

## POLITICAL LIBERTY: WHO NEEDS IT?

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### I. INTRODUCTION

Contemporary philosophers, including many deliberative democrats, Rawlsian “high liberals,” civic republicans, and civic humanists have recently tended to endorse progressively stronger views about the value of the political liberties—the rights to run for office and vote. They tend to hold that citizens’ lives will be stunted, and their status as human beings will be diminished, unless they have equal rights to vote and run for office. It has become more common to hold that these political liberties are of special importance, even more important and valuable than the civil or economic liberties.<sup>1</sup>

In this essay, I challenge part of this trend. I argue that for most people the political liberties are of little value for the purposes of achieving the good life, securing their social status, promoting their preferred political outcomes, participating in the process of social construction, acting autonomously, achieving enlightenment and bettering themselves, and expressing themselves.

The claim that the political liberties are not very valuable is easily confused with other claims. Note the distinction between the following two questions:

1. Are an individual’s political liberties typically valuable to that individual?
2. Are the political liberties valuable in the aggregate?

Questions 1 and 2 ask different things. Question 2 might have a positive answer even if question 1 has a negative answer. After all, suppose that democracy with universal suffrage produces the best expected consequences of any form of government. If so, then it would be valuable in the aggregate that citizens have the rights to vote and run for office. However, it might still be true that each individual’s political liberties are of little value to her. Consider, in parallel, that each of us is free to pursue advances in physics. Most of us are not clever enough to make much use of these scientific liberties, but we benefit from living in a social system where everyone has them. The scientific liberties are, thus, of little value

<sup>1</sup> Consider, for instance, that most people believe that political speech demands stronger protection than commercial speech.

to the typical person who holds them, even though they are valuable in the aggregate. So it might be with the political liberties. This essay concerns question 1, but not question 2.

Note also the distinction between these two questions:

1. Are an individual's political liberties typically valuable to that individual?
3. Does the typical individual value her political liberties?

Question 3 asks whether citizens subjectively value their political liberties. That is a psychological, not a philosophical, question. We could answer it with surveys. However, question 1 is philosophical. To ask whether the political liberties are valuable is to ask whether they *ought to be* valued, not whether people actually value them. Again, this essay concerns question 1.

Note finally the distinction between these two questions:

1. Are an individual's political liberties typically valuable to that individual?
4. Are all adult citizens entitled to the political liberties as a matter of justice?

In this essay, I am not asking question 4, which concerns whether citizens are entitled to the political liberties. The answer to question 4 might be positive even if the answer to question 1 is negative. A person might be entitled to a liberty even if it is not valuable to her. After all, in general, whether someone is entitled to something is not decided by whether it is valuable to her. For instance, it would be disrespectful for someone to steal the unwanted junk out of my basement, even if that person knows I do not want the junk. There is no straightforward relationship between answers to question 1 and question 4. I take no stand here on what political liberties citizens are entitled to. I am not discussing whether anyone should be deprived of political liberty, but am instead asking how bad the deprivation would be. So, one way of framing this essay is as follows. Suppose we strip some random person of her political liberties. How bad for her is this? This question divides into two further questions. First, how *valuable* are the liberties we have taken away? Second, how *unjust* is it to take away these liberties? This essay concerns the first question, but not the second.

In this essay, I confine my use of the term "political liberties" to the rights to vote and to run for public office. Some philosophers also include under the term the rights of political speech, assembly, and to form political parties, but for the sake of this essay, I am classifying these as civil liberties, as instances of free speech and free association. I intend this to be a stipulation, not a point of conceptual analysis. I

want to argue that the rights to run for office and vote are not particularly valuable, but I am neutral here as to whether the rights of political speech, assembly, and to form political parties and special interest groups are valuable. The reason I am interested in the rights to vote and run for office is that these rights—unlike the civil or economic liberties—are rights to exercise (or attempt to acquire) power over others. My right of free speech gives me power over myself; my right to vote gives me some power over everyone.

Philosophers and others have argued that the political liberties are needed or at least useful to:

- A. lead a full, flourishing, good human life;
- B. have one's social status and the social bases of self-respect secured;
- C. make the government responsive to one's interests and generate preferred political outcomes;
- D. participate in the process of social construction so that one can feel at home in the social world;
- E. live autonomously as a member of society;
- F. achieve education and enlightenment and take a broad view of the world and of others' interests;
- G. express oneself and one's attitudes about the political process and current states of affairs.

