those opportunities are exercised. What ultimately matters for equal coauthorship is not equal opportunities or abilities, but their equal exercise. This provides a democratic rationale for the state securing its citizens' equal influence on collective outcomes by making voting mandatory. It may also seem to carry (more) absurd implications, since citizens often exert unequal political influence outside of the ballot box because some are more passionate or persuasive. But what equal influence requires of the state in such contexts is more limited, and defensible, once we see it as a regulative principle.

The plan, in other words, is to move from the nature to the point of political equality and back again. What I say in defense of my views on both fronts may be inconclusive. But even if this is the case, my overarching goal is to catalyze a more vigorous debate about how we understand the core tenets of political egalitarianism. So much more ink has been spilled on material equality than on political equality. I hope to show that equality of opportunity for influence should not be an orthodoxy about the latter, any more than (say) equality of opportunity for well-being is an orthodoxy about the former.

1. Political Egalitarianism

Why hold that there is a distinct ideal of political equality? A simple reason, from Harry Brighouse (1996: 119), is that a “beneficent dictatorship” where “material equality is realised but democracy is absent is one in which those with less or no political influence institutionally available are being treated unequally in a morally important way.”

But what *is* political equality? Brighouse wrote, “Participants in the so-called ‘equality of what?’ debate have largely neglected a dimension of equality traditionally thought by many egalitarians to be central to their project: political equality, or democracy” (118; internal references omitted). This claim about neglect needs to be qualified. The problem isn’t that nothing has been said about what political equality is. The problem is that most everyone quickly agreed about what to say. Other dimensions of equality are the subject of long-standing, vigorous debates. This one isn’t.

To illustrate, consider how political equality is understood by its detractors, such as David Estlund. Estlund (2000: 127–28) objects to “political egalitarianism,” which is defined as “requir[ing] equalizing opportunity for, or availability of, political influence, not actual political influence.” This view will be my target. Let’s call it:

OPPORTUNITY: Political equality is equality of opportunity for influence.

Estlund contrasted it with a salient rival. This is the view I’ll defend:

OUTCOME: Political equality is equality of influence.

Estlund (129n5) cites a long, illustrious list of those who endorse OPPORTUNITY: Robert Dahl, Joshua Cohen, Cass Sunstein, Thomas Christiano, Harry Brighouse, Jack Knight, James Johnson, John Rawls, and Ronald Dworkin. Many more names could have been added. John Roemer (1994: 11) endorsed “equality of opportunity for ... political influence” as a central commitment of socialism. In *Political Equality*, Charles Beitz (1989: 4) calls OPPORTUNITY “the simple view”: “Political equality is the requirement that democratic institutions should provide citizens with equal procedural opportunities to influence political decisions (or, more briefly, with *equal power over outcomes*).” Along with Rawls and Dworkin, Beitz cites Carol Pateman, Jack Lively, David Miller, Amy Gutmann, and Jane Mansbridge as offering “formulations” of this view (4n4). Beitz continues, “Something like this conception of political equality represents a persistent conviction among contemporary demo-

cratic theorists; indeed, it has become a kind of philosophical orthodoxy” (5).

This is not to say that OPPORTUNITY commands universal support. Beitz rejects the view; so does James Lindley Wilson (2019) and, interestingly, Dworkin (see sec. 5). But Beitz’s assessment is not hyperbolic. The literature on political equality remains framed around these two views,¹ with OUTCOME mentioned only to be quickly cast aside. No one is cited as a proponent of that view.² Almost all recent contributions to that literature accept OPPORTUNITY and reject OUTCOME. Here’s Daniel Viehoff (2019: 5n3): “The opportunity to influence, rather than actual influence, is what matters” (see also Viehoff 2014: 342–43). Here’s Niko Kolodny (2023: 356): “What we have reason to provide equally is opportunity for influence, not what actually results from the exercise of that opportunity.” So OPPORTUNITY is by far the dominant view among luck and relational egalitarians, and among liberal, socialist, and feminist egalitarians.

Why? Beitz (1989: 5) suggested OPPORTUNITY “seemed to express so obvious a truth as not to require systematic defense.” But it has been defended with two main arguments.

The first is *the argument from power*. Here’s Viehoff’s (2019: 5) version:

Political equality is a matter of how political power is distributed among the members of a particular group. Political power is constituted by the opportunity to influence political decisions, which usually take the form of laws and other directives that are regularly coercively enforced against, or widely considered binding for, the group’s members. So to have equal political power is to have an equal opportunity to influence political decisions that apply to one’s group.

Others, like Christiano (2018: 87; 2021: 121, 132), make similar arguments. The key idea is that one’s political power is one’s *ability* to influence political decisions, which one has even if one chooses not to exercise it (Goldman 2015: 241; Barry 1980: 184–85).

1. Ben Saunders (2010: 149), for example, defines political equality as “each group member must have an equal (chance of) influence over the group’s decisions.”

2. The sole exception that I have found appears to be a mistake. Steven Wall (2007: 418, 418n6) cites Brighouse (1996: 119–20) as holding that “democratic institutions must provide citizens” with “equal political influence.” Cf. Brighouse (126): “What seems to matter from the perspective of political equality is not that each citizen equally influence every decision or any set of decisions, but at most that they have something like equal *opportunity* to influence decisions.”

The second is *the argument from apathy*. Brighouse (1996: 124) offers a charming version of it: “Why should it matter if Julian, who has boundless enthusiasm for participation in public life, wields more influence than Sandy, who prefers to hone his psychic talents? Surely, in other words, there is nothing wrong in actual inequalities of influence if the source of those inequalities is in the abstention or relative lack of interest of some citizens.” Many find this argument especially compelling (Wall 2007: 420–22; Estlund 2000: 128).

These arguments for OPPORTUNITY seem forceful. So why doubt the dominant view?

2. Disparate Duties

Like Sophia Moreau (2020: 28–29), I think “it is very important to use ... real cases when theorizing about discrimination,” and about democracy. The case I’ll focus on is a historic moment in Australia’s treatment of First Nations citizens (often referred to as ‘Indigenous Australians’ or ‘Aboriginals and Torres Strait Islanders’):³ the federal Commonwealth Electoral Act 1962. Interior Minister Gordon Freeth said the Act would “proclaim to the world that ... the Aboriginal people of Australia enjoy complete political equality with the rest of the community” (quoted in Daley 2016). In one sense, it did. The Act enfranchised First Nations adults in federal elections. In another, it didn’t. One provision, subsection 42(5), exempted First Nations citizens from the duty to vote.⁴ Subsection 42(5) was not repealed until the Commonwealth Electoral Amendment Act 1983. For two decades, Australia’s First Nations citizens were treated differently from other citizens by being given the right but not the duty to vote.

What motivated this arrangement? The explicit rationale for subsection 42(5) was a flimsy pretext.⁵ John Chesterman and Brian Galligan

3. I use the preferred terminology, ‘First Nations’, for this diverse group, except in quotations. I also bracket moral concerns about talk of membership in racial groups and discrimination on that basis, as distinct from talk of perceived racial membership and discrimination on *that* basis. See Wodak 2022; Singh and Wodak 2023.

4. The legal duty to vote in Australia consists of *compulsory enrollment* and *compulsory voting*. Subsection 42(5) exempted First Nations citizens from the former, not the latter.

5. As Lisa Hill and Kate Alport (2010: 243) note, the explicit rationale for the race-based disparity centered on “claims about the difficulties involved in enrolling nomadic people,” but it was pointed out at the time that these were “exactly the same as the difficulties attending all outback voting.” And many First Nations citizens were not nomadic. This rationale was obviously over- and underinclusive.

(1997: 159) treat the case as a continuation of a long history of officials aiming to reduce the influence of First Nations citizens:

As late as September 1961, the Chief Electoral Officer was advising State and Territory counterparts that the “policy of this Branch in relation to aborigines, is not to solicit enrolment from persons who are quite incapable of understanding the law and not to enforce the compulsory enrolment or compulsory voting provisions in such cases.” The Commonwealth Electoral Officer in South Australia, in virtual disregard of eligibility criteria, thus took no action to enrol Aborigines who were “primitive, illiterate, nomadic, periodically nomadic, or associated only loosely or periodically with missions, or with government agencies for native welfare” (internal references omitted).⁶

So in 1962, legislators enfranchised First Nations citizens to avoid “international embarrassment” (hence Freeth’s desire to *proclaim to the world* that First Nations citizens enjoy complete political equality); but they were “clearly concerned about the political backlash that might follow if Aboriginal voters were seen to influence the outcome of an election” (Chesterman and Galligan 1997: 161–62). Australia extended the right but not the duty to vote to First Nations citizens so that they *could* vote, but largely *wouldn’t* do so.⁷

Call this case DISPARATE DUTIES. Intuitively, it made First Nations citizens less politically equal, without giving them less opportunity for influence. If this is right, OPPORTUNITY is false. That’s the challenge. Proponents of OPPORTUNITY can respond in two ways: deny that First Nations citizens were made less politically equal (sec. 3), or affirm that First Nations citizens were given less opportunity for influence (sec. 4).

3. Inequality or *Political Inequality*?

On the first response, the racial disparity in the duty to vote did not give First Nations citizens less opportunity for influence, so it did not make them less politically equal. This bites some big bullets. The dispar-

6. Further evidence: prior to 1962, federal compulsory voting laws were generally not enforced for mixed-race individuals (whom officials often described as “half-caste aboriginals”); and statewide compulsory voting laws were not enforced for First Nations citizens (Chesterman and Galligan 1997: 129, 160).

7. Due to mandatory voting, overall voter turnout in Australia was roughly 95 percent in every federal election between 1962 and 1983 (see AEC 2023). It is hard to find accurate historical data for First Nations citizens, but many say their electoral participation in the era was significantly lower due to subsection 42(5). See, e.g., Hill and Allport 2010: 242–43.

ity in the duty to vote is widely described as making First Nations citizens less politically equal, and its demise in 1983 is described as making First Nations citizens more politically equal and Australia more democratic (see, e.g., Mercurio and Williams 2004: 375; Orr, Mercurio, and Williams 2003: 390).

Perhaps biting these bullets can be made palatable if we say the racial disparity was unjust solely because it was discriminatory. Discrimination involves failing to treat some “as the equals of others” (Moreau 2020: 7). Not all inequality is *political* inequality. So perhaps our intuitions mistakenly conflate the two here.⁸

To evaluate this response, we should put it in historical context. The 1962 Act enfranchised First Nations citizens and denied them the duty to vote. The prior disenfranchisement was unjust in two ways: (1) it failed to treat First Nations as equals because it treated them less favorably than others on the basis of their race; and (2) it failed to treat First Nations citizens as political equals because of its effect on their influence. (Another way to put this would be that disenfranchisement was both [1] discriminatory *and* [2] undemocratic.) I hold that the racial disparity in the duty to vote was a continuation of both injustices. Call this *the continuity thesis*. In contrast, this response denies that thesis: it says the disparity in the duty to vote was a continuation of (1) but not (2), as it did not undermine Nations citizens’ opportunity for influence.

