

# PUBLIC EQUALITY, DEMOCRACY AND JUSTICE

**Ivan Mladenović**

Faculty of Philosophy  
University of Belgrade  
E-mail: ivanmladenovic11@gmail.com

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**Summary** This paper examines the principle of public equality which, according to the view Thomas Christiano defends in his book *The Constitution of Equality: Democratic Authority and Its Limits*, is of central importance for social justice and democracy. Christiano also holds that the authority of democracy, and its limits, are grounded in this principle. Christiano's democratic theory can be, broadly speaking, divided in two parts. The first part deals with the derivation and justification of the principle of public equality. The second part argues why and how the authority of democracy, and its limits, are based on this principle. This article will deal only with the first part of Christiano's theory. While I believe that the second part is crucially important for Christiano's democratic theory, I think that before examining the role of the principle of public equality, it is necessary to examine its nature. For that reason, this paper deals primarily with the nature of the principle of public equality as the requirement of social justice and the basis for the justification of democracy.\*

**Keywords** public equality, justice, democracy, institutions, interpersonal relations

## Introduction

This paper examines the principle of public equality which, according to

Thomas Christiano's view, defended in his book *The Constitution of Equality: Democratic Authority and Its Limits*, is of central importance for social justice and democracy. Christiano also holds that the authority of democracy, and its limits, are grounded in this principle. Christiano's democratic theory can be, broadly speaking, divided in two parts. The first part deals with the derivation and justification of the principle of public equality. The second part argues why and how the authority of democracy,

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and its limits, are based on this principle. This article will deal only with the first part of Christiano's theory. I believe that the second part is crucially important for Christiano's democratic theory. Still, I think that before examining the role of the principle of public equality, it is necessary to examine its nature. For that reason, this paper primarily deals with the nature of the principle of public equality as the requirement of social justice and the basis for the justification of democracy.

The first part of Christiano's theory consists of three steps. The first step is to demonstrate that social justice and its requirement of equality are grounded in the dignity of persons. The second step is grounding democracy in the principle of public equality as the requirement of social justice. The third step shows why democracy is the public realization of equality. Accordingly, the article is structured as follows. In the first section, I present Christiano's view of persons as authorities in the realm of value, as well as the argument that shows how the dignity of persons grounds the requirement that in order to have justice, the well-being of every person must be advanced equally. In the second section, I show how Christiano derives the principle of public equality and how that principle contributes to the intrinsic fairness of democracy. In the third section, I explore Christiano's main argument for the justification of democracy.

### **From the Dignity of Persons to Social Justice**

Christiano maintains that social justice is grounded in the dignity of persons. I will formalize his argument in the following way:

1. Human persons are authorities in the realm of value.
2. Being an authority in the realm of value is valuable.
3. (from 1 and 2) Therefore, human persons are valuable.
4. Everyone holding authority in the realm of value has a special status and is owed dignity.
5. (from 1 and 4) Therefore, human person is owed dignity.
6. Everyone having the capacity of being the authority in the realm of value has equal moral status.
7. Every human person has the capacity to be the authority in the realm of value.
8. (from 6 and 7) Therefore, every human person has equal moral status.
9. The well-being of a person is the happy exercise of the distinctive authority in the realm of value.
10. The requirement of justice is that relevantly like cases should be treated alike and relevantly unlike cases unlike (the generic principle of justice).
11. There are no relevant differences among persons.
12. (from 8, 9, 10, and 11) Therefore, the requirement of justice is that the well-being of every person is advanced equally.

What this complex argument shows is that the dignity of persons implies equality as the requirement of justice. In what follows I briefly examine Christiano's explanation for each of the premises. I first focus on the premises of 1–4, which establish human dignity. I then pay special attention to the premises of 8–11, establishing equality as one of the fundamental principles of justice. Given that I am primarily interested in public equality, which is derived from this prin-

ciple, in this section I do not question any of these premises. But, before focusing on the principle of public equality, we should first examine how the principle was derived.

