

J. S. Mill' s plural voting system and the epistemic defence of democracy

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Abstract – In this paper I explore the possibility of making a case for plural voting. I start with observing a tension between democratic participation and the epistemic quality of results in collective decisions of a technical nature. The search for epistemic quality may render plural voting appealing, but I argue that this case fails. First, I reconstruct Mill's argument for plural voting, and I show that it rests on the same grounds on which the epistemic defence of democracy is based. Second, I try to show that, if one were to adopt an epistemic perspective, then plural voting should not only be acceptable, but even advocated for. However, I suggest that such an epistemic perspective cannot be used to justify democracy whenever there is an external and independently legitimised epistemic authority. In these cases, either democracy is disposed of, or its legitimacy must be justified on non-epistemic grounds. I conclude exploring a possible non-epistemic argument, and contending that such an argument would be incompatible with plural voting.

• 1. Introduction

On April, 17th 2016 Italian citizens were called to express their opinion in a referendum about the opportunity of prolonging gas and oil drilling concessions to extract hydrocarbon within 12 nautical miles of the Italian coast until exhaustion of the sources. The referendum sparked a heated debate on broad environmental values and on free market. However, points like the protection of the environment were defended by both fronts, and campaigners on both sides were persuaded that their position was the one to properly implement them. Thus, people

sharing the same view would end up in opposite fronts. In the end, the turnout was so low (31%) that the result was not validated¹, and the referendum proved to be only a waste of public resources.

What went wrong? The confusion was partly due to the highly technical nature of the matter at hand²: the consequences of either choice were hard to identify for anybody without a proper understanding of engineering and international trade. Therefore, it seems that there are matters on which appealing indiscriminately to the whole population is not the right thing to do – matters that need competence to be settled. Furthermore, there are matters of fact that are either true or false, and on which there seems to be no point in asking the opinion of the majority. If we do not vote on gravity, why should we vote on climate change? And yet, shouldn't a democracy guarantee that all citizens have equal voice on public matters?

Some philosophers have argued that this is not necessarily the case, and that epistemic accuracy needs not be in tension with democracy. Electoral democracy may come in different forms, including systems where influence is unevenly distributed. In his treatises *On Liberty* (1859) and *Considerations on Representative Government* (1861), John Stuart Mill defends an implementation of democracy characterised by a weighted-voting system of *plural voting* (PV henceforth). In such a system, while every citizen (within the scope of suffrage³) votes, and thus participates in public decision-making, those with higher competence will have more votes to express, and thus a higher influence.

¹ Ministero dell'Interno: [Archivio storico delle elezioni](#).

² See Cozzi (2016): “(The) question was too technical to be subject to a referendum, above all because it would hardly been fully understood by those citizens who should have voted”.

³ Which, for Mill, would include women but still exclude illiterates, bankrupts, and non-tax-payers: see Mill (1861).

A proposal on these lines seems to go against the natural intuition that democracy recognises the equality of all citizens. However, in light of cases like the Italian referendum or climate change denial, there seems to be an appealing case for a system that favours competence. In what follows, I will try to show that the validity of weighted-voting systems depends on the justification adduced for democracy as a legitimate source of political authority. If the case for democracy rests on an epistemic argument that looks at the quality of the decisions it reaches, then weighted voting should not only be valid, but even advocated for. Nevertheless, I will suggest that epistemic arguments cannot justify democracy when there are external epistemic authorities, and that therefore democracy will need some non-epistemic justification at least in those cases. However, I will conclude that, if the legitimacy of democracy rests on non-epistemic grounds, then Mill's case for PV seems to fail.

• 2. The Epistemic Argument

According to Mill, the value of a form of government is not absolute: it is relative to the consequences it produces within a given society⁴. In his utilitarian view, democracy – as any other system – is not a good thing *per se*, but it is as good as its consequences. Therefore, if we can improve the consequences, then we have a better form of government.

With this criterion in mind, Mill proposes PV as the best democratic system. In his view, PV would improve the consequences of democratic decision-making by (i) avoiding class-legislation, and by (ii) assigning

⁴ “The ideally best form of government is [...] the one which [...] is attended with the greatest amount of beneficial consequences, immediate and prospective” (Mill (1861), p. 404).

influence proportional to competence and intelligence (Mill 1861).

The need to avoid class-legislation can be seen as a circumstantial claim, that would make PV a temporal solution given the uniform composition of the social classes of the times (as affirmed, e.g., by Brillhante & Roca (2013)). But the call for unequal influence is proposed as a general reason in support of PV. In Mill's words, "that the constitution of a country should declare ignorance to be entitled to as much political power as knowledge" (1861, p. 478) is not only useless, but even hurtful, and this regardless of the composition of society. Let us see on which basis Mill values unequal influence.

Since voting is a tool for decision-making, its main consequence is the outcome of that decision. Therefore, from a utilitarian perspective, a voting system is better than another if it leads to better decisions.

Often, democracy is defended precisely on these grounds. The epistemic defence of democracy (EDD henceforth) claims that democracy is better than other forms of decision-making because it is more reliable in making the right choice. If there is a correct decision, democracy is justified to the extent that it tracks it:

"For epistemic democrats, the aim of democracy is to 'track the truth.' For them, democracy is more desirable than alternative forms of decision-making because, and insofar as, it does that." (List and Goodin (2001), p. 1).

EDD justifies democracy over other forms of government, but there is no reason why a similar standard should not apply also to different voting systems within democracy. Let us call this standard EDD':

EDD': a democratic voting system is more desirable than alternative ones because, and insofar as, it tracks the truth.

