

# Plural voting and political equality: A thought experiment in democratic theory

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## Abstract

I demonstrate that a set of well-known objections defeat John Stuart Mill's plural voting proposal, but do not defeat plural voting as such. I adopt the following as a working definition of political equality: a voting system is egalitarian if and only if departures from a baseline of equally weighted votes are normatively permissible. I develop an alternative proposal, called procedural plural voting, which allocates plural votes procedurally, via the free choices of the electorate, rather than according to a substantive standard of competence. The alternative avoids standards objections to Mill's proposal. Moreover, reflection on the alternative plural voting scheme disrupts our intuitions about what counts as an egalitarian voting system. Undue emphasis on Mill's version of plural voting obscures three important reasons to reject plural voting in favor of strictly egalitarian voting systems: (1) that certain choices that generate inequalities of political power are morally impermissible; (2) that even chosen inequalities may undermine the potential epistemic benefits of democratic decision-making; and (3) that such choices may undermine citizens' commitments to democracy understood as a joint project.

## Keywords

political equality, plural voting, John Stuart Mill, weighted voting, democracy, procedures, egalitarianism

A number of well-known objections have been levelled against John Stuart Mill's (1977) infamous plural voting proposal. Mill thought that the well-educated (or the occupationally privileged) ought to have extra votes.<sup>1</sup> These objections cast serious doubt on the proposal by showing that the departures from a baseline of equally weighted votes (i.e. extra votes for some but not others) the scheme countenances are normatively impermissible.<sup>2</sup>

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However, these prominent objections (discussed fully in a later section) do not defeat plural voting *as such*. In other words, there are other plural voting proposals – distinguishable from Mill’s – that escape standard objections to Mill’s scheme. In this paper, I develop a thought experiment depicting one example of a plural voting proposal of this kind.

Briefly, the alternative scheme, in contrast to Mill’s, allocates additional votes procedurally. As such, the departures from equally weighted votes imagined by the hypothetical proposal are qualitatively different than those in Mill’s proposal, in which votes are allocated according to a substantive criterion. The difference is critical because objections to departures from equally weighted votes in Mill’s scheme are not straightforwardly translatable to the alternative proposal. The question then becomes whether there are additional objections available with which to defeat the proposal or whether (counterintuitively) it is an egalitarian instance of plural voting.

Although plural voting schemes, by definition, permit some citizens to cast more votes than others, it is not the case that, by definition, plural voting schemes are inequalitarian, or so I argue. Therefore, in addition to showing that the objections to Mill’s plural voting scheme do not address all plural voting schemes, I use the alternative proposal to unsettle (and perhaps redirect) our intuitions about what counts as an egalitarian voting system.

According to the working definition of political equality used throughout the paper, a voting system is egalitarian if and only if the departures from a baseline of equally weighted votes it countenances are normatively permissible. The definition is intentionally broad, and it departs from the traditional literature in which anonymity and neutrality conditions are considered essential (e.g. Christiano, 1990). A narrower definition of political equality would defeat the purpose of the thought experiment by ruling on voting schemes in advance.

The justification of the ‘baseline of equally weighted votes’ in the working definition is roughly contractualist. Contractualism invokes ‘a conception of justification that is particularly compatible with the aspirations of modern democratic culture’ (Beitz, 1989: 103). It relies on the ‘fundamental ideal that, as citizens, we are free and equal... and that our institutions should respect our freedom and equality’ (Cohen, 1989: 728–729).

All of this matters because, despite Mill’s reservations, his plural voting proposal has captured the attention of many contemporary theorists of political equality. It is supposed that Mill’s scheme provides an illuminating and instructive contrast to more egalitarian theories. For example, Charles Beitz (1989: 34), whose *Political Equality* offers one of the most thoughtful and comprehensive treatments of the subject, notes, ‘Mill’s theory is of interest here because it is a democratic theory that incorporates explicitly antiegalitarian procedural elements’. Jeremy Waldron (1999: 114–116) and David Estlund (2008: 206–222), in addition to Beitz (1989: 32–40), have explicitly contrasted their accounts of political equality with Mill’s proposal. This means that some influential contemporary accounts of political equality piggyback on critiques Mill’s plural voting scheme. They rely (at least dialectically) on an overly specific inequalitarian institutional proposal to

make the case for equality. However, if I am right that there are alternatives to Mill's proposal that are immune to the standard objections, democratic theorists ought to question theories of political equality designed, at least in part, to respond to it. Put differently, a fully satisfactory theory of political equality ought to set for itself the highest bar possible. In this essay, I raise the bar, and make some suggestions as to how it might be cleared, but I do not develop a comprehensive alternative theory.

A few preliminary remarks: first, before surveying three prominent objections to Mill's plural voting scheme, I provide a brief account of Mill's justification of plural voting. Such an account is needed in order to remind the reader of Mill's motivation for the scheme in *Considerations on Representative Government*.<sup>3</sup> Furthermore, each of the objections hinge on Mill's justification; plural voting is thought to be problematic because of Mill's *reasons* for (or method of) awarding extra votes to some but not others.

Second, the alternative plural voting proposal I develop is merely hypothetical. It is a theoretical tool with a limited purpose. Like Mill's scheme, its details are not fully worked out. Furthermore, I do not necessarily endorse the alternative proposal. What the scheme does is allow me to imagine an institutional arrangement, holding the inegalitarian features of Mill's scheme (extra votes for some but not others) fixed, while varying other features (the method by which extra votes are allocated). If I can show that there is some method of allocating extra votes that sidesteps the standard objections to Mill's scheme, I will have shown that the standard objections cannot defeat plural voting as such.

Third, throughout the paper I try to remain agnostic with respect to the various conceptions of democracy – epistemic, deliberative, elitist, etc. The alternative plural voting proposal is designed to probe our intuitions from any of these perspectives. I am operating at a level of abstraction that attempts to explore why any democratic theory might be uncomfortable with plural voting.

