Economics and Philosophy, **19** (2003) 265–279 Copyright © Cambridge University Press
DOI: 10.1017/S0266267103001159

FREEDOM TO CHOOSE AND DEMOCRACY

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Should democracts value the freedom to choose? Do people value facing distinct choices when they make collective decisions? 'Autonomy' – the ability to participate in the making of collective decisions – is a paltry notion of freedom. True, democrats must be prepared that their preferences may not be realized as the outcome of the collective choice. Yet democracy is impoverished when many people cannot even vote for what they most want.

'The point is not to be free, but to act freely.' Rosa Luxemburg

1. QUESTIONS

The question is twofold. The normative question is whether democrats should value the freedom to choose when making collective decisions. The empirical question is whether people value facing distinct platforms when they vote. Unfortunately, the descriptive evidence is only impressionistic. Hence, I focus on the normative issue.

To clarify what is entailed, it is useful to examine first the value of choice when each individual decides independently what is best for him or her. Suppose that you prefer x to y, $x \succ y$. There are two states of the world. In one, you get x. In the second, you choose between x and y. Does being able to choose have an inherent value for you?

To move to the collective level, suppose that there are two types of people. Some are of type x – they are characterized by $x \succ y$ – and others

I am grateful to Jess Benhabib and Bernard Manin for several heated discussions and to Joanne Fox-Przeworski, Dimitri Landa, Avishai Margalit, and Ignacio Sanchez-Cuenca for comments. Special thanks are due to the editor of this journal, Geoffrey Brennan, for pushing me further than I was prepared to go.

https://doi.org/10.1017/S0266267103001159 Published online by Cambridge University Press

are of type y, so that for them $y \succ x$.[1] One collective decision gives either x or y to everyone. The distribution of types is such that x is the majority winner. Do you care whether two parties both propose x, so that your opportunity set is $\{x, x\}$, or whether they make distinct proposals, $\{x, y\}$? If you are an x or a y, do you care whether or not you were offered a choice?

Another way to pose the question is to ask whether democrats should be unhappy with a good dictator. Suppose that the collective decision can be made by a dictator, who chooses x, or by some process in which individuals choose between x and y and, given the distribution of types, the decision is x. Authoritarianism is a combination of two beliefs: Something is good for all (one nation, one body, one spirit) and someone knows what it is (one leader). Under authoritarianism, there is no room for choice. As O'Donnell (1985) observed, when the nation has one spirit, only one movement can embody it; there is no place for parties. Under democracy we do have parties. But even if parties represent diametrically opposed interests, they have to please the decisive voter. The decisive voter is not a dictator; we revert to voting because at least some outcomes are not good for all and the decisive voter is decisive only contingent on the preferences of everyone else. Yet with two parties and complete information, parties offer the same platform, proposing to do what the decisive voter wants them to do (Downs 1957, Roemer 2001). Let the ideal point of the median voter be m. Would you rather face two parties that offer $\{m, m\}$ or $\{m - k, m + k\}$?

Note that some people vociferously complain about not being offered a choice of platforms. It is enough to reach to the level of linguistic intuition: 'Tweedledum and Tweedledee', '*blanc bonnet et bonnet blanc*' are expressions of disgust with electoral politics.[2] Observing democratic governments in Western Europe since World War I, one is struck by how old this complaint is:

(1) During a 1922 budgetary debate in the Swedish parliament, the Liberal leader, Eden, observed that the Social Democratic government was 'bourgeois to an unexpectedly high degree', which Hjalmar Branting, the Prime Minister, was forced to admit: 'I believe that amongst the Swedish

[1] To put aside Buridan's Ass type arguments against choosing, no one is indifferent. This poor ass is maligned by some philosophers for his stupidity: Faced with two stacks of hay of equal size, the ass died of hunger. In fact, his death was not due to irrationality but to technological obstacles – asses are not anatomically equipped to flip coins. Note, however, that Kahneman and Tversky (2000, ch. 34) report that some people are indecisive, so having a choice may be detrimental to their welfare.

[2] A popular way to refer to two candidates in the recent French presidential elections, Lionel Jospin and Jacques Chirac, was as Jospirac and Chiraspin. Play this game for the last US election and you will be surprised how accurate the characterization of the candidates will be.

