

One Person, One Vote

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‘One person, one vote’ (OPOV) is an important slogan in democratic movements. It undergirds a landmark series of cases in US constitutional law. And it is a widely accepted axiom of democratic theory in political philosophy and political science. “Political philosophers today,” writes Claudio López-Guerra, “believe there is no alternative to the ‘one person, one vote’ system that is morally acceptable” (2014: 17); Niko Kolodny goes further in writing that OPOV “is, like the injustice of chattel slavery, a ‘fixed point’” (2023: 291). This is a rare distinction for any ideal. For all the ink spilt on, say, Rawls’ Difference Principle, no one printed it on the placards of decolonial and anti-Apartheid protests; it never plays a role in any US Supreme Court decisions; and none of its defenders would say that denying it is akin to accepting slavery.

Of course, not everyone agrees that OPOV is sacrosanct. Some explicitly reject it; some countenance democratically permissible deviations from OPOV. But my core concern does not lie with whether we should side with its proponents or critics. My concern is simpler: What does ‘OPOV’ mean? What is the content of this principle?

You might assume that when a principle is deemed this important for democratic theory and practice, little doubt will remain about its meaning. But OPOV is remarkably hard to pin down. Many leave OPOV undefined, or gloss it unhelpfully as requiring “an equal say” or “an equal vote”. Thankfully, others define OPOV. The trouble is that they do so differently—most often in terms of *anonymity*, *equal shares*, *equal voting weight*, or *equal voting power*. These four accounts are highly dissimilar. Yet little is said about why any one of them should be preferred to its rivals. So when it comes to defining the widely discussed principle of OPOV, there is, somehow, dissensus without debate.

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My main goal is to catalyze that debate. Put otherwise, my goal is to convince you that an urgent problem in democratic theory is to determine what it should mean to have “an equal say” or “an equal vote”. This is a difficult problem because current accounts of OPOV should all be rejected. My core argument for this is straightforward. Any account of OPOV must identify a formal, procedural condition of political equality, and one which explains why certain practices—plural voting and vote dilution—are inegalitarian (§I). But no current account does that. None identifies a formal, procedural condition of political equality that explains why those practices are inegalitarian (§II-V).

An upshot of this discussion will be that the most promising accounts of OPOV aren’t demanding enough. So a subsidiary goal of this paper is to suggest that OPOV, properly understood, may be far more demanding than is widely supposed. If OPOV is to explain why plural voting and vote dilution are inegalitarian, then there is serious pressure to accept that all district-based systems—including, e.g., the US House of Representatives and Senate—violate OPOV. Does that make OPOV too demanding? I won’t offer any arguments either way, but I’m inclined to think it doesn’t. Formal political equality is often contrasted with its more radical sibling, informal political equality (e.g., cf. Kolodny 2023: ch. 29 and 31). But even formal political equality, I think, just turns out to have radical implications for current political structures.

I—SETTING THE STAGE

The central issue of this project can be described quite simply. Take any account that says $OPOV = X$. Can there be violations of X that do not violate OPOV? And can there be violations of OPOV that do not violate X ? If either answer is ‘yes’, $OPOV \neq X$. But if we leave things at this level of abstraction, the project is unmoored. We need to get OPOV into focus to evaluate substantive accounts of the principle.

One way to get OPOV into focus is to see how it is glossed in academic work. Here’s a representative example from Daniel Felsenthal and Moshé Machover (1998: 63):

A widely accepted principle, regarded as necessary for ensuring fairness of the decision-making process, is expressed by the catch-phrase ‘one person, one vote’ (abbreviated ‘OPOV’). This means that suffrage ought to be not only universal, but also equal: one citizen’s vote ought to be worth as much as another’s.

Another way to get the principle into focus is to see how it has been used. OPOV has prominently featured in condemnations of three kinds of undemocratic practices. I'll offer a brief illustration of each, though the second and third will be my main focus.

For simplicity, imagine that you are one of 25 adults shipwrecked on an island. You need to collectively decide between options (call them 'Red' and 'Blue'), and do so by a majority vote. Here's one way this process could be unfair and unequal.

EXCLUSION Only the men may vote.

This is an example of *disenfranchisement*: some who should have a right to vote are denied it. Many movements adopted some form of 'OPOV' as a slogan in opposition to practices like EXCLUSION, such as poll taxes that barred the poor from voting. Before the suffragettes, the slogan was usually gendered ("one man, one vote").

As Felsenthal and Machover noted, OPOV is meant to mean that "suffrage ought to be not only universal, but also equal". How could it be universal but unequal? Consider:

DOUBLE-COUNTING Each woman may vote once; each man may vote twice.

This is an example of *plural voting*: some can cast one ballot, but others can cast two or more. In *Considerations on Representative Government*, John Stuart Mill defended plural voting for the educated—the *hoi polloi* get one vote; the wise get two.¹ Plural voting was also practiced in the UK for 350 years until the passage of the *Representation of the People Act 1948*.² Both as a philosophical proposal and as a political practice, opposition to plural voting has centered on the claim that it violates OPOV.³

There is another way that suffrage could be universal but unequal. Suppose your group divides voters into districts. An option that wins the most votes in a district wins that district. An option that wins the most districts wins overall. Now compare:

¹ For references and the interpretative puzzle these passages from Mill pose, see Miller (2003).

² Until that reform, in the same general election every voter could cast one ballot in a constituency based on their residence but the educated and wealthy could cast additional ballots in other constituencies due to being associated with universities, being part of various occupations, or owning property.

³ On the UK practice, see Goss (2017: 1010), who goes on to discuss forms of plural voting in Australia.

DISTRICTS	Each district has five voters.
DILUTION	There are four districts with three voters and one with 13.

If it helps, we can imagine that in DISTRICTS voters are randomly allocated to districts, but DILUTION involves gender discrimination: the island apportions its 12 men into the four smaller districts and 13 women into one larger district. This detail is not essential to the crucial point,⁴ which is that DILUTION, in contrast to DISTRICTS, involves *vote dilution*. The most infamous form of vote dilution is malapportionment: when some live in legislative districts with more people per representative. In 1961, the Alabama state assembly had a predominantly Black district in Jefferson County with 41 times as many eligible voters as another district in the state; each elected a single representative. This was far from the most egregious example of malapportionment at the time, but it was the factual basis for the most important US Supreme Court decision on the issue, *Reynolds v Sims* 377 U.S. 533 (1964), which held that malapportionment violated OPOV, in a way that is “identical” to how plural voting violates OPOV.⁵ Chief Justice Warren regarded this decision as his highest achievement on the Warren Court.⁶ While malapportionment is often discussed in relation to such decisions (and the “extremely malapportioned” US Senate), it is not restricted to the US; indeed, it is rife globally.⁷

Now we can offer a more concrete characterization the central issue of this paper: What is the content of the principle that satisfies the description from Felsenthal and Machover and explains what is inegalitarian about the practices described above?

Let me put this more carefully in terms of two *desiderata* for an account of OPOV. First, an account of OPOV should identify a minimal, procedural condition for political equality. As Felsenthal and Machover said, OPOV is associated with votes being equal,

⁴ “Vote dilution” is used to refer to violations of minority *groups’* voting rights and to violations of *individuals’* voting rights, perhaps due to their group membership. But OPOV is an individualistic principle, so I set aside appeals to group rights here. This is despite Fishkin’s argument that OPOV must be a group right (2011). For a clear contrast between liberal arguments from individual rights and appeals to group rights, see van der Hout and McGann (2009: esp. 737–38, and references therein).

⁵ 377 U.S. 533 (1964) at 562-63.

⁶ See Levinson (2002: 1296). Notably, the Warren Court was responsible for some of the Court’s most celebrated decisions on racial segregation, criminal procedure, free speech, and privacy, among others.