I’ll offer three arguments for the continuity thesis. First, if the disparity in the duty to vote was unjust solely because it was discriminatory, then nondiscriminatory disparities in the duty to vote should be kosher.⁹ For example, if the state randomized which citizens had a duty to vote, some citizens would exert less influence than others. Those denied a duty to vote would have no complaint about discrimination. But they retain a legitimate complaint about political inequality. So we should accept the continuity thesis. The complaint of First Nations citizens about DISPARATE DUTIES cannot be solely about discrimination, as it would persist without discrimination.

Second, in DISPARATE DUTIES, the complaint about (2) partly explains (1). Here’s why. We need to distinguish *discrimination between*

8. Proponents of OPPORTUNITY offer related responses in other contexts. See Kolodny 2023: 375–77.

9. Analogously, if disenfranchisement is unjust solely because it is discriminatory, then it is not unjust to impose randomized disenfranchisement on citizens—for discussion, see, e.g., Estlund 2008: 182.

from *discrimination against*.¹⁰ Consider racial disenfranchisement. This practice discriminated between all citizens on the basis of race. But it was discrimination *against* First Nations citizens, not non-Indigenous citizens. Why? Proponents of OPPORTUNITY can offer a good explanation: First Nations citizens were treated *worse* than others because they had less opportunity for influence than others: (2) partly explains (1).¹¹ Now consider DISPARATE DUTIES. Why was this a case of discrimination against First Nations citizens? If—ex hypothesi—the racial disparity in the duty to vote did not give First Nations citizens less opportunity for influence, proponents of OPPORTUNITY cannot give the same explanation here.

So what can explain why the disparity treated First Nations citizens worse than others? A compelling answer is that it was a case of discrimination against First Nations citizens because their influence was diminished, even though their *opportunity* for influence was not. But this explanation is not open to proponents of OPPORTUNITY. They hold that in the absence of inequalities of opportunity for influence, inequalities of influence are unobjectionable (sec. 1). If this is walked back, OPPORTUNITY and OUTCOME become correct conceptions of separate dimensions of equality, rather than rival conceptions of political equality. So proponents of OPPORTUNITY need to locate some compelling reason why the disparity in the duty to vote, unlike racial disenfranchisement, was discrimination against First Nations citizens—an explanation unrelated to political influence. I cannot show that this is impossible. But it is an uphill battle. The disparity was imposed so that First Nations citizens would have less relative influence on electoral outcomes.

Third, we need the continuity thesis to explain a close connection between democracy and discrimination. Consider *entrenchment*. This is the “obvious pathology of democratic politics” whereby incumbents insulate themselves from normal processes of democratic change; it is pervasive because incumbents “often possess the means and motivation to preserve their privileged positions by rigging the rules of the elec-

10. This is a familiar distinction. See, e.g., Lippert-Rasmussen 2013: 15; Eidelson 2015: 15; Altman 2020. The importance of the distinction is emphasized by comparisons. After I submitted this article, Australia rejected the Indigenous Voice to Parliament in a referendum. This policy would have differentially treated First Nations and non-Indigenous citizens; but it would not have *discriminated against* the former (or made them *less* politically equal). What makes this case different from DISPARATE DUTIES?

11. Shlomi Segal (2013) holds that discrimination is against x because it deprives x of equality of opportunity.

toral system” (Levinson and Sachs 2015: 402, 413). There is often a racial divide in partisanship, so racial discrimination is often an efficient means to entrenchment (see Ely 1980; Karlan 2004). If Black voters favor Democrats, an efficient means to entrench Republican power will be to rig the rules to reduce the Black vote. Some ways to reduce the Black vote involve reducing their opportunity to vote, such as through disenfranchisement. But disenfranchisement ultimately aims to reduce the *actual influence* of racial minorities; reducing their opportunity for influence is just an efficient means to that end. This is because elections are won by counting the votes citizens cast, not by counting their opportunities. If rigging the rules to reduce the Black vote *without* reducing their opportunity to vote (through, e.g., DISPARATE DUTIES) is not undemocratic, then there are means to entrenchment that are discriminatory but consistent with democracy!

4. Liberty, Cost, and Power

Let’s turn to the second response: DISPARATE DUTIES did make First Nations citizens less politically equal, because it gave them less opportunity for influence. The trouble lies in explaining *why* that would be so. There are many ways to diminish your opportunities. Depriving you of an obligation does not seem to be one of them.

But we should not jump to this conclusion too hastily. “The widespread agreement that Equality of Opportunity is a good thing in fact conceals importantly different views about what Equality of Opportunity actually consists in” (Elford 2023, sec. 2). Here that problem is compounded: we need to know what it is to have *influence*, to have an *opportunity* for influence, and to have an *equal* opportunity for influence. I will follow key proponents of OPPORTUNITY on each of these fronts for charity and brevity.

Influence is a causal notion. Julian’s influence is the degree to which political outcomes are positively sensitive to Julian’s choices (Kolodny 2023, chaps. 26–27). Since we jointly cause political outcomes, quantifying Julian’s influence involves quantifying contributory causation. But, for our purposes, all we need is that Julian and Sandy have equal contributory influence when they both vote, even if only Julian

is decisive (354); but if Sandy abstains, Sandy exerts less influence than Julian.¹²

Opportunities are chances of getting a good if one seeks it (Arneson 1989: 85). This conditional structure matters. Sandy has the opportunity to influence outcomes if Sandy has the ability to do so, irrespective of whether Sandy exercises it (given the argument from power), or has the motivation to exercise it (given the argument from apathy).

Equal opportunities for influence involve equal abilities to influence outcomes. The most perspicuous metrics of equal opportunity involve comparing *option sets*. Sandy's option set is everything Sandy is able to do. Sandy has less opportunity for influence via voting than Julian if Sandy's relevant option set is worse than Julian's (see Garnett 2016; Sudgen 1998).¹³ So now we can ask: Did First Nations citizens have worse option sets than others in DISPARATE DUTIES?

4.1. Liberty

If you are not at liberty to ϕ , ϕ ing is not in your option set. First Nations citizens were at liberty to vote or abstain; others were only at liberty to vote. So there was a political inequality: the option set for First Nations citizens was {vote, abstain}, whereas for other citizens it was {vote}. One group receives a lesser liberty, so they are not political equals. This seems to give proponents of OPPORTUNITY everything they need.

But it doesn't. It entails that DISPARATE DUTIES involved political inequality, but First Nations citizens were its beneficiaries, not the victims: they had better option sets.¹⁴

Does this matter?¹⁵ Yes! Feudalism is a paradigm example of material inequality. But it is not enough for egalitarians to say that lords and serfs were *unequal*; and it is an embarrassment to the view if egalitarians say lords were *less equal* than serfs, rather than vice versa. Likewise, it is not enough to say DISPARATE DUTIES involved political inequality, without saying who was made less politically equal. We need to know more. Who was wronged? Who had the legitimate complaint? Determining who was made less politically equal may even have further significance.

12. Some claim that abstaining influences electoral outcomes—cf. Goldman 1999: 211; Lijphart 1997: 4. But if Julian and Sandy exert equal influence, this cannot be a counterexample to OUTCOME.

13. Thanks to an anonymous reviewer for suggesting this framing.

14. See, e.g., the monotonicity condition in Pattanaik and Xu 1990.

15. I thank an anonymous reviewer for pushing me on this issue.

Rawls (1993: 326) held that when there is an unequal distribution of political liberties, the state must compensate those who receive a “lesser liberty.” It is plausible that those made less politically equal deserve compensation. But it is implausible that Australia owed compensation to its non-Indigenous citizens, even though this was undeniably the group who received the lesser liberty. So OPPORTUNITY should be rejected unless it can reach the verdict that DISPARATE DUTIES made First Nations citizens less politically equal than others.

4.2. Cost

Unequal costs generate unequal opportunities for influence (Kolodny 2023: 292–93; Goldman 2015: 236, 243). If your option set is $\{\phi, \sim \phi \& -\$5\}$ and my option set is $\{\phi, \sim \phi\}$, mine is better. Can this explain why DISPARATE DUTIES generates political inequality?

Start with the direct costs of the disparity. The duty to vote is enforced by fines of twenty dollars. Suppose this gave First Nations citizens the option set $\{\text{vote}, \text{abstain}\}$, and others $\{\text{vote}, \text{abstain} \& -\$20\}$.¹⁶ These are unequal. But again, the latter is worse.

Some may resist this. Perhaps fining some citizens for abstaining is functionally equivalent to paying them to vote: $\{\text{vote}, \text{abstain} \& -\$20\}$ is equivalent to $\{\text{vote} \& +\$20, \text{abstain}\}$. Since $\{\text{vote} \& +\$20, \text{abstain}\}$ is better than $\{\text{vote}, \text{abstain}\}$, First Nations citizens had the worse option set. But apply this to another racial disparity: Australia sometimes imposes fines (\$150) only on First Nations citizens for consuming alcohol.¹⁷ In doing so, it gives First Nations citizens the option set $\{\text{drink} \& -\$150, \text{abstain}\}$. On this view, that is equivalent to $\{\text{drink} \& \text{abstain} +\$150\}$, and so better than $\{\text{drink} \& \text{abstain}\}$. This implication is absurd. A fine for ϕ ing is not equivalent to a bonus for $\sim \phi$ ing.

What about indirect costs? Lisa Hill argues that compulsory voting “brings with it a complex raft of measures designed to ensure that all the obstacles normally experienced by abstainers are removed” (in Brennan and Hill 2014: 193). The idea, which Hill does not elaborate on in great deal, seems to be that imposing a duty to ϕ forces the state to make it easier to ϕ . So if the state imposes a duty for some to vote, but not

16. Note that this response treats a legal duty to ϕ that is enforced by a fine as equivalent to a fee for $\sim \phi$ ing. This is also implausible. See Feinberg 1965: 399.

17. For a recent case on whether such racial disparities in fines violate the Racial Discrimination Act 1975 (Cth), see *Maloney v. The Queen* [2013] HCA 28 (June 19, 2013).

others, it makes it easier (via some raft of measures) for some to vote than others: DISPARATE DUTIES thereby indirectly increases the relative cost of voting for First Nations citizens.