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labouring masses who have given their votes to our party there exists a high political training and an insight into the exigencies of the situation. I think that in relying upon this we have dared to put into practice a policy that is (to quote Herr Eden) as 'bourgeois' as it could possibly be, in accordance with his own description' (Tingsten, 1973, p. 251). Leftist analyses of the MacDonald government as well as of the Front Populaire blamed them for not breaking with the standard economic wisdom of the time, accused them of 'selling out', and questioned whether elections can make a difference in a capitalist economy (Miliband, 1959; Lefranc, 1965; Greene, 1969).

(2) The 'Keynesian welfare state' evoked the same reaction, which exploded in 1968. The Cohn-Bendit brothers (1968) saw electoral competition as a choice between 'gin and tonic vs. tonic and gin'. The complaint that parties make no difference was passionate: 'The working class is lost in administering its imaginary bastions. Comrades disguised as notables occupy themselves with municipal garbage dumps and school cafeterias. Or are these notables disguised as comrades? I no longer know' (Konopnicki, 1979, p. 53).

(3) Now again, the perception that different governments follow similar policies is widespread. *The Economist* (2 May 1995) triumphantly observed that 'the differences between New Labour and watered-down Thatcherism are far more of style than of substance'. The diagnosis is shared by critics of globalization: 'Two things tend to happen: your economy grows and your politics shrinks.... The Golden Straitjacket narrows the political and economic choices of those now in power to relatively tight parameters.... Once your country puts on the Golden Straitjacket, its political choices get reduced to Pepsi or Coke' (Friedman, 2001).

Should democrats share this complaint? It may well be that most voters care only about the outcome, rather than about facing multiple proposals. But it is surprising that democratic theorists are silent about the value of choice. My search found only one theorist who requires that democracy offer distinct alternatives to citizens, Norberto Bobbio, but he does not justify it.[3]

I will first say something about micro-level arguments in favor of choice and then return to democracy.

[3] His *minimal* definition of democracy includes a condition that 'those called upon to take decisions, or to elect those who are to take decisions, must be offered real alternatives' (1987, p. 25). Elsewhere, he argues that 'to pass a judgement today on the development of democracy in a given country the question must be asked, not 'Who votes?' but 'On what issues can one vote?' (1989, p. 157)

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2. CHOICE AND FREEDOM

My reading of the literature relating choice and freedom draws largely from the review by Barbera, Bossert, and Pattanaik (2001). The goal of this literature is to find plausible conditions under which opportunity sets could be completely and transitively ranked by some criterion of freedom which would be valued in itself. Note that two questions are entailed. (1) Given two opportunity sets $A, B \in X$, does A offer more freedom than B under some particular conception of freedom? (2) Given that A gives more freedom to the agent under some particular conception of freedom, does this extra freedom have a value for the agent when the value of freedom is conceived in some specific fashion (Barbera, Bossert, and Pattanaik, p. 21)?

My conclusion is that this program is unsuccessful. The tension is between cardinality-oriented approaches and effective-freedom-oriented approaches. Moreover, this tension persists even if one is willing to give up completeness, as Sen is.

The pure cardinality approach says that a larger opportunity set is preferred to a smaller one (Pattanaik and Xu, 1990). This approach does generate a complete, weakly transitive ranking but it is based on an axiom which kills it, namely, that one is indifferent between singletons. If you have no choice, you do not care what it is that you must have, $\{x\} \sim \{y\}$ for $\forall x, y \in X$. Sen (1990) demolishes this axiom with an example in which x is that he must walk home from his office, while y is that he must hop on one leg. Conversely, suppose that among all books you choose to read *Cymbeline*. Now contrast this choice situation with one in which you are forced to read something else and with another in which you are forced to read *Cymbeline*. In one situation, you are forced to do what you do not want to do; in the second you are forced to do what you want to do. 'There is no question that in the last two scenarios your freedom *is* reduced. But it would be absurd to say that you are equally unfree in the last two cases' (Sen, 1991, p. 25). His view (1991, p. 38) is that the 'idea of effective freedom cannot be disassociated from our preferences'.

