

## Debate: On Christiano's *The Constitution of Equality*

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WHEN a principle like democracy becomes as widely accepted as it is today, the philosophical defensibility of a democratic stance becomes more interesting. It also becomes pressing because more views and actions are defended on the ground that they are part of democracy, or an implication of democracy, or required by democracy, or authorized by democracy. If the principle of democracy (or, more accurately, the principle that democracy, or only democracy, is authoritative, or legitimate, or justified, etc.) cannot be cogently defended then this set of views is a house of cards. Eventually, the winds will come and the cards will fall. Democracy is and always has been a vulnerable doctrine, which is not to say it isn't correct. But it had better not be *assumed* to be correct. The objections need to be faced and answered.

One of the most important objections is the charge that because the great masses of citizens are ignorant, or irrational, or immoral, or all three, political decisions would best be made by a more competent subset of people. Tom Christiano, in his recent book, *The Constitution of Equality: Democratic Authority and Its Limits*, provides, among other things, a deeply considered and philosophically original answer to this historically important (and always current) charge against democracy.<sup>1</sup> In this short essay, I accept the journal's invitation to discuss Christiano's theory, and respond to his own essay in which he discusses the theory I develop in my recent book, *Democratic Authority: A Philosophical Framework*. While this is what the occasion calls for, it can't produce more than the most partial appreciation of the ingenuity and depth of Christiano's book.

I begin with a sketch of what I understand to be at the structural core of Christiano's theory. (Christiano gives a helpful sketch of my view in his piece, so I forgo doing much of that here.) It is a political theory, but it is anchored in general moral principles. At the foundation of morality, Christiano argues, is the principle that everyone's well-being is important, and equally so. Moral agents are required to recognize and honor this importance of the well-being of others, and also to do

<sup>1</sup>Tom Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008). Page references are to this book unless otherwise stated.

so equally. Justice requires the equal well-being of all.<sup>2</sup> Since, on his view, the equality of well-being is only important because well-being is itself important, there is the potential for conflict between them. As is well-known, many have worried that any principle requiring an equal distribution would, taken alone, require preferring equality at a very low level to slightly unequal well-being at a high level. Christiano responds to this charge, as we will see shortly.

This much is prologue, since the main aim is a theory of legitimate and authoritative politics, and one that accounts for our instincts in favor of democracy. The elegance of Christiano's argument, however, can only be appreciated by recognizing the centrality of the moral principles he outlines. The ensuing theory of democracy ties together a wide range of theoretical limbs and ribs onto this surprisingly supple spine: the principle that everyone's well-being is important, and equally so. Political decisions, one would surmise, ought to attend equally to the well-being of all. But in politics justification must be public, since, in a traditional tenet that Christiano embraces, justice must not only be done, but must also be seen to be done. The problem to which his democratic theory responds, then, is this: how could the numerous and diverse people whose interests are being adjudicated all come to see that everyone's interests have been equally acknowledged and honored by political decisions? People could not be expected to inspect political decisions and come up with any determinate, much less widely shared, answer to this question. So even if all have been justly treated, justice cannot be seen to be done in the decisions themselves. Christiano proposes, in response, to display the public equal regard for everyone's interests in the nature of the political process itself. One of the surest (even if not infallible) signs that some people's interests are being given a leg up is if other people are prevented from an equal role in the process that produces the decisions. If everyone has equal standing in the collective decision procedure—a condition we might hope to be publicly evident—then everyone can look out for their own interests, and respond to the reasonable claims of others who are pressing their own interests, and this all could be common knowledge. This points in a democratic direction. It's a promising idea, which neither reverts to a spare principle of fair procedure, as if outcomes don't matter, nor is it driven by any simple instrumental effort to produce the most just decisions, as if that's all that matters.