An aside: whoever endorses this response should follow Hill in holding that OPPORTUNITY requires compulsory voting. Most, however, follow Brighthouse (1996: 126) in holding that according to OPPORTUNITY “it is proper to make votes inalienable, but wrong to make them unwaivable.” Duties are not thought to enhance opportunity.

But should we endorse the response? I doubt it. The connection between duties and costs is too indirect. Any raft of measure to remove obstacles to voting is independently required by OPPORTUNITY (and, for that matter, by OUTCOME). Compulsory voting is not necessary to enact them. Nor is it sufficient. When the state requires you to ϕ , it often refuses to make compliance easy. The United States requires residents to file their taxes but deliberately makes doing so difficult and costly (see Bankman, Hemel, and Ventry 2018). If there was any racial disparity in the costs of voting, it cannot be attributed to the racial disparity in the duty to vote.¹⁸

Here is a final problem with saying the issue with DISPARATE DUTIES is a disparity in costs. Suppose Australia kept voting optional for everyone, but made enrollment *opt-out* for non-Indigenous citizens and *opt-in* for First Nations citizens. Call this DISPARATE DEFAULTS. Since people tend to opt for the default, including in choosing whether to enroll as a voter,¹⁹ this arrangement would ensure that First Nations citizens exerted less electoral influence. DISPARATE DEFAULTS, like DISPARATE DUTIES, would make First Nations citizens much less politically equal. But would it generate any significant disparity in costs? I doubt it. Granted, sometimes making ϕ ing the default greatly increases the bureaucratic difficulty of choosing a preferred alternative to ϕ ing.²⁰ But that is the exception, not the rule. Ticking a box to opt in is not onerous. As Neil Levy (2022: 140) argues, defaults tend to work not by increasing the difficulty of selecting a preferred option and thereby taking advantage of our “cognitive laziness,” but by “convey[ing] a recommendation”: “Agents tend to see default options as authoritatively recommended to

18. Extending the duty to vote to First Nations citizens, incidentally, did not usher in the required “raft of measures.” See Hill and Alport 2010: 246.

19. See Johnson and Goldstein 2003 on the general effects of opt-in vs. opt-out choice structures, and see Morris and Dunphy 2019 for empirical evidence on such effects in relation to voter enrollment.

20. I thank both anonymous reviewers for pushing me on this.

them.” If defaults do not work by changing the cost of choosing what we prefer, then the political inequality in DISPARATE DEFAULTS is not an inequality in costs.

4.3. Power

Unequal power also generates unequal opportunity for influence (see, e.g., Kolodny 2023: 293, 354–57, 368).²¹ And it may seem obvious that if DISPARATE DUTIES made First Nations citizens exert less influence via voting, it reduced their voting power, and hence made them less politically equal.

But your voting power is a conditional probability: the likelihood that if you vote, you change the outcome.²² We have equal voting power when one conditional probability (if you vote, you change the outcome) is equal to another (if I vote, I change the outcome). How likely you and I are to vote is irrelevant. DISPARATE DEFAULTS made First Nations citizens exert less influence by making them less likely to vote. It changed the probability of the condition, not the conditional probability.

This exposes a deep problem for any version of OPPORTUNITY that is motivated by the argument from power. If political equality is equality of political power and one’s political power is one’s ability to influence political decisions,²³ then there is no political inequality without an inequality of ability to influence decisions. But First Nations citizens are less politically equal in DISPARATE DUTIES without being made less *able* to influence decisions. They are made less likely to exercise their abilities. Something has to give. *Either* they have less political power despite having no less ability to influence decisions, *or* they are politically unequal despite having no less political power.

To illustrate the dilemma, consider an example from Kolodny (2023: 356): “It shouldn’t be a violation of your equal opportunity for a job that, if I exercise my like opportunity and apply for it, I decrease

21. See also, e.g., *Gray v. Sanders*, 372 U.S. 368 (1963) 381. For independent objections to how political equality is taken to (partly) mean equality of a priori voting power, see Wodak 2024: 194–96; Wodak forthcoming.

22. Kolodny (2014: 321–22) and Alvin I. Goldman (2015: 244) endorse the Shapley-Shubik index, which has this feature. But the feature is shared by all standard indices. See also Banzhaf 1965 and Felsenthal and Machover 1998: 1–2.

23. Goldman (2015: 243–44) holds that political power and voting power are abilities and hence should be analyzed using “familiar conditional, or subjunctive, analyses of ability,” such as “S has the ability to A if and only if S would A if S tried to A” (see also the references in Goldman 2015). See also Barry 1980: 185.

your chances for it.” Now imagine we are similarly apathetic teenagers, but my parents will dock my allowance unless I get a job. This case is structurally analogous to DISPARATE DUTIES. And again, it seems that what my parents do to *me* does not make *you* any less able to get a job; it just makes you less likely to exercise your ability than me. So it seems impossible to reach the verdict that in this case you have less opportunity to get a job than me without undermining the connection between *opportunity*, on the one hand, and *power* and *ability*, on the other.

Some may think there is a way out of this dilemma. In the case above, there are only individuals applying to jobs. But in OPPORTUNITY, we also have groups. Perhaps DISPARATE DUTIES gave First Nations citizens less power not as individuals but *as a group*; it made the individual members of one group less likely to vote than members of another, and thereby generated political inequality between groups.²⁴

If proponents of OPPORTUNITY endorse this response, it radically alters their view. Does political equality require that *each group* has equal power, regardless of its size? Liberal egalitarians tend to endorse individual-relative rather than group-relative accounts of political equality for many reasons, including because “there are many different ways to divide society into groups” (van der Hout and McGann 2009: 738). First Nations and non-Indigenous Australians are both, after all, highly heterogeneous sets of citizens.

Put this aside. Any response like this will be impossible to square with the argument from power. Proponents of OPPORTUNITY, and standard measures of voting power, assume that “everyone votes”: “They are measures of ability,” so “they restrict their attentions to voting configurations in which no one abstains” (Morriss 1987: 158, 160).²⁵ A group does not have less power because its members are more likely to abstain.²⁶ This is not a technical point about the quantification of voting power. It

24. I thank an anonymous reviewer for this response.

25. Here’s Brighouse (1996: 119): “The amount of influence available to someone ... is given by the probability we would assign to their getting their way, *if they and everyone else engaged in political activity*, and we knew nothing of what any other citizens wanted” (emphasis added). Here’s Beitz (1983: 73): the “opportunities for political influence ... that a procedural arrangement confers on any individual can be calculated *without knowing how that person or any other person will use the opportunities defined by the arrangement*” (emphasis added).

26. This verdict also holds on the most sophisticated account of voting power that appeals centrally to groups: Abizadeh 2022. On that view, the issue is who/what groups vote for, not how often they vote. It captures why persistently outvoted minorities—not persistently abstaining minorities—have less power.

stems from the core distinction between *power* and *influence*; the former “always refers to a capacity to do things,” whereas the latter often refers to “the *exercise* of power” (Morris 1987: 12). In DISPARATE DUTIES, one group’s members had less influence because they were made less likely to *exercise* an ability. To say this gave the group or its members less opportunity blurs the distinction between OUTCOME and OPPORTUNITY and requires proponents of the latter to jettison the argument from power.²⁷

5. Inequality and Influence

DISPARATE DUTIES made First Nations citizens less politically equal. But why? The answer that it made them have less opportunity for political influence is strained at best. The answer that it made them have less influence, by contrast, is natural and easy. So the case seems to support OUTCOME and undermine OPPORTUNITY.

But despite the common framing of the literature on political equality (sec. 1), these are not the only options. What if DISPARATE DUTIES made First Nations citizens less politically equal for reasons that do not relate to their influence over outcomes?

5.1. *Discrimination and Democracy*

In section 3, I considered the view that DISPARATE DUTIES was discriminatory but not undemocratic. But perhaps the disparity was undemocratic *because* it was discriminatory.²⁸ On Wilson’s (2019: 136) view, “political equality imposes antidiscrimination requirements” on political procedures; violating such requirements is a sufficient condition for political inequality.²⁹ So perhaps the disparity made First Nations citizens less politically equal because it discriminated against them.

27. Here are two illustrations. First, suppose {vote, abstain & –\$20} is worse than {vote, abstain} because it makes individuals more likely to vote, which is the most valuable option. This makes the metric of opportunity depend on their exercise: so {kale smoothie, death} gives someone a better *opportunity* than {kale smoothie, cake, coke}. Second, Hill says OPPORTUNITY supports compulsory voting because it requires the state to “make[] sure that everyone is present on election day” (in Brennan and Hill 2014: 193–94). But OPPORTUNITY requires the state to make citizens able to be present, not to exercise that ability.

28. I thank an anonymous reviewer for pushing this line.

29. Wilson (2019) rejects OPPORTUNITY. But one could say political inequality is disjunctive: it is constituted by violations of OPPORTUNITY *or* antidiscrimination requirements. That would partly rescue the view.

Here's a good way to motivate this appeal to antidiscrimination requirements. Compare Australia to Ecuador, where voting is compulsory for citizens between eighteen and sixty-five years old and optional for those either between sixteen and eighteen or over sixty-five. This age-based disparity in the duty to vote does not seem undemocratic. Why not? Plausibly, because it is not discriminatory! After all, disenfranchising citizens under eighteen (and, perhaps, over sixty-five) is plausibly not discriminatory.³⁰ Wilson's antidiscrimination requirement explains why race- but not age-based disparities in the duty to vote generate political inequality. By contrast, OUTCOME does not—it seems to suggest that the two stand or fall together.

But OUTCOME can provide a plausible response to this. Age-based disparities in the duty to vote are compatible with *diachronic* political equality. Ecuador's procedures, unlike Australia's, allow each citizen to have equal influence over complete lifetimes.³¹ So we do not need to make this appeal to antidiscrimination requirements.

Which is a good thing, since the appeal faces the same problems we encountered in section 3. First, a randomized disparity in the duty to vote generates political inequality without discriminating against anyone. Second, it must explain why the racial disparity was a case of discrimination *against* First Nations citizens without appealing to their unequal (opportunity for) influence over outcomes. Third, it must explain the close connection between democracy and discrimination that runs through entrenchment.