To define the effective freedom approach, think of $x \in X$ as the alternative you would choose from the full set X, where x is the 'essential element'. The pure effective freedom approach says that if x is your essential element, then you prefer any set that contains it to any that excludes it and you are indifferent between any two sets that include it. But then cardinality is gone; you prefer $\{x\}$ to a set of any size that does not contain it.

In the cardinality approach, freedom is the ability to do *whatever* you want; in the effective freedom approach, it is the ability to do *what* you want. Attempts to combine the two criteria do not advance things much. You lexicographically prefer either cardinality or effectiveness and you use the other criterion only to break ties. The question remains: Why would we

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sacrifice achievement just to have choice? Why would we attach an intrinsic value to freedom, above and beyond its effect on our achievements?

One must be careful to distinguish arguments based on freedom from those based on flexibility. Flexibility approaches treat the availability of choice as instrumental: What matters in the end is to be able to make the best choice. Suppose you do not know your preferences. All you know is that you may prefer x to y or vice versa (or that now you prefer x to y but in the future may change this order). Then you would want to have both x and y among the choices just in case. Wanting to discover 'who I am' or even 'realizing my potential' provides flexibility arguments for choice.

Note that the effective freedom approach assumes the economic man in the extreme – it requires you to rank not only the opportunities you face but also those you do not. You know that your essential element in X is x even when all you can consume or experience is just $\{x\}$. Let us abandon the notion of exogenously given preference and think differently, namely, that the ability to choose is endogenous to the choice set one faces. You can order only those alternatives that are in your choice set. Then the cardinality of the choice set matters because it allows you to choose better; $\{x, y\} \succ \{x\}$ because you would not know how to compare x to other alternatives unless they are feasible. But this still does not look like an argument for an intrinsic value of choosing. In the end, you want to have more choices because you want to accomplish more, so having choices remains instrumental.

Let me push this line of reasoning yet another step further by giving it a pragmatist twist. Suppose now that you are causally unable to evaluate an alternative unless you actually experienced it – 'the proof of the pudding', etc. Then you can choose between x and y only if you have experienced both. Russians, at least Dostoevsky, would say that one cannot feel happiness unless one has experienced despair. But, again, what you want is to be happy. If you could appreciate happiness without falling to lower depths, you would prefer to avoid them. You do not value having choices *per se*.

The argument that choosing is an intrinsic value entails – to use a phrase which Cohen (1993) regards as accusatory but I do not – an 'athletic' conception of freedom. The athletic conception says that we prefer outcomes that we cause. What renders value to choice is agency. You prefer to read a novel you picked rather than one that was assigned to you. You prefer to get a good grade as a result of your effort, rather than have your parents do the homework for you. With apologies for an athletic example of the athletic conception, when kids play pick-up soccer, the teams are formed by two players of equal quality taking turns in choosing their teammates; the purpose is to generate equally strong teams. Winning a game because the chances were stacked in your favor is just less fun. Players prefer their opportunities to be $\{win, lose\}$ rather than

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just $\{win\}$. One might object that victory over a weak team is a different outcome than victory over a strong one, so that all they are ranking are outcomes. But victory over a strong team is a different outcome precisely because it requires effort, so that its value originates in being the outcome of action (Sen, 1988, p. 290). Moreover, unless I am an altruist, the fact that you face choices is irrelevant for me – I value choice because it allows *me* to cause, because it enables my agency.

Since the modern concern with freedom is largely due to Sen, he is the best source to learn from. Sen (1991, p. 18) criticizes both '(1) identifying preference fulfillment with individual welfare and (2) dissociating freedom from preference fulfillment'. On the one hand, we have his critique of the axiom of indifference between singletons. On the other hand, he rejects a conception of freedom according to which people are equally free if they choose the same element from $\{x\}$ or from $\{x, y\}$ (1988, p. 272). Let us follow his solution.

To clarify the language, observe that Sen (1988) argues that freedom should be seen in terms of alternative bundles of 'functionings' that a person may be able to achieve. Such bundles are called 'capability sets'. Since they include the ability to exercise choices, functionings are not sufficiently described by consumption of commodities, Rawlsian primary goods, or utilities: 'Two persons possessing identical bicycles may have very different ability to move around, if one happens to be disabled and the other one not'. Women in India may derive high utility from the welfare of their households but there is little they can personally achieve (Sen, 1987). But, as Basu (1987) pointed out, the same issues arise whether one thinks of the opportunity sets as composed of commodities or of functionings. The question is still whether one should value a functioning that entails choice differently from one which does not.

