

ILL FARES THE LAND?

*The case for / against the democratic argument for
limitarianism*

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Abstract

This Master's thesis reconstructs the democratic argument for upper limits on wealth and situates it within the more encompassing justification for limitarianism. The central claim is that the democratic argument is a well-chosen defense for limitarianism if the latter is understood as a non-ideal theory. Limitarianism is accordingly characterized as a derivative, incomplete and transitional theory. Finally, it is argued that a non-ideal account of limitarianism (1) can cope with paradigmatic challenges raised against upper limits on wealth, (2) comes at substantial methodological costs and (3) has important implications for future research.

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20.906 words

*Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay:*

[...]

*Along the lawn, where scattered hamlets rose,
Unwieldy wealth and cumbrous pomp repose;*

[...]

*And rich men flock from all the world around.
Yet count our gains; this wealth is but a name,
That leaves our useful products still the same.
Not so the loss: the man of wealth and pride
Takes up a space that many poor supplied;*

“The Deserted Village” (1770)

1. INTRODUCTION

In his acceptance statement for the Green Party presidential nomination, Ralph Nader quoted the following passage, commonly attributed to the American lawyer Louis D. Brandeis: “We can have a democratic society or we can have the concentration of great wealth in the hands of a few. We cannot have both” (Campbell, 2013, p. 251). Brandeis allegedly offered this dystopian outlook in 1941 – the year of his death. But, whoever spoke the aforementioned words, they should give us good reason to worry: After all, wealth inequalities are constantly rising, while democracy loses acceptance. The former has been explored by French economist Thomas Piketty in his seminal “Le capital au XXI^e siècle” (Cf. Piketty, 2013), while the latter is captured in Colin Crouch’s neologism “post-democracy” (Cf. Crouch, 2004).

The quote suggests a causal link between these two phenomena – inequalities in wealth might have contributed to the decline of democracy and its central ideals. Ingrid Robeyns has recently developed a new view on distributive justice, which focusses precisely on the normative problems associated with the abundance of wealth and money. She calls this view “limitarianism”, as it provides a philosophical justification for upper limits on, among others, income and wealth.¹ In her 2016 paper “Having too much”, she develops a *prima facie* case for upper limits on financial resources in particular.

I will argue that limitarianism convincingly addresses the normative issues associated with individual wealth if it is understood as a non-ideal theory. My aim is to reconstruct one of the two main arguments limitarians offer in defense of upper limits on wealth, i.e. the democratic argument. My concern is whether it can be used to make a convincing case for limitarianism. My strategy is twofold: apart from a narrow focus on the democratic argument itself, I will scrutinize its function in the larger, justificatory context of limitarianism. In particular, I set out to analyze its consistency with the other argument for limitarianism, i.e. the argument from unmet urgent needs (Cf. Robeyns, 2016, p. 10). In short, I employ a microscopic as well as a macroscopic view to answer the following research question: *Is the democratic*

¹ Robeyns is explicit that “normative arguments for limits could also be provided in other areas of life” as well (Robeyns, 2016, p. 4). She mentions global population size, personal emissions and individual actions in the context of climate change as possibly being subject to upper limits.

argument a well-chosen defense for limitarianism? The first part of the thesis is devoted to a reconstruction of the democratic argument, while the second part deals with issues arising within the larger context of justification.

Limitarianism holds that it is morally impermissible to be rich and that an upper limit on financial resources should be established in order to protect a pivotal ideal, i.e. political equality: By insulating the political sphere from economic inequalities, upper limits on wealth could be a powerful response to the current crisis of democracy:² They could mitigate the political power of capital and wealth and thus help to restore faith in the fairness and proper functioning of the democratic process.

Many aspects of limitarian political theory remain somewhat perfunctory. The main goal of this thesis is to mitigate these shortcomings by offering a comprehensive and coherent reconstruction of the democratic argument for upper limits. Additionally, I analyze whether the democratic argument is a well-chosen defense for limitarianism more generally: after all, even if the democratic argument is sound, it might still be in tension with other arguments for limitarianism or even with fundamental democratic values, e.g. freedom of speech. I will show that the democratic argument, as well as limitarians' overarching justification for upper limits, indeed face such powerful challenges. However, the latter can be circumvented if limitarianism is understood as a non-ideal theory that simply strives for making a society more, rather than perfectly, just. Additionally, limitarianism should be understood as a derivative, rather than a distinct, theory of distributive justice that only partially commits itself to the ideal of political equality.

I conclude by briefly exploring how such an understanding of limitarianism helps to avoid some misunderstandings and confusion in the very recent debate on the goals, aims and implications of Robeyns's limitarian account. Thus, I hope to contribute to ongoing research on the normative status and force of upper limits on wealth and their link to the protection of democracy and its core values.

² In his recent book "The People vs. Democracy" (2018), Yascha Mounk identifies three current crises of liberal democracy: (1) diverging worldviews, (2) stagnating economic growth in conjunction with rising economic inequality and (3) social heterogeneity. According to Mounk, these developments threaten the success and stability of liberal democracy by depriving it of its central breeding grounds. Among others, Mounk advocates significant economic reforms to alleviate the unequal distribution of economic growth (Cf. Mounk, 2018) – a proposition that resembles limitarian rationale.

2. THE DEMOCRATIC ARGUMENT – A MICROSCOPIC VIEW

Only four years before his early death in 1774, Irish poet Oliver Goldsmith wrote his famous piece “The Deserted Village”. The poem describes an abandoned village, whose population has probably left their home to move into the rising and wealthy cities or to abandon the European continent altogether. In forceful words, Goldsmith captures the dark side of the growing economy during the 18th century – for some individuals, the latter translated into excessive wealth, but for others, it brought impoverishment and degradation. Similarly, Goldsmith’s village might have been the victim of rural depopulation and the indulgence of the rich. The poem’s line “Ill fares the land, to hastening ills a prey” is a widely cited metaphor for the blind obedience to the power of money and capital.

The poem expresses a common intuition: There is something morally objectionable to excessive wealth. Nevertheless, most established principles of distributive justice focus on the lower end of the income distribution only:³ They either spell out thresholds that must not be undercut or give priority to society’s worst-off. In contrast, philosophical theories that focus on “the upper tail of income and wealth distribution” (Robeyns, 2016, p. 2) are rare.⁴ In a world as ours, where wealthy individuals can completely detach their lives from the misery of the poor and enjoy the freedom to invest in luxury items, such as sports cars or racing yachts, while fellow human beings are starving to death, this is hard to understand.

What is limitarianism? Robeyns writes: “In a nutshell, limitarianism advocates that it is not morally permissible to have more resources than are needed to fully

³ E.g. the famous difference principle, as well as sufficientarianism or prioritarianism.

⁴ To be sure: Philosophers *have* addressed excessive wealthy as a moral problem in the past. A prominent example is Peter Singer, who, in his seminal “Practical Ethics” (1979), claims that wealthy individuals have a moral duty to redistribute a significant amount of their income to the global poor. “Significant” refers to an amount of money that is “more than a token donation, yet not so high as to be beyond all but saints” (Singer, 1979, p. 132) – Singer himself envisages a figure of 10 % (Cf. Singer, 1979, p. 132). However, although individual philosophers have tackled these issues, the most prominent theories of distributive justice show an overarching concern for the lower end of the income and wealth distribution: Rawls’s difference principle is explicitly developed as a principle of reciprocity with the worst-off (Cf. Rawls, 2001, p. 123), while prioritarianism and sufficientarianism both specifically focus on the situation of the worst-off as well: “What directly touches us [...] is [...] not the fact that the economic resources of those who are worse off are *smaller in magnitude* than ours but the different fact that these people are so *poor*” (Frankfurt, 1987, p. 13). Egalitarianism, by focusing on the relative difference between the best- and the worst-off only, does not specifically address the moral status of top incomes either.

flourish in life” (Robeyns, 2016, p. 1). She goes on to claim that “limitarianism views having riches or wealth to be the state in which one has more resources than are needed and claims that, in such a case, one has too much, morally speaking” (Robeyns, 2016, p. 1). Thus, limitarianism provides a strong case for upper limits on wealth, although, as Robeyns points out, “normative arguments for limits could also be provided in other areas of life. For example, one could discuss limitarianism in the context of global population size, and argue that due to environmental concerns, there should be a moral limit of one child per adult” (Robeyns, 2016, p. 4). At this point, a first, major qualification is necessary: In this thesis, the focus is on limitarianism applying to individual or private, as opposed to corporate, wealth only – congruent with Robeyns’s arguments in “Having too much”⁵. Thus, whenever I use the terms limitarianism and upper limits, what I actually mean is upper limits on *individual or private wealth*.

Furthermore, it is important to point out that Robeyns distinguishes between intrinsic and instrumental limitarianism, depending on whether upper limits on wealth are defended as instrumental for the protection of other values or whether there is something objectionable to being rich *per se*: “Intrinsic limitarianism is the view that being rich is intrinsically bad, whereas according to non-intrinsic limitarianism, riches are morally non-permissible for a reason that refers to some other value” (Robeyns, 2016, p. 5). She makes clear that her own case for upper limits “is instrumentally necessary for the protection of two intrinsic values: political equality [...], and the meeting of unmet urgent needs” (Robeyns, 2016, p. 3). Thus, she combines two arguments to make her case for limitarianism: the democratic argument and the argument from unmet urgent needs. The focus of this thesis is specifically on the former argument. Nevertheless, a careful analysis of the democratic argument will entail a critical discussion of its relation to the argument from unmet urgent needs. Thus, the latter will also be touched upon in this thesis briefly.

The *argument from unmet urgent needs* “is essentially consequentialist in nature, and makes the justification of limitarianism dependent upon three empirical conditions”

⁵ By individual wealth I mean the financial resources an individual person has at her disposal. In contrast, corporate wealth here refers to the capital concentrated in a single firm or enterprise. Note that individual wealth can contribute to corporate wealth and vice versa: If a person buys shares of a company, she contributes to its corporate wealth, while the latter, via dividends, spills over into private wealth again.

(Robeyns, 2016, p. 10): The condition of extreme global poverty, the condition of local or global disadvantages and the condition of urgent collective-action problems. Since the focus here is not on the argument from unmet urgent needs, I will not dwell upon these three conditions in greater detail. Nevertheless, I want to, at least, sketch how the argument from unmet urgent needs proceeds: “If any of these three circumstances is in place, certain needs will have a higher moral urgency than the desires that could be met by the income and wealth that rich people hold” (Robeyns, 2016, p. 12).

In contrast to the argument from unmet urgent needs, the *democratic argument* “focuses on the claim that wealth undermines the ideal of political equality” (Robeyns, 2016, p. 5). In making the democratic case, Robeyns draws heavily on Thomas Christiano’s paper “Money in Politics”. Christiano spells out four types of mechanisms that translate wealth and money into political power. I will not state these mechanisms in detail here, as the general argument can be understood without reference to a specific mechanism. It is only important to note that “because rich people have surplus money, they are both very able and seemingly very likely to use that money to acquire political influence and power” (Robeyns, 2016, p. 6). And, by using their money and wealth in politics, rich people undermine political equality. According to Robeyns this is deeply problematic, as “the political equality of citizens is the cornerstone of free societies—and it is the most basic principle of our democratic constitutions. The constitution should guarantee political equality, but it does not protect our right to be rich. Thus, we have an initial argument for why we shouldn’t be rich—namely, that it undermines political equality” (Robeyns, 2016, p. 9). Robeyns cleverly combines the democratic argument with the argument from unmet urgent needs by claiming that the money confiscated from the wealthy should be used to meet urgent but yet unmet needs.