⁷ Samuels and Snyder (2001: 658, *passim*).

which is necessary (but not sufficient) for the decision-making process to be fair.⁸ Many identify OPOV as a minimal, formal dimension of political equality.⁹ Many also treat rejecting OPOV as sufficient for rejecting any form of political egalitarianism.¹⁰ The first desideratum helps clarify the conditional: if there can be violations of X that do not violate OPOV, then OPOV \neq X. If some violations of X do not generate any (*prima facie*) objectionable political inequality, then X is not a good account of OPOV.

Second, an account of OPOV should have explanatory power. There are many trivially necessary conditions for a decision-making process to be fair and equal.¹¹ But OPOV is not meant to be trivial. It is meant to explain why practices like DOUBLE-COUNTING and DILUTION are inequalitarian and undemocratic. (Arguably, the meaning of OPOV is partly set by ostension—it is whatever principle does this explanatory work.¹²) Hence, we should accept that if such violations of OPOV do not violate X, then OPOV \neq X.

When many put forward conflicting accounts of a principle without saying anything about why one should be preferred, we lack a debate. Worse yet, we lack clear terms for a debate. So we need basic *desiderata* for accounts of OPOV to avoid talking at cross-purposes. These *desiderata* should not be controversial, and they're all I'll need here.

Two final points of stage-setting. The first concerns the status of OPOV. Chuck Beitz (1983: 71) notes that procedural equality is often ascribed “a special status”, making it “inappropriate to treat procedural equality merely as one among many considerations that must be balanced or compromised in the design of representative institutions.”¹³ To my mind, many who say they deny OPOV really just deny that it has this status. David Estlund, for example, regards OPOV as “an article of faith in contemporary

⁸ I won't make much of the distinction between fairness and political equality. See esp. Beitz (1989).

⁹ See, e.g., Saunders (2010: 150), Peter (2007: 373), Nagel (2012: 106).

¹⁰ This is how opposition to OPOV is typically cast, though see Brighthouse and Fleurbaey (2010).

¹¹ If it is necessary that $2+2=4$, then it is necessarily true that if a decision-making process is fair, $2+2=4$. But this trivial truth cannot explain why any specific decision-making process like DILUTION is unfair.

¹² See e.g. Walzer (1983: 305–6). Revisionary accounts of OPOV seem to presuppose this: e.g., Karlan (2005: 1334) says that “one person, one vote” is “really a majoritarian principle dressed in individual rights rhetoric.” (On related questions about such majoritarian principles, see Wodak (forthcoming-b).)

¹³ This seems to be presupposed by some who offer more revisionary accounts of OPOV. For example, Pamela Karlan (2005: 1334) says that “one person, one vote” is “really a majoritarian principle dressed in individual rights rhetoric,” and Joseph Fishkin (2011) argues that is a group rather than individual right.

democracies”, that has “approached the status of a dogma”; but Estlund seems to treat Rawls as rejecting this dogma by holding that OPOV “is only a defeasible presumption” (2023: 296–7). For my purposes, your stance on the status or strength of OPOV is immaterial: you may think OPOV is inviolable, think “countervailing reasons” justify deviations from the principle,¹⁴ or think OPOV is not even an important consideration. On any such view, we still need to know what counts as a deviation from OPOV.

The second point concerns the scope of OPOV. As Felsenthal and Machover said, OPOV means that suffrage ought to be *universal* and *equal*. But I will only consider accounts of equal suffrage, setting aside questions about universal suffrage.¹⁵ That’s why I focus on DOUBLE-COUNTING and DILUTION, but not EXCLUSION. This is largely for brevity. OPOV is elusive because it is far from clear *who* (“one person”) is entitled to *what* (“one vote”). Each part sounds simple. But once we probe deeper, neither turns out to be.

Take “one person”. The expansion from “one man, one vote” to “one person, one vote” made the slogan more inclusive with respect to gender and age. But few think OPOV is violated by all age-based restrictions on voting. Toddlers are people, but OPOV does require that toddlers be allowed to vote.¹⁶ OPOV is also regarded as compatible with other ways that “universal suffrage” is not literally universal. Most states disallow persons from voting on the basis of citizenship or residency; even the most radical view in political philosophy allows a state to disenfranchise some persons from voting because they are unaffected by its policies.¹⁷ Personhood may ground many rights, but mere personhood does not ground the right to vote in any or every jurisdiction.

¹⁴ Rawls (1999: 203), as Estlund (2023: 306) notes, held that a political systems’ departure “from the precept one person one vote is a measure of [its] abstract injustice, and indicates the strength of the countervailing reasons that must be forthcoming.” Like Estlund and Rawls, Cohen (2009: 169), Mills (2017: 215) and Dworkin (2011: 392) countenance democratically permissible deviations from OPOV.

¹⁵ Some use *one person, one vote* for universal suffrage and *one vote, one value* (“OVOV”) for equal suffrage. But notably, López-Guerra (2014: 140) argues that since “inclusion is a matter of degree”, so we should understand disenfranchisement and vote dilution as differing in degree, not in kind. Similarly, I think “universal suffrage” concerns who OPOV applies to—and in that sense, concerns its scope.

¹⁶ Levinson (2002: 1271).

¹⁷ For discussion, see e.g. Goodin (2007), López-Guerra (2014).

Now take “one vote”. This is glossed in many ways, including in contexts where you would expect close attention to differences in meaning. The US Supreme Court’s decisions in a series of cases rest on OPOV as a constitutional principle. And yet,

[t]hroughout the opinions in the reapportionment cases, the Court uses such language as ‘equal voting weight,’ ‘diluting the vote,’ the ‘effect’ of a vote being unequal, the ‘worth’ of a vote, and similar words without clearly explaining how these effects are to be measured and evaluated (Banzhaf 1965: 321).

Not only are there many different accounts of equal suffrage, but many draw on often conflated technical concepts (especially *voting weight* and *voting power*). Within a decade of *Reynolds*, it even noted in *Whitcomb v. Chavis* that it had become “enmeshed in the haze of slogans and numerology” because of its “inability to measure what it purports to be equalizing.”¹⁸ The court, sadly, has never managed to dispel that haze.

To aim to explain both equal suffrage and universal suffrage would be too ambitious. So why focus on equal rather than universal suffrage? Because far more has been said about universal suffrage. The rival views are well-known; the debate between them is so well established that it has its own name in democratic theory (“the boundary problem”).¹⁹ My hope is to catalyze a similar debate—I’ll call it the “equal say problem”—about what formal, procedural condition of political equality explains why DOUBLE-COUNTING and DILUTION are (*prima facie*) inegalitarian and undemocratic.

II—ANONYMITY

Let’s start with the account that is most influential in political science. Anonymity was introduced to social choice theory by Kenneth May (1952: 681), who wrote that a “more usual label [for it] is *equality*.” Here’s are two non-technical characterizations:

The result of the election is the same under all possible distributions of the voters among the positions of the structure of the electoral system (Still 1981: 382).

[T]he outcome does not depend on which specific people are for or against an alternative (Risse 2004: 44).

To illustrate the idea, say you and the other shipwrecked adults are voting. You vote red. Sally votes blue. Blue wins. Suppose that if we swapped your vote and Sally’s, the

¹⁸ 403 U.S. 124, 169 (1971).

¹⁹ So named by Dahl (1970: 60).

outcome would have been different: if you had voted blue and Sally had voted red, red would have won. If this is possible, anonymity is violated. All votes are not equal because the outcome depends on which specific people vote for red or blue.

Many say that OPOV means anonymity. For example, here's Fishburn (1974: 66):

Anonymity is an egalitarian condition which prevents some voter from having more power than another voter. It corresponds to the one man–one vote principle.