Sen's answer to this question is unambiguously positive.

> If freedom is of some intrinsic value in a person's life, then the valuation of a capability set need not coincide with the evaluation of the chosen element of it . . . One reason why freedom may be important is that 'choosing' may itself be an important functioning . . . Insofar as choosing is itself valuable, the existence and extent of choice have significance beyond that of providing only the means of choosing the particular alternative that happens to be chosen. (1988, p. 290)

'Refined functionings' incorporate the feature of choice, as in the soccer example. The functioning $x \in \{x\}$ is not the same as $x \in \{x, y\}$ because in the latter case it was chosen. 'Fasting' is better than 'starving'. Fasting is an outcome that results from choice, starving is involuntary, and 'Choosing to do x when other alternatives are available cannot be identified with simply doing x no matter what the alternative possibilities are' (1988, p. 290).

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By framing the issue as 'fasting' versus 'starving', Sen (1988, p. 292) is able to argue that 'in terms of actual preferences it can easily be the case that the person prefers to fast (with eating as a *feasible but rejected* alternative), over eating normally, but he may have no liking of starving *without* the option of being able to eat freely . . . *Doing x and choosing to do x* are, in general, not equivalent'. Underlying Sen's argument is the following axiom: If for any $A \supseteq B$, where A' is a subset of A such that $|A'| = |B|$, for every element $x \in A'$, $k(x) \in B$, $x \succeq k(x)$, and $k(.)$ is a one-to-one correspondence, then $A \succeq B$. This axiom says that if I can have what I want as a result of my choosing, acting, or doing, I am more free. I will refer to it as the 'weak freedom axiom'.

This axiom is weak since it serves to compare only those sets for which the condition $x \succeq k(x)$ holds. If B contains an alternative which is better than any member of A', the axiom cannot be applied. Let $x \succ y \succ z$. This axiom says that $\{x, y\} \succ \{y, z\}$ (by the $x \succeq k(x)$ part) and that $\{x, y\} \succ \{x\}$ (by the $A \supseteq B$ part), but it says nothing about the relation between $\{x\}$ and $\{y, z\}$. So we are back to where we began; we adopt either the 'simple priority of freedom' axiom, according to which for all $x \succ y \succ z \in X$, $\{y, z\} \succ \{x\}$ or the 'indirect preference principle', according to which for all $A \in X, |A| > 1$, $\{\max(A)\} \succ A \backslash \{\max(A)\}$, so that if $x \succ y \succ z$, then $\{x\} \succ \{y, z\}$. And, as we will see, the value of choice for democrats hinges on the relative evaluation of $\{x\}$ and $\{y, z\}$.

In the end, this literature illuminates the reasons for valuing choice but does not tell us when choice should be valued more than achievement.

3. DEMOCRACY, FREEDOM, AND AUTONOMY

When individuals make private choices, they cause outcomes. But this is no longer true if the outcome results from collective choice. Say one collective decision allocates to each individual the one book, the same or different, they will read, so $\mathbf{x} = \{x_1, \ldots, x_N\}$, where $i \in N$ indexes individuals. My preferred allocation is for me to read *Lady Chatterley's Lover* and for everyone else to read *Cymbeline*. Some others prefer an allocation $\mathbf{y}$ according to which everyone reads *The Bible*. If you find the example of the book too esoteric, imagine that the collective decision concerns the tax-redistribution rates, so that it allocates to each individual a post-fisc income. In either case, preferences conflict. The outcome depends on the set of proposals, the distribution of preferences among individuals, and the aggregation rules.

