

## Equal Respect and Democracy

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Notwithstanding its popularity and apparent plausibility, the idea that the value of equal respect could justify the distinctive features of democratic institutions has never received a thorough treatment in the academic literature. The impression one gets from the relevant texts is that the idea is actually much less clear and thought-through than it might appear at first sight. It is puzzling, actually, that this claim is made by authors who advocate deeply divergent theories of what democracy implies at the institutional level. Some authors have indeed suggested that the notion of equal respect for people is too vague and loose to have specific implications for democratic theory<sup>1</sup>.

The present essay represents a first step towards clarifying the idea that the value of equal respect can constitute a justificatory ground for the egalitarian political institutions that are endorsed by the democratic ideal. The claim that equal respect for persons justifies democracy requires clarifying three main notions: the notion of democracy (what do we mean by "democracy" in this context?), the notion of justification (in which sense equal respect for people is the grounding or justifying principle of democracy?), and the notion of equal respect for persons (which notion of equal respect for persons justifies democracy?). As dry as it may sound, the plan I will follow will consist in examining them in turn. In the next section I will offer an interpretation of the first two ideas, while the rest of the essay will be devoted to the interpretation of the third. The three notions will be examined in turn, but not independently of each other; we could conceive the following enquiry, indeed, as an exercise in reflective equilibrium: if we want to make sense of the idea that the principle of equal respect justifies the principle of democratic government, we should try to interpret each term of this justificatory relation in a way that fits the other.

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<sup>1</sup> See Beitz 1989.

## *Democracy and the idea of its justifying principle*

As already mentioned, what we are considering here is the claim that the Principle of Equal Respect for persons (from now on PER) is the grounding value of democracy *as a form of government*. What is specific to democracy as a form of government? Typically, by "democracy" a form of government is meant in which the law-making power is controlled directly or indirectly by the citizens and equally shared by them. Central to democracy, then, is the value of *political equality*. This last notion is notoriously controversial. Sometimes it is specified in terms of equality of *political power* or of *political rights*. But, as Charles Beitz has correctly noticed, this way of stating the meaning of political equality is misleading: political power is not something that can be distributed among individuals, and when assessing its implementation we should consider a broad framework of procedural rules and background conditions of their operation, rather than bits of a distribendum to be bestowed on every single individual<sup>2</sup>.

A less controversial and very comprehensive way of specifying the idea of political equality, which I will assume as the starting point of our discussion, is what we can call the Principle of Equal Participation. In the following discussion I will rely on the concise and useful definition provided by John Rawls:

Principle of Equal Participation (PEP): all citizens have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they have to comply<sup>3</sup>.

The nature and implications of the principle of equal participation are far from being clear and undisputed. To mention just a few issues that are still open to discussion, we could list the issue of whether the principle should be interpreted as mandating equal political impact or equal political influence<sup>4</sup>; whether majority rule is strictly required by it, or indeed it is a bad instantiation of the principle; whether minority-conscious redistricting is compatible with it; whether the principle requires equal worth of political liberties as a necessary complement to their equal distribution; and, as the debate on deliberative democracy has highlighted, whether the "participation" the principle refers to is participation in the mere formality of the vote, or is a more active participation in the deliberative process issuing in the vote.

All these are highly debated topics. Indeed, it might be hoped that, besides providing an explanation of the value and meaning of PEP, elucidating the idea that PER is the main justifying ground of PEP could help to establish what the exact institutional implications of the principle

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<sup>2</sup> Beitz 1989. See also Thompson 2002.

<sup>3</sup> Rawls 1971: 194.

<sup>4</sup> Dworkin 1988.

are: if the inspiring principle of PEP is PER, looking at what PER entails should help us to see how PEP should be translated into a set of specific principles for institutions.

If we understand our enterprise as an exercise in reflective equilibrium that could serve as a clarification of the institutional implications of PEP, then starting with a full-fledged definition of PEP would not serve our purpose; on the other hand, there is some minimal content of PEP that we should take for granted in order to start our inquiry about its relation to the principle of equal respect for persons. I will assume here that the minimal content of PEP includes the principle "one man, one vote", and the requirement that the political agenda be open<sup>5</sup>. No institutional setting that fails to instantiate these two requirements can be called an instantiation of PEP. Accordingly, no notion of PER that fails to justify this minimal content can be said to provide a justification for PEP. A more detailed specification of PEP, and of the institutional arrangements that it implies, should come only after we have better defined the meaning of PER as the grounding principle of PEP.

Now, there are different levels at which PER can enter an argument for PEP. The principle of equal respect can be the grounding principle of a moral theory on which an account of the value and nature of democracy is ultimately founded. The clearest example of this justificatory pattern is a contractualist theory in which the value of equal respect for people is instantiated by the equal position and contractual power granted to the contracting parties. This kind of theory might justify the adoption of PEP at the institutional level, if the parties agree on it. But in this contractualist framework the adoption of PEP might be agreed upon by the parties not because it instantiates PER, but for other reasons, like the fact that it provides a good guarantee against abuses of power, or the fact that it is more likely than other principles of government to issue in just legislation, and so on. In this kind of theory PER does an important work in the argument for justifying PEP, but it does it, so to speak, indirectly: PEP is not chosen *because it instantiates PER*, but because it would be agreed upon in a contractual position that instantiates PER.

Another way in which the principle of equal respect could enter a justification for PEP is as a requirement about the *content of the outcomes* of political decisions. For example, it could be argued that adopting PEP is the best way to promote decisions that will be respectful towards citizens. If the best way to respect the value of persons is protecting them by a system of rights, for example, democracy could be justified as the most efficient means to insure that those rights will be affirmed and implemented.