Others endorse anonymity as a minimal, formal condition of political equality.²⁰

But as an account of OPOV, anonymity faces three problems, two of which are novel. The first is apparent in May's claim that anonymity requires that "each individual [is] treated the same as far as his influence on the outcome is concerned" (1952: 681). Any complaint that a decision procedure violates anonymity is *symmetric*. Take you and Sally. Anonymity is violated because the outcome would be different if your and Sally's positions were swapped. You can complain that you and Sally are not treated the same. But so can Sally. You cannot appeal to anonymity to complain that you are treated *worse* than Sally. Ditto with DOUBLE-COUNTING. When women get one vote and men get two, the outcome of the vote can depend on whether a man votes red and a woman votes blue, rather than vice versa. This violates anonymity. So each woman can complain that they are not treated the same as men as far as her influence on the outcome is concerned. But each man can make the inverse complaint. This is a surprising result, and points to a shortcoming of anonymity as a minimal condition of political equality.

You may say: this shortcoming isn't so bad. Anonymity still tells us whether someone has an *unequal* say, even if it cannot explain who has a *less than equal* say. But I think this suggests that anonymity is at best a good operationalization of equal suffrage: when suffrage is unequal, anonymity is violated. An operationalization is not a definition; anonymity does not tell us what it means for suffrage to be equal. But I think this in part because rival accounts turn out to offer more explanatory power, so if you're skeptical, hold your horses until we consider those (§III-V).

²⁰ See Still (1981: 382), Christiano (2018: 234), and Van der Hout & McGann (2009: 735).

The second problem with anonymity is not novel. DISTRICTS violates anonymity. Since anonymity requires that “two profiles of votes should deliver the same outcome if we swap the party support of any two voters”, it “rules out district systems.”²¹ Why? Note that in DISTRICTS, Blue can win the election when the vote distribution looks like this:

R; R; R; R; R	R; R; R; R; R	R; R; B; B; B	R; R; B; B; B	R; R; B; B; B
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Suppose you are a blue voter and Sally is a red voter in any other district. If we swap your votes, we get a different outcome, violating anonymity. The same point applies to the many other district-based electoral systems, including the US House of Representatives, Senate, and Electoral College. Many take this implication to show that anonymity is too demanding. If DISTRICTS does not violate OPOV but does violate anonymity, the objection goes, we should reject anonymity as an account of OPOV.

While many find this persuasive, I am open to the revisionary implication that DISTRICTS violates OPOV (see §VI). So I do not rely on this familiar objection. Instead, I just want to use it to set up a third problem, which concerns DILUTION. If DILUTION violates anonymity, that is just because DISTRICTS violates OPOV. In DILUTION but not in DISTRICTS, voters are divided into unequal districts that count equally. But this inequality plays no role in explaining why DILUTION violates anonymity. Once voters are divided into districts, the electoral outcome may not be the same under all possible distributions of the voters across districts. This is true regardless of whether there are differences in the relative size of the districts. So in *Reynolds*, Jefferson County voters can complain that anonymity was violated *because they were divided into districts*, but not *because they were divided into malapportioned districts*. Again, my claim here is not that DILUTION violates OPOV but does not violate anonymity, so OPOV cannot require anonymity. Instead, my claim is that if OPOV means anonymity, it lacks explanatory power. It does not explain what is distinctively inegalitarian about cases like DILUTION.

III—EQUAL VOTING WEIGHT

²¹ Kolodny (2023: 363; 2014b: 325, fn. 41). See also, e.g., Grofman (1981: 478), and Beitz (2019: 334). (Good questions can be asked about this use of “party support”, but I set them aside: see Wodak forthcoming-b.)

Let's turn, then, to the account that is dominant in political philosophy. "Voting weight" refers to the number of votes one can cast. If we identify OPOV with equal voting weight, then OPOV says that voter can cast the same number of votes.

Many adopt this account.²² The clearest way to see that is to consider the small but important philosophical literature challenging OPOV. Summarizing this literature, Brennan (2020: §6) describes OPOV as requiring that "each adult ought to have one vote, of equal weight to every other adult's, in any election in her jurisdiction." Robert Bordley (1986), Harry Brighouse and Marc Fleurbaey (2010), Thomas Mulligan (2018, 2023), Andreas Bengtson (2022), and Roy Baharad et al. (2022) all challenge OPOV, in different ways; and all similarly identify it with equal voting weight.²³

It is understandable that this account is so dominant. It is a natural, almost literal interpretation of OPOV.²⁴ And it seems to explain why DOUBLE-COUNTING is inequalitarian. In this respect, it also has a notable advantage over anonymity. When there are violations of equal voting weight we can say that all voters are not treated the same *and* that voters who receive less voting weight are treated worse than others.

However, this account faces three problems. First, it is unclear if this account *explains* why DOUBLE-COUNTING is inequalitarian. The explanation is: unequally weighted votes is inequalitarian, because equality requires that votes have equal weights. The *explanans* simply restates the *explicandum*, or at least, some may be inclined to view it this way.²⁵

Second, OPOV is violated by DILUTION, but DILUTION involves equal voting weight. Jefferson County voters in 1961 could each cast one vote; so could the voters in every

²² E.g., Elizabeth Anderson holds that "democratic equality" entitles each citizen to "the same number of votes in an election as everyone else" (1999: 318). See also Rawls (1999: 196), Schwartzberg (2015: 201).

²³ Some illustrative examples: Mulligan (2023: §3.3) treats "democrats' treasured "one person, one vote" principle" as requiring "an equal number of votes"; Baharad et al.'s full title, for example, is "One Person, One Weight: When is Weighted Voting Democratic?". Notably, however, Bengtson elsewhere identifies "the one-person-one-vote scheme" with equality of voting power (2020: 1058–59).

²⁴ I hedge for two reasons. First, the view does not interpret the "OP" component of the slogan at all, let alone literally. Second, the "OV" component, taken literally, requires that each voter receive *one* vote. But equal voting weight is consistent with each voter receiving 0.1 votes, or receiving 10 votes, and so on.

²⁵ Fishkin makes a related point about a different principle (2011: 1897–98). But as John Bengtson helpfully suggested to me, this may be a case where the universal generalization explains its particular instances.

other district in the Alabama Senate. This is a more significant problem with taking OPOV to mean equality of voting weight, but it is rarely mentioned.²⁶ Perhaps that is because J.S. Mill's plural voting preoccupies political philosophers far more than malapportionment. It also doesn't help that courts and commentators talk as if vote dilution and malapportionment involve unequally "weighted" votes;²⁷ this haphazard use of technical terms has been criticized since the civil rights era,²⁸ and continues.²⁹ In any case, there are violations of OPOV that do not violate equal voting weight—so as an account of OPOV, equal voting weight is under-inclusive. Perhaps, though, that just shows that equal voting weight does not offer a complete account of OPOV.

The third problem is more serious. As an account of OPOV, equal voting weight is also over-inclusive. There are violations of equal voting weight that do not violate OPOV.³⁰ To see why, return to DISTRICTS. Imagine that votes are cast in sealed envelopes. In each district one adult by rotation chairs the procedure, and the chair's vote is counted last. A new rule is added: the chair's vote is only counted in the event of a tie. If after the other four votes are counted the chair's vote cannot make a difference to the outcome, the final envelope is not opened. The new rule is unobjectionable. Notably, a similar rule plays a dialectical role in Robert Nozick's 'The Tale of the Slave' (1974: 290-292), and is practiced in the US Senate. 100 senators each have one vote, as does the President of the Senate—currently, Kamala Harris. But Harris can only cast a vote to break a tie.

Here's where the problem enters. Suppose another rule is added:

²⁶ A rare example of the problem being noted comes from a mathematician: see Serafini (2020: 113).

²⁷ In *Reynolds*, for example, the Court held that: "Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable" (at 1382); "an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State" (1385); and "the basic principle of representative government remains, and must remain, unchanged — the weight of a citizen's vote cannot be made to depend on where he lives" (at 1384). Some legal commentary on forms of malapportionment also say it involves unequal voting "weight" (e.g., Toplak 2008).

²⁸ See Banzhaf (1965: 321). These decisions appear to succumb to the fallacy of equating voting weight with voting power. Interestingly, Felsenthal and Machover (2005) claim that this fallacy was first identified by Luther Martin, a Maryland delegate to the 1787 Constitutional Convention in Philadelphia.