Fourth, it is not entirely obvious what kinds of assumptions about background conditions are appropriate in evaluating plural voting schemes. Clearly Mill assumes non-ideal conditions; plural voting is a *response* to the 'infirmities and dangers' of representative government.<sup>4</sup> One might think that under ideally just conditions our objections to plural voting would be less weighty. There may even be morally acceptable versions of plural voting under fully just conditions. What I would like to avoid – and this is the point of stressing that my alternative scheme is hypothetical – is letting our objections to unjust background conditions color our assessment of the hypothetical proposal. For it may turn out that plural voting schemes are objectionable even under ideally just background conditions.

The essay proceeds as follows. First, as mentioned above, I provide a simplified account of Mill's plural voting proposal. Second, I present objections to Mill's scheme raised by Beitz, Waldron, and Estlund. Third, I sketch the alternative plural voting scheme and consider a conceptual objection. Fourth, I explain why the objections raised against Mill's scheme are insufficient to defeat the alternative. Finally, I raise an additional set of objections tailored to defeat the alternative

scheme. That is, I consider whether the departures from a baseline of equally weighted votes the alternative scheme accepts are permissible or impermissible. If they are permissible, the alternative scheme is egalitarian. If they are impermissible, the alternative scheme is inegalitarian.

## Mill's plural voting proposal

In the scattered literature on Mill's plural voting proposal, many interpretations falter by overemphasising one component of its justification.<sup>5</sup> It is important to accurately identify the components and their respective weights because they form the basis of contemporary critiques. In this section, I present Mill's plural voting proposal as a microcosm of the larger argument of *Considerations on Representative Government*. In my approach I follow Thompson (1976), whose reading is both analytically sharp and substantively precise. I begin by briefly summarising Thompson's account, which I then apply to plural voting specifically.

It is important to note, preliminarily, that Mill's (1977: 392) standard of good government says:

A government is to be judged . . . by what it makes of the citizens, and what it does with them; its tendency to improve or deteriorate the people themselves, and the goodness or badness of the work it performs for them, and by means of them.

That is, governments are to be judged by their results in two different senses: individual development and individual/societal welfare. Note that these criteria make no mention of political processes or procedures.

Thompson suggests that Mill's standard can be disaggregated into protective and educative criteria.<sup>6</sup> First, government ought to *protect* its citizens, in the sense of protecting their interests. This is what Mill means by 'the goodness or badness of the work it performs for them'. Second, government ought to *educate* its citizens, in 'intellectual, practical, and moral' senses (Mill, 1977: 407). In other words, government ought to promote the development of the characters of its citizens. This is what Mill means by the 'tendency to improve or deteriorate the people themselves'.

Thompson argues further that Mill implicitly adopts two principles, the principle of participation and the principle of competence, which jointly contribute to the satisfaction of the protective and educative criteria. Most importantly, Thompson (1976: 9–10) recognizes that the principle of participation, which 'requires that the participation of each citizen be as great as possible', and the principle of competence, which 'stipulates that the influence of the more qualified citizens should be as great as possible', are in tension. The project of *Considerations*, in Thompson's view, is to resolve, or at least mitigate, that tension.

I argue that Mill attempts to reconcile the principles of participation and competence *within* the institution of plural voting.<sup>7</sup> This is the sense in which Mill's conception of plural voting is a microcosm of his overall theory of representative government. Following the structure of Thompson's reading, my account of the plural voting proposal isolates four arguments, each connecting a principle

(participation, competence) with a criterion (protective, educative). It has the following structure:

Mill's theory of plural voting			
		Criterion	
		<i>Protective</i>	<i>Educative</i>
Principle	<i>Participation</i>	Argument 1	Argument 3
	<i>Competence</i>	Argument 2	Argument 4

*The protective argument for participation*

Mill argues that an electoral system ought to give every individual, women included (but not the illiterate, paupers, or bankrupts), at least one vote. He (1977: 470, emphasis in original) says:

Rulers and ruling classes are under a necessity of considering the interests and wishes of those who have the suffrage; but of those who are excluded, it is in their option whether they will do so or not; and however honestly disposed, they are in general too fully occupied with things which they *must* attend to, to have much room in their thoughts for anything which they can with impunity disregard.

This is Mill's argument connecting the principle of participation and the protective criterion: citizens need a voice in common affairs in order to protect their interests from the designs and/or neglect of their rulers.

*The protective argument for competence*

Mill (1977: 473) is very clear that the protective justification of political participation does not extend to equally weighted votes: 'though every one ought to have a voice—that every one should have an equal voice is a totally different proposition'. This infamous remark is a prelude to an argument connecting the principle of competence and the protective criterion: allocating additional political power to more educated or more knowledgeable citizens produces better outcomes, measured by the protective criterion.

In the paragraph immediately preceding his introduction of the plural voting scheme, Mill (1977: 473) mentions that under an equal suffrage arrangement, 'the great majority of voters . . . would be manual labourers; and the twofold danger, that of too low a standard of political intelligence, and that of class legislation, would still exist, in a very perilous degree'. Plural voting is then proposed (Mill, 1977: 473) as the 'means . . . by which these evils can be obviated'. It's clear from Mill's reference to manual labourers and class legislation that plural voting is meant to protect the class interests of the more educated. But Mill (1977: 474) also thinks plural votes help to

protect the interests of the entire community because those receiving extra votes have 'greater capacity for the management of the [community's] joint interests'.

### *The educative argument for participation*

Earlier in the chapter ('Of the Extension of the Suffrage'), Mill (1977: 467–468) says:

Among the foremost benefits of free government is that education of the intelligence and of the sentiments, which is carried down to the very lowest ranks of the people when they are called to take a part in acts which directly affect the great interests of their country. [...] People think it fanciful to expect so much from what seems so slight a cause—to recognise a potent instrument of mental improvement in the exercise of political franchises by manual labourers. Yet unless substantial mental cultivation in the mass of mankind is to be a mere vision, this is the road by which it must come.

This is a brief sketch of Mill's argument connecting the principle of participation and the educative criterion: the characters of citizens are improved (for Mill, an aspect of education) when they are allowed to, and do in fact participate in public life.<sup>8</sup>

### *The educative argument for competence*

The argument connecting the principle of competence and the educative criterion is the most elusive. It can be extracted from the chapters on 'Extension of the Suffrage' and 'Local Representative Bodies'. In the latter, Mill (1977: 539) likens political institutions to schools of public instruction:

a school supposes teachers as well as scholars: the utility of the instruction greatly depends on its bringing inferior minds in contact with superior, a contact which in the ordinary course of life is altogether exceptional, and the want of which contributes more than anything else to keep the generality of mankind on one level of contented ignorance.