The relevant level at which we should consider the relationship between the principle of PER and PEP is a distinctive one, which lies in between the

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<sup>5</sup> These requirements can be considered as summarizing Dahl's descriptive definition of a polyarchy. The idea of openness of the agenda, here, is interpreted as entailing the requirement of recurrent opportunities for people to cast their vote on relevant issues. In other words, if no elections are ever held, the agenda is closed.

grounding level at which PER grounds morality in general and the outward level at which it shapes the outcomes of democratic procedures<sup>6</sup>. The idea I am trying to make sense of here is the idea that democracy is a *respectful form of government*, i.e. the idea that the principle of equal respect for people provides a *direct* justification for the principle of equal participation. One way to make this specification clear is the following: PER should enter the justification of democracy as requiring respect for the *actual* people who are participating in the law-making process, and should demand respect for them *as* decision-makers. This rules out that the principle can be applied to hypothetical or ideal individuals at the basic level of moral theory or to the individuals as *recipients* of the decisions made through the law-making process<sup>7</sup>.

In which sense should we understand the idea that the principle of equal respect *justifies* the principle of equal participation? If we are taking the idea that PER justifies PEP at the constitutional level, i.e. as a principle that constrains the kind of procedures that could be adopted for law-making, then it would be extremely implausible to assume that PER can do all the work in justifying specific institutional settings. For any normative constitutional theory will presumably be comprised of other important principles and values besides PER, which will have a limiting or a concurring role in shaping political institutions and constitutional arrangements. For example, an important limiting role in determining the distribution of political power and the scope of the principle of political participation will be played by the principles of the rule of law, or the principles protecting fundamental rights like the right of association, the freedom of economic enterprise, and so on.

What we should ask of an explanation of the idea that PER justifies PEP, then, is not that PER justify *all* the institutional features of a democratic constitution, but that it should explain its *distinctive features*, i.e. those features that distinguish it from non-democratic forms of government. It must tell us why, other things being equal, if we cherish the value of equal respect for people we should prefer a form of government that instantiates PEP to one that does not.

### *The meaning of equal respect for persons as a ground for PEP*

Now we can turn to the central notion of this discussion, i.e. the notion of equal respect for persons as the grounding principle of PEP. The principle of equal respect for persons is liable to different interpretations and bears

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<sup>6</sup> It could be argued that Risse's objections against Waldron's argument for majority rule (see Risse 2004) are grounded on the confusion between the idea of majority rule as conducive to respectful outcomes and the idea of majority rule as respecting people's opinions about what outcomes to implement.

<sup>7</sup> For a distinction between the application of PER at the ground level of moral theory and its application at the level of the relations between actual people, see Hill 2000.

different implications depending on which aspect of it is considered. Our main purpose here is to specify what it must mean and what it must entail *if* it must serve as the justificatory ground for PEP. The best way to understand what is specific to PER as the grounding value of PEP is perhaps a negative way, by looking at what forms of disrespect or what violations of equal respect for people those governments that deny PEP are guilty of.

There are various ways of not respecting people. Some of them involve treating them as less than human, like animals or inanimate objects. The specific form of disrespect that non-democratic governments have for people does not necessarily involve these forms of *reification*. A political regime in which some of the people are not allowed to vote might acknowledge that all the subjects are to be treated differently than animals or inanimate objects, and that they are bearers of a dignified status that requires special and respectful treatment; nevertheless, by excluding some of the citizens from the participation in the ruling of the country such a regime would manifest a serious form of disrespect for them. The particular form of disrespect that is involved in these cases, I submit, is not a form of reification, but a form of *infantilization*: it involves treating people as less than capable of full agency<sup>8</sup>. Whatever respect for persons implies in other contexts, the distinctive duty of respect that is at the core of democracy is the duty to respect people as capable of full agency. Treating people with equal respect, in this context, means treating them all as endowed with the same nature of agents, and with the same skills and capabilities required by agency.

[u1]The notion of full agency, in this context, is relative to what we consider the normal skills and capabilities of adult human beings: it does not require perfect knowledge, or the capability to always make the right choice, or the skills required to successfully carry out one's plans in all circumstances. Failure, risk and error are constitutive of human agency. What equal respect for people as agents requires is that none of them is recognized as capable of a lesser capacity for agency than others, whatever the normal level of agency is taken to be.

It is important to stop for a moment in order to pay due attention to the nature of this way of interpreting the principle of equal respect for people. According to this interpretation of PER, respecting people means recognizing them as bearers of some valuable capacities that are distinctive of persons, and treating them accordingly. This way of interpreting PER could be called a *quality-responsive* view of respect: it makes the respectful treatment which is due to people depend on and be modeled by the recognition of their possessing a valuable quality, which needs to be honored in the appropriate way. In the account we have just offered the relevant feature is the capacity to be a full agent, since it is the salient capacity in the context of the normative theory of democracy. In other

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<sup>8</sup> For an account of the complex and sometimes paradoxical relations between these different dimensions of disrespect for people, see Margalit 1996.

speculative contexts, in which other aspects of respect for persons are involved, different interpretations might be offered focusing on different features of human beings as deserving respect, like the capacity to feel pain or the capacity to have interests.

