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RESEARCH ARTICLE

Democracy and Poverty: Do Voters Have Equal Stakes?

Piero Moraro

Edith Cowan University, Joondalup Drive, Joondalup WA 6027, Australia
Email: p.moraro@ecu.edu.au

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Abstract

I present an objection to the idea of democracy as an intrinsically fair procedure. I show that this idea rests on the assumption that citizens have equal stakes in their polity's collective decisions. I then argue that, in real-world societies, this assumption does not hold. First, I claim that participants' stakes in a collective decision are proportional to the level of risk the decision imposes on them. I then show that, in real-world societies, the polity's decisions impose much higher risks on the worst off compared to their wealthier fellows. Hence, the former have higher stakes in their polity's decisions, compared to the latter. My argument thus shows that, in the deeply unequal societies we inhabit, democracy is not an intrinsically fair procedure. I then discuss my argument's implications for a theory of procedural fairness.

Keywords: democracy; fairness; poverty; vulnerability; voting

Introduction

Despite recent attempts to defend non-democratic procedures, by and large democracy is still considered the fairest method to address a polity's collective disagreements about justice.[1] The equal enfranchisement of the demos ensures that all interests receive equal consideration and this, in turn, will deliver results all participants should accept as "fair." Although they may disagree with the specific outcome on substantive grounds, citizens should acknowledge that outcome as the legitimate result of a fair procedure.[2]

[1]For examples of proposed alternatives to democratic decision-making, see Thomas Mulligan, *Plural Voting for the Twenty-First Century*, 68 PHIL. Q. 286 (2017); JASON BRENNAN, AGAINST DEMOCRACY (2016); Alexander A. Guerrero, *Against Elections: The Lottocratic Alternative*, 42(2) PHIL. & PUB. AFF. 135 (2014); CLAUDIO LÓPEZ-GUERRA, DEMOCRACY AND DISENFRANCHISEMENT: THE MORALITY OF ELECTORAL EXCLUSIONS (2014).

[2]George Klosko, *Content Independence and Political Obligation: Scope Limitations of Content-Independent Moral Reasons*, 71 POL. STUD. 30 (2023). RICHARD DAGGER, PLAYING FAIR: POLITICAL OBLIGATION AND THE PROBLEMS OF PUNISHMENT (2018). Justin Tosi, *A Fair Play Account of Legitimate*

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This conception of democratic fairness stems from a "pretty basic" assumption, according to which the *benefits and burdens* of a cooperative scheme should be evenly shared by all participants.[3] This explains why we may not demand that others submit to the outcome of the democratic process when it favors our preferences, if we are not, at the same time, willing to provide a "similar submission" when we are outvoted.[4] This is considered to be one of the *burdens* of living in a democracy, a burden which, like the *benefit* of being included in the franchise, is to be equally shared by all members.

Philosophers have devoted significant attention to the justifiability of 'one person, one vote', i.e., to the 'benefit' the democratic procedure grants its subjects.[5] They have had little to say, on the other hand, concerning the "burden" the decision-making process imposes on citizens.[6] Arguments for democracy's fairness appear to rest on the (mostly implicit) assumption that citizens have "equal stakes" in the outcome of the decision-making process, since a polity's decisions concern the fundamental interests of all its subjects.[7] This assumption provides the normative background for the idea of democracy as a "fair" decision-making procedure. From this standpoint, democracy is deemed a fair procedure for it realizes an even distribution of benefits (voting power) and burdens (impact on fundamental interests) across all members of the polity.[8]

The notion of equal stakes has two notable implications: (1) it would be unfair to grant some members more voting power over decisions in which all have equal stakes; (2) it would be unfair to grant equal voting power to all members over decisions in which some had higher stakes than others. If the polity's decisions were to affect citizens' fundamental interests to different degrees, i.e., if the procedure were to distribute burdens unequally across the demos, *as a matter of fairness* it should also distribute benefits (i.e., voting power) unequally. Equality of stakes, therefore,

Political Authority, 23 Legal Theory, 55 (2017); Philip Pettit, On the People's Terms: A Republican Theory and Model of Democracy (2012); Thomas Christiano, The Constitution of Equality: Democratic Authority and Its Limits (2008).

[3]John Horton, Political Obligation 87 (Palgrave Macmillan, 2010).

[4]Pettit (*supra* note 2, 177) writes that, in a democracy, citizens should accept as 'tough luck' the fact their preferred option was outvoted. For an early statement of the idea of 'similar submission', see H. L. A. Hart, *Are There Any Natural Rights?*, 64 Phil. Rev. 175 (1955).

[5]Niko Kolodny, *Rule Over None II: Social Equality and the Justification of Democracy*, 42(4) Phil. & Pub. Aff. (2014). Daniel Viehoff, *Democratic Equality and Political Authority*, Phil. & Pub. Aff. 287 (2014); David M. Estlund, Democratic Authority: A Philosophical Framework (2008). Christiano, *supra* note 2; Robert Alan Dahl, Democracy and Its Critics (1989).

[6]Some theorists have also challenged the move from "equal votes" to "equal power," which underpins most defences of democracy. Alex Guerrero, for example, has noted that wealthy people, despite having the same *voting* power as everyone else, have more *political* power, i.e., a higher capacity to influence the outcome (e.g., through lobbying). While sympathetic to these views, in this paper I address the issue from a different angle: rather than focusing on the *power* the procedure confers (i.e., the benefit), I discuss the *risk* it imposes (i.e., the burden). See Alexander Guerrero, *Power Inversion Democracy*, in Extreme Philosophy: Bold Ideas and a Spirit of Progress 250 (Stephen Hethereingthon ed., 2024). See also Daniel Wodak, *One Person, One Vote*, 11 OX. STUD. POL. PHIL 32 (2025).

[7]Christiano, *supra* note 2.

[8]I use the notion of "fairness" as a proxy for "procedural justice." See Stuart Hampshire, Justice Is Conflict 17–18 (2000). The underlying assumption is that a just procedure is expected to be "fair," i.e., to respect people's independent claims. Obviously, a just procedure does not guarantee just outcomes (procedural justice does not entail *substantive* justice).

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represents a necessary premise in the argument for democracy's procedural fairness; nevertheless, with some exceptions I will consider below, political philosophers have paid very little attention to it.

In what follows, I seek to address this gap by offering one criterion to assess whether citizens have equal stakes in their polity's decisions. Against the background of recent work on proportionality, I contend that citizens may be said to have *equal stakes* in their polity's decisions if and only if the latter impose *equal risks* on those citizens.[9] Based on that contention, I then argue that, in real-world societies, citizens do not have equal stakes in their polity's collective decisions. This is because a polity's decisions seldom impose equal risks on all: rather, some members are *consistently* more vulnerable to what I call "electoral risk," i.e., the risk of suffering well-being losses as a result of the Electoral outcome. Specifically, I claim that voters' vulnerability to electoral risk is directly proportional to their *poverty*: the poorer one is (in terms of financial resources), the more vulnerable to electoral risk, and the higher one's stakes in the election. Conversely, the wealthier one is, the lower one's vulnerability, and the lower one's stakes in the election. If this is correct, it shows that wealth inequality begets "stake inequality"; and since wealth inequality is rife in most real-world societies, so is stake inequality. As mentioned above, if voters have unequal stakes in their polity's decisions, it is unfair to grant them equal voting power over these decisions. Therefore, in real-world societies, democracy is not a fair decision-making procedure.