The argument is completed by reference to Mill's remark (1977: 469), in the former, that

it is from political discussion, and collective political action, that one whose daily occupations concentrate his interests in a small circle round himself, learns to feel for and with his fellow-citizens, and becomes consciously a member of a great community.

The institution of plural voting thus encourages contact between the less competent and their mental superiors, supports political discussion, and thereby educates both the ignorant and the knowledgeable.

Although I have developed the preceding account of plural voting by applying Thompson's framework, Thompson (1976: 99–101) himself devotes a scant three pages to the topic. And despite arguing (Thompson, 1976: 95, 99, emphasis in original) that 'Mill combines elements of the principles of participation and competence in *each* major institution or process of a democracy', plural voting is ultimately described as a 'method...for implementing the principle of competence in the electoral process', thereby neglecting the principle of participation. To be charitable, perhaps Thompson does not consider plural voting an institution in its own right; rather, perhaps it is merely a component of the electoral process as a whole. However, I understand 'plural voting' as the institutionalized combination of at least one vote for all and additional votes for some. Conceivably, awarding plural *votes* to the educated is a method for injecting competence into the political process, but I believe plural *voting* is best interpreted as an institution in its own right that combines the principles of participation and competence.<sup>9</sup>

### Objections to Mill's scheme: Beitz, Waldron, and Estlund

As I've already suggested, some of the most accomplished contemporary political theorists explicitly target Mill as part of a dialectical step in the development of an account of political equality. Each of the three theorists I examine here raise persuasive objections to Mill's plural voting proposal – objections which inform their own thinking on the subject of political equality.<sup>10</sup>

Beitz opens his discussion by recognising the empirical objections to Mill's scheme – that it might not actually produce the benefits Mill claims for it – but quickly moves to mount his critique at a deeper level. Adopting the perspective of Scanlonian contractualism, he argues that political institutions are justified when no individual can reasonably object to them. This is to shift the justificatory standards for institutions from Mill's consequentialism to a version of contemporary contractualism. Note that the contractualist criterion is individualist: it evaluates institutions from the point of view of individual persons and not the society as a whole. Furthermore, it appears as though Beitz also intends to limit the scope of reasonable rejection to '*personal* reasons', i.e. those having 'to do with the claims and status of individuals in certain positions' (Scanlon, 1998: 219). That is, an individual must consider *only* her own legitimate interests when rejecting a proposal.<sup>11</sup>

Beitz's (1989: 36) central critique of Mill's scheme is that it 'is unfair to those whom it disadvantages'. Mill of course would deny that the scheme disadvantages anyone, and Beitz recognizes this, but notes that Mill, by stressing the individual educative benefits of the scheme, 'felt pressed to shift to an implicitly contractualist justification' (1989: 39). The specific problem with Mill's scheme, according to Beitz (1989: 37), is that individuals who receive only one vote, i.e. those not allocated extra votes, are disadvantaged because they are forced to bear two different kinds of costs, those 'relating to foregone interest satisfaction and to predictable injuries to self-esteem'.

The disadvantaged face the first kind of cost, an opportunity cost, because they might have done better under a system that distributes political power equally. According to Mill's own protective criterion of good government, the interests of those who receive only one vote are burdened by a scheme of plural voting. Interestingly, Beitz's argument from costs relating to foregone interest satisfaction is a kind of mirror image of Mill's argument for plural voting with respect to class legislation. For Mill, the educated need extra votes in order to prevent class legislation, which left unchecked would harm the interests of both the educated and the society as a whole.<sup>12</sup> Beitz has reformulated Mill's argument for plural voting in terms of costs for those prevented from legislating in their own interests.

The second kind of cost Beitz (1989: 37) identifies is 'the effect on self-esteem likely to be produced when political inequalities reflect other natural or social distinctions that are the objects of invidious discrimination or are occasions of disrespect in society at large'. The idea is that plural voting, via damages to self-esteem, deteriorates the people it singles out for only one vote. This argument is familiar in contemporary political theory in part because, as Rawls (1999: 386) suggests, 'perhaps the most important primary good is that of self-respect'. Beitz (1989: 37) adds, '[t]he visible dilution of influence will appear as an insult, conveying public approval of pre-existing, demeaning social practices'. Injuries to self-esteem, therefore, are the result of public recognition and approval of existing, underlying, social and natural inequalities.

Injuries to self-esteem form the backbone of Beitz's objection. Even if it could be shown that plural voting made the disadvantaged as well off, in terms of their ordinary interests, as they would be with equal votes, the so-called invidious distinctions would remain. This way of thinking is characteristic of respect-based objections to plural voting, and political institutions generally.

In recognizing the connection between equality and self-esteem, Waldron (1999: 114) agrees with Beitz that 'according equal weight or equal potential decisiveness to individual votes is a way of respecting persons'. Nevertheless, for Waldron (1999: 115), 'a conception of equal respect which is responsive to proven or acknowledged differences in reason, wisdom, and experience may justify some sort of plural voting scheme'. This comment would appear to put Waldron in agreement with Mill and in conflict with Beitz. However, Beitz does not claim that plural voting is necessarily objectionable; rather, he says it would be justified if no one could reasonably reject it. The trick to reconcile Waldron and Beitz would be to construct political institutions (e.g. a plural voting scheme), responsive to acknowledged differences in reason, wisdom, and experience, yet acceptable to all.

In the end, Waldron is just as pessimistic as Beitz about the prospects of a justified (i.e. acceptable) plural voting scheme, given his conception of the 'circumstances of politics'. Those circumstances comprise 'the felt need among the members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be' (Waldron, 1999: 102). Despite leaving open the possibility of a plural voting scheme consistent with equal respect, Waldron doubts whether standards for reason, wisdom, or experience could be agreed upon. In the absence of

(unlikely) agreement about the standards for assigning plural votes, plural voting is open to the objections raised by Beitz. One difference in Waldron's account is that respecting persons specifically requires respecting disagreement. Waldron and Beitz therefore agree that plural voting fails to respect persons, but for slightly different reasons. For Beitz, it is because the institution accepts, even reifies, invidious distinctions; for Waldron, it is because plural voting fails to respect reasonable disagreement over standards for competence.