## I. PROCEDURAL VS. INSTRUMENTAL

Here is a stylized distinction between two approaches to democratic theory. One approach to the central normative questions about democracy is to incorporate claims about democracy's capacity (in some favorable conditions) to make substantively good decisions, such as the passing of just laws. My own view emphasizes the need for such an instrumental element to the theory. An alternative approach eschews instrumental considerations, resting the case for

<sup>2</sup>“ . . . well-being ought to be distributed equally by the institutions of society” (p. 25).

democracy on some intrinsic value of democratic procedures such as their giving participants an equal role. On this latter approach the substantive quality of the decisions is not mentioned, and so no claims to high quality are required (an undeniable advantage, other things equal). It is fair to say that whereas my view, which I call epistemic proceduralism, emphasizes instrumental or epistemic considerations (epistemic, not just instrumental, because the method relies on the participants directly attempting to ascertain the best decisions), Christiano emphasizes the publicly visible political equality that democratic procedures involve. For convenience, let's call his view "publicly equal proceduralism."

This stylized contrast between our two views is not completely wrong. Indeed, in his contribution to the present exchange, Christiano defends fair proceduralism against my criticisms. However, neither epistemic proceduralism nor Christiano's publicly equal proceduralism is a pure case of either a fair proceduralist or an instrumentalist approach. In different ways, both of our approaches give significant weight both to the substantive quality of democratic outcomes and to certain moral considerations that have nothing to do with instrumental or epistemic value. In fact, the following sketch of a theory of democracy (this sketch is my own concoction for present purposes) could be used to describe either of our views accurately if not completely (this is not a quotation from either of us):

Democracy's legitimacy and authority stem primarily from the publicly apparent tendency of democratic procedures to make substantively just decisions. Justice, of course, treats everyone and their interests equally. So, the goal at which the account is instrumentally aimed is the treatment of people as equally valuable and important. That's the goal, and democracy is the best publicly recognizable means. Substantive justice is sought, but the need for public justification limits the ways it can be permissibly pursued.

Christiano emphasizes equal treatment of people and their views in decision procedures, which might seem to suggest that outcomes don't matter for their own sake. And yet, on his view, if a procedure will predictably have unjust outcomes this can show an unequal regard for some people's interests. At the root of his argument, as we have seen, is the principle that individuals' interests ought to be treated equally in political decisions, and this is, in the first instance, a standard of outcomes and not of procedures themselves. The emphasis shifts to procedures only because he believes that there is no publicly acceptable way to identify outcomes in which interests have been equally advanced. Since justice must not only be done but also seen to be done, Christiano retreats to a procedure that displays a kind of equal treatment of each individual's interests: democratic participation and voting.

Virtually every theory incorporates some principle of equality, of course, Christiano's and mine included. Christiano's approach, however, explains the value of democracy as a matter of *distributive equality*, and that's more distinctive. There are two especially pertinent categories of things that might be distributed more or less equally: individual opportunity for influence in the

decision procedure, or individual interest-advancement in the outcomes of political procedures. Christiano's approach, as I've said, emphasizes mainly the former, procedural kind of equality, but the latter kind—equal interest-advancement—plays a significant role as well. I want to argue that neither of his appeals to distributive equality serves his purpose of grounding democracy. I will compare that approach to my approach which makes no such appeal.

For Christiano, the equality in the principle of substantive justice seems to drive the argument for equality in the political procedure. It's as if a person should have a share in the procedure that is proportional to the weight one's interests should be given. Since the latter is equal, then so must be the former. It is natural to ask why there must be this isomorphism between the substantive distribution and the procedural distribution. He never suggests that the principle of justice directly includes opportunities for political influence as among the interests that must, in justice, be equally satisfied. Rather, the idea is that a certain kind of equal political role is required because it is an indicator of an equal concern for everyone's interests.