My strategy for this essay is to examine and challenge each of these reasons in favor of thinking that the political liberties are valuable. I know of no general proof of the nonvalue or minimal value of the political liberties. However, if I can show that considerations A through G fail to show that the political liberties are valuable, this provides strong evidence that they are not. Thus, in effect, my argument is this:

1. Reasons A–G fail to show that the political liberties are generally valuable.
2. There is probably no further reason, H, to think they are.
3. Therefore, the political liberties are not generally valuable.

I will examine each claim (A–G) in turn.

Before turning to reasons A–G, consider one argument for why the political liberties might be valuable. Let us call it *the Justice Argument*:

1. Justice requires democracy.
2. Democracy requires that everyone have an equal right to vote and run for office.
3. For each individual, it is valuable to live in a just society.
4. Therefore, the political liberties are valuable.

This argument claims that each individual has grounds for valuing her individual political liberties, because if even she alone lacked those liberties, this would be sufficient to make her society unjust. In the Justice Argument, the political liberties are not instrumentally or intrinsically valuable, but have constitutive value because they form part of something intrinsically valuable.<sup>2</sup> In this essay, I am putting aside questions of whether democracy is just, and looking only at arguments that do not rely upon premise 1 of the Justice Argument. If premise 1 turns out to be true, then I admit that some version of the Justice Argument would succeed, and thus my thesis would have to be modified: the political liberties are not very valuable for most people except for the purposes of realizing justice. Note, however, that many people argue for premise 1 of the Justice Argument on the basis of some of the arguments I consider and rebut below.<sup>3</sup>

## II. THE CIVIC HUMANIST ARGUMENT

Aristotle suggested that holding and exercising the political liberties are essential for living a full, happy, virtuous human life. He articulated a version of the *Civic Humanist Argument*:

1. Virtue, flourishing, eudaimonia, and achieving the good life are valuable to each person.
2. Holding and exercising the political liberties are constitutive of virtue, flourishing, eudaimonia, and achieving the good life.
3. If X is constitutive of virtue, flourishing, eudaimonia, and the good life, then X is highly valuable.
4. Therefore, the political liberties are highly valuable to each person.

In recent years, there has been renewed interest in and debate over this argument.

The debate focuses on premise 2. I do not want to repeat this debate here, nor will I add to it. Without here examining all the possible arguments for or against premise 2, I will summarize what seems to be its main problem: premise 2 overgeneralizes. The political liberties are constitutive of the good life for some people, but not all or even most people.

<sup>2</sup> Something is intrinsically valuable when it is valuable as an end in itself. Something is instrumentally valuable when it is valuable for the purpose of achieving some *other* end. Something is constitutively valuable when it is valuable as a *component* or piece of something valuable. So, for instance, if I have the final end of having an excellent philosophy career, then publishing papers is constitutively valuable to me as a component of that career. In section II, I examine an argument that holds that the political liberties have constitutive value because they are a component of the good life.

<sup>3</sup> For example, John Rawls defends premise 1 of the Justice Argument on the basis of what I call the Status Argument in section III.

Suppose Bob is a politician. He was always on student council or was class president as a youth. He ran for town alderman at a young age, then worked his way up to state senator, and now dreams of being governor.

I would not deny that the political liberties are valuable to Bob. When I say that the political liberties are not of much value, I speak in general terms. Bob is an exception to a general trend. He needs the political liberties to realize his conception of the good life. The political liberties play a central role in Bob's life—they help define who Bob is.

However, most of us are not like Bob. Some people have a passion for democratic participation, but most do not. To some degree, the value of different liberties varies from person to person. For some people, the political liberties are necessary for them to lead good lives. For many others, the political liberties are irrelevant to lives they have reason to lead. The political liberties rightly play only a minor or perhaps no role in many people's lives.

Suppose Amy has always dreamt of owning her own business. After working an entry-level job as a pet groomer, she saves enough money to open her own business—"Amy's Pup-in-the Tub." John Tomasi asks, "What does it mean to Amy to walk in her shop each morning, or to drive by it late at night?"<sup>4</sup> For Amy, exercising the economic or commercial liberties is constitutive of the good life. The political liberties might rightly play no significant role in her life at all. To suggest that she leads a stunted life unless she gets herself to the forum seems not only inaccurate, but offensive.