Estlund's (2008) critique of plural voting shares the contractualist framework. However, it does not share Waldron's skepticism about the possibility of identifying a standard by which to judge wisdom or experience. Estlund wants to grant, *ex hypothesi*, that there is some educational criterion invulnerable to reasonable rejection (2008: 211). Nevertheless, he argues that an objection to Mill's plural voting scheme remains. This is because one can accept that there is some group of wise or experienced individuals but deny that they ought to have extra political power.<sup>13</sup> That move can be resisted with the *demographic objection*: 'The educated portion of the populace may disproportionately have epistemically damaging features that countervail the admitted epistemic benefits of education' (Estlund, 2008: 215). Estlund imagines that the educated, admitted to have superior knowledge, also have biases associated with their superior education. The basic idea is that the biases of the educated, who would receive extra votes under Mill's scheme, would have the effect of 'damaging the expected quality of collective decisions' (Estlund, 2008: 215).

Since Estlund endorses an acceptability requirement, with a version of the reasonableness restriction, neither demographic differences nor their negative consequences need to be empirically verifiable. It is enough that some citizens reasonably believe that those slated to receive extra votes have objectionable biases. I agree with Estlund that the demographic objection is plausible. The kind of education that most credibly yields political and moral competence is often associated with a particular set of values and a distinct orientation towards the world. That citizens lacking this education, for intellectual, economic, or other reasons, have reason to be skeptical of the political benefits of education, is not, as Estlund (2008: 211) says, 'beyond the pale'. Interestingly, Estlund's demographic objection runs parallel to Beitz's 'foregone interest satisfaction' argument because both suggest, in effect, that the disadvantaged would actually be better off, in terms of their ordinary interests, with equal votes.<sup>14</sup>

This section has canvassed three prominent objections to Mill's plural voting proposal. First, awarding extra votes to the educated can be reasonably rejected by those forced to bear costs 'relating to foregone interest satisfaction and to predictable injuries to self-esteem' (Beitz, 1989: 37). Second, awarding extra votes to the politically competent is unacceptable (or impossible) because there are reasonable disagreements about what qualifies as competence. And third, even if citizens could agree on a standard of political competence, awarding extra political power to competent citizens can be rejected on demographic grounds. The first two objections are ultimately respect based. They suggest that Mill's scheme, by making invidious distinctions, or by belittling disagreement, fails to respect persons. The

third objection is epistemic: awarding extra votes to the ‘mentally superior’ would compound biases and generate poorer collective decisions.

## An alternative

In this section, I sketch an alternative plural voting scheme that is essentially immune to the objections raised above. I also respond to a conceptual objection – that the scheme I describe is not actually a system of plural voting. I discuss normative objections in the following two sections.

It should be noted that the critical feature of Mill’s plural voting scheme is that extra votes are allocated according to a substantive (i.e. procedure-independent) standard. Both of Mill’s suggestions for allocating plural votes, by occupation or formal education, are substantive and extra-institutional. Crucially, given plausible premises about reasonable disagreement and/or reasonable pluralism, any substantive standard is potentially arbitrary and/or controversial to a portion of the citizenry. I suggest that it is the *substantiveness* of Mill’s standard that leaves his scheme vulnerable to reasonable rejection. It is the implicit or explicit public recognition of a controversial and/or arbitrary standard that makes the scheme both ‘degrading’ (Beitz, 1989: 37) and disrespectful of disagreement. Accordingly, if a plural voting scheme can avoid making ‘invidious distinctions’ it shall sidestep the critiques outlined above.

The alternative proposal, which I call procedural plural voting, is based on a Waldronian insight. Recall that for Waldron (1999: 116), disagreement over substance generates the need for a decision procedure. If the source of the objections to Mill’s scheme is the substantiveness of its standard for allocating extra votes, the objections can be avoided by eliminating the source: substantiveness. The alternative plural voting scheme avoids objections to Mill’s proposal by allocating extra votes procedurally, within the institution itself, rather than according to a potentially arbitrary substantive standard.

Since the alternative scheme is hypothetical, I ignore practical considerations and describe the proposal in skeletal form. Assume for the sake of exposition a referendum, a publicly accessible list of eligible voters, and a two-stage election. In the first stage, on Selection Day, every eligible voter is given one yellow slip of paper. On the yellow slip, each voter writes the name of any one person from the list of eligible voters. Voters have been instructed to choose someone who, according to their own conception, exhibits characteristics they consider important for democratic decision-making.<sup>15</sup> Assume that voters participate in good faith. Voters may choose themselves. Yellow slips go in the yellow collection box and are counted.

In the second stage, on Election Day, each voter is given one green ballot. Then each voter  $i = \{1, 2, 3, \dots, n\}$  is given a number of additional green ballots ( $g_i$ ), equal to the number of yellow slips bearing his or her name. Voters then indicate their preferred alternative (in the referendum) with the green ballots. Green ballots are then counted, with results determined according to the preferred voting rule.

Crucially, each individual casts at least one green ballot, and some (but not all) individuals cast more than one (with an improbable exception).<sup>16</sup>

In effect, the alternative scheme democratizes the standard for political competence. People disagree, perhaps for good reason, about what counts as wisdom, what counts as experience, what counts as intelligence. Procedural plural voting allows each voter to select whichever citizen he or she believes best exemplifies these qualities, or whatever other qualities he or she considers relevant. No standard is set up in advance and no collective standard is articulated, except in its 'revealed' form (i.e. the yellow slip totals). Only those individuals selected by their peers (via yellow slips) are allocated extra votes. This is what I mean by saying that extra votes are allocated procedurally.

A conceptual objection to the proposal must be addressed immediately. It might be argued that since plural voting schemes are intrinsically inegalitarian, procedural plural voting, because it is procedurally egalitarian, is not actually a plural voting scheme. This thought is mistaken on two counts. First, it is not the case that plural voting schemes are intrinsically inegalitarian. Equality is a complex value requiring a nuanced assessment. I have said that an institution is egalitarian if (and only if) the departures from a baseline of equal political power it countenances are permissible. Thus, a plural voting scheme is inegalitarian if and only if it allows impermissible departures from the baseline. Furthermore, if plural voting schemes were intrinsically inegalitarian they would be theoretically uninteresting.