Christiano's central claim that unequal political power would convey unequal regard for interests is not obviously correct. An unequal procedure would only convey unequal concern for interests if such unequal concern were publicly believed to be the reason for the unequal procedure. If some are given extra votes because of their supposedly superior judgment (as Mill recommended, and as was instituted in Britain for some years)<sup>3</sup> the public message is not necessarily that those people's interests matter more than others. The message could be that those people's judgment is more sound, which is very different, and not a violation of Christiano's core moral principle about equal importance of interests. The publicly clear motive of attempting to pursue equal interest satisfaction by giving more voting power to those supposed (correctly or not) to know best would not signal any morally forbidden disregard for the equal importance of everyone's interests.

Christiano anticipates this worry. If some are given more votes than others on the ground that they know better how to promote the common interest, how does this fail to publicly indicate an equal regard for everyone's interests? Any group who was so identified would, of course, be highly controversial, and that is the key to his reply.<sup>4</sup> There are two different ways in which this controversy might be invoked in order to block that kind of unequal suffrage. One way argues that such basic features of social arrangements must, as a moral matter, be justifiable to the wide range of points of view that any non-oppressive society might exhibit. The identification of any subset of citizens as the wiser ones seems likely to violate this requirement. This, indeed, is the essence of the argument I give in my defense

<sup>3</sup>The facts are briefly sketched in Bryan Caplan, *The Myth of the Rational Voter* (Princeton, N.J.: Princeton University Press 2007), pp. 197–8.

<sup>4</sup>See pp. 118–27.

of epistemic proceduralism against any form of what I call "epistocracy," or rule by the wise. Christiano, however, seeks to rest the justification for democracy on the more specific need to publicly indicate equal regard for everyone's interests, and so he argues that extra votes for the wise fails to do so. Since there will be citizens who, not unreasonably, will deny that their own interests will really be equally honored by the supposed experts, they will have reason to doubt that everyone's interests are being treated equally.

But this seems to be less than Christiano needs. After all, no one thinks that even a properly running democracy will always choose the laws and policies that a properly equal regard for everyone's interests would require. Democracy meets Christiano's conditions of publicly visible equal regard because, despite its fallibility, it does not seem to be biased against any particular set of interests. The failure of plural voting must, on Christiano's view, derive from some such bias, or at least a reasonable suspicion by some citizens of bias against interests. Certainly, if the supposed experts were the group of white males, the claim to equal regard would ring hollow. But what if the supposed experts were the group of voters with a college education? There are bound to be demographic differences between college graduates and others, but is that enough to ground the reasonable suspicion that college grads are only looking out for their own interests?

Christiano faces this example head on. And I should point out that Christiano and I both find the idea of extra votes for the educated to be an important challenge to our respective views. The difference, as I understand it, in our answers is subtle, but important. We both argue that giving extra votes to the educated would be seen by some as forgoing important sources of knowledge and information that could promote better decisions. I argue that so long as some of these objections count as reasonable or "qualified," they block the epistocratic proposal. Christiano, however, seems to need the extra claim I have described: some would think that their *own* interests (or some other particular set that they have in mind) are not publicly being afforded equal respect. Only then can it be rejected on the ground that it fails to publicly indicate equal public regard for everyone's interests. It is not clear to me that a proposal of extra votes for the educated couldn't be made in a way that reflects and conveys equal regard for everyone's interests. The proposal is to empower the people who would be best suited to ascertain which laws and policies would treat people's interests equally. The suspicion that this is unlikely to succeed is different from the charge, upon which Christiano's objection to the arrangement would seem to depend, that it is biased against certain people's interests.

Christiano's theoretical framework, then, has no obvious way to block the method of plural voting (more votes for some people than for others) if it were clearly motivated by elitism about judgment rather than an unequal regard for people's interests. The equality in Christiano's substantive principle of justice provides no particular pressure toward an egalitarian political procedure since

giving extra power to experts is not obviously biased against any set of interests. It turns out, then, that the theory of democracy owes very little to the theory of justice, whereas Christiano proposes to link them closely. Whatever the theory of justice, the question would be what political procedure would be publicly seen to best promote justice. Epistemic proceduralism, my preferred approach, does not assume (or deny) an egalitarian theory of justice, and so avoids these problems (while, no doubt, running into others).