Can Wilson's view solve these problems? For Wilson (2019: 136–37), antidiscrimination requirements concern “symbolic degradation”: whether “political procedures reflect or express demeaning judgments about some citizens.” But randomized disparities do not express demeaning judgments about any particular (group of) citizens. And while DISPARATE DUTIES plausibly degrades First Nations citizens, the same may not be true of all similar procedures: while “unequal political institutions often do express disdain,” the connection between the two is “contingent” (Estlund 2000: 138). Consider the form of plural voting endorsed by John Stuart Mill (1861). In giving less influence to

30. On the disenfranchisement of the elderly, see Van Parijs 1998.

31. Alternatively, proponents of OUTCOME could bite the bullet, building off work by Juliana Bidadanure (2021, chap. 3), who argues that some widely tolerated age disparities are objectionable because they marginalize or dominate in ways incompatible with citizens relating to others as equals.

certain voters, it plausibly discriminates against them. But the arguments for it, Kolodny notes, “speak to lacking relevant experience or education, occupying positions in society that make one susceptible to distorting pressures, or lacking the kind of stake in public affairs that fixes the mind soberly on the long term” (Kolodny 2023: 321; see also Viehhoff 2019; Beitz 1989: 94). Finally, rigging the rules to reduce the Black vote to facilitate entrenchment may reflect or express nothing more than incumbents’ unwillingness to cede power. What it expresses is hostile to democracy itself, but may not degrade or demean any particular citizens.

5.2. Dependent Conceptions of Democracy

In *Sovereign Virtue*, Dworkin distinguishes between “dependent” and “detached” conceptions of democracy. A “detached conception” supplies an “input test”—it evaluates the character of political procedures.³² A “dependent conception” supplies an “outcome test”: “democracy is essentially a set of devices for producing results of the right sort” (Dworkin 2000: 186). Dworkin endorses a dependent conception. Its details are rich, but the relevant point here is that a “political process that distributes political impact roughly equally is generally better” at producing results that “match the needs and desires of the population as a whole” (205). In *DISPARATE DUTIES*, First Nations citizens are less likely to vote, and thereby change the outcome, so the outcomes are less likely to meet their needs and desires. Perhaps this is why the case is undemocratic.

I’m skeptical. If one group exerts less influence than others, this may generate results that are worse in meeting their needs and desires. But it may not. That depends, among other things, on whether groups vote in ways that further their own needs and desires (see sec. 8). If a disadvantaged group exerted less influence than others, in some cases the results will likely be *neither better nor worse* in meeting their needs and desires. (First Nations citizens, notably, are only a small sliver of the Australian electorate.³³) In other cases, the results will likely be *better* in meeting their needs and desires. Disadvantaged citizens often vote

32. *OPPORTUNITY* is a detached view—it identifies political equality with procedural equality (Beitz 1989: 6).

33. They constitute 3.8 percent of Australia’s total population, and a smaller share of the electorate (33 percent of First Nations citizens are under fifteen). See AIHW 2023. In 1962–83 First Nations adults were a smaller sliver of the electorate, but exact estimates are tricky: the census did not count First Nations citizens until 1971.

against materially egalitarian policies, even when this is against their self-interest.³⁴ The recent “class inversion” in US politics arguably illustrates this: the party that favors more materially egalitarian policies often loses working-class voters.

Such cases present a problem for Dworkin’s view. Dworkin (2000: 188) considers it to be a virtue of that view that it justifies districting schemas in which “residents of very poor urban districts” have more opportunity for influence than others when this “in fact produces more just (because more genuinely egalitarian) political decisions.” But when wealthy districts support more egalitarian decisions (contrary, again, to their own interests), the view similarly justifies procedures that give *them* more influence.

A similar issue arises for Rawls. Rawls (1971: 202, 205) held that “the fundamental criterion for judging any [political] procedure is the justice of its likely results,” so Mill’s “plural voting may be perfectly just.” This implication, Estlund notes, sounds “troubling” and many have held that “it is a failure of Rawls to properly work out the implications of the rest of his theory”; but Estlund (2023: 297) offers extensive “textual and doctrinal” reasons for holding that Rawls’s view is “open in principle to plural voting.” Estlund also argues that Rawls’s view that plural voting “can be justified in real social and political conditions” is not an “embarrassment,” as the opposing position requires holding that political equality is “lexically prior” (Estlund 2023: 309–10; though cf. 304). I agree. Political egalitarians can hold that likely results of a procedure can justify deviating from political equality.³⁵

The reason that Rawls’s view avoids an “embarrassing” verdict about plural voting is that Rawls treats political equality as a distinct dimension of equality. Rawls considers results in assessing whether a procedure is *justified*, not whether it is *politically egalitarian*. So the likely results of DISPARATE DUTIES are relevant to whether it is justified but irrelevant to whether it is politically egalitarian. That assessment still turns, for Rawls, on how we apply a particular version of OPPORTUNITY (see sec. 7).

Dworkin (2000: 188), by contrast, denies that “political equality” is “a distinct dimension of equality, with its own distinct metric.” For

34. See Frank 2004 and Gilens 2012 for discussions of this theme.

35. E.g., Wilson 2019: 4, 72. Beitz (1983: 71) said the right to an “equal opportunity [for] influence” is often assigned a “special status,” precluding such tradeoffs. But this is an optional additional commitment.

Dworkin, the likely results of DISPARATE DUTIES are what make it politically (in)egalitarian.³⁶ This is the key commitment of a dependent view. But it is also the commitment that makes a dependent view have implications that seem to be an embarrassment to political egalitarianism: that it can be not only justified but politically egalitarian to impose procedures that give more power to the wealthy and the elite, because of how they vote.

5.3. Taking Stock

We're almost halfway—this is mile thirteen. Now is a good time to take stock. The agenda so far has concerned the nature of political equality. I argued that DISPARATE DUTIES made First Nations citizens less politically equal by defending the continuity thesis: the disparity was continuous with the twin injustices of racial disenfranchisement (sec. 3). Then I argued that DISPARATE DUTIES did not give First Nations citizens less opportunity for influence, as it did not make their option sets worse than others' (sec. 4). Finally, I argued that OUTCOME provides a better explanation of why DISPARATE DUTIES made First Nations citizens less politically equal, compared to salient rival views (sec. 5).

But there are two main limitations of the arguments so far. First, I have not considered every version of OPPORTUNITY. While the view is widely endorsed, the core notion of “equality of opportunity for influence” is not well defined. Proponents of OPPORTUNITY have offered a long list of factors that generate unequal opportunity for influence via voting (see Kolodny 2023: 292–93). In section 4 I showed that nothing on this list is well suited to explain why DISPARATE DUTIES gives First Nations citizens less opportunity for influence; if anything, items on that list suggest the inverse, perverse verdict that it gave First Nations citizens *more* opportunity for influence than others, and hence diminished the political equality of non-Indigenous citizens. Moreover, I showed that no version of OPPORTUNITY that is motivated by the argument from power can reach a better verdict about this case. But this still leaves unaddressed one promising version of the view that is associated with Rawls, and which can be motivated by the argument from apathy.

36. Dworkin's (2000: 188) dependent conception does not deny that political equality exists but says it is not *distinct*, which “blurs the distinction between ... political equality and the other aspects of egalitarian theory.” Dworkin also says that the relevant results include symbolic goals and agency values.

Second, my defense of OUTCOME was short and provisional. I offered no positive argument for the view. Nor did I respond to obvious objections, which mainly concern its allegedly absurd implications for informal dimensions of political influence.

To extend this case against OPPORTUNITY and for OUTCOME further, we must switch gears. We need to turn our focus from the nature to the point of political equality.

6. Treating Citizens as Equal Coauthors

So, what is the point of political equality? My view has two main sources of inspiration.

First, Elizabeth Anderson's account of the point of equality. Anderson (1999: 288–89) claims that “recent egalitarian writing” errs in “focusing on correcting a supposed cosmic injustice.” The “negative aim of egalitarian justice” is, instead, to “end oppression, which by definition is socially imposed,” and its positive aim requires the state to “create a community in which people stand in relations of equality.”

Similarly, I hold that recent political egalitarian writing errs in focusing on correcting for some cosmic injustice that inheres in states of affairs depending on the distribution of political power. Dworkin (2000: 193) said “the detached conception” takes political equality to be a “goal.” This was not uncharitable or idiosyncratic. The second chapter of Dahl's (2007) *On Political Equality* is titled “Is Political Equality a Reasonable Goal?”³⁷ Much of the appeal of OPPORTUNITY, I think, hinges on this assumption. Consider Brighouse's argument from apathy: “Why should it matter if Julian, who has boundless enthusiasm for participation in public life, wields more influence than Sandy, who prefers to hone his psychic talents?” Brighouse (1996: 124) says “there is nothing wrong in” this scenario. What I want to emphasize is that this involves evaluating *a state of affairs*, not *a state's actions*. When political equality is assumed to be a goal, it is also understandable why Dworkin (2000: 190) held that a detached conception of democracy “must take equality of power to be fundamental. For if political equality is a separate, independent dimension of equality, then power is the only intelligible

37. See also, e.g., the first page of Sunstein's (1994: 1390) “Political Equality and Unintended Consequences”: “The achievement of political equality is an important constitutional goal.”

metric for that dimension.”³⁸ Downstream from this picture is what T. M. Scanlon (2019: 3395) recently described as a “familiar conception of political fairness”: “Political institutions are fair, and the results they lead to are legitimate, if, first, all citizens have the same rights to speak, to vote, and to hold office and, second, citizens have equal ability to exercise these rights by taking part in the political process.” The state must give citizens equal rights and abilities. But as we saw (sec. 4), this familiar conception—OPPORTUNITY—is too permissive.

Like some others, I hold that the point of political equality is deontic, not telic; and what it prescribes is relational, not distributive. But how do we characterize the relevant “relations of equality”? Anderson did so in terms of the status of being a free and equal person in a democratic society, making relational equality depend on a prior account of democracy—hence the common label *democratic egalitarianism*. So how do democratic egalitarians understand democracy? Kolodny (2023: 137–38, 292) and Viehoff (2019: 5n3; 2014: 342–43) appeal to OPPORTUNITY. Anderson doesn’t explicitly do so but prominently appeals to notions of opportunity, liberty, and capability—which you and I have equally even when we exercise them unequally.³⁹ Strikingly, most democratic egalitarians adopt wholesale the orthodox account of political equality, and as on the “familiar conception” sketched above, tether it to an equal distribution of power.

However, democratic egalitarians needn’t characterize relations of equality this way.⁴⁰ Which takes me to the second source: Adam Lovett and Jake Zeuhl’s account of democratic autonomy. They “think that self-government should be understood in terms of joint authorship” of “our shared political lives” (Lovett and Zeuhl 2022: 471–3n16). Others have similarly appealed to joint authorship. But Lovett and Zeuhl briefly note

38. Others note the ubiquity of this assumption: Wall 2007, sec. 2; Wilson 2019, chap. 3; Beitz 1989: 5, 13.

39. Anderson (1999: 309, 313, 316) writes that being a free and equal person in a democratic society requires institutions that “generate people’s opportunities,” ensure that everyone is equally “entitled to participate,” and ensure that people are entitled to a certain set of capabilities, where capabilities “measure not actually achieved functionings, but a person’s freedom to achieve valued functionings.”