Different people have different capacities, abilities, dispositions, and desires. What makes for a good life for any given person depends upon these four factors (among others), and so the good life varies from person to person. For instance, given who I am and given what the contemplative life is like, the contemplative life is valuable to me. Yet, that does not make it the highest form of life for everybody.<sup>5</sup> Similarly, a liberty or right might be valuable to one person but not another.<sup>6</sup> The right to worship in the church of one's choice is worthless to me (a strong atheist with little chance of becoming religious), but that right is crucial to a committed

<sup>4</sup> This paraphrases John Tomasi, *Free Market Fairness* (Princeton: Princeton University Press, forthcoming 2012), chap. 4. Tomasi is referring to a real person and a pet-grooming business in Warren, Rhode Island.

<sup>5</sup> I sometimes worry that political philosophy suffers from parochialism, because it is written by political philosophers and thus reflects their peculiar concerns and interests. Plato suggested that philosophers should be kings, and Aristotle suggested that philosophizing was the highest form of life. They might be right, but we have to be suspicious, given that they are philosophers. Contemporary deliberative democrats often suggest that societies would be better if everyone acted like amateur political scientists and philosophers. They might be right, but we have to be suspicious when we hear this from political scientists and philosophers.

<sup>6</sup> When I say that the value of a given kind of liberty can vary from person to person, I do not mean to suggest that the value of liberty to a person is purely subjective, i.e., just a matter of that person's opinion.

Christian. The right to write political books is valuable to me, but not to my handyman neighbor.

### III. STATUS AND RESPECT

One prominent, popular argument holds that if a person lacks the political liberties, this tends to undermine her self-respect and the respect others hold for her. The political liberties are thus valuable as means to achieving respect. Let us call this the *Status Argument*:

1. Social respect and self-respect are valuable.
2. Without the political liberties, citizens cannot (or are unlikely to) have social respect and self-respect.
3. Therefore, the political liberties are valuable.

John Rawls, among others, makes a version of this argument.<sup>7</sup>

Regarding the terms used in premise 1: A person has *social respect* when others view her in a favorable light, regarding her as valuable and of sufficiently high fundamental moral standing. A person has *self-respect* when she views herself in a favorable light, regarding herself as valuable and of sufficiently high fundamental moral standing.<sup>8</sup>

Premise 1 seems largely unobjectionable, so the success or failure of this argument depends on premise 2. In this section, I challenge this second premise. While I will not exactly refute this argument—and I take it to be the strongest argument on behalf of the personal value of the political liberties—I will still, in some sense, undermine it.

Premise 2 claims that citizens need the political liberties in order to have social respect and self-respect. One might be tempted to read premise 2 as stating something tautological: A person who lacks the political liberties by definition has a lower status than someone who holds them. They are things others may do that she may not. This is true, but it is true in the same sense that a person who lacks a driver's, medical, hairdressing, or plumbing license has lower status than those who hold those licenses. All things equal, having a hairdressing license gives someone a higher legal status. Yet, no one thinks that lacking a hairdressing license

<sup>7</sup> See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 234; John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 318–19; John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), 131; Samuel Freeman, *Rawls* (New York: Routledge), 76. For an especially acute response to Rawls, see Steven Wall, "Rawls and the Status of Political Liberty," *Pacific Philosophical Quarterly* 87 (2006): 245–70, at pp. 257–61.

<sup>8</sup> Different versions of the Status Argument could take different stances on what counts as "sufficiently high fundamental moral standing." For example, on Rawls's account, for citizens to have the right kind of status, they need to have a full range of liberal rights, their rights must be equal to others, and some of these rights (in particular, the political liberties) must have their fair value guaranteed. However, someone propounding the Status Argument could hold a less demanding view of what counts as sufficiently high standing.