It is important to point out that, whenever Robeyns refers to limits on money and income, she actually means limits on *surplus* money and *surplus* income.⁶ The latter is defined as money that “does not contribute to people’s flourishing” (Robeyns,

⁶ Robeyns’s own terminology is slightly confusing, as she makes no distinction between *wealth* and *surplus wealth*. Thus, whenever one is wealthy, one has too much. Wealth, in Robeyns’s sense, denotes income not needed for a flourishing life. In contrast, the distinction between income and wealth in economics is not one of quantity, but of quality: “Income is a flow variable that corresponds to the quantity of economic resources gained by someone within a time period from labour, dividends etc. and wealth is a stock variable that corresponds to the total amount of economic resources held by someone at a specific point in time” (Volacu & Dumitru, 2018, p. 6). To avoid confusion, I here use the notions of income and wealth interchangeably.

2016, p. 12). In order to define what flourishing consists in, she comes up with a specific metric of affluence denoted “the power of material resources” (Robeyns, 2016, p. 21). The latter “is an income metric that makes a number of modifications to our income level in order for the modified income metric to properly reflect the power we have to turn that income into material quality of life” (Robeyns, 2016, p. 21). The driving intuition behind Robeyns’s account of affluence is “the capability insight that what matters is not what resources people have, but what those resources can do for people” (Robeyns, 2016, p. 21).

This account of affluence raises one question: Who determines that an individual has too much? After all, since expensive yachts are bought and expensive vacations booked, they possibly contribute to human flourishing. If not, why does everyone want these things? This contention shows that limitarianism requires a comprehensible account of flourishing that is neither based on what people want, nor counts luxury items among the constituents of flourishing. In precisely this vein, Ingrid Robeyns states that the account of flourishing underlying limitarianism “is an objective account of well-being: Flourishing should not be confused with a desire–satisfaction account of well-being” (Robeyns, 2016, p. 13). Martha Nussbaum’s list of central capabilities constitutes such an objective approach to human flourishing (Cf. Nussbaum, 2011, p. 33 f.). Alternatively, Alexander Korolev has recently defended a dichotomy between needs and wants, on which an account of affluence could also be based: “Needs and wants can exist separately from each other. They may have different relationships to social and political reality and may imply different political logic for their satisfaction” (Korolev, 2015, p. 26). Linking human flourishing to the satisfaction of needs is particularly attractive for limitarians as it detaches the former from subjective wants. Furthermore, the concept of needs helps to explicate what is so objectionable about excessive wealth and affluence: “Those who are absolutely affluent are not necessarily affluent by comparison with their neighbours, but they are affluent by any reasonable definition of human needs. This means that they have more income than they need to provide themselves adequately with all the basic necessities of life” (Singer, 1979, p. 221).

Limitarianism’s dependence on an objective account of well-being, or flourishing, raises an important concern: Who is to determine whether a capability qualifies as a central capability, as a desire, or as a need? To illustrate these tensions, let me give an example: Should the possession of a regular car be seen as a need or a

want? Should it be among the central capacities to live a flourishing life? Moral intuitions pull in different directions: First of all, when two billion people still suffer from malnutrition, possessing a car appears like a mere want (Cf. “Hunger: Verbreitung, Ursachen und Folgen”, 2018). On the other hand, it seems as if a car also provides its owner with the flexibility and autonomy necessary to flourish in a western society. Classifying a regular car as a want, a need, or a central capability involves a high degree of discretion that opens up space for paternalism and abuse. For these reasons, philosophical approaches that try to neatly distinguish between needs and wants, or, alternatively, find objective criteria for (minimal) wellbeing are highly contested: “The basic needs ideas have real problems [...] but they are not easy to answer in a satisfactory way and one is left with a certain skepticism about the approach. These problems are shared with any attempt to stipulate 'minimum' levels be they in terms of 'adequate' housing, food, capabilities and so on, or in terms of poverty lines” (Stern, 1989, p. 645). The difficulties in objectively specifying poverty lines mirror the difficulties in finding justifiable criteria for riches lines.

However, difficulties in adequately conceptualizing affluence and flourishing do not significantly affect the plausibility of the limitarian doctrine. After all, limitarianism addresses the super-rich in particular, as the latter’s wealth poses a particularly great threat to political equality. A tax on surplus money, it is not aimed at confiscating wealth in a conceptual grey zone. Although it is debatable whether the possession of a regular car contributes to flourishing or not, if the latter is based on a list of relevant capabilities or on the notion of human needs, the moral objectionability of possessing the latest sports car is less controversial. Thus, even in light of a conceptual gray area, there are plausible, paradigmatic instances of material affluence. And it is the latter that would be the prime subject of upper limits anyway.

I will simply grant, for the sake of the argument, that it is possible to give substantial, a non-arbitrary account of affluence and human flourishing substantial enough to spell out a riches line, i.e. upper limits on wealth. For, even under this assumption, her arguments for upper limits open up enough space for critical discussion. Thus, there is a second, major conceptual qualification in this thesis: I will employ the notion of wealth *as if* it were a well-defined concept. Furthermore, whenever I speak of upper limits on wealth, what I mean is (1) upper limits on *surplus income* and (2) limits to *individual*, as opposed to *corporate*, wealth. I focus on monetary

income only, as the latter is a strong proxy for wealth in a more general sense. Therefore, I use the notions of money, income and wealth interchangeably.

Most importantly, limitarianism is agnostic on how upper limits are established. For example, one could think of a simple 100 % tax applying to all money which is not needed to live a flourishing life. Alternatively, economic and social institutions could be fundamentally redesigned in such a way as to not generate wealth in the first place. In this spirit, a society might distribute private property more evenly or abolish it altogether. Thus, limitarianism is compatible with numerous ways of establishing upper limits, although the specific justification for the latter might preclude some of the former. There is nothing in the concept of upper limits that favors either simple *ex-post* redistribution or complex *ex-ante* redesign. I want to make it very clear that, in this thesis, upper limits are taken to be realized through the simple, above-mentioned, 100 % tax. I make this commitment because the normative issues raised by *ex-ante* redesign are beyond the scope of this thesis and involve an analysis of complex socioeconomic regimes. In contrast, the simple nature of a 100 % tax lines up better with the limited scope of the analysis.⁷

Let me now turn to the central focus of the thesis – the democratic argument for upper limits. It can be summarized, as follows:

- P1) A society should establish political equality.
- P2) Wealth undermines political equality.
- C) A society should establish upper limits on wealth.

In my reconstruction of the argument, P1 is the normative premise. It states that political equality is an important value that a society should strive to realize and guarantee for each citizen. According to Robeyns, this is the case because political equality is an intrinsic value (Robeyns, 2016, p. 3). Nevertheless, it is not self-evident what this actually means. After all, one can give different justifications for various conceptualizations of political equality. A successful case for limitarianism would thus have to spell out convincingly what kind of political equality the democratic argument requires and why this particular conceptualization has normative force. In

⁷ I could be accused of using a straw man here: After all, a simple 100 % tax also seems to be the least convincing version of limitarianism. However, my aim in this thesis is to show that even this, initially unconvincing, interpretation of limitarianism can be coherently reconstructed and justified if limitarianism is understood as a non-ideal theory. Therefore, by strengthening its least plausible version, my arguments support the limitarian doctrine in its entirety.

chapter 2.1, I will develop and defend an account of political equality that serves these aims, i.e. *substantial equality of opportunity for political influence*.

The second premise P2 is an empirical claim. It simply states that wealth has detrimental effects on political equality. I will identify, and empirically support, various mechanisms that translate individual wealth into political power and thus violate political equality understood as substantial equality of opportunity for political influence.

It is not obvious why a need for upper limits on wealth, congruent with the limitarian account, would follow from these premises. Therefore, I will scrutinize whether upper limits are both necessary and sufficient to safeguard political equality from its corruption through wealth. I will argue that if limitarianism is understood as a non-ideal theory, i.e. a transitional theory of justice that takes into account the psychological limitations and the probable non-compliance of political actors, the case for the necessity and sufficiency of upper limits can convincingly be made. Thus, I claim that the more one distrusts the government to issue appropriate laws and regulations, the stronger the case for limitarianism: In a non-ideal world, marked by severe wealth inequalities and corruptible politicians, who only partially comply with the demands of justice, limitarianism might indeed be the only option to reliably protect political equality.

In the final part of the thesis, I will defend the democratic case for upper limits, within Robeyns's broader argumentative strategy, against three pressing charges, i.e. (1) limitarianism simply serving "old wine in new bottles", (2) limitarianism being internally inconsistent and (3) limitarianism having absurd consequences. By characterizing limitarianism as a *derivate* and *incomplete* theory of distributive justice, I hope to circumvent all three objections. Thus, I argue that, rather than undermining the case for upper limits, these charges once again express its non-ideal character.

I conclude that the democratic argument is a well-chosen defense for limitarianism, if the latter is understood in a non-ideal way.

2.1 The first premise: Political equality – What and Why?

The first premise of the democratic argument for limitarianism states that political equality is a value which a society should pursue and foster. In her paper “Having too much”, Ingrid Robeyns does not give a precise statement of the term political equality. This raises two separate, yet interconnected, questions: (1) What is meant by the term and (2) why does it have normative force, i.e. how can political equality be justified?

In the following chapter, I will first present the basic intuition explicated in the concept of political equality. After that, I will present a specific conception of political equality that makes the democratic case for limitarianism strongest. Lastly, I am going to present an argument of how that particular conception of political equality can be justified.

What is political equality? In the beginning of his own book on the subject, political theorist Charles Beitz cites Thomas Rainsborough, a prominent figure in the English Civil War of the 17th century: “[R]eally I think that the poorest he that is an English hath a life to live as the greatest he” (Beitz, 1989, p. 3). According to Beitz, these words are one of the first statements of “an enduring and powerful ideal” – political equality (Cf. Beitz, 1989, p. 3). Interestingly, Rainsborough does not demand each English citizen to be rich or poor. Instead, he calls for the rich and poor to have the *same kind of life*. What constitutes such a life is, among others, the chance to live self-determined and independent while being able to influence the political process according to one’s own convictions and ideals. In 16th and 17th century England, this type of life was reserved for the wealthy and the rich.

Figuratively speaking, political equality refers “to the extent to which citizens have an equal voice over governmental decisions” (Verba, 2001, p. 2). Thus, it is an integral part of the society that Rainsborough envisages. According to Charles Beitz, “political equality is the central organizing idea of modern democratic belief” (Beitz, 1989, p. 217) and thus, it “refers to a set of requirements that apply to the institutions that enable citizens to participate in political decision-making in a constitutional democracy” (Beitz, 1989, p. XI).

Political equality is a complex issue. One only needs to think of a typical classroom discussion on where to go for the next school trip: Naturally, the teacher wants the class to make the decision, so that no student will later complain that she

was forced to spend days in a location she did not like. Thus, including every student in the decision-making process is, among others, meant to transfer legitimacy to the final decision.⁸ Therefore, the teacher might use a lesson to let the students discuss and decide on where to go. Just – what does it mean to let all students discuss? Naturally some will be introverted and silent and thus yield the stage to dominant students, i.e. those occupying a strong position within the class’s social structure. In short: If the teacher simply opens up space for discussion, the loudest voices might determine where the whole class will go. This seems to violate the intuition behind political equality as not everyone has an equal voice in where to go. Should the teacher thus intervene in the discussion and force every student to make a contribution of a specific type, e.g. on where she wants to go and why? Would that be more in line with political equality?

The question raised by the classroom case is whether political equality should be spelled out as equality of input or equality of output: Does it matter whether every student can make a contribution to the class discussion or whether each student actually does so? In political philosophy, equality of output is a highly contested concept, as it is insensitive to varying ambitions: If someone does not want to raise her voice in the political process, she should not be forced to do so. As a consequence, most political philosophers spell out political equality as equality of inputs, e.g. *equality of resources*, or as *equality of opportunity* (Cf. Knight & Johnson, 1997). These two conceptions are linked if equality of resources serves as a proxy for equality of opportunity, based on the implicit assumption that an equal set of resources will generally translate into an equal set of opportunities, and an unequal set of opportunities will, accordingly, lead to unequal output. Regarding political equality this assumption seems sufficiently reasonable: Unequally distributed political resources, e.g. wealth, generally translate into unequal opportunities to influence political decision-making. Chapter 2.2 will point to recent empirical evidence supporting this claim. Thus, in the remainder of this thesis, political equality is spelled out as *equality of opportunity for political influence*, as measured in the possession of a specific set of political resources. Thus, every citizen should be assigned an equal set of political resources so that she has an equal opportunity to raise her voice in governmental decisions.