40. Wilson characterizes equal relations in terms of equal authority. This is in some respects similar to the view I defend here, but with key differences. Wilson (2019: 123n11, 167) takes equal authority to require *appropriate consideration* and to be compatible with highly unequal influence and participation. In some ways, Beitz’s (1989) contractualist view of political equality is also similar. But while it has many theoretical virtues, it also includes no commitment to equal influence or equal participation.

that “the full realization” of joint authorship depends “on *actual participation*”; this is a departure from other views, since “the concern with problematic power relations is most often interpreted as concern with the equal distribution of access to or opportunity for political influence, rather than with the distribution of political influence as actually exercised; power is, after all, an opportunity concern” (470–71).

My view is similar. I say what political equality prescribes is that the state must treat each citizen as an equal coauthor of the law. To fulfill this duty requires the state to have equal respect for and be equally responsive to each citizen. This is a more demanding account of political equality. But it may sound obscure. So I will walk through how it can be cashed out through duties of *equal respect* and *equal responsiveness*, and I will emphasize how their application to our central cases departs from its familiar rival.

Here’s what I mean by “equal respect.” If we are equal coauthors, we cannot merely be equally free and able to write. We must actually exercise these rights and abilities. Now suppose our colleagues like your writing more than mine, so they strongly encourage you to write, but they never encourage me. Their asymmetric encouragement does not make you any more *able* to write than me; it just makes you more likely to exercise that ability. But if you exercise that ability and I do not, we cease to be equal coauthors. So asymmetric encouragement is incompatible with treating us as equal coauthors. This may not make it objectionable. Our colleagues may have no duty to treat us as equal coauthors; but if they do, it gives them a duty of equal respect, which proscribes aiming to make us unequally likely to engage in the practices that are constitutive of authorship.

The state’s activities in DISPARATE DUTIES and DISPARATE DEFAULTS also involve asymmetric encouragement. Defaults convey a recommendation. For the state to make voter enrollment the default for some citizens but not for others is for the state to recommend that some citizens participate, but not others. A duty to vote adds some coercion, but its effectiveness is hard to explain via the imposition of a trivial fine. The imposition of the duty also expresses the importance of voting. So imposing a duty on some but not others expresses the importance of some citizens voting, but not others. Both procedures, then, involve unequal respect: they aim to make citizens unlikely to equally engage in the practices that are constitutive of authoring law.

What I call a duty of equal respect differs from views we have considered above. Consider what OPPORTUNITY and Wilson say about dis-

crimination. The former says that what makes, say, racial disenfranchisement undemocratic is that the state gives some citizens less opportunity for influence than others (see sec. 3 above; see also Kolodny 2023: 347, 360–62, 371). But racial disenfranchisement ultimately aims to reduce the *actual influence* of racial minorities; reducing their opportunity for influence is just an efficient means to that end.⁴¹ So OPPORTUNITY says those who impose racial disenfranchisement err by selecting an undemocratic means to a democratically permissible end. My view rejects this: it says that for the state to aim to reduce the actual influence of some citizens is inconsistent with recognizing their political equality, as it involves unequal respect for each citizen as a coauthor of the law.

Wilson’s view, by contrast, says practices like racial disenfranchisement are undemocratic because they are discriminatory, and are discriminatory because they are symbolically degrading. But, among other things, this fails to explain why similar randomized practices—disenfranchisement by lottery—are also undemocratic (sec. 4.1). My view avoids that problem. Aiming to reduce the relative influence of a randomly selected group of citizens may not symbolically degrade anyone, but it does aim to make citizens unequally likely to participate, and so violates a duty of equal respect.

The duty of equal respect is negative; it explains why the state cannot *aim* to make citizens unequally likely to influence outcomes. The duty of responsiveness, by contrast, is positive; it explains why the state must sometimes aim to increase the participation of some citizens to generate equal influence. In other words, the state also cannot engage in practices that reasonably foreseeably generate inequalities of influence.

To explain this, consider the discussion in Aristotle’s *Politics* (1944, 4.13.1297a14–33) of “artifices” that, like DISPARATE DUTIES, involve disparities in fines and duties.⁴² Aristotle said these artifices “are

41. An illustrative example: In 2020, Governor Greg Abbott of Texas limited mail ballot drop-off sites to one per county, regardless of population, making it harder to vote in dense minority counties. This plan was said to “backfire” because it galvanized minority voters, increasing their overall turnout (Kilgore 2020). Abbott’s conduct was undemocratic, on my view, because it was an unjust attempt: in aiming to reduce to the actual influence of some citizens, the state failed to show them equal respect.

42. The first, “in relation to the assembly,” was “the granting to all of the right to attend but the imposition of a fine for non-attendance on the well-to-do only.” The second, “in relation to the magistracies,” was “the denial to the owners of rated property of the right to swear off serving, while the poor have this right.” I am grateful to Sean Thomas Neagle for this reference.

of an oligarchic nature”; democracies, by contrast, “provide pay for attendance and a fine for non-attendance.” Why? “For thus all would participate, whereas in the other way the government comes to be in the hands of only one of the two classes.” The artifices that Aristotle considers may not *aim* to make citizens unequally likely to participate. There are many rationales for imposing fines for nonattendance only on the wealthy. But the foreseeable result of these artifices is unequal participation, such that government is not equally responsive to all; it comes to be in the hands of only some.

In crucial respects, this duty puts the state in a different position from our academic colleagues in the example above. The state’s position is closer to that of our research assistant in a joint project. Suppose you issue instructions about what you think is best, but I do not—I succumbed to ennui and lost my drive for research. (It happens.) And suppose our assistant must treat us as equal coauthors. If so, they cannot only follow your instructions. *We* stand in a principal-agent relationship to our assistant. So even if I am silent only because I lack the motivation to speak, our agent must actively solicit my input, in order to be responsive to *us*.

The duties of equal respect and equal responsiveness explain why equal coauthorship, as Lovett and Zeuhl claim, constitutively depends on equal actual participation. As we just saw, emphasis on equal actual participation was once prominent in democratic theory. But it dropped from the agenda. In *Participation and Democratic Theory*, Carole Pateman explains why. Pateman (1970: 1) challenges “the orthodox doctrine” in democratic theory on which “the concept of participation has only the most minimal role.” This orthodox doctrine was adopted in response to evidence that apathy is prolific, and that among disadvantaged citizens there was a “general lack of interest in politics and political activity” (3). So democratic theorists placed emphasis on “equality of opportunity,” which is compatible with the “relatively greater inactivity” by the poor (9). The ideal of democracy as rule by the people via the participation of all was deemed infeasible (2), so it was replaced by an ideal that is compatible with oligarchy—with government that is mainly in the hands of the privileged.

To recap, OPPORTUNITY is typically undergirded by taking the point of political equality to be to correct a supposed cosmic injustice that inheres in states of affairs depending on the distribution of political power. I reject this view. The point of political equality is deontic, not telic; and what it prescribes is relational, not distributive. The dif-

difficult task for relational egalitarians has been to articulate the relevant relations of equality. I claim it is relations of equal coauthorship. More specifically, I claim that the state must treat each citizen as an equal coauthor of the law, which can be unpacked in terms of showing equal respect for and being equally responsive to each citizen.

With this account of the point of political equality in hand, let's turn back to its nature, and in particular the residual argument for, and the best version of, OPPORTUNITY.

7. Fair Equality of Opportunity

Rawls (1993: 325) was concerned about unequal participation: "Ignorance and poverty, and the lack of material means generally, prevent people from exercising their [political] rights." To remedy that, Rawls said the state must guarantee the "equal worth" of political rights by giving citizens "fair equality of opportunity" to hold office and influence political decisions (325–27). That "fair equality of opportunity" is often glossed in terms of equal chances of influence for equally talented and motivated individuals (see, e.g., Wenar 2021, sec. 4.3; Arneson 2015, 2013; Wall 2007: 421; Estlund 2000: 131). (I drop the references to talent below. It is relevant to winning elections, not to voting in them.) Unfortunately, Rawls said surprisingly little about both this view and political equality.⁴³ I do not wish to die on any exegetical hills, so I do not attribute the following to Rawls. I treat it only as a promising response to the central challenge.

Call the following view FAIR OPPORTUNITY: the state must arrange institutions to guarantee that citizens who are equally motivated to vote are equally likely to exercise the right to vote. This commitment should be part of a broader package—encompassing other modes of influence, such as winning elections—but it is all we'll need here.

To illustrate the view, recall an example from section 4.3. If we are similarly apathetic teenagers but my parents will dock my allowance unless I get a job, there is no inequality of *opportunity* for employment: if we both try, we are equally likely to succeed. But there may be an

43. Rawls "devotes fewer than three pages in *A Theory of Justice* and only six pages [in *Political Liberalism*] to discussing" the equal worth measure (Brighouse 1997: 156). "The term 'political equality' occurs four times in *Theory*. More interestingly, it does not occur at all in *Political Liberalism*, and just once in *Justice as Fairness*, saying, without further explication of the term, that the theory takes 'the moral powers as the basis of political equality'" (Estlund 2023: 298n4).

inequality of *fair opportunity* for employment: if we care equally, we are not equally likely to succeed. I am more likely to get a job than you even though we are similarly (un)ambitious. Why? Because though I care as little as you, my parents' threat made me more likely to try. Parents may have a prerogative to treat their children this way, but there seems to be a serious complaint if the state similarly plays favorites with its citizens, especially in their electoral participation. Which is what Australia did in DISPARATE DUTIES. Fining some citizens for abstaining produces an inequality of fair opportunity by making citizens who are equally motivated to vote unequally likely to exercise that right. Likewise, similarly motivated citizens vote at dissimilar rates when voter enrolment is opt-in for some but not for others, as in DISPARATE DEFAULTS. The explanation also applies to cases where such disparities are randomized. So this seems to offer a promising, generalizable response to the challenge.

FAIR OPPORTUNITY can offer this response because of how it departs from prior views; it retains the argument from apathy but must drop the argument from power. (I don't think this point is appreciated. Beitz [1989: 4] calls OPPORTUNITY "*equal power over outcomes*" and cites Rawls as one of its main proponents.) When the state fines some citizens for abstaining, it makes them more likely *but not more able* to vote; there is political inequality but no inequality of power. But there is no political inequality between Julian and Sandy, as their motivations—Julian's "boundless enthusiasm" for politics and Sandy's apathy—explain their unequal exercise of their political rights.