(and thus lacking the liberty to practice hairdressing) lowers one's fundamental moral status, or removes the social bases for social respect and self-respect. For the Status Argument to succeed, it needs to interpret premise 2 in a robust way, as showing that lacking the political liberties is a great threat to one's fundamental moral status, in a way that lacking the hairdressing liberties is not.<sup>9</sup>

John Rawls holds that when some citizens lack the political liberties, this thereby encourages everyone to see those citizens as inferior. As Steven Wall (who rejects the Status Argument) summarizes Rawls's argument, "The . . . argument begins with the plausible thought that political institutions established in a society bear importantly on the social component of self-respect. Some institutional arrangements do better than others in encouraging citizens to view one another as moral equals. . . . The public expression of . . . the fair value of political liberty is an affirmation of the equal status of all citizens."<sup>10</sup>

As a matter of fact, we human beings do tend to associate political power with a kind of majesty. We do tend to think that people's fundamental moral standing in some way depends upon their political standing, and vice versa. Nation-states are like clubs, and we tend to treat the rights to vote and run for office as signifying full membership in the national club. People who lack these rights are junior members at best. When people lack the political liberties, we look down upon them. They might feel humiliated by their lesser status. It seems true, therefore, that the social bases of self-respect and social respect depend upon political power. But this is only contingently true—it is an artifact of how we happen to think. We do not need to think that way. And we should not think that way, or so I will argue.

Imagine that in our culture, or in the human race in general, we tended to associate being given a red scarf by one's government as a mark of membership and status. You are not fully in your national club until you get your scarf.

Now, suppose the government gives red scarves to everyone, except homosexuals. Homosexuals would rightly be upset—they would rightly claim that the government's refusal to grant them red scarves shows that homosexuals are considered second-class, inferior people. The government's behavior would tend to induce people (including homosexuals themselves) to regard homosexuals as having low status and being less valuable. Homosexuals and their sympathetic allies would have reason to take to the streets and demand that homosexuals be granted scarves. Given how everyone thinks about red scarves, it in some sense becomes crucial to have one.

<sup>9</sup> Even libertarians, who regard such licensing as intrinsically unjust, stop short of saying that licenses threaten people's fundamental moral status.

<sup>10</sup> Wall, "Rawls and the Status of Political Liberty," 257–8.

However, at the same time, we can say, “There is no good reason to attach status and standing to red scarf ownership. Human dignity does not actually depend upon scarves. It is just a silly, contingent psychological or cultural fact that people think this way. And they should not think this way.” The red scarves are not *really* valuable. They are valuable only as a result of a social construction, and a *bad* one at that.<sup>11</sup>

We can say the same thing about the political liberties and about associating moral standing with political power. (The political liberties are, after all, rights to political power.) There is no intrinsic or essential connection between status and political power. It is a contingent, psychological or cultural fact that people tend to associate human dignity with political power. But we should not think that way. I am not just saying that we have no good reason to think this way. I want to go further: I think it is a vile, contemptible fact about human beings that we associate dignity with political power.

In the United States, new parents sometimes say, “Who knows? Maybe my child will be president!” Implicit in such daydreams is the assumption that holding political power—and holding the most political power—is the most prestigious thing one can do.

Imagine a world otherwise like ours, in which people lack these kinds of attitudes. Instead of viewing the president as majestic, or the office of presidency as deserving reverence, in the alternative world people just think of the president as the chief public goods administrator. Instead of thinking of the rights to vote and run for office as possessing a lesser kind of majesty, and as signifying membership in the national club, they think of them as licenses akin to hairdressing or plumbing licenses. Imagine that people do not associate national status with international political power, and do not associate personal status with power.

This would be a better world than ours. We tie esteem to political power. But we should not; political power has a terrible track record.<sup>12</sup> Just think of the abuses and injustices entire nations, kings, emperors, presidents, senators, district attorneys, police officers, and average voters have gotten away with throughout history, all because we attach standing, reverence, and status to political power, and we defer before such

<sup>11</sup> If it turned out that these attitudes toward scarves resulted not from an arbitrary social practice, but from deep features in our evolved psychology, this argument would still stand. Our psychological tendencies would be lamentable, and scarves would be valuable only in light of these lamentable tendencies.

<sup>12</sup> On this point, blogger Will Wilkinson has an excellent post from shortly after the 2008 U. S. presidential election. Wilkinson says that given that we tend to think of the presidency as “the highest peak, the top of the human heap,” and given our history of oppressing blacks, the fact that a black man won the presidency is momentous. At the same time, it would be better if we stopped thinking of the presidency as a majestic office and instead thought of it as the “chief executive of the national public goods administrative agency.” Wilkinson continues, “I hope never to see again streets thronging with people chanting the glorious leader’s name.” See Will Wilkinson, “One Night of Romance,” *The Fly Bottle*, <http://www.willwilkinson.net/flybottle/2008/11/05/one-night-of-romance/>.



majestic standing. Moreover, one reason why kings, presidents, and district attorneys commit such abuses in the first place is that they associate status with power. For example, King Henry VIII's wars had no chance of increasing his (or most of his subjects') personal wealth or comfort. He committed these atrocities in large part because he wanted the prestige and status that attach to increased political power. Most people revere power, more than they would admit to themselves. The romance of power and authority partly explains why people have so often been willing to collaborate with government-sponsored injustices.