⁸ This intuition, is, as will be apparent later, also fueling the deliberative conceptualization of the democratic ideal.

There are different ways to explicate this concept, depending on how extensive the set of political resources is thought to be. I think it is useful to distinguish, using Weberian language, two ideal types of political equality⁹: (1) purely formal equality of opportunity for political influence and (2) fully substantial equality of opportunity for political influence. Formal political equality entails only the most minimal set of political resources. In practice, this comes down to dissipating legal barriers to participation in order to ensure fair and equal procedures. Formal political equality “does not attempt to equalise the various other background conditions which might affect people’s opportunities to participate in politics” (Rowbottom, 2010, p. 10). In sharp contrast, fully substantial equality of opportunity for political influence includes the most exhaustive and most comprehensive set of political resources. Thus, not only does it seek to establish fair procedures. Additionally, the aim is to endow citizens with equal starting points in political discourse and decision-making – thus a substantial component enters the stage. The distinction between formal and substantial equality corresponds to the opposition between mere *de jure* and effective *de facto* power: “Even though democracy clearly changes the distribution of *de jure* power in society [...], policy outcomes and inequality depend not just on the *de jure* but also the *de facto* distribution of power” (Acemoglu et al., 2013, p. 2).

Most accounts of political equality are situated within the conceptual space opened up by these two ideal types of political equality. Instead of discussing typical examples, I will focus strategically on the one account of political equality that will make the democratic case for limitarianism strongest. Put differently: How does one have to think about political equality to be most offended by the inequalities in individual wealth? The answer seems rather straightforward: If one embraces an account of political equality that includes individual wealth among the political resources to be equalized, one should be offended by wealth inequalities accordingly.

This simple answer already helps to distinguish the account of political equality, underlying the democratic argument, from competing ones. Firstly, it clearly departs from a purely procedural account of political equality and thus holds that establishing

⁹ Sociologist Max Weber used the term ideal type to describe an abstract, idealized concept: “An ideal type is formed by the one-sided *accentuation* of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent *concrete individual* phenomena, which are arranged [...] into a unified *analytical* construct (*Gedankenbild*)” (Weber, 1949, p. 90). Here, I use the notion in a similar sense to capture the idea that any factual conception of political equality will be a specific synthesis of two idealizations – purely formal and fully substantial opportunity for political influence.

fair procedures is not enough. This is a plausible implication: Economic inequalities, by creating substantially different starting points for citizens, distort opportunities for the latter to exercise equal influence. Secondly, inequalities in wealth are linked to inequalities in other political resources, e.g. education and social status. Thus, the more comprehensive the account of political equality, the more likely it is to include individual wealth among the political resources to be equalized. Therefore, I contend that the democratic argument for limitarianism presupposes a comparatively substantial account of political equality, understood as equality of opportunity for political influence, which includes individual wealth as one of the political resources to be equalized.

Before continuing with my argument, I want to address one challenge to this conceptualization of political equality, i.e. that it is unnecessarily strong. After all, why should limitarianism presuppose *equal* opportunity for political influence? In this sense, Ronald Dworkin argued that democracy only requires citizens to have *enough*, rather than *equal* influence (Cf. Dworkin, 1987, p. 22). Generally speaking, I think that the objection is correct: One does not need to embrace the ideal of *equal* influence to condemn the corruption of the political by the economic sphere. Even a more modest approach that focusses on, say, *sufficient* influence already provides good reasons to mitigate the effect of wealth on politics. Nevertheless, I want to stick to my conception of *equal* opportunity for influence, even in light of this realization: After all, Robeyns explicitly uses the notion “political equality” in her sketch of the democratic argument. A conception of the latter that relies on the sufficiency, rather than on the equality, of influence seems to me a rather hollow concept of political equality: If a concept is not concerned with *equal* influence, why denoting it political *equality* in the first place? Differently put: By using the term political equality, rather than, say, political fairness, I take Robeyns as having committed herself to an ideal of *equal* influence. Nevertheless, upper limits on wealth could probably be based on a more modest conception of political influence as well. Joshua Cohen has nicely framed this point when dealing with legal restrictions on campaign finance: “Whether the restrictions would serve to equalize opportunity, ‘adequatize’ opportunity, or maximin it, the same issues emerge” (Cohen, 2001, p. 53). Surplus

wealth can thus be condemned by different distributive patterns of (opportunities for) political influence.¹⁰

2.1.1 Justifying Political Equality

In a second step, I now explore how my account of political equality can be justified: Why does it have any normative force? One can distinguish two justificatory strategies: Firstly, political equality could be attributed intrinsic value. Secondly, political equality could be derived from another concept by either being entailed in or by instrumentally contributing to it.

I am not going to focus here on intrinsic justifications of political equality as “the significance of equality is seldom intrinsic” (Beitz, 1989, p. 228).¹¹ In contrast, “most often it arises from some more substantial value” (Beitz, 1989, p. 228). A prominent example of such a more substantial value is a higher-order notion of equality, e.g. that each citizens’ interests must be given equal consideration. This strategy is pursued by political theorist Robert A. Dahl in his late work. In “On Political Equality” (2006), Dahl explains: “If we make two assumptions, each of which hard to reject in reasonable and open public discourse, the case for political equality [...] becomes extraordinarily powerful. The first is the moral judgment that all human beings are of equal intrinsic worth, that no person is intrinsically superior to another, and that the good or interests of each person must be given equal consideration. Let me call this the assumption of intrinsic equality” (Dahl, 2006, p. 4). Secondly, Dahl assumes that “among adults no persons are so definitely better qualified than others to govern that they should be entrusted with complete and final authority over the government of the state” (Dahl, 2006, p. 4). He thinks that both assumptions provide “strong support for political equality as a desirable and reasonable goal or ideal” (Dahl, 2006, p. 6). The problem with his argument, however, is that it lacks any reference to how this conclusion is supposed to follow from the two premises.

¹⁰ In chapter 3.3 I argue that the argument from unmet urgent needs is a *sufficientarian* argument. To increase coherence with this particular argument, I think that it would have been a better choice to base the democratic case on the *sufficiency*, rather than the equality, of (the opportunity for) political influence, too. However, as I will also point out, a distinctly egalitarian interpretation of the democratic argument can be reconciled with the argument from unmet urgent needs, if limitarianism is understood as a non-ideal theory.

¹¹ This view is supported by Harry Frankfurt: “I categorically reject the presumption that egalitarianism, of whatever variety, is an ideal of any intrinsic moral importance. [...]. Hence, I maintain that none of the egalitarian ideals corresponding to them has any underived moral worth” (Frankfurt, 1997, 3 f.).

Differently put: Even if citizens are regarded as intrinsically equal, why should they also have an equal influence on the political process? After all, numerous inequalities are considered compatible with an overarching equality of intrinsic worth – why not political inequalities as well?

This difficulty in justifying political equality, exemplarily demonstrated in the work of Robert Dahl, is already displayed by Charles Beitz: “The most natural thought is that a requirement of [political] equality is compelled by some version of the more basic principle that persons have a right to be treated as equals. But [...] there are very deep difficulties in this relationship, and its plausibility fades on analysis” (Beitz, 1989, p. 6). More recently, philosopher Steven Wall has convincingly argued that any account of political equality that focusses on the equal opportunity to acquire a political resource bundle, just as the account presented here, suffers from this justificatory problem: “If the fair opportunity view allows citizens to have different, but equal, political resource bundles, it becomes puzzling why the different bundles must be equal” (Wall, 2007, p. 422). After all, if the abundance of one political resource can compensate for the lack of another within a political resource bundle, why should the abundance of resources to pursue non-political aims and interests not make up for a lack of political resources? Differently put: Even if citizens should generally be treated as equals, i.e. by having the opportunity to obtain equal overall resource bundles, this does not necessarily imply that any specific subset of this bundle, e.g. the bundle of political resources, should be equal well. Wall’s arguments nicely illuminate the aforementioned difficulty in deriving political equality from an overarching ideal of equality.

Below, I will sketch a different justification of political equality: I will demonstrate that a particular account of political equality can be derived from the concept of democracy. The structure of the argument is as follows: In a first step, I will defend a specific conception of democracy. In a second step, I will show that this conception of democracy has a particular conception of political equality among its necessary conditions.¹²

The first step consists in justifying a specific understanding of democracy. I take *deliberative democracy* as the starting point of the argument. This choice might seem arbitrary, but I hope that the rationale behind it will become clear as the argument

¹² This procedure resembles the structure of transcendental arguments in ethical theory.

proceeds. Deliberative democracy is just one conception of democracy among many others. What sets it apart is that deliberative democracy particularly stresses deliberation, as opposed to, say, mere voting, as a pivotal criterion for legitimacy (Cf. Knight & Johnson, 1997, p. 280). Thus, “the general aim of deliberative democracy is to provide the most justifiable conception for dealing with moral disagreement in politics” (Gutmann, 2004, p. 10).

2.1.2 Defending Deliberative Democracy

How can deliberative democracy be justified? A convincing justificatory strategy can be found in Colin Farrelly’s frequently cited paper “Justice in Ideal Theory: A Refutation” (2007). As the paper’s title suggests, the author is critical about “armchair theorizing about justice in ideal theory“, which, as he claims, “severely limits the practical insights of liberal egalitarianism as such theorizing often brackets the complex and contentious issues that make the struggle for justice in real societies difficult” (Farrelly, 2007, p. 859). In order “to make a positive contribution to helping political philosophers shift from ideal to non-ideal theory” (Farrelly, 2007, p. 859), Farrelly promotes second-order theorizing. As Gutmann and Thompson point out: “Second-order theories are about other theories in the sense that they provide ways of dealing with the claims of conflicting first-order theories. They make room for continuing moral conflict that first-order theories purport to eliminate” (Gutmann, 2004, p. 13). In sharp contrast, “first-order theories seek to resolve moral disagreement by demonstrating that alternative theories and principles should be rejected. The aim of each is to be the lone theory capable of resolving moral disagreement. [...] Each theory claims to resolve moral conflict, but does so in ways that require rejecting the principles of its rivals” (Gutmann, 2004, p. 13). According to Farrelly, Gutmann and Thompson, “deliberative democracy is best understood as a second-order theory” (Gutmann, 2004, p. 13). As such, deliberative democracy is a flexible and adaptable framework which does justice to the fact that morality is not an unchangeable, monolithic structure: Deliberative democracy “does not champion the priority of one particular substantive (e.g. liberty, equality, etc.) or procedural value (e.g. democracy); rather it acknowledges a plurality of such values. Instead of trying to win a philosophical argument concerning the viability of first-order principles, deliberative democrats are more concerned with determining what would

constitute a reasonable balance between conflicting fundamental values” (Farrelly, 2007, p. 860). Thus, especially for an applied ethicist, who is skeptical of privileged access to moral truth, deliberative democracy should be an attractive concept. Its justification lies precisely in the ability to recognize and mediate between conflicting first-order theories and concerns.

This justification for deliberative democracy is particularly appealing in light of the recent shift from ideal to non-ideal theory in political philosophy (Cf. Farrelly, 2007). Colin Farrelly argues that this changing focus will also bring about a shift from first-order to second-order theorizing. According to Laura Valentini, the “methodological turn” towards non-ideal theory is driven by “a frustration with the subject’s perceived lack of influence on real-world politics” (Valentini, 2012, p. 1). Thus, not only can one plausibly defend deliberative democracy by pointing to its pluralistic character. Additionally, this particular justification answers the call for non-ideal theory by taking into account the need to effectively solve political debates. Since these are often marked by a clash of seemingly irresolvable perceptions of justice, deliberative democracy, with its ability to account for opposing views, promises to be useful tool. Therefore, Farrelly’s justification of deliberative democracy gains even more credibility.