Before I articulate my argument, let me clarify its scope and aims. First, the discussion below stems from acknowledging that political elections can have dramatic repercussions on some citizens' basic well-being. As I explain in Section II, the changes brought in by an election (e.g., new policies, new legislation) could directly contribute to the *death* of some of the poorest citizens. Had those changes not been introduced, those citizens might not have died. In my view, this is a significant problem for the claim that citizens have "equal" stakes in their polity's decisions.

Second, and related to the point just mentioned, my concern is with what are usually referred to as "the worst off," i.e., the most disadvantaged members of society. For the purposes of this discussion, I adopt a broadly sufficientarian standpoint, as I take the worst off to be those who live below, at, or barely above a threshold of basic subsistence.[10] Based on that standpoint, I argue there are non-instrumental reasons to (a) prevent people from falling below that threshold and (b) bring people above that threshold. Thus, I contend that the worst off have higher stakes in many political decisions, compared to the rest of the polity, because these decisions may push them below, further below, or possibly above a basic threshold of subsistence. In this regard, the worst off are those for whom the electoral outcome could make the difference between life and death. The disadvantaged position they occupy in society gives them a stronger claim to partake in the decision-making process.[11]

[9]Gustaf Arrhenius, *The Democratic Boundary Problem Reconsidered*, 1 Eth. Pol & Soc. 89 (2018). Mathias Köenig-Archibugi, *Fuzzy Citizenship in Global Society*, 20 J. Pol. Phil. 456 (2012); Harry Brighouse and Marc Fleurbaey, *Democracy and Proportionality*, 18 J. Pol. Phil. 135 (2010).

[10]In many respects, my argument overlaps with the one in David V. Axelsen and Lasse Nielsen, *Sufficiency as Freedom From Duress*, 23 J. Pol. Phil 406 (2015). For a recent discussion of sufficientarianism in distributive justice, see Liam Shields, *Sufficientarianism*, 15 Phil. Comp 1 (2020).

[11]This highlights an important difference between the argument I present here and the one by Brighouse and Fleurbaey, who have also claimed that poor voters should be given more voting power because they have

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Third, I present a *non-ideal* theory of fairness, as I focus on 21st-century capitalist societies, characterized by ever-growing inequality gaps.[12] When I claim that the democratic procedure is unfair, I have in mind current Western democracies such as the US and the UK. I acknowledge that, in other hypothetical contexts, the distribution of electoral risks across the demos might be more uniform or even skewed against the wealthy. In such contexts, my argument might not apply.

Fourth, what I offer below is an argument against *poverty*. It should not be interpreted as one against democracy.[13] There are many reasons to prefer democracy to other decision-making procedures; yet, given the current state of the world, fairness might not be one of them. The gist of my argument is that philosophers might be overstating the idea of democracy as an intrinsically fair procedure, given widespread, ever-growing inequality gaps in our societies. In such societies, addressing collective decisions through "one person, one vote" is not fair, and we must acknowledge (and respond to) the fact that, as the inequality gap continues to grow, we drift further away from the ideal of procedural fairness underpinning democratic societies.

Finally, while not targeting their view directly, my argument has important implications for those who locate democracy's value in the specific social relations it engenders (rather than in the alleged fairness of the procedure). As Niko Kolodny argues, the equal conferral of voting power is "a particularly important constituent of a society in which people are related to one another as social equals, as opposed to social inferiors or superiors."[14] Similarly, Daniel Viehoff claims that democracy satisfies a requirement of "equal concern," according to which "if I am to treat you as equal, I must take your interests to be of as much significance as mine when it comes to those matters bearing on our relationship."[15] As already mentioned, these arguments center on the conferral of *power*: by shifting the focus to the imposition of *risks*, I object that democracy *fails* to show equal concern when it grants equal voting power to citizens regardless of their different vulnerability to risks. The conferral of equal voting power, in circumstances of unequal vulnerability to risk, deems it irrelevant that the worst-off citizens (and *only* the worst-off citizens) could suffer profound well-being losses (including death), as a result of the collective decision. In

higher stakes (*supra* note 9, 151). Brighouse and Fleurbaey employ a "prioritarian criterion" (144), claiming that voters' stakes should be understood in terms of "a general conception of interests and social justice" (151). However, I do not claim that the interests of the worst off *in general* should be given priority, as I focus only on the interests of those who are, or risk falling, below a basic threshold. For this reason, my account of stakes is also narrower, as it focuses specifically on "vulnerability to electoral risk." Furthermore, Brighouse and Fleurbaey claim that weighing votes in proportion to individual stakes "will spontaneously select the best options" (151). I reject that claim in the concluding section of this article, as acknowledge that granting more voting power to the worst off could lead to worse outcomes for them.

[12]Dylan Sullivan and Jason Hickel, *Capitalism and Extreme Poverty: A Global Analysis of Real Wages, Human Height, and Mortality Since the Long 16th Century*, 161 World Dev. 106026 (2023); Thomas Piketty, Capital in the Twenty-First Century (2013). Martin Gilens, Affluence and Influence (2012).

[13]Thus, my argument should not be confused with that of Jason Brennan (*supra* note 1). While both our views develop from the standpoint of a *non-ideal* theory of politics, I focus on differences in vulnerability, not in competence; I do not argue for disenfranchising some segments of the polity; I claim that, all things considered, democracy is still to be preferred to other decision-making procedures.

[14]Kolodny, *supra* note 5, at 196.

[15]Viehoff, *supra* note 5, at 353.

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fact, democracy ranks the risk of death for the worst off on the same level as the risk of a minor well-being loss for the wealthiest. It treats the fact the worst off (and only the worst off) may lose access to a minimally decent life, as a result of the collective decision, as "tough luck."[16] This, I argue, is a far cry from the ideal of equal consideration that grounds much egalitarian thought.

The following discussion comprises three sections and a conclusion. Section I reconstructs the argument for democracy's fairness, considering some key contributions in the extant literature. It discusses the concept of equal stakes against the background of what is commonly known as the *All-Affected Principle* (AAP), which underscores the *proportionality* between a person's stakes in a collective decision, on the one hand, and her claim to be included in the decision-making process, on the other. Section II articulates the argument as to why citizens have *unequal* stakes in their polity's collective decisions. That section introduces and discusses a conception of stakes in terms of vulnerability to "electoral risk." Section III considers four objections to the argument presented in Section II. The concluding section discusses some implications for the design of a fair decision-making procedure.

I. FAIRNESS AND EQUALITY OF STAKES

As mentioned in the introduction, some philosophers have proposed alternatives to the "one person, one vote" procedure, claiming that voting power should be distributed *unequally* across the demos.[17] A common objection to these proposals holds that a denial of equal voting rights represents "a public declaration of second-class citizenry."[18] When the community excludes some members from the franchise, it implicitly asserts that their interests are worth less (or no) consideration, in comparison to the interests of others.[19] This would be *unfair*, as it would treat those disenfranchised citizens as morally inferior. History bears witness to the symbolic role of (dis)enfranchisement: the struggle for the right to vote has always been, at its core, a struggle for equal recognition and respect.[20]

Few people, on the other hand, object to the disenfranchisement of non-citizens. At least to an extent, this different reaction stems from the idea of membership: only the members of the polity are deemed to have a legitimate claim to partake in decisions about its organization. To a foreigner asking why she is not allowed to vote in another country's general election, one may plausibly reply "because it is not *your* business." The same reply would be unfitting if that question came from a

[16]For a similar criticism of relational egalitarianism, see Andreas Bengtson, *Differential Voting Weights and Relational Egalitarianism*, 68 Pol. Stud 1054 (2020).