So should political egalitarians endorse this view? There's no quick answer, because it hasn't been developed. The view is too amorphous to accept, and too much of a moving target to reject. In particular, there are two missing pieces. First, what is the motivation to vote? And second, what institutional arrangements for voting does this view require?

The first piece is easy to fill in. André Blais and Jean-François Daoust's (2020: 6) *The Motivation to Vote* argues that the "decision to vote or abstain" hinges on four questions: "(1) Do I like politics? (2) Do I have a duty to vote? (3) Do I care about the outcome? and (4) Do I find it easy to vote?" The first and second answers reflect "stable" and "basic predispositions," which are also the "most powerful" determinants of whether one votes (103). The first—political interest—"is not a simple matter of taste; it defines who we are" (6–7). The second is whether one takes oneself to have a moral or civic duty to vote, as opposed to a legal duty to vote (8). The third is context-sensitive; whether you care about the out-

come of an election depends on the parties and candidates. The fourth is the subjectively perceived cost and difficulty of voting. Let's say one's motivation to vote, or 'political motivation', is a function of (1)–(3).

The second piece is trickier. As Brighthouse (1997: 156) noted, Rawls never provided "an elaborate proposal about how [this view] would be institutionalised."⁴⁴ Brighthouse went on to argue that the view requires the state to remove obstacles to voting,⁴⁵ but not to take any further measures to increase turnout such as forcing citizens to vote—it still allows "free abstention" by the apathetic (161). A simple rationale for this is that the state can equalize (4), and thereby make voter engagement a function of motivation—in particular, (1)–(3)—alone. Call this *the laissez-faire approach*.

This approach faces several problems. I will focus on one for now. Under voluntary voting, inclement conditions on Election Day have a significant effect on turnout. A cold snap in parts of swing states arguably changed the outcome of the 1960 US presidential election (Bassi 2019: 17). Some political egalitarians may not be concerned about this; bad weather is a paradigm example of brute bad luck. But one's *susceptibility* to bad weather is predictably mediated by social structures (see, e.g., Fialka 2019). Many of Hawaii's islands have windward 'wet' side and a leeward 'dry' side. Homes on the dry side are more expensive. The typically poorer residents on the wet side are more likely to face storms on Election Day. Precipitation reduces participation, but the state cannot equally distribute rain clouds across the electorate. So the cost of voting (and hence opportunity for influence) cannot be feasibly equalized by the laissez-faire approach; it fails to make turnout a function of (1)–(3). Ensuring that equally motivated citizens are equally likely to vote requires the state to take measures that go beyond removing obstacles to voting.

Such measures can include forcing citizens to vote (compulsory voting) or nudging them (making enrollment opt-out), or even exhorting them. Sending "scolding" letters to "enjoin recipients to do their civic duty" is a cheap, effective means of generating large "exogenous changes

44. Beitz (1983: 91n33) concurs: "Rawls's own discussion of political justice is too abstract, and at some points too ambiguous, to yield clear guidance." "It is beyond the scope of a philosophical doctrine to consider in any detail the kinds of arrangements required to insure the fair value of the equal political liberties," Rawls (1993: 327) declared; the main exception was arrangements for campaign financing.

45. Derrick Darby (2024) similarly cashes out Rawls's view as requiring *unencumbered access* to voting.

in turnout rates” (Green and Gerber 2010: 332–33). What matters is just that FAIR OPPORTUNITY says states should utilize *some* measures like these. Suppose that the state addresses all feasible obstacles to voting, but Hawaiian citizens on the ‘dry’ side still vote more than those on the ‘wet’ side, despite being similarly motivated. The state must force or nudge or exhort the latter to vote. Call this *the targeted approach*.

To illustrate what makes this a targeted approach, consider the wide variety of group disparities in turnout. As Jason Brennan (2016) writes:

In voluntary voting regimes, citizens who choose to vote are systematically different from those who choose to abstain. The rich are more likely to vote than the poor. The old are more likely to vote than the young. Men are more likely to vote than women. In many countries, ethnic minorities are less likely to vote than ethnic majorities. More highly educated people are more likely to vote than less highly educated people. Married people are more likely to vote than non-married people. Political partisans are more likely to vote than true independents.... In short, under voluntary voting, the electorate—the citizens who actually choose to vote—are not fully representative of the public at large.

The targeted approach does not call for forcing, nudging, or exhorting *everyone* to vote. It says the state must determine whether the disparities above are due to motivational asymmetries, in order to determine whether to intervene. Consider two examples.

The “marriage gap” in voter turnout is typically explained by “spousal mobilization”: some individuals “marry up ... in the sense of marrying a partner with higher premarriage electoral participation”; they become more likely to vote, then if they divorce they “experience a more dramatic drop in turnout” (Dehdari et al. 2022: 1293–94). The marriage gap in turnout is *not* explained by an asymmetry in motivation. If we are similarly motivated but I “marry up” and you are single, I am more likely to vote.

The age gap, by contrast, is partly a product of significant motivational asymmetries (Blais and Daoust 2020: 35).⁴⁶ This asymmetry is evident in survey data. For example, Laura Silver (2022) found that in the United States the oldest adults (age sixty-five and older) are far more likely than the youngest (eighteen to twenty-nine) to say that following

46. Bidadanure (2021: 2–3) treats the age gap as a case of “unequal political power” and an “imbalance in voting power.” For the reason above, I don’t think that’s apt, on any standard analysis of power or voting power (sec. 3).

domestic politics and voting in elections are “very important to be a good member of society.” The “oldest-youngest difference” on these two questions was larger (43 percent; 39 percent) than on all others, including on attending religious services regularly (11 percent) or making choices that reduce climate change (5 percent).

FAIR OPPORTUNITY says the state must arrange institutions to guarantee that citizens who are equally motivated to vote are equally likely to vote. Under the targeted approach, this would be institutionalized by the state treating the age gap and marriage gap differently. It should not intervene with the age gap; the unequal influence of the young and the old is like the unequal influence of Sandy and Julian. But it should intervene with the marriage gap. Removing obstacles to voting will not help here—the state cannot guarantee that every citizen marries, let alone marries up. The state must instead take steps to force or nudge or exhort single citizens, mobilizing them to vote at similar levels to those exhibited by their equally motivated married counterparts. And the state must work out whether or not to make similar targeted interventions with other group disparities in voting, which track wealth, race, gender, education, partisanship, and so on.

Having filled in how FAIR OPPORTUNITY should be institutionalized, we can now see why that political egalitarians must reject the view. Here are four problems.

Call the first *the problem of stigma*. Brighouse, let’s recall, imagines an apathetic citizen as someone who “prefers to hone his psychic talents.” I detect just a whiff of derision. Nonvoters and the politically disinterested tend to be similarly stigmatized in reality and fiction. (Consider Harper Spiller’s damning indictment of a couple in HBO’s *The White Lotus*: “They don’t vote, Ethan.”) One factor explaining voter turnout is that “voters are rewarded by the approbation of others, while nonvoters are criticized or shunned” (Green and Gerber 2010: 331). Many citizens whose names are not on official voter records lie in surveys about having voted due to social desirability bias (Holbrook and Krosnick 2010). Against this background, judgments about whether turnout disparities are due to different levels of motivation risk being demeaning. That risk may be trivial when philosophers demean Sandy, but it is significant when the state casts similar judgments on the many marginalized groups who tend to vote less than others. Disparities in voter turnout that relate to lower levels of political motivation are already attributed to false, invidious group stereotypes—young citizens’ relative political disinterest is

often attributed to laziness, selfishness, and materialism (Cammaerts et al. 2014). The state should not place its imprimatur on such stigma.⁴⁷

Call the second *the problem of compounding injustice*. Every facet of the motivation to vote can be mediated by social injustice. This is easiest to see with (3), which is contextual. The extent to which you care about who wins an election may depend on whether you see yourself and your interests represented by the candidates. The highest levels of Black voter turnout to date in US presidential elections were in 2008 and 2012, when Obama was a candidate. If injustice leads to fewer Black candidates on the ballot, it will lead to lower Black voter turnout.⁴⁸ Even the stable aspects of political motivation—(1) and (2), political interest and a sense of duty—are mediated by injustice. Political interest is partly a product of secondary schooling (Blais and Daoust 2020: 33), which varies by race and class. Whether you are disposed to believe you have a civic duty to vote may also depend on whether you are a member of a neglected minority group—a resident of a dark ghetto, in Shelby’s (2007) sense. Since a reduced motivation to vote is often a product of social marginalization, marginalized groups typically vote less than others, perpetuating their marginalization.

The problem of compounding injustice should hit proponents of FAIR OPPORTUNITY especially hard. Rawls’s concern was that factors like “ignorance and poverty, and the lack of means generally prevent people from exercising their rights.” This concern prompts many to say that the state must ensure that “citizens who are similarly endowed and motivated should have similar opportunities . . . to influence elections” (Wenar 2021, sec. 4.3). But do that concern and this requirement form a coherent package? They do if we assume that being poor prevents people from exercising the right to vote by increasing the cost of voting. But empirical research tells a different story. While disparities in resources and costs play a large role in explaining disparities in other modes of political participation, they play a modest role in explaining disparities in electoral participation: “The driving force behind the decision to vote or abstain is *motivation*” (Blais and Daoust 2020: 7). The disparity in moti-

47. See also Estlund 2000, 2008, on the state making “invidious comparisons.”

48. It also leads to more Black voters casting invalid ballots—see Herron and Sekhon 2005. I argued elsewhere that Black voters in such cases may face dilemmas between consequentialist and expressive norms due to the widespread use of plurality rule or first-past-the-post (Wodak 2019: 377–78). This argument could serve to partly explain, and justify, higher rates of abstaining and casting invalid ballots.

vation between the affluent and the poor has been well documented for decades, as we saw with Pateman (1970). There are also obvious reasons to expect this disparity. Poverty results from neglect and results in alienation, leading to abstention as a mode of ‘exit’ from political processes (Hirschman 1970; Bélanger 2004). So how poor you are can make you less likely to vote by decreasing your motivation to vote. Once we see this, the state can aim to guarantee *either* that similarly motivated citizens are similarly likely to influence elections *or* that factors like poverty do not prevent citizens from exercising political rights. But it cannot do both.⁴⁹ These goals are at cross-purposes.

So how should the state respond when social injustice causes apathy and alienation? OUTCOME says: by ensuring those citizens still have an equal voice. FAIR OPPORTUNITY says: by letting them exit. The laissez-faire and targeted approaches *both* say that the costs of voting should be reduced, but nothing further should be done to prevent less motivated citizens from abstaining. To avoid this verdict requires revising what FAIR OPPORTUNITY is committed to, in principle and in practice. Does it require the state to guarantee that citizens are similarly likely to vote when they *would have been* similarly politically motivated in the absence of injustice? Are the states’ institutional arrangements meant to be sensitive to its citizens’ *counterfactual* levels of motivation? I hope not; I doubt there is a determinate answer to how politically motivated victims of injustice would have been but for the existence of historic and present-day injustice.