Since this thesis is not concerned with an exhaustive defense of deliberative democracy, these preliminary thoughts have to suffice for the moment. I simply wanted to demonstrate that there are good *prima facie* reasons to embrace deliberative democracy as a starting point for my argument.

2.1.3 Deriving Political Equality

In a second step, I now turn my attention to the particular conception of political equality that deliberative democracy presupposes. Fortunately, philosopher Jack Knight and political scientist James Johnson have already tackled precisely this issue in their 1997 paper “What Sort of Political Equality Does Deliberative Democracy Require?”. Deliberation, if taken as the ultimate justification for democratic decisions, is especially vulnerable to inequalities in accessing the political forum, as well as to inequalities in influencing the deliberative process. Thus, the authors argue that deliberative democracy “requires a particular, relatively complex sort of equality. [...] More specifically, democratic deliberation requires *equal opportunity of access to*

political influence” (Knight & Johnson, 1997, p. 280): Political equality, in Knight’s and Johnson’s understanding, entails fair procedures that grant everyone, among others, a set of rights to participate in the political process, e.g. a right to vote and to free speech. Furthermore, political equality requires the possibility to effectively use these procedural opportunities. Thus, citizens have to be substantially equal in their ability to influence the political process. According to the authors, “this will entail some redistribution of power and relevant material resources as well as an acceptance of inequalities in the treatment of citizens by the state. This will involve hard choices. But the dictates of political equality in a deliberative democracy require no less” (Knight & Johnson, 1997, p. 310).

This contention links their arguments nicely to the limitarian doctrine which, in arguing for upper limits on wealth, advocates such a hard choice. Knight’s and Johnson’s ideas entail a crucial link to the democratic case for upper limits: If they are correct, deliberative democracy requires precisely the same, complex notion of political equality, i.e. *substantial equality of opportunity for political influence*, which would, as demonstrated earlier, make the strongest case for the democratic argument.

I have shown that the comprehensive and substantial take on political equality underlying the democratic case for limitarianism is neither arbitrary nor badly justified. Instead, it can be derived as a necessary condition of a plausible interpretation of democratic decision-making, i.e. deliberative democracy. Thus, I hope to have circumvented the aforementioned problems in justifying political equality by reference to a higher-order conception of equality. The only concession one has to make in accepting my argument is to embrace the methodological turn in political philosophy towards non-ideal theory. If the reader sticks to “high theory” and first-order theorizing, the specific justification for deliberative democracy, as stated in this thesis, will lose much of its initial appeal. Furthermore, it might be argued that I strategically cherry-picked the starting point of my argument by defending *deliberative* democracy rather than any other conception of the democracy, because it already entails the strong notion of political equality I am arguing for. I thus devoted some space to explain why there are good reasons to embrace deliberative democracy *independent* of any preference for a particular conception of political equality. Let me now move on to my reconstruction of the democratic argument for limitarianism.

2.2 The second premise: Private wealth – How it distorts democracy

In the previous chapter, I have argued that (1) political equality is best spelled out as equality of opportunity for political influence and that (2) the democratic argument for limitarianism requires a substantive conception of the former. To reconstruct the complete argument, I still have to show how money and wealth distort political equality and why they should consequently be among the political resources a society equalizes. The focus thus is on the second, descriptive premise of the democratic case for limitarianism.

As early as 1835, Alexis de Tocqueville remarked: “When no member of the community has much power or much wealth, tyranny is, as it were, without opportunities” (Sunde & Kotschy, 2017, p. 212). Formulated differently – if certain community members are very wealthy, they gain significant influence over the political process. How is such an exertion of influence possible? After all, democratic institutions, such as an equal right to vote and parliamentary control, are meant as powerful checks and balances to prevent an individual, an interest group or a party from gaining excessive and illegitimate influence. Unfortunately, there are various mechanisms, which, although not in conflict with established law, translate wealth into political power. In her paper “Having too much”, Ingrid Robeyns relies on Thomas Christiano’s “Money in Politics” (2012) to spell out these mechanisms. Consequently, I will not restate Christiano’s points. Instead, I will try to connect them to similar arguments in philosophical and political discourse. Thus, I hope to derive a more comprehensive picture of how wealth and money translate into political power.

Jacob Rowbottom makes a useful distinction in his book “Democracy Distorted” (2010): According to him, money and wealth translate into political power by (1) giving priority to the wealthy in the political process and (2) by fostering the opportunities of the wealthy for political participation (Cf. Rowbottom, 2010, p.4).

First of all, wealthy citizens can fund individuals and political parties. It is important to point out that I am not speaking of “buying votes” in the most literal sense of blunt bribery or extortion. Indeed, as Rowbottom argues, “in most cases, any influence secured through wealth arises not through buying votes or making backroom deals for cash” (Rowbottom, 2010, p. 2). In contrast, by donating money,

the rich can execute more subtle influence on the politicians and parties: “Receiving money makes people, including politicians, indebted to the donor and likely to try to please them, do them a favor, spread their views, or at the very least, self-censor their own views to avoid upsetting the donor” (Robeyns, 2016, p. 7)

Secondly, political money enables the rich to take part in politics to an extent that the poor, or less wealthy, cannot. Since electoral campaigns are extremely expensive, there is a high chance that only wealthy individuals end up on the ballots. This is a problem insofar as their views and political opinions are probably biased towards a social structure that protects or fosters their dominant economic position or, more subtle, towards certain political ideals that correspond to a wealthy lifestyle and higher socio-economic groups. These phenomena are referred to as “gatekeeping” by Thomas Christiano (Cf. Robeyns, 2016, p. 7).

Thirdly, the wealthy can use their money to influence political opinion, e.g. via the ownership of the media, lobbying or the financing of think tanks. To give an example: In their seminal study “Manufacturing Consent. The Political Economy of the Mass Media”, Edward S. Herman and Noam Chomsky explain that the twenty-four media companies which “make up the top tier of media companies in the United States [...] are large, profit-seeking corporations, owned and controlled by quite wealthy people” (Herman & Chomsky, 1988, p. 5). The socio-economic background of their owners, market pressures and collusion with politicians for support severely restrict the set of topics which are covered in the news (Cf. Herman & Chomsky, 1988). Thus, certain viewpoints will rarely receive any attention. Apart from ownership of the media, the wealthy can spend their money on think tanks or for lobbying activities. Anecdotal evidence for the effect of lobbying is found in a campaign of the German automobile industry against a simple efficiency label for their cars: Ultimately, the EU was persuaded to measure efficiency in such a way that even a military tank could compete with a regular car in terms of efficiency and environmental friendliness (Cf. Kröger, 2012).

Fourthly, money can work as an independent political power. Because the rich often have their money concentrated in firms, they “can undermine democratically chosen aims by using their economic power. This turns the power of capitalists into a feasibility constraint for democratic policy making” (Robeyns, 2016, p. 8).¹³ This

¹³ The wealthy can, for example, threaten politicians to move their money to another country – a phenomenon known as “capital flight”.

mechanism is different from the first three and corresponds to Rowbottom's category of giving priority to the wealthy in the political process. Additionally, rich people often occupy key positions in the economy. According to an influential argument by Charles Lindblom, businessmen enjoy a privileged position in politics because the success of the economy is a crucial determinant of governmental success: In order to induce businessmen to have their business, and the whole economy, perform well, they are treated preferentially in politics (Cf. Lindblom, 1977). Thus, the interests of the rich shape the political debate.¹⁴

It should now have become clear that money and wealth influence the political process and the political agenda in numerous ways: "In the legendary words of California Assembly Speaker Jesse Unruh, 'Money is the mother's milk of politics'" (Mann & Potter, 2015, p. 393). To be sure, this does not mean "that businesses are always successful in influencing policy" (Rowbottom, 2010, p. 3). In contrast, it shows that "big businesses and wealthy interests will tend to have a constant and influential presence in policy-making" (Rowbottom, 2010, p. 3). Although a democracy sets limits to the influence of the wealthy, e.g. by granting the poor the same right to vote, wealthy elites can use "various pathways to exert political influence [...] and shape economic institutions [...] in their favor. There is no evidence that (de jure) democratic institutions restrict the influence of the elite" (Krieger & Meierrieks, 2017, p. 129).

These mechanisms, although coherent and intuitively plausible, are mere possibilities, or narratives, of how wealth and money *could* be converted into political influence. There is no guarantee that real-life politics will indeed be shaped and captured by wealth. Thus, it is particularly unfortunate that, in making a case for the subversive effects of wealth, scientists often rely on anecdotes only, as noted by

¹⁴ It could be argued, however, that the interests of the rich also represent the interests of employees and their families. In the same vein, James M. Buchanan claimed: "I find it difficult to understand how anyone, viewing the political-economic setting [...], could argue that 'business interest' dominates much of anything" (Buchanan, 1979, p. 217). In his opinion, there are no singular business interests, as everything that is in the interest of a business is also in the interest of the economy and economic policy making. Thus, without influential businessmen, "[...] [p]recisely the *same* economic functions would need to be performed, and in order to ensure that these functions are performed with tolerable efficiency, precisely the *same* governmental policy set would be dictated" (Buchanan, 1979, p. 217). However, recent empirical studies, presented in more detail below, demonstrate that Buchanan is wrong: What businessmen and wealthy elites seek it not necessarily in the interest of their employees or the economy. To the contrary, by exercising excessive influence, the wealthy bring about substantial restrictions of economic freedom and a decline in the overall quality of democratic institutions. In short: The interests of business and wealth are not congruent with, and often detrimental to, the interests of the economy and the society.

Daniel Fusfeld in his review of Lindblom's "Politics and Markets": "The methodology used is a blend of obiter dicta, casual empiricism, and anecdote, supported by selective references to studies that support one or another of Lindblom's opinions" (Fusfeld, 1979, p. 211).

To show that the mechanisms just mentioned constitute actual, rather than fictional, ways of influencing the political sphere, empirical data is necessary. Unfortunately, it is surprisingly hard to find robust empirical evidence on the alleged correlation between economic inequality, private wealth, politics and democracy. After all, the variety of mechanisms translating wealth into political power suggests a strong, measurable correlation between the interests of the wealthy and the content of actual policies. But, as German economists Uwe Sunde and Rainer Kotschy note in a recent publication: "Yet, to date, there exists little to no evidence on the question as to whether the beneficial effect of democracy on institutional quality is eroded by excessive inequality" (Sunde & Kotschy, 2017, p. 209). In conducting their own empirical study, relying on a variety of panel data models, the authors conclude: "Taken together, the findings suggest that equality is a pivotal factor that determines whether democratic institutions have a positive and lasting effect on institutional quality" (Sunde & Kotschy, 2017, p. 225).¹⁵ Most strikingly, "the results are consistent with a negative effect of democracy on institutional quality in very unequal societies" (Sunde & Kotschy, 2017, p. 225). Thus, severe economic inequalities can negatively affect civil liberties and economic freedom.

A similar panel-study was carried out by economists Tim Krieger and Daniel Meierrieks, in which the authors examine the effects of income inequality on economic freedom. They conclude: "The (causal) effect of income inequality on economic freedom is negative, especially on economic freedom related to international trade, domestic market regulation and the rule of law and property rights protection" (Krieger & Meierrieks, 2017, p. 129). Thus, economic inequality undermines economic freedom.