We should notice here that the *reason* for treating people respectfully in the sense specified, i.e. in ways that are modeled by the presumption of their possessing a valuable quality that deserves due recognition, does not have to be that we *do* positively recognize people as bearers of that quality. We might treat people respectfully in a quality-responsive sense, i.e. *as* bearers of a valuable quality deserving due recognition, because someone has commanded to do so, or because we believe that people will be pleased to receive such a treatment, and so on. A fully developed theory of the relation between PER and PEP, presumably, should comprise an account of the *reasons* why people should be treated respectfully, i.e. as bearers of the capacity for full agency<sup>9</sup>. In the present context, though, I shall not provide such an account. The most pressing issue that needs to be addressed, in fact, concerns so to speak the *content* of the PER, and not its *reasons*, for only by offering an adequate account of what treating people respectfully means we can provide an argument for believing that PER grounds PEP. In other words, I am taking for granted, in the present discussion, that we *should* equally respect people, without further inquiring about the reasons for doing so, and my efforts here are devoted to finding out *what respecting people means* if the principle of equal respect for people must ground a democratic form of government<sup>10</sup>.

The relevance of a quality-responsive definition of the meaning of PER, and more specifically of the quality-responsive definition according to which respecting people implies, among other things, treating them as full agents, is best supported by looking at the inadequacy of two popular

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<sup>9</sup> Most likely, publicity conditions and other constraints imposed by liberal principles will rule out so to speak "insincere" reasons for treating people according to the presumption that they are full moral agents, i.e. reasons which are not grounded on the sincere assumption that they *actually are* full moral agents, or that they cannot be proven not to be so. This would rule out the account of the duty of treating people respectfully that Rawls offers as an explanation of the priority of the liberties in *A Theory of Justice*. Such an account makes the duty to treat people respectfully dependent on the positive effects that the required treatment has on their psychology. This could be seen as a deceitful way of treating people respectfully, and a way that violates the publicity condition: if people knew the actual reason why they are treated respectfully, they would feel offended, and the purpose of the relative institutional arrangements would be defeated. These troubles derive more in general from Rawls' account of self-respect as a good that is offered in *A Theory of Justice*. I am trying to develop a critique of it in a paper specifically devoted to this topic.

<sup>10</sup> It might be thought that the two issues (why we should honor PER, and what PER means) cannot be kept separate, since the assumption of a duty to comply with PER should have a role in defining its meaning: we might assume that the limits imposed by what a moral principle can reasonably ask to people should constrain from the start our work aimed at disclosing its meaning. I have decided not to proceed in this way, though, but rather to follow the opposite path: first I will try to provide an interpretation of the meaning of PER, and only then I will check whether such an interpretation is compatible with the duty to comply with PER.

alternative interpretations of PER that often appear in the literature on democracy.

The first of these alternative interpretations of PER as the ground for PEP might be called the *expressive* interpretation of PER. According to this interpretation, treating people with respect means treating them in ways that express their equal status. Equal vote and the other requirements of PEP, on this view, are justified by PER because they are ways in which the equal status of citizens is publicly stated and expressed. This interpretation of PER does not mention any particular positive quality of the people to be respected; it seems to model the content of PER simply on the need to make a public statement about their equality of status. At first sight it might appear that this view could work better than any quality-responsive view of respect, since it does not make respectful treatment refer to presumptive judgments about people's capacities, that might issue in embarrassing comparisons between them. If we assume that people's need for being recognized as having equal status is equally felt, then we have a justification for giving them equal respect independently of their performances and personal qualities.

The main problem with this view of PER is that it is vacuous. For, once we have established that people have an equal need to have their equal status recognized, and that this is a sufficient ground for recognizing it, we still have to establish what kind of treatment is required to manifest such an equal status. Why equal status should be expressed by equal political rights rather than, say, being all given a free microwave oven or a discount card at the local supermarket? [102]What we need in order to explain the special importance of equal vote as an instantiation of PER is an account of the special meaning of universal franchise; the best candidate for such an explanation, I submit, is an account in terms of the equal capability of citizens to participate in the political process as equally competent agents.

The same kind of difficulty arises with another apparently quality-independent interpretation of PER that can be found in the literature, which could be called *equality-presumptive*. According to this interpretation, treating people with equal respect means treating them equally unless there are good reasons for doing otherwise<sup>11</sup>. On this view, PEP is justified by PER because PER mandates an equal distribution of political rights, there being no good reason for distributing them unequally. But here, again, we can see that the argument is vacuous unless a more substantive premise is added. There are many areas of social organization in which unequal competence and skill are acknowledged as a good reason for unequal treatment. These areas are not subject to the requirement that each citizen should be assigned an equal role and equal rights, because it is recognised that efficiency or the reward of merit call for an unequal distribution. Why does not this argument apply to political rights? The only answer we can

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<sup>11</sup> See for example Gaus 1996: 253. Against this kind of formal interpretation of equality in general, see Raws 1971: 447.

offer is that, as far as political rights are concerned, calling for unequal competence is not a good reason for unequal distribution, since equally respecting people exactly means treating them according to the assumption that they are equally capable of the level of agency which is required by their participation in the law-making process. Unequal political rights violate PER because they ignore this requirement. Notwithstanding the apparent formal character of this argument, the assumption that PER responds to people's equal competence as agents is needed also in this case, if PER must offer a sufficient ground for PEP<sup>12</sup>.

The claim that PER is too vacuous and abstract a principle for grounding a theory of political rights is usually founded on the assumption that PER must be interpreted according to the expressive or the equality-presumptive view. These views are in fact vacuous and incapable of justifying PEP, unless a more substantive specification of the content of equal respect is added. As I suggested, such a specification is offered by the idea that people should be equally respected as equally capable of full agency.