Premise 1 claims that human persons are authorities in the realm of value. This premise in fact provides the answer to the question what differs humans from other living beings. Contrary to other beings, humans have the capacity to recognize values and organize their lives in keeping with certain values. In addition, humans are capable of creating values. Therefore, we act as authorities in the realm of value whenever we admire a beautiful landscape, or choose to act morally, or when we create a work of art. Christiano argues that a distinctive capacity of humans is that they can appreciate and create not just any, but what he calls the intrinsic values. Given that humans are uniquely capable of being authorities in the realm of a value, it is natural to think of this very capacity as valuable, as is argued in premise 2. Or as Christiano puts it, “there is an intrinsic value in the recognition and appreciation of the intrinsic value as well as in the self-conscious production or creation of value” (Christiano, 2008: 15). From the first two premises it can be concluded that the human persons must be considered as valuable.<sup>1</sup>

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<sup>1</sup> For Kantian derivation of the same conclusion, see Korsgaard, 1996: 123. Christiano’s relationship to Kant’s doctrine of humanity is twofold. On this, he says as follows: “The notion of humanity I sketch here owes much to Immanuel Kant’s conception of humanity in his *Groundwork of the Metaphysics of Morals*... It is also quite different in that the value of humanity, in my view, connects human beings with the realm of value in the world and is not the ground of all value, as many Kantians would have it” (Christiano, 2008: 14).

Premise 4 says that those who are authorities in the realm of value hold a special status and their dignity must be recognized. Given that premise 1 establishes that persons are beings who can be authorities in the realm of value, this further means that they have a special status, and dignity is due to them. Since every person must be deemed valuable, their dignity means that no person may be sacrificed for the benefit of others. In other words, no person may be used as a mere means to achieve another persons’ values. Although the equal treatment of persons on account of their dignity is a principle characteristic to utilitarianism, Christiano holds that his view of the dignity of persons, stemming from their authority in the realm of value, avoids usual objections to utilitarianism. The initial treatment of all persons as equal, because of the utilitarian calculus of the greatest happiness of the greatest number, might lead to arguing that it is justified to sacrifice some persons for the good of others. Christiano holds that this runs counter to the fact that human persons hold a special status and that dignity is owed to them. His view of human dignity blocks these utilitarian conclusions. The argument so far has demonstrated that premises 1–4 establish the dignity of the persons. We should now look at how equality as the requirement of social justice is derived from the assumption of the dignity of persons.

The argument so far has established that the human persons, as the authorities in the realm of value, hold a special status, and that therefore dignity is due to them. Premise 6 is a general claim that anyone who has the capacity to be the authority in the realm of value must not only hold a special status, but an equal moral status as well. In order to conclude

that all human persons hold the same moral status, it is necessary to accept premise 7, which says that all human persons have the capacity to be authorities in the realm of value. But this claim is far more controversial than all the above claims. Christiano clearly recognizes this and proceeds to offer several responses to the possible objection that the unequal capacity to be the authority in the realm of value entails an inequality of moral status. For example, a person who is an important artist, and whose skills and abilities bring forth valuable works of art, can be considered a higher authority in the realm of value than someone not interested in art, or simply not engaged in it. If the capacities to be the authority in the realm of value differ, does that mean that human persons can be attributed an unequal moral status? Despite the fact that Christiano does not provide a decisive argument to refute this claim, he contends that the value of treating all persons as authorities in the realm of value by far exceeds any value that a person can create. Therefore, any treatment of people which does not assume their equal moral status would not be justified. Given premise 7, we arrive from the special status of human persons to their equal moral status.

Recall that the main objective of Christiano's argument is to demonstrate how equality, as the requirement of justice, is derived from the dignity of persons. Here premise 9 is crucially important since the well-being of every person is something on which the conception of justice operates. This premise is in fact Christiano's definition of well-being, which reads, "the well-being of a person is, broadly speaking, the happy exercise of the distinctive authority of persons" (Christiano, 2008: 18). Why is it essential for well-being that the persons are

not just authorities in the realm of value, but that they happily exercise this authority? Let us imagine a person who acts according to the moral values, but does so under coercion rather than of their own choice. Christiano argues that, despite the fact that this person can be said to be doing what is good, it cannot be claimed that their behavior is conducive to their well-being. Hence, Christiano's concept of well-being contains two components: it must reflect the idea of good as perceived by each person individually, and the exercise of this idea of good must be conducive to the flourishing of that person (Christiano, 2008: 19). Only if these two conditions have been met we say that a person is happily exercising her authority in the realm of value. But for someone to be able to happily exercise their authority in the realm of value it is necessary that they have this capacity. For this reason, the dignity of a person is at the core of Christiano's view of well-being.