[17]*Supra* note 1.

[18]James Lindley Wilson, Democratic Equality (2019). Christiano, *supra* note 2, at 93; Christopher G. Griffin, *Democracy as a Non–Instrumentally Just Procedure*, 11 J. Pol. Phil. 111 (2003).

[19]Earlier formulations of this argument can be found in John Rawls, A Theory of Justice (rev. ed., Belknap Press, 2005). Hampshire, *supra* note 8; Harry Brighouse, *Egalitarianism and Equal Availability of Political Influence*, 4 J. Pol. Phil. 118 (1996); Jeremy Waldron, Law and Disagreement 232–254 (1999). An early statement of the idea that being excluded from political power is a form of "dishonour" is in Aristotle's *Politics* III, 10, 65–66 [1281a29-32].

[20]R. Volney Riser, Defying Disfranchisement: Black Voting Rights Activism in the Jim Crow South, 1890–1908 (2010).

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citizen, since decisions about the polity are indeed the business of all members. These decisions directly affect the fundamental interests of all, as they define the principles (e.g., laws and policies) by which the community is to live, how resources are to be allocated, what behaviors attract criminal sanctions, and so on. Thus, the polity's decisions impact differently on the lives of members compared to the lives of non-members.[21] This is one main reason why membership to the polity grounds citizens' legitimate claim for inclusion in the franchise.

But where, exactly, does this claim come from? Why does membership provide legitimate ground for inclusion in the collective decision-making process? These questions lie at the core of what is commonly known as the "boundary problem," which concerns the criteria according to which individuals should be included in (or excluded from) the franchise.[22] As Robert Goodin has argued, attending to this problem should be seen as "the first step in constructing a democracy": before asking *how* the demos is to make its decisions (e.g., via preference-aggregation or deliberation), we must have an idea of *who* has the right to make such decisions.[23] A familiar strategy to address the boundary problem involves the so-called *All-Affected Principle* (AAP). This principle claims that all those whose fundamental interests are affected by the choices of a government should be presumed to have a say in its decision-making process.[24] In this regard, possessing a shared history, territory, or nationality constitutes a proxy for "what really matters" for inclusion in the demos, i.e., "interlinked interests."[25] For David Held, democratic legitimacy hinges on the assumption of a "symmetrical and congruent relationship between political decision-makers and the recipients of political decisions," between the totality of those who are affected by a political decision and those who participated in making it.[26] From this standpoint, AAP expresses "the most basic of democratic intuitions": in a liberal

[21]But see note 32.

[22]Dahl, *supra* note 5, at 119–131.

[23]Robert E. Goodin, *Enfranchising All Affected Interests, and Its Alternatives*, 35 Phil. & Pub. Aff. 40 (2007).

[24]Ian Shapiro and C. Hacker-Cordón, Democracy's Values 37 (1999). The AAP is not uniformly endorsed, as several authors have objected to it (see Köenig-Archibugi, *supra* note 9, fn. 25). Some reject AAP altogether. See Andreas Bengtson and Kasper Lippert-Rasmussen, *Why the All-Affected Principle Is Groundless*, 18 J. Mor. Phil 571 (2021); Ben Saunders, *Defining the Demos*, 11 Pol. Phil. & Econ. 280 (2012). Hans Agne, *A Dogma of Democratic Theory and Globalization: Why Politics Need Not Include Everyone It Affects*, 12 Eu. J. Intl. Rel. 433 (2006). Other theorists defend alternative principles for defining the demos, most notably the "All *Subjected* Principle" (ASP). See Arash Abizadeh, *The Scope of The All-Subjected Principle: On the Logical Structure of Coercive Laws*, 81 Analysis 603 (2022). Recently, Goodin and Arrhenius have sought to rescue AAP by countering that "being subjected" is just one way of "being affected," hence ASP still presupposes AAP. See Robert E. Goodin and Gustaf Arrhenius, *Enfranchising All Subjected: A Reconstruction and Problematization*, 23 Pol. Phil. & Econ 125 (2024). I make no attempt to settle these disputes here. My more modest objective is to shift the onus onto AAP's critics to account for the fact that the democratic procedure imposes different burdens on voters. By providing one criterion to assess how (and how much) collective decisions affect citizens, I offer a response to those who criticise AAP for lacking an account of what it means to be "affected" by a collective decision.

[25]Goodin, *supra* note 22, at 49. He further adds: "Protecting people's interests is thus the most plausible candidate principle for bringing the 'who' and the 'how' of democratic politics into alignment. That principle dictates who should constitute the decision-making group."

[26]Quoted in Köenig-Archibugi (*supra* note 9, 465), who also cites Habermas' concerns over "deficits in democratic legitimation whenever the set of those involved in making democratic decisions fails to coincide with the set of those affected by them."

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polity, all those whose capacity to lead an autonomous life might be affected by a collective decision have a legitimate *claim* to partake in the decision-making process.[27] Importantly, the AAP also implies that those whose capacity to lead an autonomous life is not affected by a collective decision *might lack that claim* for inclusion.[28]

Note, however, that all the AAP says is that those whose fundamental interests might be affected by a decision have *a claim* to partake in it, not necessarily an *equal claim*. Endorsing AAP does not imply endorsing democratic decision-making for, as David Miller has noted, "we should try to ensure that each person's capacity to influence a decision should correspond to how significantly he or she will be affected by its outcome."[29] Hence, one implication of the AAP is that "people ought to be given a say not simply if their interests are affected but also *in proportion to* the degree to which their interests are affected."[30] Thus, several theorists have recently employed AAP to defend a shift from "one person, one vote" to procedures granting voting power to members *in proportion* to their stakes in the collective decision.[31] These theorists have argued that citizens with higher stakes, that is, citizens whose basic interests might be affected to a higher degree by the collective decision, should have *more* voting power than those with lower stakes.[32] From this standpoint, the AAP would warrant the use of "one person, one vote" only in circumstances where citizens have equal stakes, i.e., when the collective decision affects members' fundamental interests *to the same degree*: only then would citizens have an *equal claim* to be included in the collective decision-making process.

The above brings to light two separate assumptions grounding the idea of democracy as a fair decision-making procedure:

1. citizens have a *legitimate* claim for inclusion in their polity's decisions, for the latter concern matters involving their fundamental interests;
2. citizens have an *equal* claim for inclusion in their polity's decisions, for the latter concern matters involving their fundamental interests to the same degree (i.e., because they have equal stakes in these decisions).

[27]Archon Fung, *The Principle of Affected Interests and Inclusion in Democratic Governance*, in Representation: Elections And Beyond 237 (Jack Nagel & Rogers Smith eds., 2013). See Köenig-Archibugi, *supra* note 9, at 461; Arrhenius, *supra* note 9, at 102; Sofia Näsström, *The Challenge of the All-Affected Principle*, 59 Pol. Studies 116 (2011).