The validity of this specification of PER as the ground for PEP, though, must be tested and proven more positively by actually building an argument from PER (so specified) to PEP. Now, the building of such an argument is made troublesome by the fact that the idea of what full agency is and implies supports different interpretations. In what follows, I will sketch three different arguments from PER as implying the requirement of treating people as equally capable of full agency to PEP. Each of these three lines of argument is grounded on a different interpretation (and normative theory) of what full normal agency should consist of, and leads to a different interpretation of the minimal content of PEP we have stated before. Each of these lines of argument, in addition, can be fully developed into a detailed theory of what PEP, as inspired by PER, entails at the institutional level.

### *Equal respect for people's capacity to be creators of ends*

The first way in which PER can justify PEP is by adding an essential specification to the principle of equal consideration of people's interests as a principle of good government. It is often said that democracy is a principle

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<sup>12</sup> The vacuity and manipulability of this argument, when no further assumption is made about the need to recognize people's capability for agency as the ground of PER, is evidenced by the fact that it could ground elitist or non democratic forms of government. Unless we assume that people rightly feel offended when their equal capacity to act competently in the political arena is not recognized, Mill's argument for plural vote goes through very smoothly. Actually, Mill's argument is exactly a malign version of the equality-presumptive view of PER: people cannot feel offended if the superior competence of someone else is recognized. On the same grounds, it might be argued that people should not feel offended if the difference in competence between them and other people were so wide to justify their exclusion from the franchise altogether. For a recent example of how to abuse in a similar way of the expressive conception of equal respect, see Wall 2006.

of government that displays equal consideration and concern for all citizens. By this it is meant that their values, goals, and interests are given equal weight in making decisions that affect all of them. Equal consideration, though, is not distinctive of democracy: a fair and benevolent autocrat might instantiate the principle of equal consideration much better than democratic procedures. Democracy can be distinguished from other benevolent forms of government only if another important principle is added to equal consideration of all interests, i.e. the principle that each individual is the best judge of his own interests. This is where the principle of equal respect comes in: recognizing the principle that each individual is the best judge of his own interests is a fundamental way of respecting individuals as agents.

There are two different ways of interpreting the idea that people are the best judges of their own interests. The first one is that people are in the best position to *know* what their interests and goals are; after all, they are those most likely to know the countless details about the circumstances of their actions. When we recognize this fact we show respect and recognition for people as capable of making sensible judgments about the conditions of their own welfare and happiness<sup>13</sup>. But there is a deeper sense in which we show respect for individuals in taking their statements about their interests and values as authoritative. What is recognized, according to this interpretation, is the capacity that human beings possess of being sources of ends, i.e. of *constituting* ends and values. In building a plan of life we are not merely selecting and assembling according to an overall strategy pre-existing goals and ends endowed of independent normative validity. At least partially, we give meaning and value to those ends by selecting them and embroiling them into the pattern of our existence.

If people have the normative power to set ends by their actions, then people's word about what they cherish the most and what is most important in their lives is not merely a descriptive statement, but is a performative or declarative statement made authoritative by the creative endeavor through which individuals build a meaningful life. Respecting individuals as the final authorities about what their interests are, then, is a way of respecting them as agents equally capable of setting ends.

In a prosaic but very robust way this idea of equal respect for people as sources of value is the one that in social choice theory is usually represented through the formal requirement of democratic decision procedures that is called *unrestricted domain*. Unrestricted domain requires that no system of preferences can be excluded as an input of a decision procedure. In other words, no individual can be denied the right to vote, or have his vote not counted, because of the content of his system of preferences. The system of values of every citizen must be given equal recognition and taken into account in the social calculus, independently of its content. This could be seen as a way of translating the idea that all individuals are sources of valid normative claims; their systems of values have equal worth, and there is no

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<sup>13</sup> Dahl 1989, ch. 7.

external judge who can select some of them out because they do not respond to a pre-constituted normative order<sup>14</sup>. Not only people's interests and goals have to be considered equally; they have to be considered equally *in their own terms*<sup>15</sup>. Unrestricted domain easily translates into the requirement that the political agenda should be open.

This feature of respect for people as agents could also explain a deeply controversial feature of PEP, i.e. the principle "one man, one vote" which is usually associated to it. This principle seems to be completely blind to the differences in the intensity of people's preferences. Now, this seems to contrast with the idea that democracy treats people with equal consideration. Treating people with equal consideration appears to be hardly compatible with the idea that in the social calculus a minor annoyance for one individual can be put on the same footing as a major damage to the interests of another person. But the adoption of the principle "one man, one vote" seems to imply exactly this kind of unbalanced judgment. How can this principle be justified?

Respect for people's preference orderings is partly associated with the rejection of what in Arrow's words can be termed "Platonism". Platonism is the idea that there is an objective point of view from which we can make judgments about the relative weight of people's interests. This possibility is ruled out if we take seriously the idea that each individual is the final judge of his own interests. From this idea it follows that no full interpersonal comparisons between the relative value of those interests are possible; people's systems of values and ends are opaque to each other, and no Archimedean point from which we can compare and assess them is ever to be found. Given this very strict epistemic constraint, the only way to give equal consideration to each one's interest is simply to assume a default equal right to influence the social decision procedure. The formal features of democratic decision procedures usually associated to PEP respond to this principle: anonymity, neutrality, and non-dictatorship are the most obvious ways in which the idea that all interests must enter the procedure on an equal footing can be implemented.