Second, the objection prematurely concludes that the proposal is egalitarian. The reasoning goes: if plural voting schemes are intrinsically inegalitarian, and if procedural 'plural voting' is egalitarian, then procedural 'plural voting' is not plural voting. But it is not at all clear that procedural plural voting is egalitarian. The thought might go like this: procedural plural voting is procedurally egalitarian because each voter receives an equal number of yellow slips.<sup>17</sup> With the same number of yellow slips, each voter starts out with equal (potential) political power. Moreover, each voter has an equal opportunity to choose what to do with her yellow slip: write her own name or the name of a fellow voter.

However, while it's true that each voter receives one yellow slip, some citizens ultimately cast more than one green ballot. Furthermore, the yellow slips of paper are not actually *ballots* – they merely identify who is to receive extra green ballots. They are not counted in the second stage and therefore are not even potentially decisive. Thus, whether the alternative scheme is procedurally egalitarian is an open question. Of course one can define 'procedurally egalitarian' in such a way that the scheme would count as egalitarian. But that, I believe, would circumvent the interesting issues.

For example, one might argue that procedural plural voting is procedurally egalitarian because it meets an anonymity condition. The anonymity condition says 'that no voter has a special status over the others' (Nurmi, 1999: 91).<sup>18</sup> Procedural plural voting can't possibly satisfy the anonymity condition because the number of ballots cast by each voter depends on the number of yellow slips bearing his or her name – a special status.

In any case, the anonymity condition does not supply its own normative content. It doesn't say why it's bad if a voter has a special status over others. Presumably, the anonymity condition is supposed to track the concern that no one should have an advantage because of who they are. But under procedural plural voting, some individuals get extra votes precisely because other voters award them a special status. Whether this is permissible is the question I take up in the penultimate section.

In sum, procedural plural voting is actually a system of plural voting because the green ballots ultimately determine the outcome. Procedural plural voting differs from Mill's scheme in this regard because Mill's scheme gives (what amount to) extra green ballots directly to some citizens but not others. In contrast, procedural plural voting converts yellow slips into extra green slips for some voters but not others. The crucial difference between the two schemes is when and how the extra green ballots are allocated.

My response to this line of objection suggests that a theory of political equality ought to be attentive to the distribution of political power over time. Under procedural plural voting, unlike many other voting schemes, the distribution of political power changes during the voting process. Citizens begin the election with equal (potential) political power but end up, because of the procedural ramifications of their own choices (the yellow slips), with unequal political power.<sup>19</sup> It cannot be assumed that the distribution of political power is equal at time  $t_2$  because it was equal at time  $t_1$ .

More importantly, it is the fact that the proposal amounts to a plural voting scheme that makes it theoretically interesting. There is another alternative scheme, in which each citizen may choose either a yellow slip or a green ballot, that leverages some of the same intuitions, but it is not developed here because it would not be plural voting.<sup>20</sup> This is because citizens who choose yellow slips make no contribution to the decisive stage (on Election Day). They forego the protective benefits associated with the ballot and fail to provide their input on the actual question(s) at stake.<sup>21</sup> Under the proposed alternative, in contrast, citizens who do not write their own names on the yellow slips delegate *some*, but not all, of their political power to others.

## Revisiting objections

I now say in detail why procedural plural voting sidesteps the objections to Mill's scheme raised by Beitz, Waldron, and Estlund. I should stress that in this section I am evaluating procedural plural voting from the perspective of the previously mentioned objections to Mill's scheme: that it is unfair to those it disadvantages, that it fails to respect disagreement, and that it would compound biases and generate poorer collective decisions. In my response to each objection, the move from substantive to procedurally determined standards of competence is key. Additional objections will be addressed in the following section.

Recall that Beitz's objection to Mill's scheme is that plural voting forces the disadvantaged, i.e. those receiving only one vote, to bear two kinds of costs. It is

worth noting that procedural plural voting does not permanently single out a subclass of the citizenry. Those who might be disadvantaged by procedural plural voting are determined in each election, so there is no fixed group of disadvantaged individuals as in Mill's scheme. We can still ask, nevertheless, whether those 'disadvantaged' in each election bear the costs Beitz identifies.

Consider first costs relating to foregone interest satisfaction. Would citizens receiving only one vote, because their names did not appear on any yellow slips, be worse off than under a regime of equal votes? It's extremely hard to say. Since (assuming periodic elections) this group is not permanent, nor identified by any pre-existing features, it would be difficult to identify much less to legislate against its interests. The group may not even have any shared interests.

Moreover, even if the temporarily disadvantaged were made worse off by the scheme, it's not clear they would have good grounds for complaint. In ordinary democratic elections with equal votes and basic rights guaranteed, we do not usually think that those disadvantaged by the chosen policies of the winners have decisive reason to complain. This is in part because the winners are determined by the free choices of the citizenry. The same is true with procedural plural voting; recipients of extra votes are identified by the free choices of the citizenry. Thus, if there is an objection to procedural plural voting from costs relating to foregone interest satisfaction, it is merely an unusual version of the standard objection to democratic procedures from the losers.<sup>22</sup>

A caveat: in a society with systemic discrimination, a system of procedural plural voting might exacerbate social and economic inequalities. This is why procedural plural voting must be understood as a *hypothetical* institutional proposal. If implemented in real-world societies, individuals and groups facing systematic discrimination would indeed have decisive reason to complain; nevertheless, procedural plural voting would compound rather than create injustices. A society with unjust background conditions might have reason to adopt some other – perhaps compensatory – plural (or weighted) voting arrangement. Finally, procedural plural voting is not inconsistent with a set of constitutionally guaranteed fundamental rights.