[28]The underlying idea is exemplified by the principle of subsidiarity, which allows for the geographical decentralisation of power (in place, for example, in the European Union). For discussion, see Andreas Føllesdal, *Survey Article: Subsidiarity*, 6 J. Pol. Phil 190 (1998). Shapiro, *supra* note 24, at 229; Brighouse and Fleurbaey, *supra* note 9, at 139–140.

[29]David Miller, *Democracy's Domain*, 37 Phil. & Pub. Affairs 201 (2009).

[30]*Supra* note 22, 51. Added italics.

[31]Bengtson, *supra* note 16. Kim Angell and Robert Huseby, *The All Affected Principle, and the Weighting of Votes*, 19 Pol. Phil. & Econ. 366 (2020). Arrhenius, *supra* note 9; Köenig-Archibugi, *supra* note 9; Brighouse and Fleurbaey, *supra* note 9; Terry Macdonald, Global Stakeholder Democracy: Power And Representation Beyond Liberal States (2008).

[32]A further implication of the AAP is that non-citizens should have a say in a foreign country's decision, when the latter might affect their basic rights. See Arash Abizadeh, *Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders*, 36 Pol. Th. 37 (2008). Goodin *supra* note 22, 53–55.

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The second assumption plays a central role in Thomas Christiano's seminal defense of democracy as an intrinsically fair procedure.[33] Describing the polity as a common world in which the interests of all citizens are deeply intertwined, Christiano asserts that equality of stakes is a necessary condition for the justifiability of democratic decision-making. "It must be the case," he writes, "that the individuals have roughly equal stakes in the things that connect them in order to justify giving each an equal say."[34]

As John Broome has argued, fairness is concerned with the satisfaction of individual claims, or more specifically, "with how well each person's claim is satisfied *compared with* how well other people's are satisfied."[35] In this regard, fairness demands that individual claims be satisfied *in proportion to their strength*, for "equal claims require equal satisfaction, stronger claims require more satisfaction than weaker ones (…) [and] weaker claims require some satisfaction." This means that if some have a weaker claim to a certain good, in comparison to others, it may not be unfair to grant them less of that good, in comparison to the others; and if some have no claim at all, it may not be unfair to deny them that good altogether. Considering the decision-making process, it is true that, in most elections, each voter is imbued with an almost negligible power over the outcome of the collective decision; nonetheless, it would still be unfair to deny any citizen an equal share of voting power.

> Take a case where all the candidates for a good have claims of equal strength. Then fairness requires equality in satisfaction. So if all the candidates get the same quantity of the good, then fairness has been perfectly achieved, even if they get very little, or indeed none at all.[36]

Since, as mentioned above, citizens are deemed to have an equal claim to partake in the collective decision-making process concerning their "common world," fairness requires that they be given equal voting power (albeit "very little") over the collective decision. In this sense, democracy satisfies the requirements of a fair collective decision-making procedure.

The argument for democracy's procedural fairness may thus be summarized as follows:

1. Those who have equal stakes in a collective decision have equal claims to partake in the collective decision-making process.
2. Citizens have equal stakes in their polity's collective decisions. Therefore,
3. Citizens have equal claims to partake in their polity's collective decision-making process.

[33] *Supra* note 2.

[34] *Supra* note 2, 83. For Christiano, democracy embodies *the public realisation* of equality, as it "enables us to see that we are being treated as equals despite disagreements" (76). Yet, for reasons I mentioned above with reference to relational egalitarianism, this view is unconvincing. A procedure that grants equal voting power to all, despite the disproportionately higher risks it imposes on the worst off, would *publicly* treat the latter as social inferiors. It would assert that the fact some of them might die, as a result of the collective decision, is just a matter of bad luck.

[35] John Broome, *Fairness*, 91 Proceedings Arist. Soc. 87 (1990).

[36] *Supra* note 32. For an objection to Broome's account of fairness, see James R. Kirkpatrick and Nick Eastwood, *Broome's Theory of Fairness and the Problem of Quantifying the Strengths of Claims*, 27 Utilitas 82 (2015).

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4. Fairness demands that claims be satisfied in proportion to their strength (Broome's account).
5. By granting citizens an equal power to partake in their polity's collective decision-making process, democracy satisfies citizens' claims in proportion to their strength. Therefore,

C. Democracy is a fair collective decision-making procedure.

In the remaining part of this article, I will argue that, in real-world societies, premise 2 is false; hence, the conclusion does not follow. Before I do that, let me set the stage for the ensuing argument by revisiting an often-cited scenario, originally proposed by Brian Barry.

Barry asks us to imagine five passengers in a train carriage, who disagree on whether smoking on board should be allowed.[37] The passengers decide to each cast a vote on the matter and apply majority rule. Under the circumstances, this appears to be a fair way to address their disagreement. However, Barry asks, suppose one of the passengers (I call her Laura) suffered from asthma and would face a life-threatening risk if exposed to cigarette smoke: should she accept the majority's decision to allow smoking on board? Barry contends that, if the majority voted in favor of smoking, Laura should "pull the communication cord and bring the train to a grinding halt"; she would display "an almost insane disregard for her interests" if she were to accept a majority decision that allows smoking on board, given her underlying condition. "No minority," he concludes, "can be, or should be, expected to acquiesce in the majority's trampling on its vital interests."[38]

However, I would argue that Barry overlooked an important point about this hypothetical scenario. Regardless of what Laura does *after* the votes have been cast, her interests have already been "disregarded" by the choice to apply majority rule. For Laura could reasonably complain (before the vote takes place) that using "one person, one vote," in that context, would be unfair *to her*. Ex hypothesi, the decision whether smoking on board should be allowed exposes her (and only her) to a life-threatening risk; therefore, she has more at stake in that decision, compared to the other passengers.[39]

In this scenario, a blanket provision of equal votes to all passengers is unfair to Laura, for it ignores a morally salient difference between her and the others, i.e., her *vulnerability to risks* arising from exposure to cigarette smoke. This difference is morally salient, for it provides Laura with a stronger claim to determine the outcome of the collective decision. She could reasonably complain, "Why do *you* get to decide on this, if *my* life (not yours) is at stake?"[40] Importantly, the situation would be different if the five passengers were equally vulnerable to risks from exposure to cigarette smoke, in which case they might indeed have an equal claim to decide over the issue. It is their difference in vulnerability that affects the passengers' claims to partake in the decision-making process and, consequently, also affects the fairness of

[37]Brian Barry, Democracy, Power, and Justice: Essays in Political Theory (1989).

[38]*Supra* note 37, at 37–38.

[39]On this interpretation of Barry's scenario, see Laura Valentini, *Interactive Justice, the Boundary Problem, and Proportionality*, 22 Crit. Rev. Int. Soc. Political Philos. 466 (2019).

[40]This relates to the comment I made in the introduction concerning relational egalitarian defences of democracy. Insofar as the fact that Laura might die, as a result of the collective decision, is treated as irrelevant to the choice of how to decide on the matter, we may doubt that her interests are treated with "equal concern."

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the chosen procedure. Thus, Barry's example not only shows that, in some cases, there are reasons to defy a democratic decision, despite its fairness: it also reveals that, in some cases, a democratic decision is not fair.