It is important to notice that this way of interpreting PER necessarily supports the principle "one person, one vote" and a neutral aggregation procedure, but does not necessarily support majority rule. It is true that majority rule seems to fulfill the requirement to attribute the same weight to each person's interests. In an important sense, it takes into account what can be called "separateness of persons": it counts the vote of each individual in favour of a given outcome as an additional reason for that outcome. On the other hand, there is something discomfoting to the idea that some people might happen to be on the losing side every time a vote is taken, and never see any of their interests fulfilled. Given a social setting in which persistent majorities are likely to occur, adopting majority rule amounts to

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<sup>14</sup> For a careful statement of this view, see Ferejohn 1993.

<sup>15</sup> Williams 1962.

permanently ignoring the interests and wishes of the losers. The aggregation of votes that is carried out by majority rule, in these cases, does not seem to implement the principle of equal consideration of interests in the right way<sup>16</sup>. This may justify the adoption of a principle of aggregation that can take into account the weight of the interests of minorities. Two typical ways of reaching this goal are responsive lotteries<sup>17</sup> and, more commonly, the institution of some power-sharing form of government. From the institutional point of view, this conception of democracy typically mandates proportional representation and an active role of representatives in bargaining and negotiating among the different interests, constrained by the requirement that their bargaining power actually reflects the numerical strength of the people who voted for them<sup>18</sup>.

This interpretation of the relationship between PER and PEP satisfies the desiderata set up as the minimal content of PEP: it explains in which sense PEP, as requiring the principle "one man, one vote" and an open agenda, is mandated by the equal respect we owe to people as agents. In addition, it specifies an interpretation of PEP that mandates more detailed principles for institutions than the ones required by its minimal content.

But this interpretation of the relation between PER and PEP might leave us somehow unsatisfied. It seems to express respect for an important feature of human agency, i.e. the capacity people have to set ends and to be "self-originating sources of valid claims", but it utterly ignores another important aspect of personal autonomy, which might be considered essential to human agency: respect for people is due not only to their capacity to build a meaningful life by validating ends and goals, but also to their capacity to be *responsible moral agents*, i.e. people who can make moral decisions according to a sense of justice and a due recognition of moral requirements. In the interpretation of PER we have just considered the reconciliation of people's interests and values is done through a quasi-mechanical device. Citizens do not actually participate in collective *decisions*, but merely provide the inputs to an aggregation procedure, playing a purely informational role. It is true that recognizing their unique position in providing that information is an important way of respecting them as agents. But no one can be considered as a full moral agent if all the important decisions concerning the right balance between his own interests and other people's interests are made, so to speak, behind his back. The full appreciation of this important feature of human agency is at the center of the

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<sup>16</sup> For a convincing statement and explanation of this claim, see Jones 1983.

<sup>17</sup> Responsive lotteries are lotteries in which the winning outcome is selected by lot, but the chances that a given outcome is selected are proportional to the number of people who favor it. A typical proceeding is the following: people cast their vote by writing the preferred outcome on a piece of paper. Then all the pieces are collected in a basket, and the winning one is selected through a random device (see Ackerman 1980).

<sup>18</sup> This means, typically, that institutional devices should be put in place in order to insure that small parties at the center of political spectrum do not acquire a disproportionate power because of their strategic position.

interpretation of the relation between PER and PEP that we will consider next.

*Equal respect for people's capacity to act as moral agents*

The recognition of people's *moral agency* can take place only in a context in which the citizens *decide* about the collective issues, each one exercising his moral capacity as someone who can and is willing to judge in fairness which social states should be selected in order to respond to justice. The final decision should not be carried out through some mechanical device that is not controlled by people (like a lottery selecting the winning interest), nor through the silent work of representatives carrying out bargains grounded on the relative weight of their political parties, but by the joint effort of all citizens to devise the right principles of justice and their right implementation.

If we adopt this way of considering the principle of political participation, then the value of equal respect for people concerns a different object than their capacity to assess their own interests and values. What is respected when political power is diffused is everyone's capacity to issue adequate judgments about justice. Here the conception of voting is different from the one assumed in the interest model; by voting people do not express their bare preference for a set of ends they want to be furthered, but express a thoughtful judgment on the just policy to follow.

Of course fairness and justice have to do with the reconciliation of different interests. The interests and goals of one's fellow citizens will be taken into account by each voter and will constitute, so to speak, the raw material of the decision process. And it might even be the case that the right or fairest way to reconcile them will be to use a principle very similar to the one just considered in the interest-based conception of democracy<sup>19</sup>; but it is not interests themselves that constitute the inputs of the democratic procedure, and the respect that is due to people in this case is not respect for individuals' interests, but for their capacity of judging what the best reconciliation of them is.

People, though, have different opinions about what the right decisions should be; how should the final decision be made? If we value and respect people's judgments equally, the answer seems to be that they should be counted as equally relevant to the final decision. But how should we aggregate them? Here the compromise solution that seems adequate in the interest case does not look as promising. When two opinions are conflicting,

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<sup>19</sup> How would voters get the necessary information about the *numbers* of people backing a given option or the other, if people would not be allowed to vote according to their interests? We might think that this information could emerge through the political debate; it is not unusual, indeed, to hear appeals to numbers in discussing matters of justice, also in the most fair-minded political debates.

a compromise solution does not seem to be the appropriate answer<sup>20</sup>. Majority rule, here, seems to be the right way to honor the equal weight of each citizen's vote as expressing a sincere and equally competent judgment about the correct way to make the relevant decision<sup>21</sup>.