²⁹ See e.g., Fishkin, who writes: "The "weight" of an individual vote, as protected by the one person, one vote rule, turns out to be a somewhat mysterious, ephemeral construct" (2011: 1892).

³⁰ This problem is novel. It is also independent of the challenges to OPOV listed at the start of this section.

BIG TIE-BREAKER The chair now casts 10 votes while others only cast one. But the chair's votes are still only counted in the event of a tie.

This case undeniably introduces inequalities of voting weight: the chair controls 10 times more votes than any other voter! But because the chair's vote is only counted in the event of a tie, the chair's influence on the electoral outcome in **BIG TIE-BREAKER** remains the same as any other voter. As such, this case does not seem to violate OPOV.

Suppose you deny that, holding that in **BIG TIE-BREAKER** everyone else is made less equal to the chair. But if this is right, consider a variant, **LITTLE TIE-BREAKER**, which is identical except that the chair casts 0.1 votes. This also does not change anyone's influence on the outcome—a vote makes a difference by breaking a tie, so big and little tie-breakers make the same difference. It is puzzling, then, to think that others are less than equal to the chair in **BIG TIE-BREAKER**, but the inverse is true in **LITTLE TIE-BREAKER**. The core point here is long-established: not all differences in voting weight translate to differences in influence on electoral outcomes. What makes these examples interesting is that they show this point to be true of arbitrarily large differences in voting power in arbitrarily large elections.³¹ The chair could have a billion times more (or less) votes than other voters, and there could be a billion voters in each district. The chair's influence on the outcome would still be no different than any other voter.

Some may respond that assigning some more or less voting weight than others is still objectionable because it expresses that their interests or opinions are more worthy of consideration (even if, perhaps, it gives them no more influence on the outcome).³² I am sympathetic to such expressive concerns, but they are contingent on the details, such as

³¹ Much of the literature on OPOV and equal voting weight does not carefully distinguish voting weight and voting power. Brighthouse and Fleurbaey (2010) are an exception. But they say that the “difference between [voting power] indices and voting weights is, in fact, not so important for large electorates, and voting weights are then a reasonable measure of power” (145). Most examples showing how voting power and voting weight come apart concern small electorates, and many say that they expectedly converge in large electorates. The point of the examples above is that this depends on the voting rules. That Harris may only cast a vote in the Senate in the event of a tie does not reduce the weight of Harris' vote. But once that rule is in place, the weight of Harris' vote is *not* a reasonable measure of its power.

³² For references and discussion to these familiar expressive arguments, see Kolodny (2023: 319-322). These arguments typically concern the expressive significance of differences in relative influence on electoral outcomes; none concern the expressive significance of differences in voting weight that do not result in differences in relative influence on electoral outcomes. But they may be adaptable to this case.

whether the voting rule is perceived as targeting a particular individual (e.g., Harris) or the role they currently occupy (e.g., President of the Senate). This is a familiar limitation of expressive arguments for equal voting weight (see e.g. Estlund 2008: 224 ff.): the expressive significance of inequalities in voting weight depends on how they are perceived. But Ryan Cox (2022) offers examples that reveal something deeper. In some of Cox’s examples, there are real, unperceived differences in voting weight. (For example, voting machines could, unbeknownst to anyone, systematically malfunction and double count the votes of voters with certain surnames.) Such cases show that the expressive significance of unequal voting weight depends on *whether* it is perceived. But Cox also considers inverse cases, where there are perceived, unreal differences in voting weight. (For example, the state publicly tried to make voting machines double count certain voters’ votes, but it failed; unbeknownst to anyone, each vote is counted once.) This arrangement *would* express that some voters’ interests or opinions are more worthy of consideration than others. That is a significant implication: it suggests that what expressive concerns capture is why it matters that we are *perceived* to have equal voting weight. Expressive concerns, then, provide no reason at all for OPOV to require that we actually have equal voting weight independently of such social perceptions.

IV – EQUAL SHARES

In an influential article, Jonathan Still proposed ‘equal shares’ as a condition for political equality that is more demanding than equality of voting weight. The condition requires that “[e]ach voter has the same ‘share’ in the election, defined as what that voter voted on divided by the number of voters who voted on it” (Still 1981: 378–79). Versions of this condition play a critical role in US legal decisions and commentary on OPOV,³³ but the idea is also widely endorsed elsewhere. Ronald Rogowski, for example, said that equal shares is “equivalent” to “one voter, one vote” (1981: 399).

To illustrate the condition, consider calls for a “proportional standard” (Wilson 2019: 189) in the US Electoral College. Winning Wyoming is worth 3 electoral votes; winning California is worth 54. Wyoming has roughly 300,000 voters; California has roughly 22

³³ Equal shares is, I think, a more general and precise version of the principle of “equal representation” discussed in *Garza v. County of Los Angeles, Cal.*, 918 F.2d 763 (9th Cir. 1990) (Kozinski, J.), esp. at 781–82, which played a pivotal role in the most important recent malapportionment case, in *Evenwel v. Abbott* 136 S. Ct. 1120 (2016). Arguably, Erikson (1972: 1234, fn. 6) expresses a similar idea, though with less clarity.

million. So the ‘share’ of each Californian voter in a US Presidential elections is much lower than that of each Wyomingite. To correct this requires making winning California worth roughly 73 times more than winning Wyoming in the Electoral College.

I have a lot to say about equal shares as an account of OPOV.³⁴ But for brevity I’ll stick to one decisive objection here. Consider DILUTION, where one district has the majority of all voters. Equal shares requires that the outcome in that district will settle the entire election. Using a different example, Still recognized the implication: “The votes cast in the smaller district[s] are simply irrelevant to the outcome of the election” (1981: 380). Likewise, if population change in the US left California with >50% of voters, a “proportional standard” would make *only* its voters decide the Electoral College. Whoever won California would become President. Every other state would be left with dummy voters; their votes could not change the Electoral College outcome. Still thought this makes equal shares *insufficient* for political equality; equal voting power (SV) is also required. But the problem runs deeper. Equal voting power *conflicts* with equal shares. The two principles are incompatible. This makes the widespread endorsement of equal shares surprising. Bernard Grofman said “virtually everyone will now... agree with the reasonableness of the equal suffrage and equal shares criteria” (1981: 482). We shouldn’t. As a condition of political equality, equal shares is untenable.

V – EQUAL VOTING POWER

We now turn to the final account: OPOV means equal voting power. While many problems with preceding accounts of OPOV were novel, some readers may have impatiently awaited our arrival at this juncture, as this account is the most promising. It is also widely endorsed.³⁵ Felsenthal and Machover, for example, wrote that when the Supreme Court embraced OPOV, it “intended to equalize the ‘worth’ of citizens’ votes. *If this is to mean anything at all*, it must be equalizing their voting power” (1998: 86, emphasis added). These are fighting words. OPOV either means this or means nothing.

Felsenthal and Machover went on to lament that equal voting power was not “generally defined or quantified” by the Courts, who instead “approached the matter intuitively,

³⁴ I discuss *Evenwel* and equal shares/representation in “Malapportionment: a Murder Mystery” (ms).

³⁵ See e.g. Nozick (1997: 265), Pettit (2012: 210).

using their common sense.” Voting power is a technical notion, so it is folly to follow in those footsteps. But thankfully, a simple, non-technical explanation of the standard account of voting power will suffice for present purposes.

If you vote, how likely is your vote to change the electoral outcome? That is, how likely is it that if you had not voted, the electoral outcome would have been different? The answer is your voting power. It is the conditional probability that if you vote your vote will be decisive. You and I have equal voting power when the conditional probability that your vote is pivotal is the equal to the conditional probability that mine is pivotal.³⁶

The view that OPOV means equal voting power has much going for it. Consider how it addresses the examples and problems that we have considered so far.