What is the relation of these studies to the democratic case for limitarianism? Ultimately, economic freedom is not equivalent to political equality and thus one could doubt the relevance of Krieger's and Meierrieks's findings for the democratic argument for limitarianism. In sharp contrast, I contend that there is a strong

¹⁵ In their study, Sunde and Kotschy use established indices of civil liberties and economic freedom as a proxy for institutional quality.

connection: Krieger's and Meierrieks's analysis indicates that wealthy elites are able to translate their economic power into political power, for otherwise economic policies that, by restricting economic freedom, are of use only for precisely these elites, would not have been established. After all, economic freedom is generally regarded as constituent of a nation's welfare and as a "crucial factor for long-run development" (Cf. Sunde & Kotschy, 2017, p. 209). As Krieger and Meierrieks point out themselves: "We argue that the negative effect of inequality on economic freedom is due to the economic elite converting its economic power into de facto political power to defend its economic interests" (Krieger & Meierrieks, 2017, p. 115). They go on to claim that "the latter finding corresponds to a system of political capitalism or captured democracy, where a powerful economic elite can nevertheless exercise de facto political power by cooperating with politicians and other decision-makers for their mutual benefit (Krieger & Meierrieks, 2017, p. 115). The authors call this phenomenon "political capitalism" – following terminology introduced by economist Randall G. Holcombe: He describes political capitalism as "an economic and political system in which the economic and political elite cooperate for their mutual benefit" (Holcombe, 2015, p. 41). This point nicely relates to Charles Lindblom's claim that the privileged position of businessmen is determined by their dominant economic positions.

Thus, the very recent economic literature provides empirical evidence for the distortive effect of wealth and money on the quality of democratic and economic institutions. However, as the literature's explanation for these frictions is the political influence of the wealthy, it quantifies the distortion of political equality by wealthy elites as well. Therefore, we can regard political money and political capitalism as more than coherent narratives or plausible metaphors, but as quantifiable phenomena.

Before continuing my analysis with the democratic argument's conclusion, I want to develop one further thought: The democratic argument for limitarianism does not even presuppose that money and wealth actually translate into political power. Even if no person or institution used money and wealth politically, the mere possibility that the latter could be used that way may call for governmental action. After all, democracy crucially relies on citizens' trust in its functionality and legitimacy (As Maximilian de Robespierre noted back in the chaotic days of the French Revolution: "Democracy perishes by two excesses, the aristocracy of those

who govern, or the contempt of the people for the authorities which it has itself established” (Cogan, 2013, p. 1)). The latter kind of contempt can arise if citizens have the impression that it is not the people that rule, but a wealthy elite corrupting the government to pursue its own interests at the expense of the majority: “The sense that many of the key discussions take place behind closed doors where parties hash out compromises, among a tight circle of people who have often been to school and to university together ... can easily fuel the feeling that the prevailing modus operandi is not so much a consensus as a stitch-up” (Cogan, 2013, p. 2). To demonstrate that democracy is no collusion between elites, law performs a symbolic role. This line of thought is also present in the famous 1974 “Buckley vs. Valeo” case of the US Supreme Court on the legitimacy of limits on campaign contributions: “Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions” (Buckley, 424 U.S.). Laws covering the potential influence of money and wealth demonstrate the willingness of a government to protect fundamental, democratic ideals, e.g. political equality, independent of any pressing empirical necessity to actually do so. Rebuilding trust in a democracy is especially important in the current “post-democratic” era, marked by rising economic inequalities, globalization and the rise of populist movements. Thus, even if wealth and money do not actually translate into political power, the mere opportunity, in conjunction with law’s symbolic character, constitutes a *prima facie* case for governmental action.

To sum up: Wealth and money translate into political power through various channels that include lobbying, campaign finance or the ownership of mass media. Generally, one can distinguish two ways in which economic inequalities influence politics: (1) The privileged position of business and (2) money and wealth as political resources. I argued that these channels are not only coherent narratives, but real-life phenomena that can be empirically quantified. Furthermore, I tried to show that the symbolic character of law and the recent decline in public trust in democracy gives governments a *prima facie* reason to safeguard political equality from corruption through wealth and political money, even if there is no such *de facto* influence at all. Thus, I hope to have shown that the second premise of the democratic argument for limitarianism is true.

2.3 The argument's conclusion – Upper limits as a reasonable option?

In the two preceding chapters I have scrutinized the democratic argument for limitarianism's two premises. I concluded that each is well-justified. Nevertheless, even if (1) political equality, spelled out as equality of opportunity for political influence, is a meaning- and normatively powerful ideal, while (2) individual wealth and money threaten that very ideal, effectively or symbolically, it does not follow that a society should establish upper limits on wealth. After all, upper limits on wealth might neither be sufficient, nor necessary to safeguard political equality from the corruption through wealth and money.

2.3.1 Why upper limits might not be sufficient

The structural constraint argument

Upper limits on wealth might not be sufficient to protect political equality because money and private wealth, even if subject to upper limits, still constitute structural constraints on the political process. This is because wealth is (1) correlated to other political resources, e.g. social status, and (2) an independent political power.

A significant amount of the wealthy occupy key positions in the economy or society. Confiscating their wealth, although depriving them of an important political resource, will not change their dominant position. After all, they can retain, for example, their extensive network of personal and professional relations or their job as manager of a corporation deemed systemically relevant. According to the thoughts outlined in the last chapter, this dominant position already commands the attention of politicians and decision-makers and thus gives the wealthy priority in the political process. Furthermore, since limitarianism is agnostic about the distribution of wealth and income below the upper limit, it is compatible with the persistence of a *comparatively* wealthy elite. The latter can still use its retaining wealth to threaten politicians by limiting investments or by shifting capital abroad. This is what Thomas Christiano refers to as money's independent political power (Cf. Robeyns, 2016, p. 7).

Even if limitarianism is correctly understood as an argument to counter the influence of the rich on the democratic process rather than as a case for redistribution or political equality *per se*, the structural constraint argument still poses an important challenge: It holds that, in order to negate the detrimental influence of the wealthy on the political process, upper limits on wealth are not enough. Instead, the above-mentioned structural biases call for more radical solutions: “Many socialists and radical democrats hold that unless there is *state* ownership (or at least effective state control) of the means of production, and therefore of investment decisions, democratic politics will be unacceptably constrained by the structural power of capital to limit state action (i.e., by virtue of its threat advantage in removing economic investment)” (O’Neill, 2012, p. 83). In the following, I will sketch a possible response to the structural constraint argument from a limitarian perspective.

First of all, the threat of individual wealth and money as an independent force does not exist if upper limits on wealth are properly established: If individuals still have enough money left to blackmail the government, e.g. by withholding investments or by shifting money to tax heavens, they still possess surplus money. This is a conceptual necessity as Robeyns defines surplus money as not needed to live a flourishing life (Cf. Robeyns, 2016, p. 24) – And I do not think the rich would shift, play and threaten others with money they actually need to flourish themselves.

However, the correlation of material wealth and structural advantages, e.g. social position or economic power, is a bigger issue for limitarianism. As the structural constraint argument spells out, the rich are able to substitute their political money for structural advantage. Thus, if a wealthy person’s surplus money is confiscated, she might fall back on her personal friendship with a politician she knows from her time at Harvard in order to retain her political influence. Thus, the substitutability of political money could possibly cancel out any positive effects that upper limits on wealth have for political equality.

One could even argue that, in a worst-case scenario, the rich might *overcompensate* their loss of wealth, for example by making more and more deals with politicians behind closed doors. Thus, upper limits could, as the argument continues, ultimately *reinforce* the detrimental effect that the wealthy have on political equality. Consequently, limitarianism could be accused of *internal inconsistency*, as the political measures it advocates, i.e. upper limits on wealth, are allegedly in tension with and detrimental to the normative goals of the theory itself, i.e. to lessen the influence of

the wealthy on political equality. However, I do not think that this objection ultimately succeeds. In contrast, it is the objection itself that shows some internal tensions: After all, if the wealthy can acquire more political influence by relying on their structural advantages only, as it is claimed in the argument, why did they not pursue this strategy before any upper limits on wealth were established? The only reasonable answer is that there are distinct advantages of using money and wealth, rather than relying on structural advantages, in gaining political influence. Thus, upper limits on wealth have to come at a cost for the wealthy. Consequently, it is logically flawed to contend a positive causal relation between upper limits on wealth and the political influence of the wealthy. The substitutability of political money and structural features can lessen the equalizing effect of upper limits on wealth, but it cannot invert the causal relationship.

Lastly, the structural constraint argument can be interpreted in a more charitable way: Although upper limits on money and wealth diminish the influence of the wealthy on the political process, the continued presence of structural constraints implies that upper limits are simply not *sufficient* to safeguard political equality. Thus, upper limits should not be established. This line of reasoning can easily be countered by a limitarian. After all, the latter conclusion does not follow from its premises: Even if structural advantages indeed persist after the establishment of upper limits on wealth, the latter will, as has been argued above, at least constrain the political influence of the wealthy. This should give a society a *prima facie* reason to establish upper limits. The structural constraint argument attacks a straw man: The democratic argument never entailed upper limits on wealth to fully realize the ideal of political equality. Limitarianism only addresses one side of the coin by, figuratively speaking, muting the voices of the wealthy. To be sure: In order to fully establish political equality it is equally important to amplify the voice of the poor (Cf. Verba, 2003). Consequently, much more is necessary to realize the ideal of political equality. However, the democratic case does not entail limitarianism to be the only cure. Instead, the structural constraint argument shows that limitarianism should be regarded as a first step towards greater political equality only – as part of a larger set of measures.

However, in response, the following worry can be raised: Even if limitarianism is indeed just a step towards greater political equality, it might be a step in the wrong direction. What if the set of measures that upper limits on wealth belong to is itself

not sufficient to fully realize political equality as long as fundamental economic inequalities are not alleviated? Figuratively put: Why should a person walk down a street which she knows will not lead to her final destination? She might hope to find a crossroads later on and thus be able to finally take the correct route. Nevertheless, one can argue that she should never have taken the wrong street in the first place. In the same spirit, if political equality can indeed never be fully realized unless the social and economic structure of a society fundamentally changes, one should not bother with anything else than realizing these changes. These thoughts pose a very deep challenge to limitarianism as they touch upon a fundamental question in ethical theory: Should an adequate theory of justice strive for an ideal “end-state” or for justice-improvements “independently of knowing what would qualify as a perfectly just world” (Valentini, 2012, p. 661)? After all, the latter, while making the world more just, might contribute nothing to achieve the former. These ideas “point in the direction of an under-explored area in political theory [...], namely the analysis of transitional ‘constraints’” (Valentini, 2012, p. 661). If upper limits on wealth do not significantly contribute to establishing the ideal of political equality, because the latter is inextricably connected to the fundamental social and economic structure of a society, the “moral costs of transition” (Valentini, 2012, p. 661) might be judged as too high. Nevertheless, a limitarian could argue that, if fundamental changes of the economic and social order are, as is reasonable to assume, not feasible at the moment, then an adequate theory of justice should not demand these changes, true to the “ought implies can” slogan in political philosophy. After all, the moral costs of doing nothing, given upper limits on wealth are a feasible way of making a society more politically equal, might be too high as well. However, I do not want to enter this particular debate in political philosophy, which “is still vastly under-explored, and is likely to keep a good number of political philosophers busy in years to come” (Valentini, 2012, p. 662). What I contend is simply that limitarianism, understood as a non-ideal theory that strives for making a society *more*, as opposed to *ideally*, just by diminishing the impact of the wealthy on political equality, can circumvent all challenges posed by the structural constraint argument.

This will not complete the case, however. After all, one has to either accept the primacy of a transition towards a more just society over the achievement of normative ideals or convincingly argue that upper limits on wealth will also pave the way to fully realizing the ideal of political equality. Alternatively, if upper limits on

wealth do not contribute to the achievement of a normative ideal, one would have to point out why they are still justified in light of particular side constraints, e.g. feasibility constraints of political action or the moral costs of doing nothing. Unfortunately, none of these I can do in this thesis.

2.3.2 Why upper limits might not be necessary

The hydraulic argument

Although the structural constraint argument has an intuitive appeal for socialists and radical democrats, most politicians, judges and citizens do not belong to these groups. Thus, I analyze the democratic argument for limitarianism from a different perspective: Instead of questioning, in light of structural constraints, the *sufficiency* of its conclusion, I now scrutinize the latter's *necessity* in light of alternative insulation strategies. After all, even if wealth is indeed such a big problem for political equality, why not issue laws that prevent the former from distorting the latter? Thus, if there are alternative strategies of insulating economic inequalities from political equality, upper limits on wealth would no longer be a necessary condition for the protection of political equality.