Premise 10 introduces the well-known requirement of justice that one ought to treat relevantly like cases alike and relevantly unlike cases unlike. Christiano calls this requirement the generic principle of justice. He explores it against the background of another requirement of justice, that everyone is due what is appropriate to them. Christiano calls this the principle of propriety. Although this principle resembles the conception of justice grounded on the principle of desert, Christiano thinks that the principle of propriety is far more abstract and general in character than the principle of desert. The basic idea behind the principle of propriety and the generic principle of justice is that once we know what it is due to human beings, we can also tell what justice, concerning the treatment of human beings, requires.

Since we already established that dignity is due to every person, the principle of propriety says that this is also the requirement of justice. And the generic principle of justice, which includes the principle of propriety, establishes that justice requires that all persons who are due their dignity must be treated equally. This merely redefines the basic requirements related to the dignity of a person in terms of justice. But the requirements of justice go even further. Persons are due their dignity because they are the authorities in the realm of value. However, they must also happily exercise their authority, and this is at the core of well-being. If that is so, then the principle of propriety requires that persons are due the advancement of their well-being. But given that this principle does not establish how much well-being every person is due, the generic principle of justice may provide the solution.

If any relevant differences between persons existed, then the generic principle of justice would require a differential treatment. For that reason, premise 11 establishes that there is no relevant difference among persons. Yet, recalling the fact that differences between persons may stem from their differing productive talents, Christiano suggests to limit the argument outlined in premise 11 to persons in pre-adult age, when the differences in productive talents are still not evident. However, such understanding of premise 11 appears to be significantly more controversial, since it relies on an arbitrary domain restriction. But even with such a restriction, it is not certain that what is said by premise 11 can be granted. Take for example a gifted violin player, who at the age of five achieves world fame and accumulates wealth. So relevant differences between persons on the grounds of their unique capacities

can arise before their coming of age. Since my main objective in this section is not to criticize but rather to reconstruct Christiano's argument, I will accept the validity of premise 11 as well.

Premises 8–11 establish the conclusion that justice demands the well-being of each person be equally advanced. Given that Premises 8–10 are grounded in the dignity of persons, and that premise 11 only further accentuates the equal moral status of persons, it means that the argument establishes how equality as a requirement of justice is derived from the dignity of persons. To see why that is so, we can assume that the well-being of those who are better off should be advanced to a greater extent than the interests of those who are worse off. This would imply some sort of differential treatment because of the relevant differences. But such a differential treatment is excluded by premise 11. If there are no relevant differences among persons, then their equal moral status as argued in premise 8 is the only thing that counts. This means that the generic principle of justice (premise 10) provides for the equal treatment of all human persons. In addition, well-being is crucially important to both the good of the persons and to their individual flourishing (premise 9). We have seen that the generic principle of justice includes the principle of propriety, which assumes that persons are due the advancement of their well-being. Since only the equal moral status of persons is to be taken into account, the generic principle of justice requires the equal treatment of all persons, which means that justice requires that the well-being of all persons should be advanced equally. So the principle of equality, as a fundamental requirement of social justice, is derived from the dignity of persons.

## From Social Justice to Democracy

This section addresses two issues. The first is how social justice grounds democracy. We have seen that justice requires the principle of equality, i.e., that the well-being of every person is advanced equally. The second issue is how to arrive from the abstract principle of equality to public equality and the public realization of equality. In other words, I will examine the transition from the abstract principle of justice to the public realization of equality in decision-making procedures. If it can be demonstrated that the principle of equality is realized in democratic institutions, then it would mean that the democratic procedures themselves are intrinsically just. Are democratic institutions justified because of their intrinsic fairness? Once we answer this question, it is possible to answer the question of what constitutes the basis and the limits of democratic authority. Christiano argues that the answer to all these questions is grounded in the principle of public equality.