Start with DOUBLE-COUNTING. It violates equal voting power. But unlike with anonymity, men and women do not have a symmetric complaint about this. If women can vote once and men can vote twice, any woman or man can complain that they are not treated *the same*, but only women can complain that this gives them *less* voting power. This is a better explanation of why the practice of plural voting is inequalitarian. And unlike with equal voting weight, explaining why this plural voting is inequalitarian by appealing to voting power does not simply restate the *explicandum*.

Now consider DILUTION. This does not violate equal voting weight. But it does violate equal voting power. A voter is less likely to be decisive in a 13-voter district than in a 5-voter district (the 12 other voters in the larger district are less likely to generate a tie than the four other voters in the smaller district). The same applies to real-world cases. Voters in Jefferson County in 1961 could cast the same number of votes as voters anywhere else in Alabama. But their votes were less likely to change the outcome because of the number of voters in their district.

Taking OPOV to mean equal voting power also does not succumb to the problem of over-inclusiveness. Unlike equal voting weight, equal voting power is not violated when we arbitrarily change the weight of the chair’s tie-breaking vote in BIG or LITTLE

³⁶ Rae (1981: 455) expresses the same idea as follows: “if X’s Banzhaf power index is $1/9,312$, Y’s should also be $1/9,312$ ”, where one’s Banzhaf power index is a standard measure of one’s voting power.

TIE-BREAKER. We could let the chair cast 1 vote, or 10, or 1000, or 0.001 votes. Their voting power would remain the same, as the conditional probability that their vote is decisive (i.e., a tie-breaker) would not change, or differ from any other voter's.

Finally, as was indicated above, equal voting power explains what's objectionable about the implication of equal shares that when one district has the majority of voters, all other districts will contain dummy voters. So if California had >50% of the voters, under an equal shares approach its voters would have more voting power than everyone else. Indeed, they'd have infinitely more, for dummy voters have no voting power at all.³⁷

Despite this promise, there is a significant, general problem with this account of OPOV. Violations of OPOV do not violate equal voting power when they are randomized.

To warm up to this point, imagine a game where you and I are each given a safe and must guess the combination to win a prize. Compare two versions of the game.

FAIR GAME	Each safe has a three-digit combination.
UNFAIR GAME	One safe has a three-digit combination; the other has a ten-digit combination. A coin flip determines their allocation.

In both games, it is true at the start that you and I are equally likely to win—you are no more likely to win than me, and vice versa. In case this is not obvious, we can work through the probabilities. In FAIR GAME, we each have the same chance of winning (.001). In UNFAIR GAME, there is a .5 chance that you have a .001 chance of winning and I have a .0000000001 chance of winning, and a .5 chance that it is the other way around. To determine the probability that you win, we multiply and add: $0.5 \times .001 + 0.5 \times .0000000001$. Ditto for me. The sum is the same for each of us. So in UNFAIR GAME, one of us will be playing with a significant advantage (which is unfair), but we each have the same chance of being in that condition (which makes the unfairness equal).³⁸

Most games have some element of luck or chance, so you may not think that UNFAIR GAME is unfair. That doesn't really matter, though. What matters is that you agree that a structurally similar example involving electoral advantages would be unfair.

³⁷ What does equal voting power require for unequal districts? See Felsenthal and Machover (1998: 66–7).

³⁸ There are many games that confer an advantage to some depending upon their starting position (such as being white in chess), but equalize the odds of being advantaged via a form of randomization (such as a racket toss in tennis). *Squid Game* provided extreme examples. As does the epigraph in *Walden* (2014).

Here's one such example. Suppose on the shipwrecked island all 25 voters will cast votes, and then be randomly divided into electoral districts.³⁹ Whoever wins the most votes in a district wins that district; whichever option wins the most districts wins overall. In one version, we are randomly divided into equally sized districts, as in DISTRICTS. In another, we are randomly divided into unequally sized districts, as in DILUTION. In both, every voter has the exact same conditional probability of being decisive. But in the second case, this is because some voters will be electorally advantaged and some will be disadvantaged, and each voter has the same chance of being in either condition. On standard measures of voting power, the odds that your vote is decisive in a five-voter district are .375; the odds that your vote is decisive in a 13-voter district drop to .2256.⁴⁰ But each voter has the same odds of being in the large district or one of the smaller districts. To determine the probability that any voter is decisive, we multiply and add, and we reach the same sum for each voter. Since they all have the exact same chance of being electorally (dis)advantaged, this shows how DILUTION can be consistent with every voter having equal voting power.

Here's another example. Suppose now that everyone votes and then when their ballots are revealed a fair coin is tossed. If it lands heads, men's votes count twice and women's count once; vice versa if the coin lands tails. Either men will be advantaged and women will be disadvantaged or vice versa. This is unfair. But it was a fair coin, which makes the case equally unfair. Each man and woman will have the same odds of being electorally decisive because, again, they have the same odds of being (dis)advantaged. So DOUBLE-COUNTING is also consistent with every voter having equal voting power.

You may think that there is an easy solution to this. In UNFAIR GAME, we are equally likely to win before we know the allocation of safes, but not after. There is a difference between our probabilities of winning if we just affix it to the right point in time. Can't we do the same with these randomized electoral advantages? Not always. Consider the first example above. Call the information about how each voter is divided into districts *the allocation*. Call the information about how each voter voted the *vote profile*. For this

³⁹ See Rehfeld (2005) on the democratic case for randomly allocating citizens to "virtual constituencies".

⁴⁰ These are the binomial distributions for ties among four or 12 voters. For simplicity I won't add the odds that if you are decisive in your district then you change which option wins the most districts.

solution to work, we need to know the allocation before we know the vote profile. But since votes are cast before voters are randomly divided into districts, we may all learn the allocation and the vote profile at the same time. There is no point prior to that when anyone is more likely to be electorally decisive than anyone else (as we do not know the allocation), and no point after that when anyone is more or less likely to be decisive (since we know the vote profile and allocation, so each voter is either decisive or not). The same point applies to the second example, where each vote's weight is determined when the ballots are public. In both examples, at every point in time prior to when the actual electoral outcome is known, every voter has the same chance of being decisive.

This is a serious problem. DOUBLE-COUNTING and DILUTION, when randomized, violate OPOV but not equal voting power. So OPOV cannot mean equal voting power.

Some may respond that this just shows that equal voting power is under-inclusive, so we should conjoin it with some other condition to explain why OPOV is violated in DILUTION and DOUBLE-COUNTING when they are randomized. But if we do this, the jig is up. Surely whatever explains why OPOV is violated in DILUTION and DOUBLE-COUNTING when they are randomized also explains why they are violated in the non-stochastic versions of these practices? So if we do this, equal voting power never contribute anything to an explanation of what's egalitarian about these practices.

It is instructive to compare the problem posed above to an issue with defenses of universal suffrage. Many argue that some egalitarian views do not explain why universal suffrage is preferable to forms of randomized disenfranchisement or suffrage by lottery.⁴¹ (These arguments gained prominence with defenses of lottocracy.⁴²) Wall, for example, holds that since citizens have "an equal chance of being disenfranchised", they still have "equal prospects" to influence elections (2007: 421). My argument above is similar. So perhaps the responses to Wall et al. may apply here.

But those responses track how Wall anticipated egalitarians would "probably reply": they would, Wall thought, say that the "opportunity to vote is a special kind of

⁴¹ See Wall (2007: 421), Estlund (2008: 182), Arneson (2009), López-Guerra (2011), and Nozick (1997: 269).