Jacob Rowbottom gives an impressive list of such strategies and reforms: Blocked transactions and payments, transparency requirements, limits on expenditures and donations as well as subsidies (Cf. Rowbottom, 2010). These strategies apply to different mechanisms that translate money into political power and which have been sketched in chapter 1.2 of this thesis. To give an example: If money, among others, translates into political power by individuals spending it on the election campaign of their favorite candidate, proper limits on campaign finance close this channel.

In her 2016 paper, Ingrid Robeyns makes clear that she is aware of these doubts: "Surely there should be solutions to preventing financial power from turning into political power other than simply forcing rich people to get rid of their surplus money [...]. One could argue that if we implement proper campaign legislation and anti-corruption legislation, the money invested by the rich could no longer significantly affect politics, and there would be no democratic reason to make surplus money an undesirable thing" (Robeyns, 2016, p. 9). Compared to this kind of conventional legislation, upper limits on wealth are a very radical and harsh solution: Instead of

restricting money's political impact, the money itself is simply taken away. The character of the limitarian solution to the problem of distortive wealth is captured in the legend of Alexander the Great "disentangling" the "Gordian Knot" by simply cutting it in half with his sword. In the same vein, limitarianism seems an inappropriately radical solution – as if a sledgehammer was used to crack a nut. In light of this intuitive and merely metaphorical worry – what reason could there possibly be to introduce upper limits on wealth rather than regulatory law? Ingrid Robeyns herself provides a first answer: "Much of the political influence of rich people escapes the workings of formal institutions, such as legislation and regulation" (Robeyns, 2016, p. 9). Therefore, she concludes that "imposing formal institutional mechanisms in order to decrease the impact of money on politics is thus feasible only to a limited extent" (Robeyns, 2016, p. 10). What she points out is that, although there are other ways of insulating the political sphere, upper limits on wealth are probably the most *effective* one. Although she does not use the term in her paper, her thoughts resemble the "hydraulic" case against laws restricting party funding. The metaphorical term "Campaign Finance Hydraulics" was introduced by lawyers Samuel Issacharoff and Pamela S. Karlan to articulate "the central lesson of the post-Watergate experience: political money – that is, the money that individuals and groups wish to spend on persuading voters, candidates, or public officials to support their interests – is a moving target" (Issacharoff & Karlan, 1999, p. 1707). Most importantly, they believe that "political money, like water, has to go somewhere. It never really disappears into thin air" (Issacharoff & Karlan, 1999, p. 1708). In practice, reforms that seek to *restrict* the flow of money from the economic into the political sphere, often end up simply *changing* the flow's path: "Electoral reform is a graveyard of well-intentioned plans gone awry" (Issacharoff & Karlan, 1999, p. 1705).¹⁶

¹⁶ The amount of money that floods the political sphere varies across countries. However, this fact does not necessarily show that regulatory law works better in some countries than in others. I might simply be due to a higher concentration of wealth in the hands of a few. Figuratively speaking: A rise in water pressure causes more water to leak through, even if the quality of the seals stays the same. To give an example: The influence of private wealth on politics seems less of a problem in Germany than in the US. However, wealth inequalities are also less pronounced in Germany. As stated by the OECD, Germany's Gini coefficient for 2015 is 0.289, while the same coefficient is 0.39 for the US (Cf. OECD, 2018). The Gini coefficient measures wealth inequality as the ratio of a society's actual income distribution and a perfectly equal income distribution. Since the Gini coefficient is a ratio, it varies between 0 and 1. The former indicates a perfectly equal distribution of income, while the latter indicates that one person receives the complete income. Thus, the concentration of capital in the hands of wealthy elites is more pronounced in the US than in Germany. Consequently, it should not come as a surprise that the flow of money into the political sphere is worse in the US as well.

These figurative thoughts explain the complex character of most regulatory laws aimed at an insulation of the political sphere: In order to avoid the substitution of one channel translating money into political power by just another, the whole set of channels has to be covered by regulatory law. Additionally, regulatory law might have adverse consequences on unintended target groups. The following example nicely illustrates this point: Imagine a government issuing a law demanding individuals or groups to disclose its political contributions. The law is meant to constrain the influence of the wealthy by making their enormous expenditures transparent and tractable. Nevertheless, poor individuals and small groups are hit hard by the new law: They do not have the time and the knowledge to comply with the new bureaucratic demands, e.g. filling out specific forms or visiting authorities. In contrast, rich individuals can simply hire good lawyers who do the job for them. Thus, the law has to be specified so that it targets the correct set of the population (Cf. Rowbottom, 2012). Consequently, regulatory law becomes even more complex. Furthermore, the fact that the wealthy can hire skilled and prestigious lawyers increases the need for well-specified regulations. Otherwise, the wealthy might simply exploit legal loopholes to still make their money pay off in politics. In light of these needs, it is not surprising that Issacharoff and Karlan characterize US campaign finance reform as an “own cottage industry with innumerable proposals for statutory and constitutional change and corresponding debates about how some immaculate vision of politics can be forged” (Issacharoff & Karlan, 1999, p. 1706).

Upper limits on wealth are immune to most of the above-mentioned challenges: If surplus money is simply confiscated, no complex set of laws is needed to shape or limit its flow from the economic into the political sphere. Furthermore, since only the rich are subject of upper limits, other groups in a society cannot be negatively affected by the policy measure *as such*.¹⁷

Furthermore, even the smartest lawyer will not find any loophole for the political use of money, which is no longer in her client’s possession. Thus, if the hydraulic critique is sound, it can be turned into a powerful argument for upper limits on wealth. Differently put: If money always finds its way into politics, then the only cure is to, figuratively speaking, drain the swamp – If there is no water, it cannot leak

¹⁷ This argument is subject to a major qualification: What happens to the rich surely has *indirect* effects on the poor. However, this is true for any policy measure targeting the distribution of wealth and income.

through. As I will show in the course of this chapter, the hydraulic argument is not the only one that can be turned from a *critique* of regulatory law into a powerful *defense* of limitarianism. Thus, although the hydraulic argument is not new, I use it in an original way. In response to the shortcomings of current regulation, philosophers and lawyer usually call for different, even more fine-grained and allegedly better, sets of laws (Cf. Issacharoff & Karlan, 1999) or even resign and simply suggest to do nothing (Cf. Buckley, 424 U.S.). In sharp contrast, I want to give the debate the following twist: If one is worried about the hydraulic character of political money, one should be in favor of upper limits on wealth, not doing nothing at all.

After all, one can judge Alexander's strategy, i.e. to destroy rather than to disentangle the "Gordian Knot", in two different ways: Either negatively, as too radical and highly inappropriate, or positively, as creative, unexpected and ingenious. I think limitarianism can be read in both ways as well: Initially, I presented a dismissive attitude that characterized upper limits as a sledgehammer only used to crack a small nut. I hope to have shown that the hydraulic critique invites for a more positive interpretation: Maybe the nut, i.e. the influence of the wealthy on political equality, is just too tough to be cracked by anything else than a sledgehammer, i.e. upper limits on wealth. If the "Gordian Knot" cannot be disentangled, why not splitting it in half instead of resigning and doing nothing?

In the following, I will assume that the hydraulic argument is sufficient evidence for upper limits on wealth being at least as effective, if not more effective, than regulatory law in insulating the political sphere. If the protection of political equality from the corruption through wealth calls for the most effective solution, as is reasonable to assume, upper limits on wealth might indeed be necessarily entailed in the two premises of the democratic case for limitarianism.

The democratic sphere argument

This line of reasoning can be questioned in the following way: Whether the case for upper limits necessarily follows from the two premises of the democratic argument does not only depend on the effectiveness of upper limits in safeguarding political equality. After all, a democracy is characterized by a multitude of values and ideals that have to be carefully weighed against each other. Thus, upper limits, although effectively protecting political equality, might violate alternative values, e.g.

freedom of speech. Furthermore, important choices in a democracy are *choice-sensitive*. Thus, the correctness of a decision reached within a democratic process sometimes depends on the procedural features of that very process (Cf. Estlund, 2007). Therefore, there might not be an objectively correct answer as to which inequalities in wealth a democracy should accept as legitimate. In contrast, the answer, as one could argue, partially depends on the preferences of the citizens: What they accept as legitimate *is* legitimate.

Limitarianism restricts this set of choices that citizens can make within the democratic sphere. After all, upper limits considerably intervene in the distribution of money and wealth: It is no longer the choice of the people whether they want to accept or tolerate surplus wealth as part of their *Lebenswelt*. Furthermore, by confiscating surplus money, all channels translating money into political power are negated. But, as the argument goes, some channels might be more acceptable than others. Regulatory laws allow for a much more fine-grained specification of legitimate uses of surplus money: “It is open to our political institutions to specify, for example, that corporate funds cannot be used for political purposes, or that wealthy individuals can only direct a limited amount of their property toward the funding of political campaigns, as the entitlements of those property holders are themselves a matter of political determination, and are to be determined with reference to the demands of justice” (O’Neill, 2012, p. 84). In my opinion, these ideas can be subsumed under the term “democratic sphere argument”. The latter, in a nutshell, states that upper limits on wealth “impose too much of a constraint on the outcomes of democratic decision-making” (Rowbottom, 2010, p. 31). Establishing these limits “would render a substantial component of democratic politics redundant, namely those questions about the distribution of wealth that lie at the heart of politics” (Rowbottom, 2010, p. 30 f.). The democratic sphere argument nicely articulates the intuition behind the metaphor of upper limits as a sledgehammer: Although a sledgehammer surely cracks the nut, i.e. is more effective than regulatory law in protecting political equality, it might as well destroy the table the nut is placed on, i.e. restrict the scope of democratic decision-making unnecessarily. Thus, the democratic sphere argument questions the legitimacy of upper limits within the broader context of democratic decision-making.

The democratic wager argument

The validity of the democratic sphere argument as a case against upper limits can be questioned: Even if the argument is correct, it only gives society a *prima facie* reason not to restrict the democratic sphere. After all, the democratic sphere is regularly, and usually legitimately, restricted, i.e. regarding military duties, police operations or generally maintaining law and order. Furthermore, there are certain decisions that, even if democratically made, are of doubtful or bluntly immoral character. In his seminal “Democratic Authority”, David Estlund gives a striking example: “A law, passed by proper democratic procedures, that established, as a punishment for anything, being boiled in oil would be neither legitimate nor authoritative” (Estlund, 2007, p. 111). Thus, the democratic sphere argument, at best, demands the objects of social concern, e.g. the distribution of wealth, to be subject to democratic decision-making *as long as there are no better reasons not to do so*. Now, a limitarian can simply point out that the distortive effect of wealth on political equality is one of these reasons. Unfortunately for the limitarian, an influential argument has been put forward to counter precisely this claim – the democratic wager argument.¹⁸ The latter, in a nutshell, holds that “democracy is best protected by a principle that forbids government to limit or control political speech in any way for the purpose of protecting democracy” (Dworkin, 2002, p. 353). To give an example applicable to campaign finance: Here, the democratic wager “forbids laws that attempt to make elections fairer by limiting what rich candidates or parties spend” (Dworkin, 2002, p. 353). The reasoning behind the democratic argument is very similar: Upper limits on wealth, by muting the voice of the wealthy, curtail free speech in order to protect a central democratic value, i.e. political equality. However, this reasoning would not be eligible under the assumption of a democratic wager. Thus, upper limits on wealth may be characterized as an *illegitimate* restriction of the democratic sphere.

¹⁸ The term “democratic wager” is used by Ronald Dworkin, following Learned Hand: “The wager supposes that constraints on political speech are likely to harm democracy [...]. That is what Hand called the ‘bet on which we have staked our all.’” (Dworkin, 2002, p. 353).