## II. LEVELING DOWN

A familiar challenge for egalitarian principles, as I noted earlier, is that they appear to call for “leveling down,” which often seems implausible. Must we forgo great gains to everyone just because they would be slightly unequal? The threat is real for a principle requiring equal political procedures. If this means that each should have an equal chance of being decisive, or that no one is given any degree of opportunity for input or influence that is not also given to everyone (and if not, then what does it mean?), then it is perfectly satisfied by a procedure that gives no one any chance of being decisive: a random choice of outcomes. Flip a coin.

Of course, this is an absurd way to make political decisions, as Christiano would surely grant. But he argues that the leveling down objection is flawed. The reason is that it is incoherent to advocate the equal distribution of something without also thinking that more of it is better. Egalitarians who think income should be equal, for example, think that more income is better as well. He concludes that any egalitarian principle must be interpreted as calling for an equal distribution at the highest possible level.<sup>5</sup>

Here, though, is an example in which it is natural to care about equal distribution of something without caring about there being more of it. Suppose three of us want to go to a movie. We might not care much which movie, so a random choice might be fine with us (a situation that would be very rare in politics, of course). Still, each of us could insist that if the decision is made by voting rather than randomly then everyone should have an equal vote. Here’s a case, then, where it is natural to care for an equal distribution of something—opportunity for influence in the process—without caring at all whether it is equal at a low level or at a high level. There are many goods that are “positional” in this way: what matters to me is how much I have *relative to others*. In the case of many goods people will care not only for equality (or some other positional criterion) but also for quantity, but these are two separate principles and not, as Christiano argues, both present in the very value of equality.

<sup>5</sup>Christiano’s own theory of justice departs from equality in interesting ways I can’t explore here, but my argument is not affected. See pp. 37 ff. on the trade-off between equality and well-being.

Even if there is some argument for an equal political process, then, (above doubts notwithstanding) that principle doesn't immediately generate democracy, since a random choice of outcomes, which is an equal procedure, would hardly count as democratic, being utterly insensitive to anyone's will, interests, preferences, or judgments. Christiano's overall view is not subject to the leveling down objection, but only because neither political power nor well-being are merely governed by a principle of distributive equality. He adds, in both cases, that there is also value in having more of the distributed thing.

Christiano's argument for political equality rests on an egalitarian principle of distributive justice. This accounts for two vulnerabilities. First, if the theory of justice is mistaken, the argument for democracy lapses. Second, even if the theory of justice is correct, the connection between that and political equality is contingent and uncertain since there might be other power distributions, such as extra votes for the wise, that publicly convey the due equal regard that substantive justice requires. I see the idea of distributive equality, then, as playing no helpful role in grounding our democratic convictions. In epistemic proceduralism political equality is defended without invoking any particular substantive theory of justice.

### III. REASONABLENESS

There is an influential view of political justification, deriving primarily from John Rawls, that Christiano pointedly criticizes and rejects. It says that political justification must take place in terms acceptable to all reasonable world views. I accept a version of this principle and put it to central use in my own theory, and so I want to look closely at Christiano's arguments.

Christiano argues<sup>6</sup> that blocking policies to which there is reasonable objection blocks one kind of disrespectful imposition at the cost of disrespectfully imposing on the person whose objection is blocked. If a person can't enact laws based on theocratic premises then he or she is being forced to live in a way that is out of line with her convictions about what is true. There is certainly a burden of a kind, and it is important to keep it in view. Still, I don't think pointing to this burden succeeds in undermining the Rawlsian principle about justification. Christiano's own language suggests the very distinction that the Rawlsian view seems to depend on. "Either one must *impose* on one person terms that she does not accept or one must *require* another to live under terms that he regards as fundamentally inadequate."<sup>7</sup> He calls this the "deliberative impasse," concluding that there is no reason to prefer one of these kinds of unwelcome imposition to the other. But if this "imposing" is a morally different thing from the "requiring," mentioned in

<sup>6</sup>See pp. 218 ff.