⁴² See inter alia Amar (1995), Saunders (2010), and Guerrero (2014). The idea of rule by lot dates back to Ancient Athens. For a literary exploration, see G.K. Chesterton, *The Napoleon of Notting Hill* (1904).

resource. It is, or should be, inalienable” (2007: 422). Compare Kolodny’s response. Kolodny is perhaps the most important target of such arguments, as Kolodny offers an extensive defense of an egalitarian case for democracy that appeals centrally to equal voting power as a minimal, formal condition for political equality. Kolodny says that this principle, despite being formal, does a lot of explanatory work:

[Y]ou and I enjoy a priori equality with respect to an outcome just when my vote and your vote would have equal chances of being decisive over the outcome, assuming that no pattern of other votes is more or less likely than any other pattern. A priori equality is violated by malapportionment, plural voting, and less than universal suffrage (2023: 371).⁴³

But how is that principle violated by suffrage by lottery? The response is brief:

It is important [that] opportunity to influence is retained over time. It isn’t enough that I consented in the past to permanently divest myself of a say. And it isn’t enough that, once upon a time, you happened to win a lottery. This is why a denial of suffrage by lottery would still be problematic, even though it would not express that anyone was an inferior decision-maker or that anyone’s substantive interests were less worthy of concern (2023: 324; see also 2014a: 228).

Whatever the merits of this response to suffrage by lottery, it is hard to make the same response work for randomized malapportionment or plural voting by lottery. For one thing, as Kolodny acknowledges elsewhere,⁴⁴ cases like DOUBLE-COUNTING and DILUTION do not “permanently divest anyone of a say”. This is also true when we add randomization. If before each election a coin flip determines whether in that election men get to cast more votes than women or vice versa, any resultant temporary and reversible disadvantage obviously does not permanently divest anyone of a say.

For another, OPOV seems to encompass two principles, *that suffrage must be universal* and *that suffrage must be equal*. Perhaps the universality of suffrage encompasses its inalienability, explaining why it cannot be randomized. (It may, for example, partly be a right to participate in the process, not just a right to influence the outcome of the process.) But equal voting power is meant to explain *equal suffrage*. If equal voting power explains equal suffrage and voting power is probabilistic, then equal suffrage is

⁴³ The references to ‘a priori’ equality just mean equality of a priori voting power, which is the standard measure of voting power. See §VI below.

⁴⁴ Kolodny writes: “In Mill’s system, an uneducated laborer, with fewer votes than an educated professional, is not formally, permanently excluded from the majority” (2014a: 225, n 41).

also probabilistic. But as we saw, one retains the same probability of being decisive in cases of randomized malapportionment or plural voting. So by Kolodny's lights, in such cases one's equal opportunity for influence is retained over time after all.

VI—CONCLUSION

"It is often thought that the defining characteristic of democracy is that social policy is determined on something like a 'one person, one vote' principle", Hannah Ginsbourgh recently wrote (2021: 3). If OPOV is to be the defining characteristic of democracy, it obviously needs to be defined. Unfortunately, OPOV is often just glossed as a right to an "equal say"; and when we look for definitions, we find dissensus without a debate. Worse yet, none of the four definitions we find meet simple *desiderata* for an account of OPOV. None of the four identifies a minimal, procedural condition of political equality that explains why the practices of plural voting and vote dilution are inequalitarian. That's my main case for why the "equal say" problem is an urgent issue in democratic theory. We need a robust debate about what it means for suffrage to be equal, akin to the debate about what it means for suffrage to be universal (i.e., the boundary problem).

You can agree with all of the above regardless of whether you accept or reject OPOV. But some may respond to the discussion above by doubling down on skepticism about OPOV,⁴⁵ and, perhaps, about political egalitarianism too. I haven't argued against skeptics here. But I have offered some reasons to attenuate such skepticism. For one, as I noted, much skepticism really concerns whether OPOV should be assigned some special, inviolable status. It needn't have that status to be an important egalitarian principle. For another, most objections to OPOV in philosophy are premised upon taking it to mean equal voting weight, but I provided good reasons to think that OPOV does not mean or even require equal voting weight. So while I aim to cast doubt on our grasp of what OPOV means, this need not cast doubt on the principle of OPOV itself.

But I want to close by laying my cards on the table. I endorse political egalitarianism, and I think OPOV is an important component of any such commitment. I offer no argument for this here. I just think that even in the presence of universal suffrage, there is an important sense in which decision-making can be unfair because of unequal

⁴⁵ I provided examples of some skeptics above. Others include Ely (1980: 117) and Levinson (2002).

suffrage; reflecting on current examples of vote dilution makes this seem inescapable. The difficulty lies in identifying a meaning of equal suffrage that vindicates this stance. So what, in light of everything I said above, should an account of OPOV commit us to?

Our starting point should be to diagnose what went wrong with the most promising account of OPOV: equal voting power. Here's a way to tease out the diagnosis.

Compare these three variants of the scenario that I called UNFAIR GAME in §V:

- A coin is tossed. If it lands heads, you get a safe with a three-digit combination and I get one with a ten-digit combination; vice versa if it lands tails.
- You toss a coin. If it lands heads, your safe has a three-digit combination; if it lands tails, it has a ten-digit combination. I toss another coin with the same effect.
- You toss a coin. If it lands heads, we each get a safe with a three-digit combination; if it lands tails, we each get one with a ten-digit combination.

In each case, you have the same chance of winning as me: your odds of winning are always $.5 \times 0.001 + .5 \times 0.0000000001$, and so are mine. But in the first scenario, the odds that we have the same odds of winning are *zero*. In the second they are *half*. (The odds that both coins land heads or both land tails are .5.) This is better. And in the third, we are guaranteed to have the same odds of winning. Now the unfairness is gone. This suggests a natural diagnosis. Having the same odds of winning isn't enough. We should also care about the odds that we have the same odds of winning. That second-order probability is what moves from 0 to .5 to 1 in the three examples I just provided.

This suggests a diagnosis of what's inequalitarian about randomized plural voting and vote dilution. In such cases we still have the same *odds of being decisive* (because we each have the same odds of being electorally advantaged or disadvantaged). But *the odds that we have the same odds of being decisive* fall drastically. That makes our votes less equal.

Perhaps, then, we just need to strengthen the view that OPOV means equal voting power. It does not suffice for us to have an equal *first-order* probability of being decisive. To know whether our votes to be equal, we also need to consider a *higher-order* probability: the odds that we have similar or identical odds of being decisive.⁴⁶ If this is

⁴⁶ Thanks to Alan Hájek for helping me understand higher-order probabilities in this context, and to Will Coombs for pointing out that we should care about the probability of *similar* probabilities, not necessarily

on the right track, we can still understand equal suffrage probabilistically,⁴⁷ albeit in a way that is more demanding than standard appeals to equal voting power.⁴⁸

But how much more demanding will OPOV be if we adopt some version of this view? I think the difference is dramatic. To see why, recall this example from §II:

R; R; R; R; R	R; R; R; R; R	R; R; B; B; B	R; R; B; B; B	R; R; B; B; B
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Swapping a Blue voter with a Red voter in another district changes whether Red or Blue wins the most districts. Such cases are used to show that district systems—like the US House and Senate—violate anonymity, and hence that anonymity is too demanding.⁴⁹

But once we absorb the lesson that DOUBLE-COUNTING and DILUTION violate OPOV even when randomized, it is less clear that district systems are compatible with OPOV. Does the example above involve equal suffrage? Each voter above may have an equal probability of being decisive (provided that this is interpreted *a priori*—more on this below). But as we just saw, that isn't sufficient! We need to also consider the probability

of *identical* probabilities. Will Coombs also observed that the points here connect to recent debates about *ex ante* and *ex post* egalitarianism under uncertainty: see e.g. Inoue and Miyagishima (2022).

⁴⁷ Cf. Brian Barry (1980b: 348), who objected that voting power is not a probability, for the probability of decisiveness is a “probability of overcoming resistance”, and “the probability of overcoming resistance depends on the probability of encountering resistance.” Barry (1980a,b) says voting power is an “ability”, not a “probability”, which seems to be a radical departure from standard views. But many understand the relevant ability probabilistically—see Goldman (2015: 241, 244)—and s Felsenthal and Machover argue (2005), Barry’s positive views seem to collapse into more familiar accounts of voting power. Why do I mention this? Because I am sympathetic to some of Barry’s concerns—you and I can have the same probability of overcoming encountering resistance because we have the same probability of encountering greater/lesser resistance. But higher-order probabilities can capture what goes awry in such cases.