2.3.3 Why upper limits might still be a good idea

Let me take stock. The discussion kicked off with a simple observation – upper limits on wealth are not the only way of protecting political equality from the distortive effects of wealth. Thus, why preferring upper limits over, for example, more conventional legislation? The *hydraulic argument* was employed to illustrate that upper limits are probably more effective in protecting political equality. Nevertheless, the *democratic sphere argument* can, in turn, be used to question any upper limits, even if these are effective, because they unnecessarily restrict the outcomes of democratic decision-making. Against this conclusion, a limitarian can argue that, although upper limits indeed restrict the democratic sphere, they do so *legitimately*, in light of the threat that wealth poses to political equality. However, the opponent of upper limits can now turn to the *democratic wager argument* and claim that upper limits are *not* legitimate because democracy must never be protected by limiting political speech – and this is what the democratic case for upper limits on wealth amounts to. Thus, it seems as if the opponent of upper limits gained the upper hand, or, at least, had the final say.

At this point, I want to present my own argument for why upper limits might still be a good idea. I will use a strategy that has been employed before, i.e. turning an argument used against regulatory law into a powerful case for upper limits on wealth. The argument I want to reverse in this way is the democratic wager argument. I am going to demonstrate that the rationale underlying this argument, if properly interpreted, supports a limitarian account.

The most prominent use of the democratic wager argument occurred in the important US Supreme Court case “Buckley v. Valeo” in 1976. The court decision declared significant parts of the 1971 “Federal Election Campaign Act” as unconstitutional, because incompatible with the First Amendment provision on freedom of speech: “While the government can limit how much individuals contribute to political campaigns, it cannot place limits on campaign expenditures, expenditures by a candidate from personal resources, or independent expenditures by groups supporting the campaign. This is because the Court equated money with speech in this context, so the First Amendment applies” (Buckley, 424 U.S.). In short, “the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First

Amendment” (Buckley, 424 U.S. 48 f.). The decision itself was heavily criticized as “a compromise of the wrong kind” (Dworkin, 2002, p. 374) and as “having brought the nation to a situation where campaign financing, by so-called special interests, dominates our politics” (Winter, 1986, p. 93). Nevertheless, it remains the basis for the current (non-) regulation of US campaign contributions and expenditures (Cf. Issacharoff & Karlan, 1999). Therefore, “most of the legal-academic debate about campaign finance begins with *Buckley*” (Issacharoff & Karlan, 1999, p. 1706).

But – why did the judges reason that way back in 1976? According to Ronald Dworkin, the Supreme Court supposed that “constraints on political speech are likely to harm democracy even when they are enacted with the intent, real or feigned, of improving it” (Dworkin, 2002, p. 353). This is a highly illuminating statement, as it helps to disclose the rationale behind the democratic wager argument: What drives the latter is prophylactic *distrust* regarding the government (Cf. Dworkin, 2002, p. 353). Simply stated: Allowing a government to protect democracy by restricting elements of it paves the way for coercion, abuse and possibly even for the abolishment of democracy altogether. After all, a rhetoric of democracy’s protection against subversive and distortive elements is frequently encountered during the installation of totalitarian regimes. A historical example for the latter is the seizure of power by the German NSDAP in early 1930: While pretending to alleviate the suffering of the people and the German Nation¹⁹, constitutional checks and balances were slowly abandoned until all power was held by Adolf Hitler and his fellow henchmen – with disastrous consequences. Thus, it seems as if a general distrust in the government and its actions, especially when the latter are executed in the name of democratic values and ideals, is a reasonable strategy. Exactly this line of reasoning was used in *Buckley* to argue against the governmental regulation of political expenditures: Ultimately, regulatory power could be abused by politicians and government agents to serve their self-interest (Cf. Rowbottom, 2010, p. 63), or, in an extreme case, to abolish democracy altogether. The various problems that regulatory law encounters, e.g. its notorious complexity, have been sketched in the preceding paragraphs of this chapter in relation to the hydraulic critique of campaign funding. These problems strengthen the doubts on the governmental protection of political equality. After all, the liability

¹⁹ Compare, for example, the original title of the famous *Ermächtigungsgesetz* (Enabling Act) of 1933: “Gesetz zur Behebung der Not von Volk und Reich“, i.e. “Law to Remedy the Distress of People and Reich”.

of regulatory activity to legal loopholes and adverse effects encourages the fear that government agents and wealthy individuals exploit regulatory law to both, foster and veil, their private goals.

I do not want to discuss the correctness of these worries here. Instead, I contend that the judges' conclusion in *Buckley* was wrong. In their verdict, they argued that, since one cannot trust the government to properly regulate political expenditures, these regulations should not be established at all. In contrast, I propose that, if one embraces this kind of worry, one should be in favor of upper limits on wealth rather than of doing nothing at all. I already pointed out that upper limits on wealth can circumvent the challenges faced by regulatory law. In short: If surplus money is simply taken away, it cannot find its way into politics via dubious channels. In contrast to regulatory law, the worry that governments could abuse upper limits to abolish, or at least to severely restrict, democracy, is less reasonable. To be sure: An alleged need to strengthen political equality by confiscating surplus wealth could be used as an excuse to expropriate disagreeable opponents, to raise money for warmongering or to satisfy the predatory greed of the ruling parties. Nevertheless, although possibly open to abuse, upper limits can hardly undermine democracy. After all, upper limits on wealth only limit *input* in the democratic process, but do not change the latter's structure. In contrast, regulatory law can significantly change the character of democracy by, for example, establishing state ownership of mass media. The latter, although mitigating the distortive of wealth through privately owned media companies, provides the government with a powerful channel to seduce the population.²⁰ Thus, if the fear of governmental abuse actually disqualifies any regulatory law, then, I contend, upper limits on wealth do necessarily follow from the two premises of the democratic argument for limitarianism. Or, in a weaker formulation: The more one distrusts the government to issue effective legislation that mitigates the influence of the wealthy on political equality, the stronger the case for upper limits on wealth. Thus, I hope to have shifted the burden of proof from the advocate of limitarianism to its opponent. It is the latter's task to now argue for different justifications of the democratic sphere argument or present alternatives to

²⁰ A historical example for the perfection of the latter through the mass use of modern media is Joseph Goebbels's "*Reichsministerium für Volksaufklärung und Propaganda*", i.e. the "Reich Ministry of Public Enlightenment and Propaganda".

upper limits on wealth which either protect political equality more effectively, or are superior *all things considered*.

This chapter shed light on the democratic argument's conclusion. Most importantly, it has explored whether upper limits on wealth are *sufficient* and/or *necessary* to mitigate the distortive influence of the rich on political equality. I argued that limitarianism should be understood as a first step towards greater political equality and that, because of that, it is not sufficient to fully realize this ideal. However, I argued that the lack of sufficiency is not a serious problem as long as limitarianism is interpreted in a non-ideal way, i.e. as a theory which strives for making a society more, as opposed to ideally, just. Furthermore, I hope to have shown that there are strong reasons to regard upper limits at least as necessary to protect political equality. Most importantly, I argued that a general distrust in governments' ability to issue effective regulatory laws, as present in the *Buckley vs. Valeo* case, strengthens the case for the necessity of upper limits on wealth.

3. THE DEMOCRATIC ARGUMENT

– A MACROSCOPIC VIEW

3.1 A non-ideal reconstruction of the democratic argument

Up to this point, my thesis has separately illuminated each of the two premises and the conclusion of the democratic argument for upper limits on wealth. In this paragraph, I want to offer a concise overview of the complete argument.

My central claim here is that the democratic argument for upper limits can be spelled out coherently if limitarianism is understood as a non-ideal theory. Laura Valentini provided a useful conceptual map, which helps to structure the debate on ideal and non-ideal theory (Cf. Valentini, 2012). She distinguishes three interpretations of the “ideal vs. non-ideal” antagonism: (1) full compliance vs. partial compliance theory, (2) utopian vs. realistic theory and (3) end-state vs. transitional theory. Each of these interpretations spells out one way in which a theory can be described as non-ideal: Firstly, a non-ideal theory departs from ideal theory in that it assumes non- or only partial compliance of ordinary citizens and officials in complying with the demands of justice. Secondly, a theory is non-ideal if it takes facts about, among others, the human condition and the political realm into account in determining the content of justice. Lastly, non-ideal theory does not spell out a long-term goal, or ideal, for, say, institutional reform. It either advocates ways to gradually achieve the latter or, completely independent of any overarching ideal, aims at making a society more just. These three interpretations are not mutually exclusive and thus, a theory can be non-ideal along all three of them.

The second interpretation, or dimension, of the non-ideal theory debate, i.e. utopian vs. realistic theory, plays a crucial role in my justification of the democratic argument’s first premise. It states that political equality is an ideal which a society should pursue. I argued that political equality is best spelled out as substantive equality of opportunity for political influence and that such a conception of political equality is among the necessary conditions for deliberative democracy. The latter was justified as a form of second-order theorizing necessary to effectively resolve social and political disputes. Second-order theorizing departs from ideal theory in taking “seriously a key feature of political life as we know it: reasonable disagreement about

justice” (Valentini, 2012, p. 658). The plausibility of my justification of political equality thus depends on a normative presumption, i.e. that an adequate theory of justice should be tailored to the “distinguishing features of human political life” (Valentini, 2012, p. 658). Differently put: My justification of political equality is only plausible if one embraces non-ideal theory in its second interpretation.

Moreover, I have invoked non-ideal theory to strengthen the case for the sufficiency and necessity of upper limits as a means to protect political equality from the corruption through private wealth: Firstly, I argued that if limitarianism is understood as aiming for a more, as opposed to an ideally, just society, it can circumvent the accusation of not addressing deeply-rooted structural injustices. This line of reasoning spells out limitarianism as a transitional, as opposed to an end-state, theory of justice (Cf. Valentini, 2012, p. 660), characteristic of non-ideal theorizing in its third interpretation. Secondly, I argued that the necessity of upper limits on wealth, as opposed to more conventional legislation, is fostered by a general distrust in governments’ ability to issue proper laws to insulate the political sphere from private wealth. The latter point either relates to the full compliance vs. partial compliance theory, or the utopian vs. realistic theory, dimension of the non-ideal theory debate: If governments predictably violate their duty to issue proper regulatory law, upper limits might become mandatory from a normative perspective – justified because of governments’ non-compliance with their moral duties. Alternatively, one could draw a comparison to the utopian vs. realistic theory interpretation of non-ideal theory. Upper limits are necessary when taking into account the psychological and motivational constraints on political actors. Bluntly put: If “power corrupts”, one should not assign the powerful with the task of protecting the political sphere from corruption through economic power. Even more so, if upper limits are much more resilient to abuse, as I have argued before.

Thus, each of the three dimensions of non-ideal theory forming Laura Valentini’s conceptual space of the ideal vs. non-ideal theory debate is represented in my argument. Although my thoughts on the two premises and the conclusion of the democratic argument appear separate, they nonetheless are steps of a single line of reasoning. My reconstruction is coherent as each separate step grants non-ideal considerations equal weight. Furthermore, nowhere in the argument do I reverse, or invert, the preceding thoughts. Thus, I think that my reconstruction of the democratic argument forms a consistent, closed whole. However, my reasoning has two central

implications: In order to accept the argument as sound, one has to (1) embrace its presumptions regarding the validity and normative force of non-ideal theory and (2) accept a particular understanding of limitarianism as a non-ideal theory along all, or at least along two, of the three dimensions: Only if limitarianism is understood as a transitional theory of justice that takes into account the peculiar facts of human political life or, alternatively, the probable non-compliance of political actors with their moral duties, does it line up with my reconstruction of the democratic case for upper limits.

3.2 Old wine in new bottles?

In the following, I will broaden the scope of analysis and scrutinize the democratic argument within limitarianism's broader context of justification. Thus, even if the democratic argument as such is reasonable, it might fail to be a convincing defense for upper limits in more general terms. What could these "more general terms" be? An example: An opponent of limitarianism might claim, that, by making the democratic case for upper limits, limitarianism serves nothing more than old wine in new bottles.