Even if there is a determinate answer, this revision only exacerbates the third issue: *the problem of unreliability*. How will the state make reliable judgments about the extent to which group disparities in voter turnout are explained by (counterfactual) differences in motivation? Unless it invades our privacy, it can only rely on publicly available evidence, which is often murky or skewed. Earlier I quoted Brennan’s claim that men vote more than women. This accords with the results of many survey experiments, but recent analyses of validated voter turnout data

49. Some say “fair value” requires that “citizens similarly gifted and motivated [should] have a roughly equal chance of influencing the government’s policy” (Edmundson 2020: 497); others say it requires that “chances to hold office and exercise political influence are to be independent of socioeconomic position” (Cohen 2006: 89). Rawls (2001: 46) seemed to say it requires both: “The fair value of the political liberties ensures that citizens *similarly gifted and motivated* have roughly an equal chance of influencing the government’s policy and of attaining positions of authority *irrespective of their economic and social class*” (emphasis mine).

show the opposite (Stockemer and Sundstrom 2023). Experts agree that there is a gender disparity in voter turnout but disagree about its directionality depending on which data set they use. Likewise, consider the age disparity in voting. Some attribute it in part to the increased “informational costs” of voting for younger citizens (Singh 2015: 550). But informational costs can be a product of apathy: “The cost of finding information about the parties is clearly higher for those who do not like politics and do not follow the news, but the crux of the problem is that such people lack the motivation to follow politics in the first place” (Blais and Daoust 2020: 12–13). It is hard for social scientists to determine the extent to which disparities in voter turnout are explained by factors like “informational costs” rather than motivation, because these are not strictly independent.

The problem of unreliability is made more vexing since levels of political motivation are fluid, not fixed. How much you care about the outcome of the election is contextual, and contemporaneous polling is especially unreliable for low voter turnout groups (who are often small, and less responsive to polls). Even the stable factors—political interest and civic duty—admit of temporary perturbations,⁵⁰ and may be affected by changes in electoral procedures (see, e.g., Herron and Smith 2014: 656). If the state scrupulously appealed to the best current social science, it would unreliably assess its citizens’ relative levels of political motivation. So how can it reliably arrange institutions to guarantee that similarly motivated citizens are similarly likely to vote?

But the state would, predictably, act differently than a scrupulous social scientist. This takes us to fourth issue: *the problem of bias*. States often harbor prejudicial attitudes toward marginalized groups (sec. 2). And where there are group disparities in voter turnout, there are often also group disparities in partisanship (sec. 4.1). The rich, the old, ethnic majorities, the highly educated, the married, and so on both vote *more often* and vote *for different parties* than comparator groups. FAIR OPPORTUNITY says the state should arrange institutions to force or nudge or exhort some of these groups to vote more. We should expect the state to do so in ways that disfavor maligned groups and favor whoever is currently in power. That is, we should expect the state to form judgments

50. Markus Prior (2010: 763) writes, “In the absence of extraordinary political upheaval, political interest among citizens looks like a stable personal characteristic with only a few fleeting ups and downs”; and when “people are more (or less) interested than usual, they return to their personal equilibrium level of interest within a year.”

about its citizens' political motivations that justify discrimination and entrenchment.

In light of these four problems, political egalitarians should reject FAIR OPPORTUNITY. It leads to a picture of the state's institutional duties that is uncomfortably redolent of the Australian government's treatment of First Nations groups: that is, a state that creates institutional arrangements that give marginalized groups less influence than others based on demeaning, unreliable, and biased judgments, thereby compounding injustice.

Some may demur. One could say that problems of stigma, compounding injustice, unreliability, and bias merely concern the institutional implementation of this ideal *in unjust societies*. They leave FAIR OPPORTUNITY unscathed as an ideal for just societies.⁵¹

This response raises the specter of the ideal versus nonideal theory debate. But we can sidestep that here, for three reasons. First, the Rawlsian motivation for FAIR OPPORTUNITY is that poverty generates abstention—it prevents people from exercising the right to vote. My objection about the problem of compounding injustice arises once we observe that poverty generates abstention *by generating alienation*. Surely this objection is fair game?² Second, our overarching concern is whether FAIR OPPORTUNITY explains why the state's actions in cases like DISPARATE DUTIES are undemocratic and politically inegalitarian. This presupposes that the view is applicable to real-world, nonideal conditions. And third, the problems outlined above are strikingly similar to egalitarians' objections to elitist procedures like literacy tests for voting. For the state to be in the business of assessing citizens' *competence* to vote is widely considered inegalitarian; in effect, I am arguing that it is not different in kind for the state to be in the business of assessing citizens' *motivations* to vote. As such, the problems above do not arise because I uncharitably pushed political egalitarians in general or FAIR OPPORTUNITY in particular into the terrain of nonideal theory.

Alternatively, some may demur because the four problems for FAIR OPPORTUNITY arise only for certain ways of institutionalizing the

51. I thank an anonymous reviewer for suggesting this response. I am not sure whether this response to the four problems above can also apply to analogous problems with Rawlsian fair equality of economic opportunity, e.g., that injustice may generate inequalities of ambition via the effects of material inequality on fetal development (Kolar and Loi 2015) or via the internalization of stereotypes (Arneson 1999: 78).

view.⁵² Maybe there is an alternative to both the laissez-faire and targeted approaches that retains the motivations of the view while offering a more attractive account of what political equality requires of the state. What might that be? I don't know. Some paths collapse into versions of OPPORTUNITY. Others collapse into OUTCOME: if the view says the state must equalize voter turnout among equally motivated citizens while assuming that citizens are equally motivated, it dresses up equality of outcomes in the language of equality of opportunity. There may be another way forward for proponents of the orthodox view, but the onus is on them to defend it, and to show how it provides a promising explanation of why First Nations citizens were given less opportunity for influence in DISPARATE DUTIES.

8. What Equality of Influence Demands

I've argued that Australia made its First Nations citizens less politically equal (sec. 3) but did not give them less opportunity or less fair opportunity for influence (secs. 4, 7). This is a challenge to the orthodox view. I've also defended an account of the point of political equality that provides some support for OUTCOME (sec. 6) and noted that this view offers a natural explanation of the political inequality in DISPARATE DUTIES (sec. 5). But many may feel reluctant to endorse this heretical view, given its implications.

The key to seeing this view in a more favorable light is to understand it as what Anderson (2010: 4, 18–19) called an *essentially regulative principle*. Recall, political equality is not concerned with whether there is something wrong in a state of affairs. It essentially concerns citizens' claims about conduct—in particular, the conduct of the state. OUTCOME, as a principle, regulates such claims, specifying citizens' entitlements.

Let's walk through what this principle requires by first considering voting in elections, then turning to other dimensions of influence that seem more difficult for the view. Take Sandy once more. What claim does Sandy have against the state? According to OUTCOME, Sandy's claim is that the state did not take reasonable steps to ensure that Sandy would participate equally to other citizens. Such steps include imposing and

52. As Brighouse, Beitz, and Rawls all noted (see note 44), very little has been said about how FAIR OPPORTUNITY should be institutionalized.

enforcing a duty to vote—not on Sandy in particular but on all citizens alike.

Is this absurd? The argument from apathy suggests that it is. But that argument can now, I think, be dispatched quickly. It sounds persuasive when we compare hypothetical citizens or consider the general proposition that “a citizen is in no way mistreated by the inequality resulting from her own free choice not to exercise all of her available influence” (Estlund 2000: 128). But it loses its luster when we consider what the state must do about real-world group disparities in turnout (sec. 7).⁵³ There is nothing absurd about the view that political egalitarians should aim to end voting disparities that track age, race, wealth, and so on, even when one group’s higher rates of abstention are plausibly explained by higher rates of apathy (again, often due to alienation). These reactions, I think, are more probative than intuitions about simplified abstractions.

As such, OUTCOME offers us a simple, and reasonable, case for a general duty to vote. The argument for this is, in fact, a simplification of the most famous argument for compulsory voting, which Brennan (2016) calls the Demographic Argument:

- (1) Voluntary voting leads to systematic disparities in political influence (via voting) that are most efficiently rectified by enforcing compulsory voting.
- (2) Where there are systematic disparities in political influence, politicians will consider or satisfy some citizens’ interests more than others.
- (3) Politicians should consider or satisfy all citizens’ interests equally.
- (C) So, we should oppose voluntary voting and enforce compulsory voting.

The first premise is not controversial. The disparities in voter turnout under voluntary voting are huge (sec. 6); enforcing a duty to vote is widely considered the most efficient means of equalizing voter turnout (Lijphart 1997: 2–3, 7–10). The trouble starts from (2); Brennan (2016) surveys empirical doubts about the “assumptions about voter and politician behavior” behind this premise. And political egalitarianism as such

53. Why between groups? Political equality concerns individuals (sec. 4.3). But institutional arrangements are not tailored to differences between individuals like Julian and Sandy. Laws apply with generality.

is not committed to (3), as it rests on a duty to equalize something other than influence.⁵⁴

Thankfully, OUTCOME provides an obvious, less perilous path from (1) to (C), bypassing (2) and (3). Many proponents of the Demographic Argument may have had that path in mind. Arend Lijphart (1997: 1) claims that “unequal participation spells unequal influence,” which is a “serious problem even if participation is not regarded mainly as a representational instrument.” Bart Engelen (2007: 24) is more explicit: “Universal suffrage (having the opportunity to vote) ought to be extended to universal participation (making use of the opportunity to vote).” Neither develops these ideas further; they quickly turn to defending claims like (2) and (3). But their concerns appear to rest on OUTCOME, suggesting that this view has a few friends after all.⁵⁵ It lacks the illustrious support of OPPORTUNITY, but hey, heresy loves company.

This argument can be bolstered by another. Consider how Australia could have ended the disparity in DISPARATE DUTIES. In 1983 it extended the duty to vote to all; but it could also have abolished the duty to vote for everyone. Imposing voluntary voting would, in fact, have avoided international embarrassment *while still reducing the relative electoral influence of First Nations citizens*. This is because under voluntary voting, First Nations citizens would expectedly vote at much lower rates than others.⁵⁶ If Australia had implemented voluntary voting to ensure that First Nations citizens exert less influence than others, we should regard this as discriminatory and undemocratic. Voluntary voting would have been a further continuation of the twin injustices of the racial disparity in the duty to vote (sec. 3). But if this is true, it suggests that political egalitarians should oppose voluntary voting in general. Voluntary voting has similar predictable impacts on participation by marginalized groups everywhere.