<sup>7</sup>Pp. 219–20, emphasis added.

the quoted passage, the Rawlsian view could resist Christiano's claim that there is a damning symmetry.

So consider the example Christiano provides.<sup>8</sup> Suppose some person, Julie, reasonably thinks that jobs ought to be distributed strictly according to qualifications, but some others reasonably deny this. They have a reasonable objection. But, he argues, if we block the policy on that ground, thereby respecting the dissenters by not forcing them to live on terms they reasonably reject, then Julie is "required . . . to forgo living in accordance with principles she reasonably accepts (that is, to forgo living in accordance with the whole truth as she sees it)." In this case, one or the other must prevail, since the policy will either be implemented or not. If Julie prevails, then the law restricts employers from choosing between applicants on any grounds other than their qualifications. The state would coercively back this law, threatening to punish employers who stray. If the dissenter prevails, the law would not be implemented and people could be hired for reasons other than qualifications, such as, presumably racial or gender diversity. It's true that in that case Julie would be "required" to live under a policy she reasonably disapproves, but that is not any coercion of Julie by the state. There is really no impasse of the kind Christiano describes in this case, since the supposedly twin impositions are crucially different: one is coercive imposition of a law on employers by the state, the other is not the coercive imposition of anything on Julie at all. Christiano anticipates this type of objection.<sup>9</sup> He argues that it relies on privileging some non-coercive status quo. I don't accept that it does. The objection simply says that imposing is coercive and requiring is not. This doesn't depend on any claims about some minimally coercive condition.

#### IV. REPLY TO CHRISTIANO

In my book, I argue that a coin-flip is just as fair a procedure as majority rule, so that any moral advantage of majority rule must lie in something other than its procedural fairness.<sup>10</sup> In order to buttress that claim of equal fairness, I develop an account of the nature and point of procedural fairness. I argue that the value of fairness derives from what I call a dynamic of retreat from substantive values which are either unknown or unavailable for other reasons. If we agree on what policy would be best, we just do it, we don't need to back up to a fair decision procedure. If we don't know the best policy, but we agree about who would be most likely to produce it, we put that person in charge. If we don't know or agree about either of these things, we might nevertheless agree that we should do what would satisfy the most preferences even if this may not be the best decision. That

<sup>8</sup>See pp. 218 ff.

<sup>9</sup>See p. 220.

<sup>10</sup>David Estlund, *Democratic Authority: A Philosophical Framework* (Princeton, N.J.: Princeton University Press, 2007).

might be accomplished by holding a vote, which exhibits the central idea of procedural fairness: it is a way to go forward without favoring any side on any of the contested matters.

What if we also don't agree that we ought to satisfy as many preferences as possible? After all, that could itself be a contested matter. The same goes for any proposal to let the outcome depend on any features or attitudes of people. To prescind from even those disputes, we would be left with choosing a policy randomly from the presented alternatives. In that case, no person is favored by the procedure, and it is, in that sense, quintessentially fair. Of course, in one sense some are favored: those who happen to prefer what gets randomly chosen. But it was not chosen because they wanted it. No feature or attitude of any person or set of persons is the basis for the ultimate choice, and so in that very specific sense, no one is favored. This is a simplified sketch of my account of procedural fairness. There is assumed to be a priority of substance: if more substantial solutions are available they are selected. Choosing the just outcome is substantial, for example. Choosing the person who would best promote a just solution is somewhat less so, and so on. Procedural solutions come into their own to the extent that substance is unavailable. When all substance is unavailable, what's left is to choose one of the options randomly.