Before discussing the principle of public equality, we should first see what Christiano means by social justice. His definition of social justice is as follows: "By 'social justice' I mean the justice of institutions and interactions among persons. Social justice is the attempt to realize the highly impersonal and abstract conception of justice as equality in the institutions and interactions among persons" (Christiano, 2008: 47). In contrast to the theorists who apply the requirements of justice exclusively to institutions and the fundamental structure of society, Christiano holds that they should equally apply to interpersonal relations. In this section I raise an objection to Christiano's view that public equality

can be equally applied in both cases. To be more precise, I will argue that in interpersonal relations, justice can be realized despite the violation of the principle of public equality. It is noteworthy that I will not question the functioning of the principle of public equality in the institutional context. Another remark before we proceed to the principle of public equality. Since Christiano interchangeably uses the terms well-being and interest, in this section I will refer to the abstract principle of equality in the form that is commonly used in contemporary democratic theory – the equal advancement of each person's interests.

The main characteristic of public equality is that it is not enough that justice is done, it must be seen to be done.<sup>2</sup> Christiano maintains that public equality is a weak public principle (Christiano, 2008: 47). In other words, it is not necessary that each person actually realizes that they are being treated as equals, but that, in principle, they can realize that they are being treated as equals. In addition, it should be noted that public equality does not require that all persons publicly accept the same conception of justice which applies to basic institutions as in Rawls' theory. Christiano suggests that it is very likely that due to background conditions that are typical of democracy (which will be discussed in a moment) disagreement on various principles and conceptions of justice can be expected. However, each person can recognize that in order to equally advance her interests, a public decision-making procedure is needed that treats all persons as equals. Despite their mutual disagreement on the conceptions

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<sup>2</sup> For Christiano's use of this maxim in the context of public equality, see Christiano, 2008: 8, 47, 56.

of justice and its grounding principles, any person can recognize the necessity of the principle of public equality. Therefore, public equality is necessary for social justice. In the previous section we saw that the basic requirement of justice is that the interests of all persons are equally advanced. The principle of public equality suggests that social justice requires that this be done in a public way.

Christiano gives the following example to illustrate the workings of the principle of public equality (Christiano, 2008: 49). Imagine a situation where a person owing money to another person pays this amount directly to the bank account of the creditor on the agreed day, without informing the creditor about it. Say that, due to the numerous financial transactions the creditor had that day, he was not able to see that the debt had been paid. The creditor calls the person who owes the money by telephone to discuss the settlement, but the debtor says that the debt had already been settled. Now imagine an alternative scenario that on the agreed day they meet in person and money is handed over directly. Christiano believes that this example does not question whether justice was done in the first case. However, the first case points to a deficiency in the execution of justice. Although justice was done, there is a certain deficiency in terms of justice because it was not done in a public and obvious way as in the second case. Let us consider another example that illustrates the importance of the principle of publicity for justice. Let us imagine that a verdict is delivered to a person for an offense that the person had committed, but under the circumstances cannot recall. And also that their sentence was passed in a trial which proceeded in secret, in the absence of that

person, which means that the accused did not have access to the evidence employed to pass the verdict. Although this is an imaginary scenario, it sufficiently indicates that the principle of publicity is of critical importance for criminal justice. Just as it was in the first example, despite the fact that justice was done, it had not been effected in an obvious way, which also points to a deficiency in regards to justice. That is precisely why the principle of public equality is important for social justice. The principle of public equality is required so that each person can clearly see that she is treated fairly. Although both examples illustrate the importance of public equality, that it is not enough that justice is done, but it must also be seen to be done, they differ in that the first relates to the justice in interpersonal relations and the other to justice in the workings of institutions. We have seen that Christiano holds that social justice with its requirement of equal treatment applies both to institutions and to interpersonal relations. This means that the principle of public equality which is necessary for social justice equally applies to both cases.