II. VULNERABILITY TO ELECTORAL RISK

In this section, I defend the claim that, in real-world societies, democracy is not a fair collective decision-making procedure. I begin with some clarificatory remarks about the terminology I employ.

First, as mentioned in the introduction, I rely on an account of "stakes" grounded in the notion of "vulnerability to risk." According to this account, participants' stakes in a collective decision are proportional to the level of risk the decision imposes on them. Hence, in Barry's scenario mentioned in the previous section, Laura has higher stakes in the collective decision because the latter imposes significantly higher risks on her *and only on her*. Compared to the other passengers, Laura is thus more vulnerable to risks arising from that decision.

Second, my account of vulnerability follows Nicholas Vrousalis' conception of "absolute vulnerability," which refers to a person's exposure to the risk of welfare losses due to that person's circumstances.[41] Vrousalis describes a scenario where some people are stuck inside a pit at different depths; as the pit experiences occasional mudslides, "the deeper one is, the worse he is liable to suffering from mudslides."[42] This means that the deeper a person is located in the pit, the more vulnerable she is to the risk of mudslides; conversely, the higher up she is, the more "secure" against (that is, the less vulnerable to) that risk. One's "absolute" vulnerability is thus determined solely by one's position in the pit, not by one's relation to others.[43]

The third clarificatory remark is also the most important. It concerns my use of the term "risk" in relation to a polity's collective decision. In any election, voters face some "risk," most notably the risk of disappointment at their preferred option being outvoted.[44] But this is not the only risk voters face in conjunction with the electoral result, as they will also have to accept the legislative changes introduced by the winning side. These changes, in turn, will not affect all citizens to the same degree; for some, these changes would make little or no difference, while for others, as I explain below, they could have far-reaching consequences, including loss of employment, of housing and/or of healthcare support.[45] To capture the different impacts collective decisions may have on individual voters, I introduce the notion of "electoral risk," to indicate a voter's exposure to the risk of suffering well-being losses as a result of the election's outcome. "Well-being," in this context, is to be understood as a person's capacity to live a minimally decent life by exercising her basic rights as an autonomous agent. Hence, when I claim that some voters face a higher electoral risk than

[41]Nicholas Vrousalis, *Exploitation, Vulnerability, and Social Domination*, 41 Phil & Pub Aff 131 (2013).

[42]*Supra* note 41, at 133.

[43]Hence, in Barry's train scenario, the five passengers' vulnerability to cigarette smoke depends on their individual circumstances, i.e., their health.

[44]Paul Sheehy, *A Duty Not to Vote*, 15 Ratio 46 (2002).

[45]In Vrousalis' scenario, all those inside the pit may be said to be vulnerable to the risk of mudslides, yet to different degrees (depending on their location in the pit). Analogously, in the political context, all members of the polity may be said to be vulnerable to electoral risk, yet to different degrees (depending, as I explain immediately below, on their location in society).

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others, I mean they risk suffering well-being losses impairing their (and only theirs) capacity to live a minimally decent life. The electoral outcome, i.e., the legislative changes introduced by the winning side, could push them below (or further below) a threshold of basic subsistence.[46]

In Section I, I highlighted that the argument for democracy's fairness implies that citizens have *equal claims* for inclusion in the franchise because they have *equal stakes* in their polity's collective decisions. I now contend that, in real-world societies, citizens do not have equal claims for inclusion in the franchise, because they do not have equal stakes in their polity's collective decisions. Based on the account of stakes I have just sketched, in real-world societies voters are not equally vulnerable to electoral risk, for their polity's decisions do not impose an equal risk of well-being losses on all. If this is correct, it shows that the democratic procedure fails to satisfy citizens' claims in proportion to their strength (as per Broome's account, discussed earlier), as it grants *equal* voting power to citizens despite their *unequal claims* for inclusion in the franchise.

The reason voters do not have equal stakes in their polity's decisions is that the latter will have seriously negative repercussions on the well-being of some, yet little to no repercussions on the well-being of others. One may reply from the outset that this does not undermine the claim that, *in the long term*, voters have equal stakes, for different governments will implement different policies which, in turn, will affect citizens' well-being to different degrees. Thus, the reply holds, in the medium-to-long term, the distribution of stakes would most likely even out, so that voters may rightly be said to have "roughly equal" stakes in their polity's decisions. This reply, however, sidesteps important structural considerations, which suggest that some voters are *consistently* (i.e., over time) more vulnerable to electoral risk than others. This is because, in an important regard, vulnerability to electoral risk is directly related to socio-economic status.

Voters who are at the bottom of the social ladder are significantly more vulnerable to electoral risk, as their socially disadvantaged position means they must rely on the government's assistance to access basic services. On the other hand, wealthy citizens are less vulnerable to electoral risk, for their wealth provides them with security against significant well-being losses following the electoral outcome. Thus, vulnerability to electoral risk is "absolute," in Vrousalis' sense mentioned earlier, for it is determined by one's own specific circumstances. Those at the bottom of the social ladder are significantly more vulnerable to electoral risk *simply because they are poor*; those higher up on the social ladder are less vulnerable *simply because they are wealthy*. But since, as mentioned earlier, one's stakes in the collective decision are largely determined by one's vulnerability to electoral risk, we have the following conclusion: those at the bottom (the worst-off voters) have higher stakes in their polity's collective decisions, compared to those at the top (the wealthiest ones). Crucially, due to scarce social mobility in Western societies, this unequal distribution of stakes across the demos persists over time: the poor tend to remain poor, and the rich tend to remain rich.[47] It is for this reason that, I argue, the poor have *consistently* higher stakes in their polity's decisions, in comparison to the wealthy.

[46]From this standpoint, voters' *emotional* investment in the electoral outcome does not affect their exposure to electoral risks. See López-Guerra, *supra* note 1, at 105; Brighouse and Fleurbaey, *supra* note 9, at 138.

[47]Xi Song, Catherine G. Massey, Karen A. Rolf, Joseph P. Ferrie, Jonathan L. Rothbaum, & Yu Xie, *Long-Term Decline in Intergenerational Mobility in the United States Since the 1850s*, 117 Proc. Ntl. Ac. Sc. 251 (2020).

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Let me expand on this point. As already mentioned, when I claim that the worst off are more vulnerable to electoral risk, I mean that they face the risk of suffering well-being losses preventing them from living a minimally decent life, i.e., preventing them from exercising their *basic rights* as autonomous agents. This is an important point to stress, for one could argue that billionaires risk losing *more* than homeless people from the electoral outcome; therefore, they should be seen as the ones with higher stakes in their polity's decisions, compared to the latter. A change in taxation policy might result in millions in revenue losses for the owners of large companies; on the other hand, a homeless person might have "nothing" (that is, no property) to lose.[48] However, in terms of vulnerability to electoral risk, the billionaires' ability to access basic services, such as housing and healthcare, would most likely remain intact, even if the newly elected government enacted policies that disproportionately penalize wealthy people.[49] This need not imply that billionaires are immune from electoral risk; all it says is that it is reasonable to assume that they are (much) less vulnerable to it, due to their favorable social and economic circumstances.[50]

For example, empirical evidence shows that even minor changes in social welfare policies can push poor citizens into homelessness and/or deprive them of access to life-saving medications. Slight amendments to bail requirements may prolong their exposure to risks related to imprisonment; a change in childcare policies might force single parents into unemployment and, again, homelessness. The link between wealth and life expectancy is well documented, as poor people live shorter lives, on average, than wealthy people.[51] Political decisions, from this standpoint, have a direct impact on the lives of the worst off. The UK mortality rate for those aged under 50 increased significantly *after the introduction of austerity policies* in 2010, and similar patterns occur in other countries.[52] Crucially, these increases in mortality were a direct result of governmental policies: had different policies been implemented, those deaths might not have occurred.[53] This captures the difference in vulnerability between the wealthiest and the worst-off citizens: the latter are significantly more vulnerable to the impact of these policies, in comparison to the former who, thanks to their wealth, enjoy a high degree of security against electoral risk. It is in this regard that the worst off may be said to have higher stakes in their polity's collective decisions, compared to their wealthier fellows.