To think of freedom in the context of democracy, we must recognize the interdependence of individual decisions. Moreover, this interdependence is of a specific kind, namely, the choice is centralized through the mechanism of voting. The opportunity set facing citizens under democracy is a set of candidates, parties, or policies they propose to implement. Once

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the collective choice has been made, someone is authorized to pursue policies that affect everyone. The authorization that originates from voting entails being able to hurt, albeit within some limits, someone's interests, values, or norms. As Condorcet (1986, p. 22) pointed out, 'what is entailed in a law that was not adopted unanimously is submitting people to an opinion which is not theirs or to a decision which they believe to be contrary to their interest'.[4]

To clarify how democracy does not work, it is useful to consider the marriage of freedom and democracy celebrated by Pettit (2001). Freedom, we are told, must satisfy two conditions. One of them is favour-independence: 'We would not say that my preference was decisive, if it was not sufficient in itself to determine whether A or B ensued; if it could only do this, provided that I won the favour of some powerful figure or figures: that is, if my preference was only context-dependently decisive' (p. 7). Pettit's example of a powerful figure is an 'oil-rich potentate' who whimsically spends his fortune on giving people what they want. Yet under democracy the powerful figures are not oil-pontentates but other voters. Does this not mean that my preference is only context-dependently decisive? Here the republican rabbit jumps out of the hat. My preference is still decisive independently of context 'at least . . . under the assumption that my preference in the matter is of a kind with the preferences of citizens generally – it is a common avowable interest . . . ' (p. 15) and 'the democratic government is passively forced to respect what are assumed to be my preferences or the preferences that we in a certain group – perhaps the citizenry as a whole – share' (p. 16).[5] Now, Pettit is correct that under dictatorship we are favor-dependent on the potentate, while under democracy we need not seek favors from the decisive voter. But he also maintains that, to be free, each individual must be decisive and each is decisive only because all individuals want the same. A republican theory of democracy is an oxymoron. Unless the point of departure is conflict – and, as Yack (1993) reminded us, there is no community without conflict – what is there to say about democracy?

When we vote, we make choices which may or may not enjoy the favor of others. 'Autonomy', I think, is the following notion. Let S be the set of all possible combinations of preference profiles that may be held by the community of size N. Let $\{s\} \in S$ be the elements in which the collective choice is my preferred element, $x \in X$. Autonomy is defined by $S \succ S\backslash\{s\}$.

[4] *'il s'agit, dans une loi qui n'a pas été votée unanimement, de soumettre des hommes à une opinion qui n'est pas la leur, ou à une décision qu'ils croient contraire à leur intérêt . . . '*

[5] Hence, Sen is a republican. 'Under my reading', Pettit observes, 'Sen's theory of freedom coincides with the republican approach in this emphasis on the connection between freedom and non-dependency: between freedom and, in a seventeenth century phrase, "independency upon the will of another"' (p. 18). Note that Sen politely, but predictably, denies this assimilation in his (2001) response.

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I am more autonomous if in at least some states of the world my choice is the same as the collective outcome. But if this is autonomy, then it is a paltry notion of freedom.

My impression is that in democratic theory freedom is not associated with choice but with autonomy: 'Political freedom is liberty, and liberty is autonomy' (Kelsen, 1949, p. 285). To summarize Kelsen: (1) There is freedom out of society (anarchy) and freedom in society. (2) There is no society without an order. (3) Any particular order is created by someone. (4) We are free if we participate in the creation of order that binds us. So far these are invocations of Rousseau.[6] Then things deteriorate. (5) Not everyone likes the same order, so unanimity is not possible. (6) The rule for changing orders (given that there is always a status quo, this is the operative rule) that offends the fewest people is majority rule (if it were unanimity, everybody but one could want to change the order and be blocked), so a minority which likes the status quo may be unhappy with the new order. (7) In large societies this decision is made indirectly by representatives. In the end, I am free under democracy because the current order was chosen by a majority of elected representatives.

One hears echoes of Spinoza – democratic freedom is the recognition that to live with others it is necessary to accept a social order one may not like. The Kant-Kelsen twist is that I also 'participate' in making this order. 'Politically free is he who is subject to a legal order in the creation of which he participates' (Kelsen, 1949, p. 284). But at the end of the syllogisms, participation ends up being so ineffectual that it is almost irrelevant. This is why Dunn (1999) has it right: I have to live in society, I may like it or hate it, and there is nothing I can do about it. In Dunn's words (2000, pp. 147–8), 'the state is more plausibly seen as a structure through which the minimally participant citizen body (those prepared to take the trouble to vote) elect from the meagre options presented to them those they hope will best serve their several interests'. What is good about an order is that people do not kill each other; what is good about a democratic order is that they are not arbitrarily killed by governments. The rest is uninspiring.