The main argument for public equality is grounded in what Christiano calls the background facts about judgment and on the fundamental interests of persons. Let us first consider the background facts about judgment. Christiano argues that in any complex society operating on a democratic basis, four facts relating to individual judgment can be seen. These are the facts of diversity, disagreement, infallibility and cognitive bias (Christiano, 2008: 4, 56). Since these judgments may relate to very different things, I will focus only on those that relate to interests for the sake of simplicity. Different people tend to have different interests, which means that their

judgments would be geared by such conceptions of justice which guarantee the protection of their interests. In an effort to protect their own interests, people may be in disagreement as to which conception of justice is the most appropriate for their society. In addition, it is easily imaginable that a person can have mistaken judgments about the interests of other people whom they do not know and who are distant to them, but they can also have mistaken judgments in regards to their own interests. And finally, another fact about human beings is that they are biased in favor of their own interests. As a result, in the formulation of a conception of the common good, whether consciously or unconsciously, a personal conception of good may be favored.

Having in mind these four background facts about judgment, Christiano thinks that people have three fundamental interests that should be protected (Christiano, 2008: 4, 56). Although Christiano does not explicitly say so, we could add here that the main point of this part of the argument is that there are actually two kinds of interests, the fundamental and the everyday interests, and also that fundamental interests have priority over everyday interests. In other words, despite the fact that their everyday interests may be different, and often conflicting, all people have certain common fundamental interests that they want to protect. Christiano lists three types of such fundamental interests. First, each person has a fundamental interest in the correcting cognitive biases of others. Protection of this fundamental interest implies that no judgment can be simply imposed on other people, because it is very likely that it would not reflect the conception of justice that they embrace, and could thus ignore their interests. Each person must therefore be able to

present their own judgment on what is in their best interest, and thus be able to correct any erroneous judgment on the part of others. Also, if the person is unable to stand up for themselves it is likely that their interests will simply be overlooked. Second, every person has a fundamental interest in being at home in the world. In other words, it is difficult to say that a person would be able to enjoy any well-being, if she does not see the sense in her environment and is unable to achieve her own well-being and life plans. Third, every person has a fundamental interest to be treated in accordance with the same moral status. If a person is denied the opportunity to express their point of view, then it means that this person is not treated as having equal moral status, which represents a significant loss in terms of their dignity and self-respect.

All three fundamental interests point to the necessity of the principle of public equality in order for persons to be treated in accordance with the requirement of justice which says that the interest of every person must be advanced equally. Christiano makes this point by saying that, "if the facts of cognitive bias, at-homeness, and standing are taken into account by citizens, it should be clear that those adult persons who are denied the right of being able to see that they are being treated as equals are having their interests set back for the sake of the interests of the dominant group. They are being treated as inferiors and being told that their interests are not worthy of equal or perhaps any consideration of justice. This is a disastrous loss of moral standing. Since there is a deep interest in having one's moral standing among one's fellows clearly recognized and affirmed, such a denial of the right to publicity must be a serious setback of interests" (Christiano, 2008: 63).

So the main argument for the principle of public equality is based on the principle of justice which requires the equal advancement of the interests of each person, the background facts about judgment and the fundamental interests of persons. If we start from the background facts about judgment, which point to diversity, disagreement, fallibility and cognitive bias, we can see the principle of advancing the interests of each person equally in its full significance (here the principle applies to what I called everyday interests). If social justice was not based on this principle, it would mean that a certain conception of the good could be simply imposed on other people, by overlooking their interests, despite their disagreement, and despite the fact that the conception of the good could be based on erroneous and biased judgments. But as we have seen, this abstract requirement of equality is not sufficient. Therefore, the fundamental interests of correcting cognitive bias, the interest of at-homeness, and of having equal moral status, require that the (everyday) interests of all people are advanced equally in a public way. Each person must be able to see that her judgment is taken into consideration in the process of decision-making, that she is not excluded from the society in which she lives and that she is not denied any right which would prevent this kind of political participation. Therefore, social justice requires that every point of view must be equally taken into account, and that all people should see that this is so. This is why the principle of public equality is necessary for social justice. Christiano points out that, “when we try to implement equality in our social relations and institutions, we must implement public equality” (Christiano, 2008: 73).