Given that compromise and bargaining should not have any place in this conception of PEP, this view of democracy does not require strictly proportional representation and the other institutional settings that are needed to insure the equal consideration of people's interests. Rather, the institutions fit to the ideal of political participation that is inspired by this second interpretation of the citizens' equal capacity for agency are typically those of deliberative democracy. The law-making process should make room for a free and open discussion in which the equal dignity of all voices is assumed and the divergence in citizens' opinions are attributed to the nature of human reason (the burdens of judgment) rather than to people's inadequacy of some of them to act as moral agents<sup>22</sup>. Strictly proportional representation, in this context, is not called for, since the transformative power of discussion among people who are aiming at finding the right principles of justice is in any case meant to upset the original opinions of the representatives. All that is needed is that all the voices can be heard and contribute to public discussion<sup>23</sup>. The political agenda should be open in the sense that all opinions about justice must receive a fair hearing.

All this, though, should not lead us to think that if we follow this interpretation of PEP the problem of persistent minorities should be ignored at the institutional level. If we assume that the grounding principle of PEP is the respect we owe to people as capable of acting as moral agents, then the existence of a persistent majority is not compatible with this model. If people are equally capable of issuing moral judgments, i.e. they have an equal capacity to discern what is right and to endorse it without being led astray by personal interests and biases, then we should expect that the probability of being on the losing side should be equally distributed. The existence of a persistent minority, then, is alarming evidence that something has gone wrong with the institutional process that should guarantee the citizens' free and equal exercise of their sense of justice through political

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<sup>20</sup> Dworkin on integrity.

<sup>21</sup> On this conception, see especially Waldron 1999. It is sometimes claimed that majority rule is respectful towards citizens since it allows minorities to comply with the law while retaining their views about justice and their integrity as moral thinkers (see for example Meyers 1990, Waldron 1999). I will not consider this argument here, since I believe it does not highlight any specific virtue of majority rule. The same effects on citizens' integrity can be obtained by any principle of government that does not require people to always match their personal convictions with those implemented by positive legislation.

<sup>22</sup> Gutmann and Thompson 1996, Gutmann and Thompson 2004, Dryzek and Niemeyer 2006.

<sup>23</sup> Empirical political science has provided detailed analyses of what it takes for an opinion to be appropriately heard and discussed in the public debate. In representative assemblies, for example, this requires the presence of a salient number of representatives holding that opinion.

participation. Given the nature of this interpretation of the meaning and value of PEP, the existence of a persistent minority is not something that can be amended by merely adopting institutional devices that insure negotiation and bargaining, or some form of responsive lottery<sup>24</sup>. The fact that a group of citizens persistently finds itself on the losing side will presumably call for a deeper revision of the conditions of law-making decisions and of the other institutional means for insuring free deliberation<sup>25</sup>.

Here, again, we have an interpretation of the meaning of the relation between PER and PEP that satisfies the minimal desiderata we have established earlier: the principle "one man, one vote" and the requirement that the agenda be open are justified on the shared ground of the principle that mandates to treat all persons as equally capable of full agency, when this time full agency is conceived as the capability to issue judgments about justice and the common good.

This second interpretation of the relation between PER and PEP is grounded on a richer or more ambitious conception of the equal capability of being full agents than the interpretation we have previously considered. The third and last interpretation of PER we are going to sketch next is grounded on an even more comprehensive and more demanding conception of the equal capacity for full agency.

#### *Equal respect for persons' capacity to advance their aims and claims*

Our last interpretation revolves around the idea that an essential component of people's agency is their capacity to personally promote their ends and claims. Being an agent does not only mean setting one's ends or issuing practical judgments; it also implies engaging personally in the pursuit of one's goals and claims of justice, devising the best way of furthering them, thinking of strategies for getting other people care about them when their help is needed, defending them actively when they are threatened, and so on. According to this idea, respecting people is respecting their capacity to be full social actors, capable of furthering their aims, values

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<sup>24</sup> Gutmann (2003: 190) seems to advocate, in these cases, the mere adoption of super-majoritarian aggregation procedures that improve the position of persistent minorities. But this solution seems to be appropriate only to the case in which we are assuming that people's vote on matters of justice is strictly determined by their identity or affiliation. This is exactly what should be denied if we believe that people are capable of full moral agency as participants in the law-making process. If some conditions that inactivate this capacity exist, then they should be removed.

<sup>25</sup> The existence of a sharp and persistent division in the voting patterns of the majority and the minority, if we assume that all citizens are equally willing and capable of voting according to their sense of justice, might mean for example that the communication between the two parties has been hampered in some way or the other, and that there has not been enough exchange of information between them. These problems can be corrected at the institutional level by creating more occasions for discussion and exchange.

and ideas about justice on the public scene. This capacity is exercised by people when they vote and engage in deliberative activities, but it is exercised by them as well when they march for protest, when they join a political party, when they vote strategically in order to further their long-term political interests, and when they engage in actions as political activists<sup>26</sup>.

There are two main sides of this way of conceiving agency. The first one is the willingness to stand for one's ideals and goals and to take care of them personally. There is an important literature that portrays the willingness to state and advocate one's rights and claims in public as an essential component of self-respect<sup>27</sup>. It might be argued that the willingness to fight for one's values and beliefs more in general, also when they concern broader interests than one's own, is an essential feature of self-respect. This idea of self-respect could be considered as the pragmatic counterpart of the recognition of one's interests, claims, goals and sense of justice as worthy of being pursued. An agent who merely states his interests and claims is not taking himself seriously as a source of moral claims; the only way in which we can develop our full agency, and express our acknowledgment of the importance of our aims, is by trying to secure their success.