The connection between autonomy and freedom relies on the collective counterfactual. 'The people', in its eighteenth century singular, could, if it so wished, adopt a different order, any order. The people are free by any criterion; their choice set includes all the materially feasible alternatives, hence it includes its essential element. But are people in plural free under democracy? Am I free?

There is one sense in which we clearly are. Under democracy, I can be the kind of public person I reasonably want to be. As a private person, I can be free under dictatorship. When I arrived in the United States as a student in 1961, I was often asked whether I 'was free' in then-communist Poland.

[6] On the relation between Kelsen and Rousseau, see Pasquino.

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Since I truly did not understand the question, I would ingenuously ask 'Free to do what?' The answer from what was then called a 'coed', typically was 'Well, for example, to go to movies'. Since I roamed the streets of my native Warsaw day and night, doing all the things unbridled teenagers do, I was taken aback, even more so as I soon discovered that these twenty year-old women had a curfew at 10 p.m., could not legally drink, and were told not to attend some parties. For me, these were oppressive restrictions of individual freedom. But a year later, the local city council censored a movie, and a group of friends decided to form a movement against censorship, Student Association for Liberal Action. This I could not have done in Poland.

True, social pressures can be so intense in democratic societies that people do not avail themselves of the freedom to act publicly in unpopular ways. We know, from Toqueville to Marcuse, that 'totalitarian democracy' is not an oxymoron. But in a democracy, I can express my views to others, I can try to persuade them that the government is bad, even that the institutional system is bad. I can propose, organize, mobilize, protest. I can be a public person of my choosing.

But am I not free because I can participate in the making of collective decisions? Even if I vote I do not 'participate' in deciding what the collective decision would be. In a mass electorate, this decision would almost certainly be the same whether or not any particular individual participates. Moreover, the value of participation cannot lie in the contingency of finding oneself in a majority or, *pace* Pettit, even unanimity – the mere coincidence between my views and those of others does not make me any more decisive. 'Autonomy' is just not a coherent conception of freedom.

4. VOTING AND CHOOSING

With these conceptual preliminaries, we are ready to confront the question of whether democrats should and do value the freedom to choose. When people demand to have 'choices, not echoes', are they truly complaining about not having distinct choices or just about facing a bad outcome? Is democracy somehow impoverished when political parties do not offer citizens distinct alternatives? Dunn continues the passage cited above with 'In that selection, the meagreness of the range of options is always important and sometimes absolutely decisive.' But since he is writing in the vein of 'the plague on both houses', I cannot tell whether what is wrong in his view is that the options are narrow or bad. Are the walls that delimit our choice too close to each other or are they just in the wrong place?

Before we proceed, we must demarcate again the line between instrumental and intrinsic values of choice. Mill (1989), who regards utility as 'the ultimate appeal on all ethical questions' (p. 14), offers an unsurpassed instrumental argument in favor of choice. Free public

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discussion, a public confrontation of diverse views, is a necessary condition for the development of human individuality because only exposure to a diversity of opinions allows individuals to hold good reasons: 'He who knows only his own side of the case, knows little of that. His reasons may be good, and one may have been able to refute them. But if he is equally unable to refute the reasons for the opposite side . . . he has no ground for preferring either opinion' (p. 38). Only in making a choice can people exercise their intellectual and moral faculties, thus strengthening their judgments and developing their individuality, which, in the end, 'is one of the leading essentials of well-being' (pp. 57–9). Choice matters because it improves decisions and thus advances achievement.

But does freedom to choose have an intrinsic value? We have seen that choice has an intrinsic value when it allows us to cause outcomes because it enables agency. But when we vote we do not cause outcomes, only count preferences. Yet, in my view, the mere possibility of being counted gives people more freedom and this extra freedom has value for the agents under the agency ('athletic') conception of freedom.

Note that the question is whether people should value the freedom to choose, not whether they like the activity of voting. The latter may be sometimes costly; at least Riker and his followers thought so. I do not like taking my time to walk to the polls and I abhor standing in lines. But does it mean that voting is costly for me? Voting – if it entails walking and waiting – perhaps is. But when I vote, I choose. And the question is whether I should value being able to choose.