However, this conclusion may be questioned, at least when it is related to an interpersonal case. To see why this is so, I will invoke an example formulated by de Lazari-Radek and Singer in order to defend their consequentialist conception of “esoteric morality” (de Lazari-Radek and Singer, 2010: 37-38) My intention in invoking this example is not to defend consequentialism, or “esoteric morality,” but only to point out why implementing public equality is not necessary for implementing equality in interpersonal relations. Let us imagine that a person believes that equality is best realized if each person set aside a part of their income, that is not necessary to satisfy their basic needs, and donated it to Oxfam or a similar organization in order to help the extremely poor people in underdeveloped countries. However, having given it more thought, the person realizes that such a request could be counterproductive and distance people from advancing justice. Therefore, the same person may decide that a more reasonable request would be to publicly encourage people to set aside a smaller portion of their income, say 10%, to help the extremely poor, even if that person had acted in accordance with what she thinks is the best, and had set aside a significantly larger amount. That person could also continue to publicly advocate 10%, while in her private relations with persons who share similar beliefs, she could defend the best conception, which involves donating much more of their income. This example shows that the advancement of equality can be achieved even by violating the principles of public equality in interpersonal relations, but that would mean that the principle of public equality, at least in interpersonal relations, is not necessary for social justice. Therefore Christiano’s thesis that

social justice applies equally in both cases, encounters the following dilemma: either we should reject the view that the principle of public equality applies both to institutions and interpersonal relations, or we should offer another argument which shows that the principle of public equality is necessary in interpersonal relations.

However, this criticism applies only to the interpersonal case, while the realization of the principle of public equality in public institutions is left untouched. Now I will explain how this principle is applied to democratic institutions. So far, the argument has established how the principle of public equality is derived from the abstract principle of equality as the requirement of justice. The example citing the trial held in secret illustrates the importance of publicity in decision-making procedures in the institutional context, and why it is important that each person can see that they are being treated fairly. Given that democratic decision-making procedures take into account the interests of each person equally and given the publicity of the democratic process, we see how democracy is grounded in social justice.<sup>3</sup> The principle of public equality grounds democratic decision-making. For that reason, Christiano says that democracy can be seen as the public realization of equality (Christiano, 2008: 71). For the same reason, we can say that democratic decision-making procedures are intrinsically just to the extent that equality is

realized in a public way.<sup>4</sup> This, however, does not mean that to answer the question about the authority of democracy and the limits of that authority, it would be enough to take into account only the intrinsic fairness of democratic decision-making procedures (it is necessary, for example, to take into account certain liberal rights and freedoms). But the establishment of an intrinsic fairness of decision-making procedures is an important step along the way. Social justice requires that all points of view are equally taken into account in accordance with the principle of public equality, and by realizing that requirement, democracy realizes equality in a public way. That is how social justice grounds democracy.

### Democracy and Public Equality

Christiano's justification of democracy relies on the contractualist device of hypothetical consent. When deciding on what justice requires of them and how the fundamental institutions of society should be set up, persons should take what Christiano calls the egalitarian standpoint. The main features of the egalitarian standpoint are the following: each person's interests are taken equally into account, we should realize what equality demands, and we should do so by taking into account the facts of judgment and fundamental interests of individuals (Christiano, 2008: 69–70). Christiano thinks that, from this standpoint, all persons can see that equality requires the principle of public equality, and that the only justified institutions are those that publicly realize equality. Since the democratic decision-making

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<sup>3</sup> Someone might have noticed that, given the secret ballot, democratic elections are a mixture of publicity and secrecy. For that reason, we consider it important to take into account Elster's point that "the very publicity of the voting process makes the secret vote possible" (Elster, 2013: 8).

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<sup>4</sup> For Christiano's views on the intrinsic fairness and the intrinsic value of democratic procedures, see Christiano, 2008: 3, 71, 75, 76, 87, 88, 96, 102.

procedure can be seen as a public realization of equality, it follows that democracy is justified from the egalitarian standpoint. Still, Christiano's justification of democracy from the egalitarian standpoint is twofold. On the one hand, democracy can be justified instrumentally, as a sort of standard or an end state, which the institutions should seek to advance. Christiano maintains that, in addition to democracy, we can achieve agreement in the egalitarian standpoint on some basic liberal rights and an economic minimum. On the other hand, democracy can be justified intrinsically, because all persons would be able to see, from the egalitarian standpoint, that if justice requires taking into account the interests of all people equally, the best they can do when the facts of judgment and fundamental interests are acknowledged is consent to those institutions which advance the interests of all persons equally in a public way. Given that the realization of public equality is the main characteristic of democratic institutions, they are intrinsically justified from the egalitarian standpoint. We can now move on to Christiano's main argument for democracy.