It is with something like EDD' in mind that Mill proposes PV. PV is supposed to be a better truth-tracker than other democratic rules, and since he appeals to proportional influence to argue for it, then proportionality of influence must bring some epistemic advantage. So, to complete Mill's argument we need a reason for the claim that assigning greater influence to competence improves the accuracy of decisions. Even though Mill does not provide one himself, Condorcet's (1785) Jury Theorem (CJT henceforth) can be used to support his conclusion.

In CJT, the probability that a group reaches a correct decision increases with the size of the group – as long as every member is sufficiently competent, i.e. has a probability higher than chance of being right. Moreover, the higher the competence, the higher the probability to reach a correct decision. Therefore, if the quality of the final decision is the relevant criterion, then democratic procedures should value competence, and PV is a way to implement this result. To make the argument clearer:

- i. EDD': A democratic voting system is better than other ones if it produces more correct outcomes.
- ii. CJT: The higher the competence involved, the likelier the correctness of the outcome.
- iii. By definition, PV assigns more influence to competence.

Therefore, *ceteris paribus*, PV democracy is better than non-PV democracy.

Note that the only assumptions needed are CJT and EDD'. For this reason, it appears that, if the legitimacy of democracy is argued only in terms of the quality of the outcomes it produces, then weighted-voting systems like PV should not only be accepted as legitimate forms of democracy, but also advocated for as more reliable truth-trackers.

- 3. The Objection from External Authorities

It appears that, from an EDD perspective, the legitimacy of democracy hinges on its relation with some external, procedure-independent truth. A democratic decision is a legitimate source of political authority insofar as it is more likely to track that truth than a decision issued by another procedure. This means that, if democracy is the most reliable truth-tracker over a matter of fact *d*, then it is also a source of epistemic authority⁵ on *d*.

Yet, it may often be the case that there exists an alternative epistemic authority on that matter. This would seem to be particularly plausible if *d* concerned scientific issues like climate change, or technicisms like drilling concessions. In such cases, there could be a different and domain-specific form of decision-making, which would possibly be a better truth-tracker than democracy.

If that is so, then on the basis of EDD democracy would be dispensable. If what legitimises democracy is its epistemic value, then whenever there is a third-party authority with better epistemic reliability democracy is redundant, as that authority is a better truth-tracker. Under EDD, such independently legitimised epistemic authority should also count as a source of political authority on *d*.

Therefore, it seems that EDD can justify democracy only in those cases where there is no better epistemic authority. As soon as there is one, democracy cannot be legitimised by EDD. Which means that, in these cases, either we dispense of democracy, or we legitimise it on non-epistemic grounds. In the next section, I will explore a non-epistemic argument for democracy, and assess its import for the legitimacy of Mill's

⁵ For a definition of political and epistemic authority, see Peter (2016).

PV.

- 4. Equal Opportunity

If we want to legitimise democracy even in presence of an external epistemic authority, then the legitimising argument must be non-epistemic. One such argument could run on the following lines.

Most real-life policy decisions involve value judgements. It seems reasonable to assume that at least some, if not all, of these judgements are such that they do not have a truth value. If a judgement does not have a truth value, then a procedure to decide on it cannot be justified epistemically, since it is hard to determine which procedure is a better truth-tracker with respect to a judgement that does not have a truth value. Moreover, the population may disagree not only on the judgements, but also on the identification of any relevant expert for the matter (Christiano 2008). Therefore, it seems that divergences in value judgements may be irreducible – either because there is widespread disagreement that cannot be settled by any recognisable moral authority, or even, as Berlin (1958) claims, because values are intrinsically plural. Yet, individual divergences still need to be settled collectively.

In absence of some externally legitimated authority, citizens themselves should be considered equal authorities over values, and therefore over the evaluation of political decisions. For this reason, individuals should be given an equal opportunity of participation, as this equality is the only way for them to avoid being governed with laws justified on values that they do not recognise, and that therefore are illegitimate. Democracy is justified in virtue of it being the only form of government that recognises equal agency to citizens.

It is clear that a non-epistemic argument constructed on these lines

cannot support a weighted-voting system as the one proposed by Mill. PV is grounded precisely on the fact that better outcomes come from an unequal distribution of opportunities to influence political agency. Therefore, if we justify democracy to the extent that it guarantees equal opportunity of influence, then weighted-voting systems like PV are illegitimate

One could accept that equal participation is required for value judgements, and that external authorities may be epistemically more reliable than voting to deal with empirical judgements. But then one could argue that, since most policy decisions involve a mixture of the two, a procedure like PV could provide a good compromise between epistemic accuracy and equal treatment. However, an argument on these lines is not purely epistemic anymore. It is not concerned uniquely with the quality of the outcomes, as Mill's argument is, but it accepts the relevance of other, purely procedural parameters.

• 5. Conclusions

Mill's proposal of assigning more votes to more competent citizens is justified within a general epistemic defence of democracy. If quality of the outcomes is the standard by which forms of government are assessed, then CJT shows not only the legitimacy of democracy, but also that of PV as a democratic system. However, EDD can legitimise democracy only in the absence of an external epistemic authority. In any other case, democracy needs to be legitimised with another argument. This could be based on value-laden decisions: in the lack of legitimate moral authority, citizens should enjoy equal opportunity to participate in political agency. But a justification for democracy grounded on the value of equal participation, by definition, does not justify systems based on unequal influence like Mill's PV.

As a side speculation, this does not mean that democracy is always the best decision system. Purely technical and scientific issues, like the limits of drilling concessions or climate change, should be resolved by experts, without wasting public resources to democratically deliberate over matters on which the threshold of minimum competence required by CJT is unlikely to be reached. A more promising way to conciliate epistemic and democratic values could be to delineate the respective spheres of competence and identify the right contexts of applications of different decision-making procedures, rather than looking for the perfect blend in a single voting system.

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