What renders value to choice is that, even if they cannot affect the outcomes, individuals with different views can assert their agency. When I cast a vote for my views, I place them in the public domain. I cannot cause outcomes but I can cause others to recognize that there are views different from theirs. Even if, in spite of Mill, the public appearance of my views were to have no further consequences, even if it did not cause others to reconsider their reasons, I assert my agency merely by having them recorded, counted, in the public sphere. Whether others would consider them or not is up to them; all I can do is to make my views public. But this I can do. The value of choice is that I can cause my views to enter the public realm.

Thus, even when one's vote has no effect on the collective decision, voting for one's preferred outcome is an assertion of being able to cause. There is a difference between my views being counted, if only to be found in a minority, and my views not being counted at all. The mother of a friend of mine tells the story of her first electoral participation, as a young woman in a small town in Kansas: She cast a vote for Norman Thomas, only to read next morning in the local newspaper that the vote count under the socialist candidate was zero. She spent the rest of her life as a political activist, not because she was under an illusion that she would bring socialism to the

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United States, but because she was a socialist and being counted as one was an assertion of her agency.

Consider the last French presidential elections. After a period during which political power was shared between the two main centrist political forces, sixteen candidates participated in the first round. The candidates who appeared to have no chance of winning whatever they said actually said something, ranging across 'stop globalization', 'redistribute income', 'give vote to foreigners in local elections', 'allow hunting', and 'expel immigrants', while the two major candidates limited themselves to statements such as 'Youth is the smile of France.' The result was that many people either did not vote – abstention reached record levels – or cast their votes for the new voices; the former president and prime minister candidates together won only 36 percent of the votes cast. Note, moreover, that anti-establishment vote also increased sharply after the periods of grand coalition governments in Germany and Austria. Hence, it would appear that people jumped at the opportunity to vote for divergent alternatives.

Standard political science considers voting for candidates who have no chance to win 'expressive', as opposed to 'instrumental', claiming that there is something irrational about it. Indeed, French polls showed that only some 20 percent of those who voted for the extreme left and the extreme right had wanted their candidates to actually become president. But these votes can be read differently. Whoever ends up governing as a result of the election must consider the distribution of public opinion, including the fact that many people have extreme views. Hence, even if voting for minor candidates does not influence who governs, it may affect how they govern. In this sense, it is instrumental.

Yet even if these votes were non-instrumental, should people be denied the opportunity to cast them? After all, the fact that they were cast constitutes *prima facie* evidence that some voters value this opportunity. The French story highlights the importance of the process by which the choices are generated. Since the barriers to entry into the first round are very low in France, any alternative that enjoys some public support can enter the set of choices presented to voters. But the same is not true of many democracies, notably the U.S., where politics must be the most protected industry.

Barbera, Bossert, and Pattanaik (2001) make a point about distinguishing good and bad reasons for excluding some options. If being a football player is not in your opportunity set because you are disabled, this is a valid reason; if it is not included because you are black, it is a bad reason. So the first question is why someone's peak preference is not in the opportunity set. If it is because the process of selecting the alternatives is somehow defective, then the reason is bad and this person is right to be disaffected with the system.

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The conception of democratic freedom entailed in the rating of political regimes by Gastil (1980), now continued by the Freedom House (1992), and mindlessly used by many researchers entails giving countries scores from the least to the most free. The United States always comes out on or near the top because U.S. citizens are free to form political parties, express themselves in public, run for office, and vote. But they do not: The same two parties speak in a commercially sponsored unison and half of the citizens do not vote even in presidential elections. Somehow this freedom is not incompatible with the feeling of impotence. Clearly, one could generate a different scale: Count how many political parties there are and what they propose, how many people actually do vote. There is a difference between being free and acting freely.

People may be dissatisfied with the electoral process for two distinct reasons, either because their most preferred alternative is not the outcome of the collective choice or because they are denied a chance to vote for what they most want. Since voting generates winners and losers, the losers are unhappy even when they had a chance to vote for their favorite option. Yet democrats must be willing to lose. Not being able to vote for one's favorite option, however, is a deeper source of deprivation. When one's preferences are not recognized in the set of collective opportunities, one is excluded from the political community. Even if some people whose first option is included vote strategically, not for their first choice, they are the ones who decide how to vote. It is voters who should decide whether to maximize utility or to express their preferences in a non-instrumental way. When choices are restricted, they are denied this freedom. When their first choice is not present among the alternatives generated by a democratic system, they may reasonably feel that their political life is impoverished.