Here is Christiano's basic argument for democracy in its developed form: "The idea is that we share a common world in which we wish to establish justice and advance the common good. Since we have roughly equal stakes in this common world justice demands that our interests be advanced equally within it. And social justice demands that we realize equality in accordance with a publicly clear measure so that justice may be seen to be done. But we must do this in the context of pervasive disagreement among persons over how to establish justice and the common good and the facts of diversity, cognitive bias,

and fallibility of persons. And each has fundamental interests in advancing his or her judgment in this context. When these facts and interests are acknowledged we see that the only way to advance the interests of persons equally in a way that each can plausibly see to be treating him or her as an equal is to give each an equal say (within a limited scope) over how the common world is to be shaped. So democracy is a realization of public equality in collective decision-making" (Christiano, 2008: 95).

I will explain this complex argument for democracy in two steps. The first step assumes that persons share what Christiano calls the common world. The main feature of the common world is the interdependence of fundamental interests of all persons inhabiting it. Christiano views the common world largely as the interdependence of the fundamental interests within a state. The state forms the backbone of the rule of law and of providing public goods such as an environmental protection, a common system of education, etc. This does not mean that the processes unfolding globally do not affect the fundamental interests of persons, but Christiano thinks that they are not interdependent at the global level in the same way they are within a state. It is only in such a common world that interdependence implies that everyone's interests have equal stake. Since everyone has the equal stake in the common world, we see why justice requires that the interest of each person must be equally advanced. However, taking into account the facts of judgment, disagreements on the interpretation of this requirement of justice can be expected. On the one hand, we have the requirement that the common world should be arranged according to justice, while on the other, there is disagreement as to which

conception of justice is best suited for the common world. Given that the common world is a non-divisible good, from the egalitarian standpoint we can realize that the resources for collective decision-making on how to shape a common world can be distributed equally. So the principle of public equality, adopted from the egalitarian standpoint, requires the equal right to vote and equal opportunity to participate in public deliberation. Christiano also adds to this the equal right to be elected, and the somewhat controversial requirement of the equal distribution of resources for bargaining (Christiano, 2008: 85, 95).

The second step contains the argument for the intrinsic fairness of democracy that was discussed in the previous section. It is now further elaborated by invoking the egalitarian standpoint and some of the basic features of democratic procedures. From the egalitarian standpoint, a person can see that, taking into account the facts about judgment, which include diversity, disagreement, fallibility and cognitive bias, public equality is necessary for the advancement of the interests of all persons equally. From the same perspective, we can see that the fundamental interests of persons (that cognitive biases must be corrected, at-homeness and to have the same moral status) are disturbed if the procedures of political decision-making deprives a person or a group of persons of the possibility of equal participation. Given that fundamental interests would have to be protected and that the egalitarian standpoint requires the principle of public equality, which could be realized by the equal distribution of votes and of the opportunities for deliberation, it follows from the egalitarian standpoint that it is justified for each person to have an equal say in the process of collective deci-

sion-making. Therefore, democracy is the public realization of equality. Thus we arrive at the conclusion of Christiano's main argument for democracy.

In addition, Christiano says that democracy is a unique public realization of equality. The problem is that there is an ambiguity concerning this claim. According to one interpretation, the procedure of democratic decision-making is a unique realization of public equality because it is different from the other types of political decision-making.<sup>5</sup> According to another interpretation, democracy as the unique realization of public equality means that only democracy is instrumental to realizing the principle of justice, which requires that the interests of each person be advanced equally. The latter interpretation is implied in Christiano's claim, "that the equality involved in democratic decision-making is the uniquely public realization of the equal advancement of interests when the background facts of judgment and the interests in judgment are taken into account" (Christiano, 2008: 78). I think that the bulk of evidence indicates that the first interpretation of the uniqueness thesis is correct. However, there is evidence that suggests a different interpretation. And if the latter interpretation of the uniqueness thesis is correct, it could be opposed with a whole range of counterexamples.