The second side of the idea that full agency implies personally taking care of one's interests, values and goals is that an agent must display the necessary strategic wisdom that is required in order to further one's aims and goals, i.e. the capacity to devise the best way to put into practice and further them. Agency is not just about setting ends in a sort of pragmatic void in which no trade-offs between them are ever to be faced; it is about setting short-term and long-term ends in the specific context in which one acts, taking into account the feasibility and the opportunity costs of one's decisions. Furthering one's aims has to do with taking into account the circumstances of one's action and decision.

Especially if referred to political action, these two sides of full agency might appear at odds with each other, in that the first seems to constitute an exercise of moral integrity, while the second seems to be the exercise of the kind of Machiavellian cleverness that is needed to deal with the dark side of politics. But this is a misleading impression. Acting in support of one's ideals does not necessarily mean acting in an idealistic way; it is true that sometimes the right kind of action to undertake is the one which is inane from the point of view of the achievement of concrete political results, at least in the short run; but acting, *per se*, implies engaging in the exercise of some sort of strategic skills. Giving up cherished ideals for the sake of an important goal that can be presently achieved, building long-term strategies that imply compromises and changes of plans, accommodating the requests of other people that might help us to reach our ends, is part of what carrying out our plans and furthering our goals normally requires. Integrity places

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<sup>26</sup> A full account of these activities is offered in Walzer 2005.

<sup>27</sup> For some classical examples, see Feinberg 1980, Boxill 1976, Hill 1991, Thomas 2001.

some important limits on the ways in which we carry out our plans, but the exercise of some pragmatic cleverness is constitutive of agency as the personal engagement in the advancement of one's goals.

Respecting people, according to this interpretation, means recognizing their willingness and capacity to fight for and personally engage in the pursuit of their ideals and their views about justice. It means, in other words, recognizing their capacity to act as statesmen in directing and influencing public policies. Of course not all citizens can be expected to possess the kind of dexterity, knowledge and expertise that skilled politicians have, and wherever representative institutions are in place respecting citizens as statesmen cannot obliterate the distinction between professional politicians and their voters. Nevertheless, citizens must be recognized the kind of wisdom and competence which is necessary, for example, not to be tricked by politicians, or at least, like in Lincoln's famous statement, not to be tricked by them forever; the wisdom which is necessary to sense when it is time not to vote for their preferred program or party in order to guarantee political stability to their country or keep an adequate balance between political forces; when to engage in costly political campaigns and forms of protest and when to keep quiet in order to achieve other long-term goals.

What does this kind of equal respect imply at the institutional level? Of course, equally respecting the members of the society, in the sense we are considering, implies giving each of them an equal right to vote: taking part in the formal procedure through which political decisions are made is in fact one of the most important deeds that one can perform for the purpose of advancing one's goals and ideals. But here the conception of voting is different from the one instantiated by the two preceding views of PER. While according to the first two conceptions of PEP that we have considered strategic voting is to be avoided by all means, according to this last conception it is perfectly admissible and it is considered a normal feature of democratic politics. According to this view voting is not – or is not always – stating one's preferences or one's views; it is the exercise of a political power through which one tries to influence the public policies in the directions that he deems appropriate, and taking into account all the circumstances that can influence and affect the political results of such political act<sup>28</sup>.

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<sup>28</sup> For these reasons no form of responsive lottery is compatible with this view of PER. In the literature on the topic it is often claimed that the main reason for avoiding lotteries as a substitute for majoritarian aggregation is that they would remove the incentives to political discussion; when policies are decided by lot, there is no point in trying to convince one's fellow citizens of one's views (see for example Kuflik 1997, Ackerman 1980). This claim is actually mistaken; even if one knows that the final outcome will be decided by lot, one will still have a strong incentive to try to convert as many people as possible to one's view, since this will rise the chances that the selected outcome will be the one he prefers. The form of political activity that is seriously depressed by lotteries, rather, is strategic voting. Lotteries tend to guarantee that votes express sincerely people's views about the desired outcome. citare l'articolo su mixing... chance Importante: bisogna separare la questione del logocentrismo da quella della capacità di partecipazione. Bohman fa una

A clear example of what could never be justified by this third view of PER is the use of citizens' juries and deliberative polls in order to create a safe environment in which people can discuss and vote political issues without being exposed to the deceitful tricks of ordinary politics. The resort to this kind of devices has gained some popularity among the advocates of deliberative democracy, since it seems to guarantee a neutral space in which citizens can vote according to their considered opinions about justice. In a way, then, these institutional instruments seem to constitute the best instantiation of the idea that, given the appropriate conditions, people are perfectly capable of acting as responsible moral agents. From the point of view of the third interpretation of PER we are considering, though, these proposals show a deep disrespect for citizens' full capacity for agency: they are grounded on the assumption that, given the normal circumstances of politics, most people would be the prey of ruthless politicians, would be unable to collect the relevant information, and would be unable to make their voice heard by the rest of the public<sup>29</sup>.