Alternatively, one might think that because procedural plural voting allows individuals to defer to their fellow citizens, perhaps reinforcing unjust power relationships and displaying undemocratic deferential attitudes, it is objectionable on these grounds. I am fully cognizant of this 'deference objection'. However, it is not clear that the objection can be raised from within the contractualist framework. The objection would have to come from an individual, grounded in her 'personal reasons'. Since under procedural plural voting anyone may write her own name on her yellow slip, the complaint would have to be against others who have deferred. And it's not at all obvious that citizens have a legitimate personal interest in others' non-deferential behavior. It may be that non-deferential democratic attitudes count as an impersonal value, in Scanlon's sense (1998: 218–223). I consider the deference objection in greater detail in the following section.

Consider second the costs from injuries to self-esteem. The same points about the temporary nature of the disadvantaged group apply here. Falling into the

disadvantaged group for one election cycle need not undermine one's self-esteem. Furthermore, it is the citizenry and not representatives of 'the state' that indirectly selects the members of the disadvantaged group. But wouldn't a citizen's self-esteem take a serious blow if he or she were never given an extra vote? It might be degrading, or at least unsettling, to know that not one of his or her fellow citizens, on any occasion, thinks that he or she is competent. Being denied an extra vote by one's peers might even be worse than being denied an extra vote by the state.

I believe this is a serious (but not insurmountable) objection. It questions whether public institutions ought to protect individuals' self-esteem from the (otherwise unobjectionable) choices of individuals. There is, however, a crucial distinction between Mill's scheme and the procedural plural voting proposal. Mill's scheme assigns a class of individuals to second-class status, and it does so by the state in the people's name. Procedural plural voting may, over time, indirectly identify a class of individuals, but it does so in no one's name. No one in particular is doing the singling out, not even the people collectively, understood as a group agent. No one claims to endorse a judgment about those individuals casting only one green ballot. This is, in part, because there is no shared public standard for assigning extra votes.

For Waldron, Mill's scheme fails to respect persons because it does not recognize reasonable disagreement over the standards for assigning extra votes. It should be clear how procedural plural voting avoids this objection. Mill's scheme sets up an independent, substantive standard for competence and disregards alternative viewpoints. The alternative, in contrast, allows each voter to set her own standard for competence. Voters needn't justify their standard to anyone, though they might discuss and debate the standard in the public sphere. In short, procedural plural voting avoids Waldron's objection because it respects disagreement over the appropriate standard by preserving that disagreement.

Finally, consider Estlund's demographic objection. It suggests that awarding extra votes to the 'mentally superior' generates objectionable epistemic consequences. These consequences give certain individuals sufficient reason to reject the institution. Now, does the demographic objection apply to procedural plural voting? I doubt that it does because it is hard to see how those allocated extra votes could be demographically distinct from those who are not. The original demographic objection made sense because those individuals who are most likely to meet the standards for competence plausibly share certain demographic features associated with objectionable biases. But under procedural plural voting, there is no predetermined or enforced standard for competence, and any demographic distinctions are vitiated by individual choices. The demographic objection simply does not apply if the two groups – those who are awarded and those who are denied extra votes – are not demographically differentiated.

One might argue that the two groups *would* turn out to be demographically distinct if the citizenry shares certain beliefs about who ought to have greater decision-making power. Perhaps the outcome of procedural plural voting would not be much different than the scenario imagined by Estlund. That is, those chosen

to cast extra green ballots might be demographically distinct in similarly damaging ways. If so, the scheme would be vulnerable to reasonable rejection. This suggestion is especially interesting because in this scenario the demographic division is the result of the citizenry's decentralized choices.

The objection can be addressed in two ways. First, one can deny the empirical premise, that the citizenry would select an epistemically damaging demographic subclass for extra votes. Part of the point of procedural plural voting is that individuals who reject traditional standards of competence may choose according to their own heterodox standards. Second, one can deny that demographic distinctions generated by decentralized free choices can be reasonably rejected. In other words, no one can reasonably reject the outcome of a decentralized democratic process to which one has contributed. This response is similar to that of the standard objection, mentioned previously, to the outcomes of democratic decision procedures from the losers.

### Considering the alternative

Thus far, I have presented a simplified account of Mill's plural voting proposal, surveyed three important objections to Mill's scheme, and suggested that an alternative plural voting scheme, which allocates votes procedurally, is immune to those objections. The fact that a plural voting proposal, namely procedural plural voting, avoids these objections means either (a) that some form of plural voting involves permissible departures from equally weighted votes (and is therefore egalitarian) or (b) that departures from equality allowed by procedural plural voting are impermissible, but for reasons other than those offered by the standard objections.

It is worth reflecting further on procedural plural voting, and what makes it different from Mill's scheme, because our reasons for rejecting Mill's scheme are typically thought to track our reasons for embracing political equality. Those reasons give us some purchase on the kinds of departures from equal political power that are acceptable in a democracy. But if those reasons fail to generate a persuasive objection to procedural plural voting, are we forced to conclude that the kinds of departures from numerical political equality imagined by procedural plural voting are acceptable? That is the fundamental – fundamental to the theory and practice of democracy – question raised by the hypothetical proposal.

The previously mentioned objections to Mill's proposal yield four different reasons for resisting departures from political equality. First, departures from equality ought not undermine anyone's ordinary interests. Second, departures from equality ought not threaten anyone's self-esteem. Third, such departures must be consistent with mutually agreeable standards. Fourth, departures from equality must not empower individuals with objectionable biases.

The primary value of procedural plural voting as a hypothetical proposal is to prompt additional reasons. What other reasons might we have to resist departures from equally weighted votes? I conclude this essay by proposing several such reasons, specifically reasons designed to generate objections to the alternative scheme. Notably, the objections raised in this section depart from the 'personal reasons'

constraint in the contractualist framework. Whether such objections are ultimately persuasive is beyond the scope of the essay.

Recall that what is distinctive about procedural plural voting is that the departures from equality it generates are the result of voluntary, decentralized, and arguably democratic choices of individuals. Accordingly, the germ of a potential objection to the proposal might be located in the connection between inequality and choice. The standard objections to Mill's proposal provide good reasons for rejecting unchosen inequalities of political power. But are there further reasons for rejecting chosen inequalities of political power?