It seems to me that some of Christiano's critics understand his uniqueness thesis according to the second interpretation. Thus Estlund says as follows: "It is not clear to me that a proposal of extra votes for the educated couldn't be made in a way that reflects and conveys equal

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<sup>5</sup> For Christiano's claims that support this interpretation see, Christiano, 2008: 75, 76, 96, 101.

regard for everyone's interests. The proposal is to empower the people who would be best suited to ascertain which laws and policies would treat people's interests equally. The suspicion that this is unlikely to succeed is different from the charge, upon which Christiano's objection to the arrangement would seem to depend, that it is biased against certain people's interests" (Estlund, 2009: 245). Arneson argues in a similar vein: "In the argument from publicity to the claim that democracy is intrinsically just, the fact that society is democratic evidently conveys a message to members of society. Democratic governance procedures are used to signal the commitment of society to the principle of equal consideration. But messages can be communicated in various ways. Why suppose that the only effective way to convey a commitment to justice is through instituting and maintaining democracy? If autocracy is chosen on the ground that it leads to morally superior results, and this surmise is correct, then over time autocracy will produce justice, or at least more justice than would be obtainable under any other type of political regime. What could manifest a commitment to doing justice more obviously and credibly than actually doing justice over time? We are not talking here about private acts performed in people's bedrooms, we are talking about the public policies pursued by a government and the changes over time in its institutions, social norms and practices" (Arneson, 2004: 57). The gist of these arguments is certainly not to defend the conception of plural voting, or any kind of autocratic regime, but to formulate counterexamples for Christiano's thesis that democracy is the unique way for the public realization of equality. Evidently, both authors understand this thesis according

to the second interpretation because they view the principle of justice as requiring an equal consideration of interests as independent from democratic decision-making procedures. I think that, if the second interpretation is correct, it is possible to construe an even stronger counterargument on the grounds of the above criticisms. It is possible to imagine a series of similar examples, which suggests that public equality is multiply realized. If that is so, then it is possible to formulate a wild disjunction of different realizations of public equality. And this wild disjunction undermines the thesis of the unique realization of public equality. This argument holds only if we assume that the second interpretation is correct. But as I already stressed, I maintain a reservation as to the correct interpretation of the uniqueness thesis.

## Conclusion

This article dealt with the part of Christiano's democratic theory that points to the fundamental importance of the principle of public equality for the justification of democracy. I have demonstrated how the principle of equality is derived from the conception of the dignity of persons, and how the principle of public equality is derived from the principle of equality. I explained why Christiano thinks public equality is a requirement of social justice. I also accentuated his view that this requirement of social justice applies equally to institutions and to interpersonal relations. Accordingly, I pointed out the problem of applying the principle of public equality in an interpersonal case. This paper also discussed Christiano's grounding of democracy in the principle of public equality. In that regard, I paid particularly attention to

Christiano's main argument which shows that democracy is the public realization of equality. I also examined his addition-

al thesis that democracy is a unique realization of public equality, and expressed some doubts concerning this thesis.

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## Javna jednakost, demokracija i pravednost

**SAŽETAK** Ovaj članak propituje načelo javne jednakosti koje je, prema poziciji koju brani Thomas Christiano u svojoj knjizi *The Constitution of Equality: Democratic Authority and Its Limits*, od središnje važnosti za društvenu pravednost i demokraciju. Christiano također smatra da je autoritet demokracije, kao i njegove granice, utemeljen u tom načelu. Christianova demokratska teorija može se, općenito govoreći, podijeliti u dva dijela. Prvi dio bavi se izvodom i opravdanjem načela javne jednakosti. Drugi dio pojašnjava zašto i na koji način su autoritet demokracije i određivanje njegovih granice utemeljeni na tom načelu. Ovaj se članak bavi samo s prvim dijelom Christianove teorije. Iako je i drugi dio važan za Christianovu demokratsku teoriju, prije nego propitamo ulogu koju igra načelo javne jednakosti, bitno je propitati njegovu prirodu. Stoga, ovaj se članak primarno bavi s prirodom načela javne jednakosti kao preduvjeta socijalne pravednosti i temelja opravdanja demokracije.

**KLJUČNE RIJEČI** javna jednakost, pravednost, demokracija, institucije, interpersonalni odnosi