54. Beitz (1983: 72) writes, “Procedural equality and equal consideration are not equivalent principles. They may not even be consistent.” But, as a reviewer notes, (3) may be a component of material equality.

55. Another fellow traveler is Alexander Guerrero. While Guerrero’s account of political equality appeals centrally to equality of political power (2014a, chap. 15) and is, Guerrero notes (2014b: 265n3), in some ways similar to Brighouse’s view, Guerrero holds that for citizens to be political equals, it is insufficient that they have equal procedural opportunity to influence political decisions, e.g., by having the equal opportunity to cast an equally weighted vote.

56. The disparity would likely far exceed the ~40 percent turnout gaps elsewhere (Lijphart 1997: 3), given Australia’s colonial history and present socioeconomic conditions for many First Nations communities.

What Is the Point of Political Equality?

You may respond that there are differences between DISPARATE DUTIES and typical forms of voluntary voting. In the former, the state *explicitly* treated citizens differently on the basis of race with the *intention* of reducing their relative influence. But these are aggravating features, not essential elements of the malfeasance. We should object to facially neutral practices that have a disparate impact on minority participation, even when that disparate impact is not intended.⁵⁷ Again, the analogy between apathy and incompetence is telling. As Hill notes, those concerned about incompetent voters “polluting the polls” rarely suggest that “we *legally* exclude the less politically informed from the electoral process, but wishing away inclusive mechanisms such as compulsory voting is certainly a good way to arrive at the same effect” (in Brennan and Hill 2014: 185). Even if we do not legally exclude the less politically motivated from the electoral process, wishing away inclusive mechanisms such as compulsory voting is similarly a good way to arrive at the same effect.

So far I have focused on voting, which many regard as the most important dimension of influence for political equality (see Still 1981: 375–76; Saunders 2010: 150, and references therein; see also Wall 2007: 420). Yet principles like OUTCOME should not be silent about other dimensions of influence. If they only apply to voting, such principles cannot explain why democracy includes rights to freedom of speech and association (Dworkin 2000: 193). When it is applied to informal dimensions of influence, however, many think OUTCOME has absurd implications. More articulate citizens usually exert more influence in democratic deliberations than others (Wall 2007: 421). So what does OUTCOME say when Ezra Klein has more influence on outcomes than some equally passionate but bumbling pundit who has no audience? If we “object to unequal influence as such,” must we, as Dworkin (2000: 195–96) wrote, “regard the greater influence of politically motivated or experienced or charismatic people as a defect in political organization, and take whatever steps we could to eliminate or reduce it”? This is an important objection.

I have two main responses. First, our concern does not lie with evaluating *the state of affairs* in which the more motivated or charismatic exert greater informal influence, as it would be on a telic view. Political equality is concerned with the duties of the state. So OUTCOME does not require more articulate citizens to exert less influence than they do in

57. Such practices can, for example, be indirectly discriminatory. See Moreau 2020, chap. 6.

democratic deliberations. In other words, Ezra is off the hook. The only relevant question can be what actions, if any, the bumbling pundit can demand from the state.

Second, the bumbling pundit cannot demand, as Dworkin wrote, “whatever steps” would “eliminate or reduce” this inequality: demanding that the state silence Ezra or force some of Ezra’s audience to listen to a worse podcast would exceed the proper limits of state power. This includes the limits imposed by freedom of speech itself.⁵⁸ This is a reason why, methodologically, it helps to focus on voting. As a formal dimension of influence, it is easier to regulate, making the landscape less messy.⁵⁹

That said, OUTCOME is consistent with holding that citizens can demand some significant steps to eliminate or reduce inequalities in informal influence. Plenty of celebrities who are not unusually politically motivated or experienced exert far more influence on democratic outcomes than ordinary citizens, or even Ezra. This is not primarily an issue of unequal resources. Ordinary citizens can also post on social media. But their opinions are not deemed as worthy of attention due to problems in democratic culture. It is reasonable to demand that the state take steps to erode inegalitarian norms. For this reason alone, OUTCOME is plausibly consistent with holding that citizens can demand that the state regulate financial contributions to political campaigns.⁶⁰

My overarching point is that when we see OUTCOME as an essentially regulative principle, we see why it appropriately demands that the state takes some significant measures to motivate political participation by the apathetic (such as enforcing mandatory voting), and why it makes some significant demands for the regulation of informal dimensions of influence (such as taking steps to erode inegalitarian cultural norms), but it does not make the state jump the shark. Ezra’s speech seems safe,

58. That rights to equality are constrained by such limits is a major theme from Anderson 1999.

59. See also Lijphart 1997: 2: “With the possible exception of financial contributions, little can be done to equalize participation in the more intensive [democratic] activities,” but the state can “make the most basic form of participation, namely voting, as equal as possible,” as a “democratic counterweight.”

60. See Pevnick 2016 for a critical discussion of the standard political egalitarian case for campaign finance regulations to prevent the wealthy from controlling the terms of political debates. That case appeals to OPPORTUNITY (Pevnick 2016: 48) but is also compatible with OUTCOME. And I do not think the case is undermined if wealthy donors lack a duty of political equality. By analogy, if the wealthy lack a duty of distributive justice, the state’s duty of distributive justice still requires it to tax their assets.

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because no citizen has a claim against Ezra, or a claim that the state silence Ezra.

Some may question these responses, especially the first. I have held that political equality is deontic, not telic. And like others, I held that the relevant duty applies to the state. (Recall Beitz [1989: 4]: political equality is “a requirement that democratic institutions that ...”) But some may prefer to say that the duty applies to institutions *and* individuals, since some examples appear to generate pressure to in this direction. During Jim Crow, many efforts to reduce Black electoral participation—and thereby generate unequal political influence—were led by members of the Klan, not the state. More recently, citizens have used misinformation campaigns to suppress voter turnout; it cost one dollar and took twenty minutes to make artificial intelligence-generated robocalls impersonating a candidate telling their voters not to cast ballots (for details, see Panditharatne 2024). In such cases, surely individuals violate the duty of political equality in how they treat co-citizens?

I think we should resist this pressure. Many ‘get out the vote’ campaigns aim to increase some citizens’ electoral participation—and thereby also generate unequal political influence. Citizen-led canvassing efforts do not plausibly violate OUTCOME, even when they are overtly focused on one partisan or demographic group. By contrast, the state cannot aim to make some citizens either *less* motivated or *more* motivated to vote than others. This is good evidence that the state is bound by a duty of political equality, but private individuals are not. What, then, should we say about the above examples of citizen-led voter suppression? A helpful clue comes from contrasting those cases with recent efforts to persuade some citizens not to vote in protest of candidates’ policies (on Palestine, in particular). Even those who disagree with such efforts would not characterize them as *voter suppression*, though they obviously aim to reduce some citizens’ electoral participation. I find the contrast telling. It suggests that what’s objectionable about the earlier examples was not that some citizens aimed to reduce others’ electoral participation; it was that they did so through independently objectionable means such as violence, intimidation, fraud, or manipulation.

You may be unconvinced. But if so, suppose we did say the duty applied to individuals, not just institutions. This puts Ezra on the hook. But it threatens to put the bumbling pundit on the hook, too. Their unequal influence results from both of their conduct, not Ezra’s alone. *If* such asymmetries in persuasive power are objectionable on egalitarian grounds, as some hold (see Lovett 2024: 35), it seems as strange to blame

any citizens for being more (or less) persuasive than others, and better to say that the state should do what it can, within the proper limits on state power, to ameliorate such asymmetries.⁶¹

This may not assuage all of your concerns about the implications of OUTCOME. Since I cannot survey all specific concerns, let me close with two more general defensive points. First, most of the tough questions for OUTCOME are also tough questions for OPPORTUNITY. Persuasive pundits and popular celebrities also have more *opportunity* for influence than ordinary citizens. When they engage in political speech, they are plausibly more able to influence others than most ordinary citizens. A similar point applies to what I consider to be the toughest question: How can OUTCOME be consistent with representative democracy? Representatives exert more influence than citizens. They also have more opportunity to do so.⁶² Many ways of explaining why OPPORTUNITY is consistent with indirect democracy apply equally to OUTCOME.⁶³ I'm genuinely not sure if those answers succeed. That's why this is the toughest question. But it is not a question that casts OUTCOME in a worse light than the orthodox view.

Second, most of the political philosophy pantheon has gone in to bat for OPPORTUNITY. This is the first article to defend OUTCOME, or even to give it a fair hearing. It is typically only mentioned in order to be cast aside. I hope to have persuaded you that there is a powerful case for OUTCOME, that it has some significant advantages over the orthodox view and other salient rivals, and that it has some promising responses to many of its main objections. Is the view true? I don't know. But that's a high bar. I just think it warrants being taken seriously.

9. Conclusion

Most everyone has agreed that political equality is equality of opportunity for influence, not equality of influence. I have argued for the inverse position about the nature of political equality by drawing attention to a

61. The dialectical situation can be instructively compared to the long-standing debate about whether egalitarian principles of justice apply only to "the basic structure." See Schouten forthcoming for a case that the critical and normative costs of adopting this view have been massively overstated. See also note 60 above.

62. See Dworkin 2000: 190–91 on horizontal and vertical political equality, and see Wilson 2019, chap. 3.

63. Goldman's (2015: 245–46) solutions apply to OUTCOME. See also Viehoff 2019: 22; Urbinati 2006.

neglected historical injustice where citizens were given unequal duties to vote. And I have used that challenge as a springboard to argue against familiar views about the point of political equality. It is not concerned with how we evaluate the distribution of power in states of affairs. It is concerned with the state's duty to treat each citizen as an equal coauthor of the law. Along the way, I hope to have shed light on other important topics, including the relationship between democracy and discrimination and related pathologies like entrenchment. But mainly, I hope to have helped to catalyze a more vigorous debate about political equality.

That debate matters within philosophy. But it matters more outside of niche journals. Just a few decades ago, democracy seemed ascendant. Now it is embattled. Authoritarianism is on the rise, driven largely by populist resentment. Populists have many complaints, but at least one strikes me as legitimate: on paper, we have rule by the people; in practice, we have rule by the privileged. Political egalitarianism should be well placed to explain why that complaint commends a commitment to democracy, rather than to its abandonment. But for decades, its proponents framed political equality as an ideal that is compatible with rule by whoever happens to show up, and hence as an ideal that is at best complacent about oligarchy. I hope to have painted a picture of the point and nature of political equality that is demanding enough to realize the promise of democracy as a form of government by the people, for the people.

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