I propose this as the logic of procedural fairness, but I point out that it settles nothing about when a more fair procedure is appropriate. To say that something is fair is not to say that it is good, and to say that it is more fair is not to say that it is better. It depends on whether fairness is called for in those cases. When I give my own child, but not the neighbor child, money for the movie, I have not made the decision by a fair procedure. I have favored my own child. It would be misleading to describe this as unfair, however, unless one means to criticize it. It is not fair, but it is not unfair. Not everything ought to be decided by a fair procedure. "Unfair" plainly describes an absence of fairness *where fairness was called for*. It is relatively easy to keep verbal track of this difference between "not fair," and "unfair," but it is trickier when one thing is described as "less fair" than another thing. Is the claim that it is less fair where more fairness was called for, or only that it is, for better or worse, not as fair? "Less fair" must not be assumed to mean that something is unfair to any degree at all. That would be a further claim about the need for fairness in that case.

Christiano points out that on my view democratic voting is a less fair procedure than a coin flip. I accept this. But, as we have seen, this does not mean (as Christiano might be suggesting) that I must say that democracy is unfair to some degree, with coin-flips being less unfair. "Less fair" doesn't mean "more unfair" because "unfair" builds in the extra claim, which is not always true, that more fairness is called for. I, along with most people, don't think we should retreat all the way to the pure fairness of random choice of outcomes in political decision making. The point of the account of fairness is not to recommend fairness, but to emphasize its thin and only occasional value. The account

buttresses my claim that if, as some claim, what recommends democracy is that it is procedurally fair, then if a coin flip is, as I argue, at least as procedurally fair as democracy, then it should be at least as appropriate. Since it is obviously not as appropriate, the advantage of democracy must be in something other than the extent to which it is procedurally fair.

The idea of a random choice seems to take for granted that there is a given set of alternatives. Christiano rightly presses the point that when a procedure is used to make a political choice, somehow the alternatives have already been determined. He argues that this leads my account of fairness into trouble. If the fully fair procedure (for whatever that's worth, depending on the case) is one that chooses randomly, with no regard for any features of individuals, not even their preferences, then it must not let the list of presented alternatives be determined by people's preferences. But then it seems as though a fully random and fair procedure will let the list of alternatives include all possible outcomes, then choose one randomly. Christiano says that the claim that this would be procedurally more fair than one in which the set of alternatives were somehow set by attention to preference strikes him as perverse. But I wonder why. It can't be just that it is not clear how to define the idea of "all possible outcomes." That isn't the only way to let the agenda be set in a way that pays no attention to anyone's preferences. Various possible decisions which have been named in the newspaper, supported by some and opposed by others could be put on the ballot arbitrarily. If someone is skewing this list according to his own preferences, he should be fired, but it is not conceptually impossible for the list to be drawn up arbitrarily from some such source.

So what Christiano finds perverse is apparently the claim that the procedure that disregards preferences is more fair than one that attends to them. That does have an odd sound to it, "more fair," but we must keep in mind that greater fairness may or may not be a good thing, depending on the case. Choosing whose tuition to pay by choosing names randomly is procedurally more fair than helping only my own kids, but procedural fairness is probably immoral in that case. It's probably neutral in others, and good in yet other cases. In Christiano's example, surely he's right that it would be perverse to choose an evening's entertainment without regard to our preferences. As I would describe the situation, we shouldn't retreat from all substantive outcome standards, falling back on complete procedural fairness. We should make sure, for example, that if we both prefer  $x$  to  $y$ ,  $y$  will not be the decision, and so on. This is a welfarist standard for outcomes: they ought to reflect people's preferences in certain ways. It is the appeal to this substance that interrupts the retreat all the way to procedural fairness. In any case, the setting of the options (usually called, somewhat oddly, "agenda setting") doesn't seem to add any new considerations. In the case of selecting the options, just as in the case of choosing from a given set of options, I claim that tracking preferences is adherence to an outcome standard (some kind of welfarism), while putting even that standard aside would

be an even fuller retreat toward procedural fairness. Since my use of the account of fairness is meant to show that it is a thin and occasional value, it would miss the point to suppose that I am implausibly recommending the procedures my account considers to be more fair. Unless Christiano is misunderstanding me in that way, I don't understand his objection.