If the above is correct, it shows that voters are in a similar predicament to the passengers in Barry's train scenario discussed earlier. Although the collective decision concerns their "common world," it exposes them to very different risks. In Barry's scenario, Laura's underlying condition makes her (and only her) more vulnerable to

[48]Until the mid-20th century, it was not uncommon for property-owners to be given proportionally more voting power, and for jobless people to be disenfranchised. See Joseph E. Stiglitz, The Price of Inequality 162 (2013).

[49]Angell and Huseby, *supra* note 31.

[50]Christiano acknowledges this point, though his focus is on financial transactions between individuals rather than on political matters. Thomas Christiano, *The Tension Between the Nature and the Norm of Voluntary Exchange*, 54 South. J. Phil. 109–120 (2016). See also Claus Offe, *How Can We Trust Our Fellow Citizens?*, in Democracy and Trust 42 (Mark E. Warren ed., 1999).

[51]Luis Rajmil and María-José Fernández de Sanmamed, *Austerity Policies and Mortality Rates in European Countries, 2011–2015*, 109 Am. J. Pub. Health 768 (2019).

[52]S Drivas et al., *Company Closure and Mortality in a Greek Bus Company*, 63 Occ. Med. 231 (2013).

[53]Michael Marmot, *Health Equity in England: the Marmot Review 10 Years On*, 368 Bmj m693 (2020).

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risks arising from exposure to cigarette smoke; in the case of the worst-off voters, their poverty makes them (and only them) more vulnerable to the "electoral risk." In both cases, the stakes are unequal; hence, in both cases, the members within each group have unequal claims to partake in the collective decision-making process. Like Laura, the worst off could reasonably complain to the wealthy, "Why do *you* get to decide on this, if *our* well-being (not yours) is at stake?" In such circumstances, the democratic procedure grants equal voting power (i.e., equal benefits) to all citizens, while imposing unequal burdens (i.e., unequal risks) on them. In doing so, the democratic procedure fails to satisfy individual claims *in proportion to their strength*, hence does not constitute a fair procedure. As a matter of fairness, the worst off should have more voting power than their wealthiest fellows over their polity's decisions.

III. OBJECTIONS

I now discuss four objections to the argument I have presented above. The first objection challenges the claim according to which the polity's decisions expose the worst off to risks of well-being *losses*. The second contends that these decisions involve *bundles* of policies in which it is plausible to assume that voters have overall equal stakes. The third objection questions the focus on poverty to determine one's vulnerability to electoral risk. The fourth objection claims that granting more voting power to the worst off would "unfairly" penalize the more industrious members of the demos.

It is true that, in an election, the worst off are often faced with the prospect of significant well-being *improvements*, rather than losses. For example, Barack Obama's promise to introduce the Patient Protection and Affordable Care Act (ACA), during the 2008 US Electoral campaign, meant his election would have enabled the worst off to finally access vital healthcare services.[54] That same policy would have made little to no difference to the wealthy, who were able to afford the (arguably better) private system. Therefore, it is not always the case that the worst off stand to lose from the electoral outcome.

While true, the above does not undermine the fact that the worst off had higher stakes in that election, hence a stronger claim to determine its outcome. This stems from the sufficientarian viewpoint underlying my view, according to which there are non-instrumental reasons to bring people above a basic threshold of subsistence. In this regard, not only would citizens have a stronger claim to affect decisions that might push them *below* the basic threshold, but also those that might push them *above* such threshold. With reference to the Affordable Care Act just mentioned, the worst off, due to their vulnerable situation concerning access to basic healthcare, had a stronger claim to affect the outcome of the collective decision, compared to those who, due to their wealth, had access to private healthcare. Thus, the former could still have legitimately complained to the latter, "Why do you get to decide on this, if our life (not yours) is at stake?"

We can imagine a modified version of Barry's train scenario, in which smoking on board has been allowed all along, until the passengers decide to hold a vote on whether it should be *disallowed*. In this different scenario, Laura would still have

[54]Tom Baker, *Health Insurance, Risk and Responsibility After the Patient Protection Affordable Care Act*, 159 Univ. Penn. L. Rev 1577 (2011).

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higher stakes than the others in that decision, despite the fact she could benefit much more than the other passengers from the outcome (a majority vote for banning smoking on board would *remove* the health hazard she has endured until then). Laura's vulnerability to cigarette smoke still plays a crucial role in defining her stakes in the collective decision on whether to ban smoking. Therefore, she still has a stronger claim to influence the collective decision on that matter, compared to the other passengers.

This reply highlights an important difference between my account and the one by Thomas Christiano. Christiano argues that the authority of the democratic assembly is limited, as the latter does not have the right to take away "the core of the liberal rights of any member."[55] Should the assembly's decision violate the basic rights of some citizens, it would lack legitimate authority, as it would fail to treat citizens publicly as equals.[56] According to my account, the complaint about democracy's unfairness arises *before* votes are cast and is independent of the result: even where the result may turn out to promote citizens' well-being (as in the revised train scenario just mentioned), those with higher stakes could reasonably complain that it was unfair to give everyone the same voting power over decisions in which voters had unequal stakes.[57] It was just a matter of luck that the result ended up benefiting them, and it is unfair to leave someone's (and *only someone's*) basic well-being at the mercy of luck. Thus, the charge of unfairness against granting equal votes to all predates the result's assessment: regardless of the outcome, the worst off could complain that using the democratic procedure to address issues in which they have higher stakes is not fair.[58]

A second objection to my argument is that, in large-scale elections, voters express their preferences on a bundle of policies, not on a single issue. The candidates present a package of proposals, each affecting citizens differently, so that, in the end, the stakes would still be overall "roughly equal." The worst off may have high stakes in a candidate's decisions about public healthcare, while business owners may have high stakes in trade policies; families may have more at stake in education policies, farmers in environmental ones, and so on.[59] There may be decisions, e.g., concerning traffic regulations, in which citizens may certainly be said to have "roughly equal stakes." Furthermore, there may be issues where, based on my account, no one may have much at stake (in terms of vulnerability) because no one faces any significant risk.[60]

[55]*Supra* note 2, at 261.

[56]*Supra* note 2, at 268.

[57]As Owen points out, although we cannot determine *how* people's interests will be affected by the decision until we know the outcome, the fact "*that* their interests will be affected in one way or another can be determined before the outcome is decided." David Owen, *Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem*, 5 ETH. & GLOB. POL., 129, 133 (2012).