Having everyone's peak preferences appear on the electoral menu is obviously too demanding a criterion. After all, parties are supposed to aggregate interests. Yet we can think as follows. A median (in all directions if there are more than one) is the optimal collective outcome in the sense that it minimizes the sum of Euclidian distances over all individuals. If the median, m, is offered by all parties, voters have no choice. A larger choice set that includes m, say $\{m-k, m, m+k\}$, is obviously superior to $\{m\}$; the cardinality is greater and the achievement is still m. As long as m is among the choices, there is no natural metric for k. By cardinality, $\{m-k, m, m+k\} \succ \{m\}$, and by achievement their value is equal, so cardinality is costless. The issue of choice versus achievement arises when the alternatives are $\{m-k, m+k\}$ versus $\{m\}$. This alternative may arise if parties care about policy and there is some kind of uncertainty (Roemer, 2001). It may have also happened in the French case; in the first round, the alternatives were $\{m-2k, m-k, m, m+k, m+2k\}$ and one might think that in the second round they were $\{m+k, m+2k\}$, with $m+k$ the overwhelming winner.

https://doi.org/10.1017/S0266267103001159 Published online by Cambridge University Press

Suppose that my ideal point is x_i and I evaluate $\{x_i - k, x_i + k\}$ versus $\{x_i\}$. I am indifferent between choice and achievement if my value of being able to choose is k, measured in the metric of achievement. Now we can pose the following question. Given the distribution of ideal points $x_i, i \in N$, and given that everyone values having choice at k, what is the minimum number of candidates which makes everyone at least indifferent between his ideal point and a choice of candidates? Think of individuals arranged by their $x_i's$, from the smallest, x_0, to the largest, x_N. For example, let the set of ideal points of seven voters be $\{1, 2, 3, 3, 4, 4, 5\}$ and let $k = 1$. Suppose that the platforms are $\{2, 4\}$. The presence of 2 will satisfy the first four voters, while the presence of 4 the last five. Note that in this example the median preference is not among the platforms offered and that the winner will be 4 rather than 3. Yet two platforms, out of five ideal points, will make everyone weakly prefer the choice between 2 and 4 to having no choice at $\{3, 3\}$.

As this example illustrates, freedom of choice does not require everyone's peak preference to be present among the proposed platforms. With seven voters and five peak preferences, two platforms will span everyone's $\{x_i - k, x_i + k\}$ intervals. Obviously, the number of platforms must proliferate if voters are more spread out. For example, if the ideal points are $\{1, 2, 3, 4, 5, 6, 7\}$, three platforms, $\{2, 5, 6\}$, are needed. Yet these are still only three platforms among seven peak preferences.[7]

Hence, if democrats value choice, they should care whether the set of political opportunities allows as many people as possible to exercise their preferred degree of choice. Whether this is what people in fact care about is hard to tell. I know of no systematic evidence to this effect. I still suspect that most people care about the outcomes, not about the range of choices, but this is for survey researchers to find out.

If this argument about the value of political choice is correct, freedom offers a normative basis for evaluating electoral systems. Proportional systems, by allowing for more parties and candidates, offer more choice to voters than majoritarian systems. Note that I am not arguing that proportional electoral formulae generate proportional representation in government. As Mill pointed out, and political scientists have since forgotten, proportional systems allow more voices to be publicly heard, but they do not make government proportional. Unless the government is a grand coalition of all parties – a historically rare phenomenon – the opposition is not represented in governance even if the electoral system is proportional. Hence, proportionality of governance is not a valid argument

[7] To mechanise this procedure, we could use the following algorithm. (1) Set the first platform at $p_1 = x_0 + k$. (2) Set the successive platforms at $p_{s+1} = p_s + 3k$ if there are any peak preferences in (p_s, p_{s+1}); otherwise, start at the next $x_i + k$. (3) Continue until x_N and set the last platform at $x_N - k$.

https://doi.org/10.1017/S0266267103001159 Published online by Cambridge University Press

in favor of proportional electoral systems, but the freedom of choice argument clearly speaks in their favor.

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