More generally, any attempt to equalize political influence through the creation of a sanitized space in which each citizen is free to act as a moral deliberator tends to be a serious violation of the idea that people need to be respected not only as issuers of moral judgments but also as political actors. Equality of political influence is often argued against because of the restrictions it imposes on fundamental liberties, like freedom of association, freedom of expression, or freedom of economic enterprise. Focusing on the idea of respect helps to highlight another important negative effect of the pursuit of equality of political influence: it downplays a fundamental dimension of agency, i.e. people's capability and willingness to affect the political space personally engaging in the building of the agenda and in the creation of coalitions and affiliations according to their political wisdom and prudence.

This view of PER adds a further element of proceduralism to the views we have considered so far: it does not only require that the process through which the different interests of the citizens are reconciled is controlled by the citizens themselves; it also requires that the very process issuing in the formation of the citizens' opinions, of the political agenda and of the

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teoria della democrazia deliberativa in cui la possibilità effettiva di partecipare è importante, ma la partecipazione è immaginata in termini di deliberazione.

<sup>29</sup> This lack of trust in people's capacities is associated to a suspicious attitude towards the social and interpersonal dimension of politics that is instantiated by political parties, pressure groups, lobbies, and other forms of political activism. All these forms of political activity, by their nature, tend to "bias" and curb the expression of individual judgments and preferences; as such, they tend to appear inapt to be reconciled with the model of political agency which is associated to the idea that deliberation and voting is about expressing one's considered opinions about justice. But political socialization is indeed one of the highest, most complex and most enriching forms of agency in which citizens can engage in the public sphere; downplaying their importance means not trusting people's capacity to interact in this social dimension without falling prey of ideological deceit, political trickery or corruption.

grounds for deciding be in the hands of the citizens. Given this element of proceduralism, nothing guarantees that each citizen will exercise an effective equal influence on the decision process. This does not mean, though, that the process should be controlled by the relative economic strength of the citizens, by their unequal social position or by the other uneven circumstances of their life. The very rationale of this way of understanding PER as the ground for PEP mandates an equal distribution of the *opportunities* for affecting the political process and behaving as a fully capable political actor. This implies, for example, public funding of political campaigns, the adequate support for political associations, the provision public spaces and adequate technology for the aggregation of political activists coming from economically disadvantaged environments, and so on<sup>30</sup>. This way of understanding ER does not rule out any institutional intervention directed to the equalization of the opportunities of influencing the political process; what it rules out, instead, are certain ways of insuring equal influence. More specifically, it rules out those institutional devices that respond to the unequal participation of citizens to the political process by postulating their incompetence in taking care of and further their political ideals, rather than to systemic disadvantages that make irrational or unrewarding any attempt to engage in the political process. When facing the unequal participation of the citizens in the political process the last explanation that should be sought is the one that assumes the incompetence of the less active ones, and the last solution that should be resorted to is the equalization of their influence through the setting of a controlled environment in which the effects of spontaneous political mobilization are cancelled out<sup>31</sup>.

### *Conclusion*

If the above analysis is correct, then the idea that equal respect is the grounding principle of democracy is capable of receiving at least three different interpretations, which are associated with different views of what

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<sup>30</sup> James Bohman (1997) argues convincingly for the removal of all forms of "political poverty" that can affect people's effective opportunity to participate in the law-making process. The kind of participation he has in mind, though, seems to be centered especially on deliberative activities, while what I have in mind is a wider range of political capabilities and competences than those required by deliberation.

<sup>31</sup> This view could explain the feeling of loss and disappointment that some people experience when quotas are adopted as a remedy to the unequal participation of minority groups. Quotas reestablish to a certain degree the equal opportunity for all the groups to make their voice heard in public; to such extent they satisfy the requirements of the second interpretation of PER we have considered. But they also make explicit and somehow ratify the unequal capability of the members of those groups to mobilize and to personally engage in the promotion of their claims and goals. From the point of view of this third interpretation of PER as the ground for PEP, quotas should represent the last resort after that all the feasible ways to establish the conditions for a real equal opportunity of participation have been tried.

democracy (PEP) requires at the institutional level. We might have hoped that the exercise in reflective equilibrium we have been engaged in would leave us with a more determined result, i.e. a unique interpretation of the principle of equal respect capable of grounding a single and detailed view of what democracy entails at the institutional level.

From the explanatory point of view, though, the result we have reached is not as disappointing as it may look. The account of the relationship between PER and PEP we have offered points to what these different interpretations have in common, i.e. the idea that the form of equal respect that is proper to democracy is respect for people's capacity for full agency. In addition, it explains why the idea that PER is the grounding principle of PEP is appealed to by authors who advocate deeply divergent conceptions of democracy: depending on the conception of full agency one assumes as the proper one, PER as the principle that requires to treat people as equally capable of full agency acquires a different meaning, and different implications at the institutional level as the grounding principle of democracy.

From the normative point of view, the above analysis is surely incomplete. We have sketched three interpretations of the idea that the principle of equal respect is the justifying ground for the principle of equal participation. Which view of equal respect of persons, and consequently which view of democracy as its institutional instantiation, should we adopt? On which grounds? If we want to keep conducting this inquiry as an exercise of reflective equilibrium, more elements and notions should probably be brought in at this point.

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[u1]But what do we mean by full agency, and what do we see as distinctive of it, as opposite to lesser or underdeveloped forms of agency, like the ones we attribute to children and to people who are kept in a minority condition?

[u2]One might think that the symbols that are assumed as bearers of the expression of equal status are determined historically. The special meaning of equal vote, for example, depends on the role enfranchisement played in the transition from feudal regimes to democratic ones. But during the same period other changes occurred; not all of them have acquired the same meaning as the expression of the equal status of citizens.