A first suggestion appeals to what Beerbohm (2012: 169) calls the '*agency problem*', the 'thought that there are certain species of reasoning that cannot be permissibly contracted out to another'. We might think democratic decision-making requires the kinds of reasoning that shouldn't be contracted out. Yet 'contracting out' is exactly what procedural plural voting allows – the yellow slips permit individuals to transfer a portion of their potential political power to others. Beerbohm (2012: 219) argues further that '[w]e have moral reason to be especially wary in accepting others' beliefs about justice'. If democratic decision-making is (at least partially) concerned with matters of justice, it might be wrong to defer to others, even in the weak sense contemplated by procedural plural voting.<sup>23</sup> In short, one potential reason for rejecting chosen inequalities of political power is that the choices that generate inequalities are morally impermissible.

A second suggestion follows from Waldron's (1995) influential reading of Book 3, Chapter 11 of Aristotle's *Politics* (1984: 2033), that

each individual among the many has a share of excellence and practical wisdom, and when they meet together, just as they become in a manner one man, who has many feet, and hands, and senses, so too with regard to their character and thought.<sup>24</sup>

That is, every citizen, no matter his or her education, experience, or intelligence, has something of value to contribute to the democratic decision-making process. A similar suggestion can be drawn from Plato's *Protagoras*. Socrates's interlocutor is made to say, 'when the debate involves political excellence, which must proceed entirely from justice and temperance, [the Athenians] accept advice from anyone, and with good reason, for they think that this particular virtue, political or virtue, is shared by all' (Plato, 1997: 758). Both of these passages suggest that the capacities necessary for democratic decision-making are widely shared.

Procedural plural voting, like Mill's scheme, does not exclude anyone from the decision-making process, but it gives greater weight to the opinions of a subset of the citizenry. There are plausible reasons to think that the epistemic benefits suggested by Waldron's (1995) 'wisdom of the multitude' argument and implicit in *Protagoras* accrue only under institutions with equally weighted votes. This is because the unequal weighting characteristic of plural voting schemes conceivably obviates the epistemic benefits of broad participation. Part of the point of 'wisdom of the multitude' arguments is that it is difficult to know, *ex ante*, whose contributions will be most valuable. As Aristotle (1984: 2033–2034) argues, 'the many are

better judges than a single man of music and poetry; for some understand one part, and some another, and among them they understand the whole'. Plural voting, by discounting the relative voting power of some, threatens an incomplete understanding of the whole.<sup>25</sup>

Whereas my first suggestion appeals to moral requirements – that it might be wrong to defer to others on matters of justice – and my second suggestion appeals to the epistemic value of equal political power, my third suggestion is that in matters of public importance, the political community may have some claim on how its members use their potential voting power. If democracy is something we do *together* – a shared project – individuals ought not have unrestricted license as to how they do their part.<sup>26</sup> We may reject some kinds of community control over an individual's political choices; for example, the democratic community does not, and ought not, tell its members how to vote. But this does not mean that the community should not exercise some control over how its members use their political power. Certain uses of the ballot undermine the shared project of which the ballot is an instrument. An obvious example is vote selling. A more controversial example, but one which appeals to the same principle, is implicit in arguments for compulsory voting.

It is therefore worth asking whether the choices available to individuals under procedural plural voting are consistent with or undermine their shared project – democratic decision-making. While I do not share Beerbohm's (2012: 29) understanding of democracy as 'a system of shared liability', I do share his belief (2012: 44–50) that democracy is 'relational' and that citizens share a commitment to their joint activity. The question becomes whether an individual's choice to augment the voting power of a fellow citizen is a violation of that commitment. Even when she writes the name of another citizen on her yellow slip, she casts a green ballot, and thereby contributes to the decisive stage of the decision-making process. Others may not share my intuition, but does she not, by giving to another what she could exercise herself (by writing her own name on the yellow slip) *mar* the putative jointness of the shared project? Does she not indicate her desire to partially extricate herself from the common decision-making process? If so, her choice is a violation of her commitment and undermines the shared project of democracy. In other words, because politics is a collective endeavour, we all have legitimate interests in how others use their political power.

If I am correct, procedural plural voting reveals an important additional reason to resist departures from numerical political equality. According to this view, departures from political equality are impermissible when they undermine the joint project of democracy. Significantly, this objection ostensibly applies to all plural voting schemes, and therefore provides a stronger justification for equality in voting systems.

There are surely additional reasons to resist departures from equal political power in electoral institutions, but I offer these three – (1) that certain choices that generate inequalities of political power are morally impermissible, (2) that even chosen inequalities may undermine the potential epistemic benefits of democratic decision-making, and (3) that such choices may undermine democracy

understood as a joint project – because they are generated by an examination of the alternative plural voting proposal described in this paper. The four reasons drawn from Beitz, Waldron, and Estlund in the previous section are sufficient to defeat Mill's plural voting proposal, but the three additional reasons developed here cast doubt on plural voting as such, and therefore provide a stronger case for strictly egalitarian voting systems.

One might object to the argument above by suggesting that the additional objections are really objections to representative as opposed to direct democracy, or to indirectness rather than inequality. It is certainly true that the two-stage structure of procedural plural voting shares some features with systems of representation. Those who receive extra green ballots can be seen as representatives and the yellow slips can be seen as votes for representatives. But the two systems are not identical. For example, representatives are typically selected via some aggregative mechanism of collective choice. In contrast, individuals choose 'representatives' in procedural plural voting unilaterally. Moreover, the final vote weight of a 'representative' in procedural plural voting is the product of aggregation, whereas the weight of a representative's vote in an ordinary legislature is not a (continuous) function of how many votes she receives. Finally, and most importantly, if a representative system is such that some individuals choose other individuals to make decisions on their behalf, procedural plural voting is not fully representative. By casting a green ballot, each voter decides which alternative she prefers.

Even if procedural plural voting is not actually a system of representation, the claim that the objections raised in this section are really objections to the features the scheme has in common with representation, rather than to its egalitarian features is a serious challenge. However, it is important to notice that it is the egalitarian features of the scheme that are shared by representative institutions. Moreover, I have tried to argue that the objection to deference, for instance, is on egalitarian grounds. Deferring to others in procedural plural voting (even partially) is problematic not only because deference is indicative of undemocratic attitudes, but also because it undermines the joint-ness of the democratic project. If deferring to others can be made consistent with the joint-ness of democratic decision-making, systems involving deference can be consistent with political equality.