⁴⁸ Cf. Kolodny on suffrage by lottery: “The point is not that, in general, when we can distribute a good—in this case, political influence—in equal shares, we ought to do so, rather than distribute only equal chances of unequal shares of the good. The point is deeper: that suffrage by lottery does not give anyone a chance at the relevant good in the first place. The good in question is social equality partly constituted by ongoing equal opportunity for influence. A lottery gives no one, not even the nominal “winner,” any chance of that” (2014: 228; no similar remarks appear in *The Pecking Order*). If this is interpreted in terms of higher-order probabilities, as I suggested above, it is true and applicable to randomized plural voting. But my point is simply that it requires a more demanding view than what Kolodny is committed to.

⁴⁹ I argue elsewhere that the real lesson here is not that district-based systems violate anonymity, but that majority rule should not require rule by whoever wins the most districts. See Wodak (2023, forthcoming).

that they have similar probabilities of being decisive. And there's a simple reason to think that the odds of that are generally low in the district systems described above.

Here's a way to tease this out. Suppose we know a lot about how other voters intend to vote, so we know that the electoral outcome is likely to look like the table above: some districts are likely to be landslides; others are likely to be nail-biters. If we knew this, we would know that some specific voters above are disadvantaged. This is vindicated by the standard account of voting power. If we add information about likely voter behavior to that account (making it *a posteriori*), voters in deep red or deep blue districts have much less voting power than voters in purple districts.⁵⁰ In this sense, voters in purple districts are advantaged, and voters in deep red or blue districts are disadvantaged—how others vote makes them much less likely to change the outcome. Despite this, proponents of the standard account of voting power have thought that DISTRICTS is compatible with equal voting power. This is because the account assumes we know nothing about how other voters will vote (making it *a priori*). So while some districts will turn out to be deep red and others deep blue and others purple, no voter has a greater or lesser chance of being advantaged or disadvantaged than any other.

The problem should now be clear. We've now seen three ways in which voters can be electorally (dis)advantaged: they can cast more (fewer) ballots; they can cast ballots in smaller (larger) districts; and they can cast ballots in more (less) competitive districts. When we do not know who is advantaged or disadvantaged, voters have equal voting power. But when we know some are advantaged and some are disadvantaged, that's still unfair, in a way that can be easily expressed in terms of higher-order probabilities. So in district systems where votes make a difference to who wins overall by changing who wins the most districts, we know some voters are likely to be in a better position than others because some districts are likely to be more competitive than others. So we know that there's a low chance that voters will have similar chances of being decisive.

The argument just sketched offers a novel reason to think that OPOV is incompatible with district systems. Unlike appeals to anonymity, it still allows us to explain why

⁵⁰ For a clear explanation of the standard understanding of *a priori* voting power and its relation to *a posteriori* voting power, see Abizadeh (2022: 1654–5). See also Felsenthal and Machover (1998: 37–38).

malapportionment is a further source of political inequality.⁵¹ And unlike appeals to *a posteriori* measures of voting power, it is motivated directly by reflecting on what's inequalitarian about randomized plural voting and vote dilution (which cannot be explained by *a posteriori* voting power).⁵² This sketch of the argument is not sufficient to offer a full defense for this view about OPOV and district systems. But that's not my goal. Instead, this sketch of the argument is intended to illustrate a further reason to think that the "equal say" problem is an urgent issue in democratic theory. Many think that OPOV, as a formal condition of political equality, is fairly modest and permissive; only informal conditions of political equality make egalitarianism a radical view.⁵³ But as we saw, the best accounts of OPOV aren't demanding enough. If OPOV is to explain why plural voting and vote dilution are inequalitarian, it must be less permissive than has been supposed. As such, even formal political equality may turn out to be a fairly radical commitment, and one that's hard to square with anything like the status quo.

⁵¹ That is, unlike anonymity, it supports the distinct complaint of voters in Jefferson County in *Reynolds*.

⁵² To be clear, the argument above does not require us to adopt an *a posteriori* measure of voting power, because it does not require us to identify which districts are more likely to be competitive. It just requires us to say, *a priori*, that districts are likely to differ in competitiveness.

That is, unlike anonymity, it supports the distinct complaint of voters in Jefferson County in *Reynolds*.

⁵³ See e.g. Brighouse (1996: 121–23). Brighouse, notably, here assumes OPOV means equal voting weight. That is, unlike anonymity, it supports the distinct complaint of voters in Jefferson County in *Reynolds*.

BIBLIOGRAPHY

- Abizadeh, Arash. "A recursive measure of voting power with partial decisiveness or efficacy." *The Journal of Politics* 84.3 (2022): 1652-1666.
- Amar, Akhil Reed. "Lottery Voting: A Thought Experiment." *U. Chi. Legal F.* (1995): 193.
- Anderson, Elizabeth S. "What Is the Point of Equality?," *Ethics* 109, no. 2 (1999).
- Arneson, Richard "The Supposed Right to a Democratic Say," in *Contemporary Debates in Political Philosophy*, ed. John Christman and Thomas Christiano (Oxford: Wiley-Blackwell, 2009), pp. 197–212;
- Baharad, Roy, Shmuel Nitzan, and Erel Segal-Halevi. "One person, one weight: when is weighted voting democratic?" *Social Choice and Welfare* 59 (2022): 467-493.
- Banzhaf III, J. F. (1965). Weighted voting doesn't work: A mathematical analysis. *Rutgers Law Review*, 19, 317-343.
- Barry, Brian. "Is it better to be powerful or lucky?: Part I." *Political Studies* 28.2 (1980a): 183-194.
- . "Is it better to be powerful or lucky? Part 2." *Political Studies* 28.3 (1980b): 338-352.
- . *Distributive justice*. Routledge, 2017.
- Beitz, Charles. "Procedural Equality in Democratic Theory: A Preliminary Examination." *Nomos* 25 (1983): 69–91.
- . *Political equality: An essay in democratic theory*. Princeton University Press, 1989.
- Bengtson, Andreas. "One Person, One Vote, and the Importance of Baseline." *Inquiry* (2022).
- "Differential Voting Weights and Relational Egalitarianism." *Political Studies* 68, no. 4 (2020).
- Bordley, Robert F. "One Person/One Vote is Not Efficient Given Information on Factions." *Theory and Decision* 21 (1986): 231-2.
- Brennan, Jason. "The Ethics and Rationality of Voting," *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, <https://plato.stanford.edu/archives/win2020/entries/voting/>, (Winter 2020).
- Brighouse, Harry and Fleurbaey, Marc. "Democracy and Proportionality." *Journal of Political Philosophy*, 18.2 (2010): 137-155.
- Brighouse, Harry. "Egalitarianism and equal availability of political influence." *Journal of Political Philosophy* 4.2 (1996): 118-141
- Chesterton, G. K. *The Napoleon of Notting Hill*. Bodley Head, 1904.
- Chen, Jowei, and Nicholas O. Stephanopoulos. "Democracy's Denominator." *Cal. L. Rev.* 109 (2021): 1019.
- Christiano, Thomas. *The Rule of the Many: Fundamental Issues in Democratic Theory*. Routledge, 2018 [1996].
- Cohen, Joshua. *Philosophy, Politics, Democracy: Selected Essays*. Cambridge, MA: Harvard University Press, 2009.
- Cox, Ryan. "Democracy and Social Equality." *J. Ethics & Soc. Phil.* 23 (2022): 86.

