Charles Beitz proposes a mixed understanding of democratic theory, drawing equally on deontological and consequentialist elements to develop a theory that he calls "complex proceduralism". Beitz's critique of existing consequentialist theories is essentially that they assess consequences at a superficial theoretical level, and his proposed theory takes a more individualized view of consequences, requiring that proposed policy be defensible to each affected citizen.

He begins with what he calls the "simple view" that democracy should provide citizens with equal power over outcomes, and he distinguishes this view from the related notion that democracy should give each citizen's preferences equal weight in the decision-making process. Beitz argues that the simple view fails to distinguish among the different levels of abstraction at which equality might enter into our calculations. More deeply, he disputes the idea that power itself is an appropriate metric for measuring political equality. Beitz argues that the concept of power is equivocal, in the sense that there is no unambiguous principle of "equal power" that we can appeal to as a basis for dispute resolution.

To illustrate this point, Beitz considers questions of representation, agenda-setting and campaign finance. In the case of representation, Beitz imagines a formally-equal legislature of three members, where two members frequently cooperate to outvote the third. Beitz reminds us that the abstract capacity of each legislator to overcome resistance (his definition of power) is equivalent, but that once we factor in the distribution of preferences, it becomes obvious that not every member will enjoy equally successful outcomes. This is the sense in which he means that power is equivocal, and Beitz goes on to call it a "counterfactual notion" that can be frustrated in actual fact. Thus the amount of power we attribute to someone depends on which factors we're prepared to counterfactualize and which we hold constant. Power assessment, on this

understanding, is dependent on our reasons for assessing it. By making this distinction, Beitz is able to disaggregate the concept of power into concerns regarding abstract leverage on the formal process and concerns about which set of interests will ultimately prevail.

Next, Beitz explodes the convenient modelling assumption of endogenous preferences. Arguing that preferences do not exist independently of the institutions through which they are expressed, he shows that the agenda-setting process must be a deliberative rather than purely aggregative mechanism. Arguing that power is an inadequate concept to explain this process of interpersonal influence, Beitz suggests that access restrictions impoverish this process of public debate and reflection. Similarly, Beitz frames campaign finance not as a preference-aggregation problem but as a regulatory framework to encourage conditions of fair deliberation, and argues that power is a poor guide to addressing the issue.

In short, the "simple view" mistakenly identifies the abstract ideal of political equality with the proximate, measurable standard of procedural equality.[1] Beitz labels this an "unduly narrow" conception of political equality, and he suggests that the simple view applies equality to political institutions themselves. By contrast, Beitz proposes that we apply equality not to institutions but to proposed justifications for the terms of participation. Beginning with the premise that these justifications are conceptually prior to institutions, he argues that fairness is the appropriate standard for institutions themselves, but that equality is the appropriate standard for evaluating proposed justifications for the terms of political participation.[2]

Beitz then considers theories of political equality on the basis of their proposed institutional justifications, focusing on theories of "best result," "popular will," and "procedural

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[1] I'm reminded of an old joke about keys and lampposts.
[2] Beitz observes here that ordinary usage is all that prevents us from simply abandoning the phrase "political equality," since it conflates institutional design with its justification (p.18, p.218), and he advocates replacing "political equality" with "political fairness". One wonders who chose the book's title.

equality". Best-result theories regard institutions as fair when they are designed so as to maximize the expected value of a(n independently specified) social welfare function. Popular will theories regard institutions as fair if they implement the "will of the people," defined as fulfilling the social choice function that satisfies the most preferences. These two theories are both instrumentalist, outcome-oriented approaches, but principled controversy about equality arises at different stages. He contrasts these with procedural theories, which deploy social decision procedures (political constitutions) to describe the institutional mechanisms through which social choices are actually made. These theories take the definition of fair terms as a matter of fundamental (rather than derivative) interest. In brief, "best result theories are concerned with fairness to people's interests or welfare; popular will theories, to the political preferences; and procedural theories, to persons themselves, conceived as equal citizens" (p.23).

Beitz sees his own view as a substantive variant of the procedural theory, but indirectly incorporating instrumentalist elements. He calls this theory "complex proceduralism." Complex proceduralism holds that the terms of democratic participation are fair when they are reasonably acceptable from each citizen's point of view, and no citizen has good reasons for refusing to accept them. Beitz identifies three "regulative interests" of citizenship that all citizens of a democracy can be presumed to share: recognition, equitable treatment, and deliberative responsibility. It is reasonable, on his account, for any citizen to refuse to accept terms of participation that offend any of these interests. This contractarian approach allows for circumstances where political fairness may require procedural inequalities.

The crux of Beitz's argument is that theories that ignore consequences entirely or apply them at the wrong procedural level are both deficient. Because the various dimensions of fairness conflict, it seems impossible on its face to combine these conflicting values "within a single

outcome-oriented criterion" at a higher level of abstraction. The compromise that we must make

to sort this out is the essence of politics, but this political compromise cannot be treated in

general terms and theory is *necessarily* mute as to how it should be conducted.[3]

Questions

1. Is Beitz's analogy between political equality and economic equality (pp. 18-19) persuasive? He proposes that the ideal of economic equality is typically instantiated by institutional conditions that do not seem overtly or obviously egalitarian, and suggests that it is no criticism of an allegedly egalitarian economic system that it fails to produce precise equality of wealth at any (or every) moment in time. Similarly, he argues that is true of democratic equality – it is no criticism of democratic institutions that they fail to produce political equality. Can this be reconciled with a commitment to political equality?

2. What are we to make of power as a counterfactual notion (pp.10-11)? Beitz would seem to agree with the proposition that a legislator is powerful even if no votes ever turn out in her favor. Can the concept of power be divorced from outcomes without emptying it of content?

3. I agree that the idea that citizens enter into politics with fully-formed preferences is absurd. But it seems equally absurd to say that they enter into politics with no preferences at all. The deliberation that Beitz advocates must be based on some prior preferences, even if these are modified in due course. In this sense, I'm not sure I can agree that preferences only exist as functions of institutions. Maybe he means that the only preferences that democracy is bound to respect are those that emerge from an institutional (deliberative) process?

4. Does the negative method Beitz employs make sense for crafting positive theories? He cites the need to critically examine extant theories (pp. 31-32) in order to "illuminate conditions that a more satisfactory conception of political equality should embody". Should we expect that examination of deficient theories will lead us to a proper understanding of political equality?

5. Beitz's use of consequences is very subtle, and I'm not sure I completely understand the level at which complex proceduralism is making use of consequences. I gather that Beitz thinks that most consequentialist theories assess consequences at the wrong level, but the only place at which he spells this out (pp.40-41) seems to indicate that this is because consequentialist theories take consequences at the level of the whole society rather than the individual. This only seems true in some cases – i.e. true of utilitarianism, but not true of the sorts of individualistic consequentialism that seem widespread today.

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[3] I'm interested in writing more on these "meta-political" spaces.