The tendency to tie status to political power has other bad effects. Because people tend to use political power—and the right to vote in particular—as a way of signifying who is a full member of the national club and who is inferior, political power has tended to be distributed for bad reasons. For example, many countries have denied voting rights to women and ethnic minorities in order to signify the lesser status of members of these groups. If people had divorced standing from power, perhaps they would not have denied others their political liberties on such bad grounds. Also, many countries now give all adult citizens equal voting rights in order to signify equal status. Perhaps unrestricted universal suffrage is just. Perhaps not—perhaps political liberties should be distributed on the basis of competence, or some other basis, rather than merely on birth, citizenship, or permanent residency. However, we can barely entertain the question of whether there are better alternatives because people associate power with status. Associating power with status, therefore, potentially nullifies improvements we could make in the quality of government.

Given our contingent attitudes, the political liberties confer status. We use these rights to signify who is in our club and whom we hold in high regard. We treat the political liberties as if there were red scarves from the thought experiment above. But we should stop using these rights to signify status. We should not regard political power as a sign of worth. It would be a better world if people did not attach such significance to political power.

Since we are doing normative theory in this paper, we need not take contingent psychological or cultural facts about human beings as given. One hundred years ago, it was a contingent psychological or cultural fact that people associated being male and white with moral standing, and so it was contingently valuable to be male and white. But a political philosopher could still say that being male and white are not fundamentally valuable. They are valuable only as a result of a social construction (a construction that is perhaps rooted in our evolutionary past), and a *bad* one at that. Similarly, it is a contingent psychological or cultural fact that people associate political power (even the small amount conferred by the political liberties) with status. But a political philosopher can still say that political power is not fundamentally valuable. Political power is valuable only as a result of a social construction, and a *bad* one at that.

In some sense, my objections to the Status Argument leave its second premise intact. Political power is indeed conducive to obtaining valuable status. On the other hand, if my objections are sound, this also undermines the spirit of that argument. The political liberties are valuable as a means to securing one's status only in light of a disvaluable pattern of behavior.

#### IV. POLITICAL OUTCOMES

In this section, I examine an argument that claims that the political liberties are valuable, because each individual's exercise of political liberty has significant value in terms of its impact on the quality of government. Let us call this the *Outcomes Argument*:

1. The government will not be responsive to your interests unless you have the right to vote and to run for office.
2. It is valuable to have the government be responsive to your interests.
3. Therefore, it is valuable to have the right to vote and run for office.

At least among laypeople, the Outcomes Argument is a common justification of the claim that the political liberties are valuable. Prima facie, it is the most obvious argument on behalf of the political liberties. The Outcomes Argument casts the political liberties as means to help ensure good behavior from government. Politicians want my vote. To get it, candidates compete in offering me the best package. Also, since I can run for office, politicians do not just need my vote. They need to behave well enough that I will not run against them.

This argument fails in part because individual votes in fact have vanishingly small instrumental value. The Outcomes Argument overstates the value of an individual's political liberties in terms of their ability to make government responsive to her interests.

If we want to know how valuable a vote is, it depends not only on how high stakes the election is, but also on whether the individual vote will make any difference. The right to vote is itself an opportunity to cast votes, and so the instrumental value of the right to vote is in part dependent on the instrumental value of the votes a citizen can cast.

In a large-scale election, such as the U.S. presidential election or congressional elections, the probability that an individual vote will decide the outcome of the election is vanishingly small.<sup>13</sup> Individuals are much

<sup>13</sup> One might argue that individual votes matter, even if they do not tip the balance, because if a candidate obtains a large majority, she will be seen as "having a mandate" and this gives her greater ability to pass legislation. However, this simply relocates the problem. The person making this argument needs to find some way to measure how much individual votes contribute to creating a mandate. The logic is in many respects the same as before. For any individual voter, the likelihood that her vote makes a difference in pushing her candidate from simply winning to being seen as having a mandate is vanishingly small. Even if