- Dahl, Robert A. *After the Revolution?: Authority in a Good Society*. Yale University Press, 1970.
- Dworkin, Ronald. *Justice for Hedgehogs*. Harvard University Press, 2011.
- Ely, John Hart. *Democracy and distrust: A theory of judicial review*. Harvard University Press, 1980.
- Estlund, David M. *Democratic authority: a philosophical framework*. Princeton University Press, 2008.
- Erikson, Robert S. "Malapportionment, gerrymandering, and party fortunes in congressional elections." *American Political Science Review* 66.4 (1972): 1234-1245.
- Estlund, David. "One Person, at Least One Vote? Rawls on Political Equality...Within Limits." In *Rawls's A Theory of Justice at 50*, Paul Weithman (ed.), Cambridge: Cambridge University Press, 2023.
- Evenwel v. Abbott* 136 S. Ct. 1120 (2016).
- Felsenthal, Dan S., and Moshé Machover. *The Measurement of Voting Power: Theory and Practice, Problems and Paradoxes*. Edwin Elgar, 1998.
- Felsenthal, Dan S., and Moshé Machover. "Voting power measurement: a story of misreinvention." *Social Choice and Welfare* 25 (2005): 485-506.
- Fishburn, Peter C. "Social Choice Functions." *SIAM Review* 16.1 (1974): 63-9.
- Fishkin, Joseph. "Weightless Votes." *Yale LJ* 121 (2011): 1888.
- Garza v. County of Los Angeles, Cal.*, 918 F.2d 763 (9th Cir. 1990)
- Gelman, Andrew, Jonathan Katz, and Joseph Bafumi, 'Standard Voting Power Indexes Do Not Work: An Empirical Analysis', *British Journal of Political Science* (2004) 34: 657-674.
- Ginsburgh, Hannah 'Introduction', in Seana Valentine Shiffrin, *Democratic Law*. Oxford: Oxford University Press, 2021.
- Goldman, Alvin I. "What Is Democracy (and What Is Its Raison D'Etire)?" *Journal of the American Philosophical Association* 1.2 (2015): 233-256.
- Goodin, Robert E. "Enfranchising All Affected Interests, and Its Alternatives." *Philosophy and Public Affairs* 35 (2007): 40-68.
- Goss, Ryan. "Voting rights and Australian local democracy." *The UNSW Law Journal* 40.3 (2017): 1008-1034.
- Griffin, John D., and Brian Newman. "One Person, One Vote-Why Citizens' Votes Carry Unequal Weight despite Baker and How It Matters." *Case W. Res. L. Rev.* 62 (2011): 1079.
- Grofman, Bernard. "Fair and equal representation." *Ethics* 91.3 (1981): 477-485.
- Guerrero, Alexander A. "Against elections: The lottocratic alternative." *Philosophy & Public Affairs* 42.2 (2014): 135-178.
- Herman, Joey. "Districtly Speaking: *Evenwel v. Abbott* and the Apportionment Population Debate." *Duke J. Const. L. & Pub. Pol'y Sidebar* 11 (2015): 209.
- Inoue, Akira, and Kaname Miyagishima. "A Defense of Pluralist Egalitarianism under Severe Uncertainty: Axiomatic Characterization." *Journal of Political Philosophy* 30.3 (2022): 370-394.

- Karlan, Pamela S. "John Hart Ely and the Problem of Gerrymandering: The Lion in Winter." *Yale LJ* 114 (2004): 1329.
- Kolodny, Niko. "Rule Over None I: What Justifies Democracy?" *Philosophy and Public Affairs* 42.3 (2014a): 195-229.
- Kolodny, Niko. "Rule Over None II: Social Equality and the Justification of Democracy." *Philosophy and Public Affairs* 42.4 (2014b): 287-336.
- Kolodny, Niko. *The Pecking Order: Social Hierarchy as a Philosophical Problem*. Harvard University Press, 2023.
- Ladewig, Jeffrey W. "One Person, One Vote, 435 Seats: Interstate Malapportionment and Constitutional Requirements." *Conn. L. Rev.* 43 (2010): 1125.
- Levinson, Sanford. "One Person, One Vote: A Mantra in Need of Meaning." *NCL Rev.* 80 (2002): 1269.
- López-Guerra, Claudio. "The enfranchisement lottery." *Politics, Philosophy & Economics* 10.2 (2011): 211-233.
- . *Democracy and Disenfranchisement: the Morality of Electoral Exclusions*. Oxford University Press, 2014.
- May, Kenneth O. "A set of independent necessary and sufficient conditions for simple majority decisions." *Econometrica* 20.4 (1952): 680-684.
- Mill, John Stuart. *Considerations on Representative Government*. Parker, Son, and Bourn, 1861.
- Mills, Charles W. *Black Rights/White Wrongs: The Critique of Racial Liberalism*. New York: Oxford University Press, 2017.
- Miller, J. Joseph. "JS Mill on plural voting, competence and participation." *History of political thought* 24.4 (2003): 647-667.
- Mulligan, Thomas. "Plural Voting for the Twenty-first Century." *The Philosophical Quarterly* 68.271 (2018): 286-306.
- , "Meritocracy", *The Stanford Encyclopedia of Philosophy* (Fall 2023 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL = [<https://plato.stanford.edu/archives/fall2023/entries/meritocracy/>](https://plato.stanford.edu/archives/fall2023/entries/meritocracy/).
- Nagel, Thomas *Mortal Questions*, Cambridge: Cambridge University Press, 2012.
- Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, 1974.
- *Socratic puzzles*. Harvard University Press, 1997.
- Ostrow, Ashira Pelman. "One Person, One Weighted Vote." *Fla. L. Rev.* 68 (2016) 1839.
- Peter, Fabienne. "The political egalitarian's dilemma." *Ethical theory and moral practice* 10 (2007): 373-387.
- Pettit, Philip. *On the people's terms: a republican theory and model of democracy*. Cambridge University Press, 2012.
- Rehfeld, Andrew. *The concept of constituency: Political representation, democratic legitimacy, and institutional design*. Cambridge University Press, 2005.

- Representation of the People Act* (1948), 11 & 12 Geo. 6 c. 65, (UK)
- Reynolds v. Sims* 377 U.S. 533 (1964)
- Rawls, John. *A Theory of Justice: Revised Edition*. Cambridge, MA: Belknap Press, 1999.
- Rae, Douglas. "Two contradictory ideas of (political) equality." *Ethics* 91.3 (1981).
- Risse, Mathias. "Arguing for majority rule." *Journal of Political Philosophy* 12.1 (2004) :41–64.
- Rogowski, Ronald. "Representation in Political Theory and in Law." *Ethics* 91, no. 3 (1981)
- Samuels, David, and Richard Snyder. "The value of a vote: malapportionment in comparative perspective." *British Journal of Political Science* 31.4 (2001): 651-671.
- Saunders, Ben. "Democracy, Political Equality, and Majority Rule." *Ethics* 121.1 (2010): 148-77.
- Schwartzberg, Melissa, "Epistemic Democracy and Its Challenges," *Annual Review of Political Science* 18, no. 1 (2015).
- Serafini, Paolo. *Mathematics to the Rescue of Democracy: What does Voting Mean and How can it be Improved?* Springer, 2020.
- Still, Jonathan W. "Political Equality and Election Systems." *Ethics* 91 (1981): 375-394.
- Toplak, Jurji. "Equal Voting Weight of All: Finally "One Person, One Vote" From Hawaii to Maine?" 81 *Temp. L. Rev.* 123.
- van der Hout, Eliora, and Anthony J. McGann. "Proportional Representation Within the Limits of Liberalism Alone." *British Journal of Political Science*. 39.4 (2009): 735–54.
- Walden, Kenneth. "The aid that leaves something to chance." *Ethics* 124.2 (2014): 231-241.
- Wall, Steven. "Democracy and Equality." *The Philosophical Quarterly* 57.228 (2007): 416-438.
- Wilson, James Lindley, *Democratic Equality* (Princeton University Press, 2019).
- Wodak, Daniel. "The Democratic Imperative to Make Margins Matter." *Maryland Law Review* 86(2) (2023): 365-442.
- . "The Perversity of Weighted Voting." *The Journal of Politics* (forthcoming-a).
- . "Which Majority Should Rule?" *Philosophy & Public Affairs* (forthcoming-b).
- "Malapportionment: A Murder Mystery" (ms).