Christiano proposes to regard as a fair procedure one that attends only to *relevant* features of persons, rather than to no features at all, as on my account. This is certainly one common use of the idea of fairness, but it seems to be about substantive fairness rather than procedural fairness. Speaking of procedural values when the procedure is designed to give each his due (or "to each according to his relevant features"), is potentially confusing. But if that's what a democratic theorist means when they say that the value of democracy lies in its procedural fairness, then we just need to be clear that they would not thereby be distinguishing themselves from instrumental or epistemic theories of democracy. All three would agree that democracy is recommended by its tendency to produce substantively appropriate outcomes. We would need a new term for the theory that purports to prescind from any view about appropriate outcomes, resting instead on the outcome-independent fairness of procedures. It is this latter idea that I give an account of, because that is the approach to democratic theory that I set out to criticize. I think it is best to reserve the term "*procedural* fairness" for that kind of retreat from substantive standards for outcomes, but the issue that concerns me isn't about the words.

As I noted earlier, my account makes central use of a Rawlsian principle of political justification, holding that asymmetrical power relations must be justified in terms acceptable to all reasonable points of view. This could be called a presumption in favor of symmetrical authority relations. Christiano wonders whether this, in effect, assumes the fundamental importance of each individual having an equal role in political procedures, or even assumes the superiority of democracy from the beginning. He accepts my argument that the principle of justification is not itself a democratic principle. It doesn't directly speak to actual political decision procedures at all, so that settles that. But he argues that the principle of justification builds a key democratic idea in at the beginning: the value of equality in political procedures. I agree that it does build in this kind of equality in a way, specifically a presumption in favor of symmetrical political authority relations among people. I do not agree that this is a "deeply democratic idea," however. It is a moral idea that, along with several other considerations that I adduce, supports the claim that only democratic forms of politics have authority. But the idea of symmetrical authority relations is compatible with the making of decisions by coin-flips. It isn't helpful to fold coin-flips into the idea of democracy, I think, since it is a method that disconnects political decisions from any views, preferences, attitudes, or features of any kind held by any of the individuals who the decision will purport to bind.

Of course, the presumption in favor of symmetrical authority isn't an undemocratic idea either, or it could hardly be used in the grounding of a democratic theory. But its availability as a moral ground of democracy does not make it a democratic idea any more than the availability of other, even more basic, moral principles (choose your favorite: the categorical imperative, the principle of maximal utility, etc.) for a similar use makes them democratic ideas. Christiano is certainly right that the presumption in favor of symmetrical authority names a kind of equality, but democracy is certainly not assumed from the start. The principle of justification leaves open the possibility that a suitably acceptable justification could be found for rule by a wise elite. It takes further argument to show (as I claim) that no such justification is available. But since it isn't settled by the principle of justification alone, that principle is neutral on the question of democracy.

Christiano wonders whether my presumption in favor of symmetrical authority relations is just another way of stating the value of procedural fairness, putting into question whether I really reject resting democracy on fairness after all. It does indeed look similar, but of course I think democracy can't be generated out of this idea alone since it allows coin flips. So my approach takes a similar (not identical) principle, emphasizes its defeasibility in principle, and then, within that framework, introduces epistemic considerations—considerations that play no role in views that say democracy is justified because it is a fair procedure. I have granted that fair procedure is worth something, and this partly reflects the deeper presumption in favor of symmetrical authority. But fair procedure seems, as most would agree, only a very weak kind of authority and legitimacy in politics (recall the coin flip procedure). A stronger kind of authority, and a surer link to democracy, can be gotten, or so I argue, by introducing the epistemic considerations, still within the framework set by the underlying principle that places a presumption in favor of symmetrical authority.

I don't want to pretend to have fully adequate answers to Christiano's challenges or a complete picture of the similarities and differences between our views. I will be studying his book for some time, and I encourage others to do the same.