This suggests a deep sense in which democracy is egalitarian. To voluntarily depart from a numerically equal distribution of political power (by transferring a portion of one's power to another) is *impermissible* because to do so mars the putative joint-ness of the democratic project and therefore constitutes a violation of one's commitment to the shared democratic project. Transferring one's power is impermissible on democratic grounds. Furthermore, it follows from the stipulated definition of egalitarian voting systems – that the departures from a baseline of numerical political equality that they accept are impermissible – that a system in which individuals are permitted to transfer a portion of their (*ex ante*) equal political power to others is egalitarian. Thus, to voluntarily depart from a numerically equal distribution of political power is impermissible on democratic grounds, and therefore egalitarian on democratic grounds. It is simultaneously egalitarian because it is undemocratic and undemocratic because it is egalitarian.

In sum, my response to this line of objection is somewhat counterintuitive. It is not the case that objections to procedural plural voting are really objections to representative, as opposed to direct, democracy. My objections are to the *inegalitarian* nature of transferring a portion of one's political power to others. If it turns out that systems of representation share this feature – permitting (or even requiring) citizens to transfer a portion of political power to others – this is a challenge to representation and not procedural plural voting. I am not arguing that representation is necessarily impermissible. I am only suggesting that systems of representation ought to be subjected to the same standard: representation is consistent with democratic ideals if and only if the departures from a baseline of equality – the kind of fundamental moral equality assumed by ‘the tradition of democratic thought’<sup>27</sup> – it allows are permissible. Mill’s (invalid) pragmatic argument for representative government is simply not enough: ‘But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative’ (1977: 412).

## Conclusion

In this paper, I have presented a simplified account of Mill’s plural voting proposal, described three prominent objections to Mill’s scheme, developed an alternative plural voting scheme, and shown how that scheme avoids prominent objections to Mill’s scheme. The fact that standard objections to Mill’s plural voting proposal do not defeat all plural voting schemes is interesting in its own right and indicates critical gaps in contemporary theories of political equality. Many questions about procedural plural voting remain unanswered, yet these are questions about the nature of political equality raised by the hypothetical proposal. The proposal uncovers questions previously hidden by exclusive attention to Mill’s infamous version of plural voting. Any plausible democratic theory must contain resources to respond to the hypothetical plural voting proposal described in this essay.

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## Notes

1. Plural voting is closely related to systems of weighted votes. In the case in which extra votes must be cast for the same candidate, plural voting schemes are a subset of weighted voting systems. This is because weighted voting systems allow votes to take fractional weights. Although not technically a weighted voting scheme, the cumulative voting scheme advocated by Guinier gives ‘each voter as many votes as there are seats to be filled and allows each voter to cumulate her votes among a smaller number of candidates’ (1991: 1427n48). Cumulative voting is not weighted voting because each voter casts the same number of ballots. Alternatively, manipulating vote weights has been proposed as one method to satisfy the ‘one person, one vote’ requirement articulated by the US Supreme Court in *Gray v. Sanders*, 372 U.S. 368 (1963) at 381. For a discussion, see Nozick (1997).

2. I apply Rawls's (1999: 56) procedure in *justice as fairness* – 'the initial arrangement of equality is taken as a benchmark' – to the domain of political equality.
3. Also see *Thoughts on Parliamentary Reform* (1859) and *Recent Writers on Reform* (1859) in Mill (1977).
4. However, Mill (1977: 478) says: 'I do not look upon equal voting as among the things which are good in themselves, provided they can be guarded against inconveniences'.
5. According to Macpherson (1977: 57), Mill's 'main case for a universal franchise was that it was essential as a means of getting people to develop themselves by participation'. However, immediately following several paragraphs on the educative value of universal suffrage, Mill (1977: 469, emphasis added) says, '[i]ndependently of all these considerations, it is a personal injustice to withhold from any one . . . the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people'.
6. Thompson borrows this terminology from Pateman (1970: 19–21).
7. Thompson notes, 'a balance between the values of participation and competence may be achieved at any particular time through political institutions or processes that are designed to realize both values simultaneously' (1976: 11, emphasis in original).
8. Also see Pateman (1970: 28–31).
9. J. J. Miller (2003: 649) also follows Thompson in viewing Mill 'as being motivated both by competence and participation'. However, unlike Thompson, who overemphasizes the role of the principle of competence, Miller overcorrects by overemphasising the educative criterion (2003: 648).
10. For an internal critique of Mill's proposal, see Urbinati (2002: 93–104).
11. Beitz (1989: 39) says the scheme 'must be shown to be desirable from each person's separate point of view as well'.
12. For Mill (1977: 476), additional votes for the educated must not allow the educated to legislate in their class interests:

The plurality of votes must on no account be carried so far, that those who are privileged by it, or the class (if any) to which they mainly belong, shall outweigh by means of it all the rest of the community.

13. Also see Estlund (1993).
14. Eric Beerbohm (2012: 32) also recognizes the similarity between the two objections.
15. For a real-world interpretation of those chosen by yellow slips, see Berelson et al. (1954).
16. This is when each voter's name appears on exactly one yellow slip.
17. I thank Julie Rose and an anonymous reviewer for pressing this objection.
18. Also see May (1952: 681).
19. On the distinction between political power and political influence, see Dworkin (2000: 191–194).
20. I thank Emilee Chapman for this suggestion.
21. Under procedural plural voting, there is an upper limit on the number of yellow slips allocated to each citizen such that the scheme is consistent with the claim that everyone's voice is being heard. With a sufficient number of yellow slips, some individuals' contributions to the decisive stage will be swamped by the contributions of others.
22. See, for example, Wollheim (1962).
23. Or in the words of Bob Dylan (1965): 'You never understood that it ain't no good / You shouldn't let other people get your kicks for you'.

24. For a persuasive critique of Waldron's interpretation of Aristotle, see Lane (2013).
25. Also see Landemore (2013: 112).
26. My thinking on this matter has been influenced by Emilee Chapman.
27. For the quotation, see Rawls (1985: 233). Also see Cohen (1989).

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