[58]Note that, according to Christiano, even when voters have equal stakes, the democratic decision might fail to promote equality (and therefore, in his view, may lack legitimate authority) were the polity to not guarantee an "economic minimum" to all citizens (*supra* note 2, 273–275). This suggests that the same tension between democracy and poverty, which drives the present discussion, may underlie his argument.

[59]On this point, see Christiano, *supra* note 2, at 80.

[60]In Barry's train scenario, the five passengers may disagree on whether to open the window. No one would face any "risk" with the window either open or shut —it would be a mere matter of preference. In such circumstances, it may be that no one has a stronger claim than others in deciding whether the window should be opened. There would still be non-instrumental reasons to weight all preferences equally; hence, "one person, one vote," or even a lottery, may be fair ways to address that disagreement.

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However, this does not override the fact that the worst off are significantly more vulnerable to electoral risk, compared to wealthier voters.[61] We could imagine another version of Barry's train scenario, where the passengers held a vote to select one of two *sets of rules* to regulate their shared occupancy of the carriage. "Set 1" states that mobile phones, music, and smoking are allowed in the carriage; "Set 2" states they are not. I would argue that, all else being equal, Laura still has higher stakes in the decision between "Set 1" and "Set 2." This is because the possible outcome still imposes (disproportionately) higher risks on her basic well-being, although only with reference to one of the policies within that bundle (the one concerning smoking). Laura still faces the risk of significant well-being losses in the decision between "Set 1" and "Set 2," which is not the case for the other passengers. Hence, she may still legitimately complain, "Why do you get to decide on this, if my life (not yours) is at stake?" The same occurs in the context of political elections: the worst off have higher stakes in the choice between different candidates, albeit only in relation to *some* of the proposed policies within their agendas. Insofar as the electoral outcome may affect some (and *only* some) voters' capacity to lead a minimally decent life, we should not assume that voters have equal stakes in their polity's collective decisions. I will return to this point in the conclusion.

A third objection challenges the choice to use poverty as *the* indicator of voters' vulnerability. Why not focus on age, for example, since younger people are more exposed to the long-term repercussions of the electoral result? John Dryzek and Jonathan Pickering have argued for weighing individual votes by the average life expectancy for their age.[62] They claim that, since younger people will be most affected by climate policies (as the impact of climate change will progressively worsen in the future), as a matter of fairness they should have *more* power to influence the outcome of decisions around those policies, in comparison to their older fellows. Similar remarks may be made with reference to gender or race, which are also indicators of vulnerability to what I have labelled "electoral risk." While the above sheds light on the multilayered nature of social disadvantage, it does not undermine my choice to focus on poverty as the reliable indicator of a voter's vulnerability. This is because an impoverished twenty-year-old is arguably more vulnerable to climate change than a wealthy twenty-year-old who, for example, would be able to relocate to more habitable parts of the world once climate change reaches its tipping point. And a wealthy African American is less vulnerable to the dangers of racism (for example, discrimination, racial profiling, over-policing) than a poor one. A wealthy woman may be able to escape from an abusive relationship, avoid discrimination or

[61] An anonymous reviewer has noted that many decisions expose people to risk regardless of the outcome. For example, the decision to close a coal factory would remove a significant health hazard for those living near the factory, but would also push workers into unemployment. In such a case, one might argue that the factory workers and those affected by the pollution (setting aside, for argument's sake, the likely overlap between the two groups) would have an equal claim to decide on the issue, as they would be similarly vulnerable to electoral risk. However, socioeconomic disadvantages would play a key role even under these circumstances. The worst off would still face higher risk than those who, for example, may have resources to remain (at least temporarily) above the basic threshold (e.g., savings, family support, access to other jobs). Moreover, poverty would also affect the vulnerability of those exposed to pollution. The wealthy could relocate to non-polluted areas, install air filters in their house, access better healthcare to manage the effects of pollution, and so on. The worst off, for whom these avenues would be precluded, would then still have higher stakes than their wealthier fellows.

[62] John S. Dryzek & Jonathan Pickering, The Politics of the Anthropocene 160 (2018).

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harassment at her workplace, access medical support during pregnancy, and so on.[63] In these cases, the reduced vulnerability is due to the security wealth provides, and it is in this sense that, I claim, poverty is a reliable (though by no means the only) indicator of a voter's vulnerability. A perfectly fair decision-making procedure should also capture these additional metrics of vulnerability, yet this may generate excessive practical complications, concerning how to distribute voting power also based on, for example, race or gender. While focusing only on poverty may not suffice to *eliminate* voters' differences in vulnerability to electoral risk, it would significantly *reduce* them, thus increasing the fairness of the democratic procedure. As a matter of fairness, we should at least focus on poverty.

A fourth objection criticizes the emphasis on poverty from another perspective. One's social status is not a mere accident: rather, it is the product of one's own efforts (or lack thereof) in life. In a meritocratic society, citizens are largely *responsible* for the position they occupy on the social ladder. Those who work hard will manage to accumulate wealth, while those who do not will remain in a socially lower position. From this standpoint, giving less voting power to the wealthy (compared to the poor) would be *unfair*, for it would ignore the additional burdens the former (and only the former) have undertaken to reach their position on the social ladder. Such distribution of voting power would emphasize the preferences of the lazy and the indolent, while penalizing the more industrious members of society. We should not take people's vulnerability to electoral risk as the only feature determining their claims to partake in the collective decision-making process. Those claims are affected by other factors, concerning whether the person is responsible for her position in society.

To address this fourth objection, let me first mention the ever-growing body of literature highlighting the largely fictional character of this narrative around merit.[64] In a world where around sixty people own the same amount of wealth as half the world's population, talk of meritocracy appears to be out of touch with reality, since "to the extent that parents are successful in transferring [their] advantages to their children, life outcomes of children are determined by inheritance, not merit."[65] That said, fortunate upbringings do not exempt people from having to work hard to climb "the ladder of opportunity," nor do structural injustices *ipso facto* excuse people for their own shortcomings in life.[66]

However, the latter remarks do not affect the claim about the unfairness of the democratic procedure. That claim hinges on the sheer fact *that* some people are more vulnerable to electoral risk than others: the reason *why* those people, and not others, are so vulnerable is beside the point. In fact, that claim would hold even in perfectly meritocratic societies where all citizens occupied the position they "deserved." To see why this is the case, let us return one final time to Barry's train scenario.

[63]"A rich white woman in the United Kingdom, although vulnerable, is likely to be less so than a rich Black woman. Both of them are likely to be less vulnerable than a poor Black woman, and so on." Tarunabh Khaitan, A Theory of Discrimination Law 219 (2015).

[64]Daniel Markovits, The Meritocracy Trap (2019). Jo Littler, Against Meritocracy: Culture, Power and Myths of Mobility (2017). Piketty, *supra* note 12, at 476–544.

[65]Stephen J. McNamee & Robert K. Miller, The Meritocracy Myth 215 (2014). See also Oxfam International, *An Economy for the 1%: How Privilege and Power in the Economy Drive Extreme Inequality and How This Can Be Stopped* (2016), https://www.oxfam.org/en/research/economy-1.

[66]For a discussion of this issue in the context of criminal law, see Victor Tadros, *Poverty and Criminal Responsibility*, 43 J. V. Inq. 391(2009).

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Suppose Laura's medical condition was the result of her dissolute lifestyle. This should not affect the thought that granting equal voting power to all passengers, in that scenario, would *be unfair* to her. It would be ludicrous to contend that, since she has placed herself in that vulnerable situation through her poor choices, she has lost her claim that her well-being be adequately respected. It would be equally absurd to contend that, since the other passengers have shown good discipline in taking care of their own health, it is now unfair to grant them less power than Laura over an issue in which Laura's life (and *only* her life) is at stake. As already explained, the fact that *her* life (not the others') is at stake is what gives her a stronger claim to partake in the decision-making process.[67]

The same should be said about the political context. The reason why some voters are more vulnerable to electoral risk should not affect the procedure's design.[68] It is the sheer fact that their basic rights are at stake in their polity's decisions, while those of the wealthiest ones are not, that gives the worst off a stronger claim to partake in the decision-making process.

Conclusion

It may be argued that what I have highlighted in this article, concerning the alleged unfairness of the democratic procedure, poses no real problem. The reasons to comply with democratic outcomes stem from the procedure's capacity to deliver good governance, not from the values it allegedly expresses. From this instrumental standpoint, we should select our institutions based on their results, not on their fairness.[69] However, empirical evidence raises concerns about democracy's capacity to deliver good governance, as democratic elections often lead to the appointment of populist, incompetent, and morally bankrupt individuals as political leaders. This suggests that the attempt to defend democracy also on non-instrumental grounds may be worth pursuing.

[67]An anonymous reviewer has argued that some luck-egalitarians would reject this reply. Since Laura is responsible for her own vulnerability, giving her the same voting power as the other passengers would not be *unfair*. However, there could be non-fairness-based reasons (e.g., a Samaritan duty) to grant Laura more voting power on the issue. There are two possible replies. The first is to resist the objection, drawing on Elizabeth Anderson's critique of luck-egalitarianism for making "the basis for citizens' claims on one another the fact that some are inferior to others in the worth of their lives, talents, and personal qualities." From this standpoint, it would still be disrespectful to Laura to claim that, since she is responsible for her own situation, she does not deserve more voting power over an issue affecting *only* her survival. A second reply claims that the rationale for granting the worst off greater voting power cannot be grounded in Samaritan duties, since the mere casting of a vote does not have any practical effect for the individual, hence cannot be considered a means to "rescue" the worst off (e.g., they may still be outvoted). See Elizabeth S. Anderson, *What Is the Point of Equality?*, 109 Ethics 287, 289 (1999).

[68]Scheffler makes a similar remark with reference to progressive taxation. "In determining one's tax burden, the prevailing morality makes no attempt to identify, let alone to shield from taxation, the portion of one's income that is traceable specifically to one's choices as opposed to one's natural abilities." Samuel Scheffler, Equality and Tradition: Questions of Value in Moral and Political Theory 117 (2010).

[69]See Jason Brennan (*supra* note 1, 112), for whom "politics is not a poem." See also Steven Wall, *Democracy and Equality*, 57 PHIL. Q. 416 (2007); Richard J. Arneson, *Democracy Is Not Intrinsically Just*, in Justice and Democracy: Essays for Brian Barry 40 (Carole Pateman, Keith Dowding, and Robert E. Goodin eds., 2004).

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Thus, assuming we should care about the fairness of our collective decision-making procedures, what are the above argument's implications? First, if fairness is to be maintained, and if, as I have argued, democracy is not a fair procedure, we should then relinquish the "one person, one vote" system. If voters' claims are to be satisfied in proportion to their strength, as a matter of fairness the worst off should have more voting power than their wealthier fellows over decisions concerning the polity. Wealthy voters may not reasonably reject this unequal distribution of voting power as unfair: as I have argued throughout this article, since they have lower stakes in their polity's decisions, they have weaker claims to partake in the decision-making process, compared to their worst-off fellows. In such circumstances, granting wealthy voters less than an equal share of voting power would not imply that their interests are "unfairly jeopardized."[70]

An alternative would involve granting the worst off more voting power, but only on those issues which expose them to disproportionate levels of electoral risks, i.e., those concerning the provision of welfare support. As discussed in response to the second objection above (Section III), there are many issues in which citizens may be said to have "roughly equal stakes," irrespective of their financial circumstances: in such cases, fairness would indeed demand the use of "one person, one vote." Hence, constitutional safeguards could be introduced to grant the worst off more power over issues concerning welfare services such as health, housing, and employment support, in comparison to their wealthiest fellows. This would acknowledge that these issues expose the worst off (and *only* them) to unreasonable electoral risk. On other matters, decisions may still be reached through democratic means. This would undoubtedly introduce serious practical difficulties: yet, as Brian Barry further acknowledged in discussing his train scenario, "the [political] parallel to pulling the communication cord – bringing the state to a halt - is a much more messy [*sic*] business."[71]

Nevertheless, if the concern is with voters' vulnerability to electoral risk, distributing voting power in proportion to poverty might be self-defeating. Since the worst off are less likely to possess sufficient levels of political competence, giving them more voting power might indeed lead to further well-being losses, through the election of leaders who may aggravate, rather than reduce, their vulnerability (i.e., their poverty).[72] Fairness does matter, but does not trump other moral considerations. Our aim should be to reduce voters' vulnerability to electoral risk, not to simply accept it.

Therefore, a final, more promising way to address the problem discussed in this article involves shifting the focus from the design of the procedure to voters' exposure to electoral risk. We have fairness-based reasons to see to it that, when they go to the

[70]Charles R. Beitz, Political Equality: An Essay in Democratic Theory 111 (1989).

[71]*Supra* note 37, at 38.

[72]This highlights an important difference between my account and the one proposed by Brighouse and Fleurbaey, who contend that weighing votes in proportion to individual stakes "will spontaneously select the best options" (*supra* note 9, at 151). At the same time, however, this point should not be overstated. The fact that the worst-off *might* be more prone to being manipulated by inept candidates does not undermine the core claim, i.e., that it is unfair to grant equal voting power to all when only the worst off have high stakes in the decision. As I explained in Section I, the focus is on respecting people's status as autonomous agents and this, to some extent, may include acknowledging their *right to do wrong*. Furthermore, the problem of lack of political competence among the worst off may be addressed in various ways, e.g., by implementing policies to raise their political literacy. On the right to do wrong, see Jeremy Waldron, Liberal Rights: Collected Papers 1981–1991 63–87 (1993).

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polls, voters do indeed have equal stakes in their polity's decisions. Democratic societies should renew, rather than relinquish, the aspiration toward the *ideal* of collective decisions in which citizens have "roughly equal stakes": to draw near that ideal, these societies should tackle the poverty gap also as a matter of *procedural* fairness. And as Jonathan Wolff has noted, it is "very unlikely" that this can be done without embarking on large-scale redistribution policies and other specific anti-poverty measures.[73] Given how far our societies have been drifting from the ideal of a polity in whose decisions citizens have "roughly equal stakes," and despite libertarians' unwavering faith in "free-market fairness," the resort to strong redistributive policies appears to be ever so crucial to democracy's survival.[74]

[73]Jonathan Wolff, *Poverty*, 14 Phil. Comp. e12635 (2019).
[74]John Tomasi, Free Market Fairness (2012).

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