The democratic argument has been present in political philosophy already, where it was employed, among others, within egalitarian theory to argue for a more just distribution of wealth and material resources. A paradigmatic argument of that character has been advocated by John Rawls "Justice as Fairness: A Restatement" (2001). His thoughts are a blueprint for a democratic argument in the context of redistribution: Rawls argued that, although his famous difference principle allows for material inequalities to grow infinitely, excessive inequalities threaten the fair value of the basic liberties spelled out in his first principle: "Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others" (Rawls, 1971, p. 53). Thus, even if a person has the political liberty to run for public offices or to affect the outcome of elections, a lack of private wealth might prevent her from actually doing so. The horrendous costs of presidential elections in the US are a prominent example – only the superrich can afford a promising campaign. Therefore, a person's right to apply for public office has, in Rawlsian terminology, lost its fair value (Cf. O'Neill, 2012, p. 81). In his later work, Rawls is very explicit that a typical liberal market economy "rejects the fair

value of the political liberties, and [...] permits very large inequalities in the ownership of real property (productive assets and natural resources) so that the control of the economy and much of political life rests in few hands” (O’Neill, 2012, p. 81). As an alternative, Rawls puts forward his own socioeconomic system, labeled a “property-owning democracy” (Cf. Rawls, 2001, p. 135). Through an egalitarian dispersal of productive wealth, he seeks to avoid the distortion of the political sphere by capital concentration. The basic structure and the specific institutions of a property-owning democracy “work to disperse the ownership of wealth and capital, and thus to prevent a small part of society from controlling the economy and indirectly political life as well” (O’Neill, 2012, p. 80).

Rawls’s ideas are very similar, if not identical, to the democratic case for limitarianism: Firstly, his fair value-principle nicely aligns with the second premise of the democratic argument for upper limits, i.e. that wealth threatens political equality. Secondly, his call for an egalitarian dispersal of productive wealth, in order to mitigate the effects of capital concentration, resembles the advocacy of upper limits on material resources to mitigate the distortive effect of private wealth. Thirdly, although Rawls does not argue for upper limits on wealth, his proposal has very similar consequences. After all, both, a property-owning democracy and limitarianism, imply a more egalitarian distribution of material wealth, as the gap between the worst-off and the superrich is narrowed. It is no coincidence that Rawls’s property-owning democracy encountered the same criticism that I raised against limitarianism, i.e. that dispersed wealth is neither sufficient nor necessary to secure the fair value of political liberties (Cf. O’Neill, 2012). Thus, the rationale underlying the democratic case for upper limits is present in political philosophy at least since 1971 – when this domain of philosophy was reinvented by Rawls’s seminal “A Theory of Justice”. Consequently, neither the democratic argument itself nor its criticism is new or original. It is this realization that underlies the accusation of limitarianism being simply old wine in new bottles. In a particularly uncharitable reading, limitarianism only amounts to a catchy relabeling of an old-fashioned argument to possibly attract renewed attention inside and outside academic philosophy.

Is limitarianism old wine? Not at all. To the contrary, the “old wine in new bottles” metaphor misses out on the special character of limitarianism as a non-ideal theory, which I hope to have properly developed in this thesis. To be clear right from

the start: I think that the accusation of limitarianism being old wine in new bottles is based on an unfortunate misunderstanding. The term limitarianism initially suggests that it constitutes a distinct theory of distributive justice, on par with egalitarianism, sufficientarianism or prioritarianism. Nevertheless, a closer look at Robeyns's 2016 paper corrects this impression. After all, the democratic argument is just one of the two pillars on which her account of limitarianism rests: "Limitarianism as a distributive view is justified [...], because it is instrumentally necessary for the protection of two intrinsic values: political equality [...], and the meeting of unmet urgent needs" (Robeyns, 2016, p. 3). Limitarianism is not a fully fleshed-out theory of distributive justice, but a view that borrows from both, egalitarianism and sufficientarianism: The democratic argument for upper limits, by narrowing the gap between the best- and the worst-off, is genuinely egalitarian in nature. In contrast, the argument from unmet urgent needs "is essentially consequentialist in nature" (Robeyns, 2016, p. 10). The argument claims that, since "surplus money does not contribute to people's flourishing, [...] we ought to use that money to meet [...] urgent unmet needs (Robeyns, 2016, p. 12). This thought, which Robeyns characterizes as "a modified version of Thomas Scanlon's Rescue Principle" (Robeyns, 2016, p. 12), comes closest to a sufficientarian account of distributive justice: The sufficientarian precept of making people sufficiently well off corresponds to the limitarian doctrine of giving unmet urgent needs absolute priority over unmet wants (Cf. Volacu & Dumitru, 2018, p. 5). Limitarianism elegantly interlinks its egalitarian and sufficientarian element by demanding that "surplus money should be redistributed and re-allocated to satisfy [...] urgent unmet needs" (Robeyns, 2016, p. 12). Thus, by combining elements from two distinct theories of distributive justice, limitarianism creates a new and original way to deal with wealth inequalities. In that sense, I will refer to limitarianism as a *derivative theory of distributive justice*. Therefore, I conclude that the "old wine in new bottles" metaphor is misrepresenting the limitarian perspective: Although the democratic argument has been used before, the context in which limitarianism places it is innovative.

Lastly, although the term limitarianism might indeed be misleading within scholarly philosophy, it valuably contributes to promoting limitarian ideas outside the academic world. After all, a more precise, yet more complex, naming, e.g. "egalitarian-sufficientarian justification of upper limits on wealth", would presumably discourage any public interest in limitarian ideas. Thus, although

misleading, the notion limitarianism can probably be justified by its instrumental value in fostering the social and political debate about upper limits on wealth as a powerful instrument to insulate the political sphere.

3.3 Internal consistency

The special character of limitarianism, although a powerful reply to the “old wine in new bottles” accusation, raises doubts regarding its internal consistency: Trying to defend upper limits by combining egalitarian and sufficientarian reasoning might fail due to the incompatibility or inconsistency of both approaches. This intuition could be spelled out the following way: Since the argument from unmet urgent needs, is, as pointed out above, consequentialist in nature, it is incompatible with the democratic case for upper limits iff the latter’s consequences are objectionable. Indeed, the democratic argument justifies upper limits only by reference to the intrinsic value of political equality (Cf. Robeyns, 2016, p. 3). If the influence of money in politics is ultimately a good thing, the argument from unmet urgent need’s consequentialist commitment is in tension with the intrinsic commitment to political equality. In that case, a limitarian would have to choose between one of them in making her case. This would be particularly unfortunate, as limitarianism’s unique selling point precisely lies in the elegant combination of two very distinct arguments. If a limitarian only drew on the democratic argument to justify upper limits, she would face the “old wine in new bottles” accusation again, as she then relied exclusively on a well-known, egalitarian argument.

However, I do not think that the argument succeeds as, again, it misses out on the special character of limitarianism. After all, limitarianism is not fully committed to political equality. Upper limits are a means to mitigate the effects of excessive wealth only. Limitarianism is agnostic on whether political equality should, apart from upper limits on wealth, be fostered by additional governmental means, e.g. through expensive educational programs or by more radical means, such as giving the poor more votes. To be sure: These last means might negatively affect the quality of political decisions, as the worst-off are often poorly informed and tend to vote against their own interests (Cf. Verba, 2003). Thus, the epistemic quality of a political process can indeed be negatively affected by more egalitarian procedures.

In this spirit, David Estlund argued that “political equality is in tension with political quality” (Estlund, 2000, p. 127). Nevertheless, in order to make a case against limitarianism, one has to prove that upper limits on wealth, not merely political equality in general, are in tension with political quality. After all, upper limits only decrease the influence of the richest and the latter are a very small subset of the whole population. Will this decline in the influence of a very small group of individuals also cause a decline in the epistemic quality of democratic decisions? I cannot see how such an argument could convincingly be made. In sharp contrast, in chapter 2.2, I presented recent empirical evidence for the negative effect of wealth inequalities on the quality of democratic institutions. Differently put: There are good reasons to assume that a decline in the political influence of the wealthy will increase the quality of democratic decision-making. Consequently, upper limits on wealth, intended to foster political equality, are not only intrinsically valuable. Furthermore, they also have desirable consequences. Therefore, the democratic argument for limitarianism is not in tension with the consequentialist reasoning underlying the argument from unmet urgent needs.

However, the inconsistency challenge can be upheld in a slightly different way. An opponent of upper limits can claim that the latter’s two pillars, or central arguments, are only compatible because limitarianism is a half-hearted theory: It only addresses political inequality by levelling down the wealthiest individuals. A full commitment to political equality, however, also entails leveling up the worst-off (Cf. Verba, 2003). After all, the existence of many people who hardly have enough resources to live a minimally decent life, and thus hardly have any political influence, is a serious problem for political equality as well. Thus, the argument continues, if a limitarian takes her commitment to political equality serious, she should use the money acquired through an upper limit on wealth to level up the worst-off, rather than to meet unmet urgent needs. In short: By fully embracing the ideal of political equality, the goal of meeting unmet urgent needs can no longer be (fully) served. Thus, if a limitarian embraces the intrinsic value of political equality, in a way she seems logically required to do by making the democratic case for upper limits, she can longer commit herself to unmet urgent needs as well.

I do think that this observation is correct: If the initial limitarian commitments to both, political equality and unmet urgent needs, were fully spelled out, the theory would indeed be reduced to an incoherent mixture of distinct, incommensurable

distributive theories. Nevertheless, as I have also argued, the charm of limitarianism lies in its non-ideal character and I think that the above argument simply reveals just another non-ideal feature of it: *incompleteness*. Limitarianism is incomplete insofar as it does not fully commit itself to either egalitarianism, as implied by the democratic case for upper limits, or sufficientarianism, underlying the argument from unmet urgent needs. The issue at stake is whether this incompleteness is a problem for limitarianism. After all, it is only because of the latter that limitarianism can coherently base upper limits on two very distinct arguments. My argument here is that limitarianism's incompleteness can be justified by understanding the former as a transitional theory. I have used the end-state vs. transitional theory dimension of the ideal vs. non-ideal theory debate already to defend limitarianism against the structural constraint argument: It aims at making a society more, rather than perfectly, just. A full commitment to only one of the two arguments for limitarianism, although more coherent on the argumentative level, is in tension with this broader understanding of limitarianism as a non-ideal, i.e. transitional, theory: After all, addressing two pressing moral problems at once, i.e. the distortive influence of the wealthy and the urgent needs of the poor, seems to be a bigger transition towards a just society than trying to fully realize a single, intrinsic value, i.e. political equality, only. Thus, I hope to have provided an argument that, building on the non-ideal understanding of limitarianism developed in this thesis, limitarianism's incompleteness is not conceived of as a problem, but as just as another expression of its transitional character.

3.4 Unacceptable Implications?

A different objection to limitarianism states that the latter has unacceptable implications: Ultimately, if the democratic argument succeeds in making a case for upper limits on wealth, should there not be an upper limit on, say, cultural capital as well? Cultural capital, a term introduced by French sociologist Pierre Bourdieu, denotes a person's social assets (Cf. Bourdieu, 1986). Success in politics tacitly presupposes a specific set of cultural knowledge, e.g. an appropriate demeanor in public. Affiliation to a social class significantly affects the cultural capital of its members – the way they dress, speak, behave, think, etc. Everyone who lacks this knowledge, or skill set, thus has a smaller chance to successfully acquire public offices

or to influence the opinion of others. Thus, wealth is just one political resource among many whose unequal distribution threatens political equality. Should a society thus try to restrict cultural capital, e.g. by imposing limits on the years an individual can spend in an educational institution that conveys a lot of cultural capital, such as an Ivy League university? Such extensive limits would surely be a *reductio ad absurdum* of the limitarian case. But does the democratic argument for limitarianism really entail such absurd policy proposals?

I here want to argue that this conclusion does not follow: If there is a good reason to think that cultural capital distorts political equality, the democratic argument only gives society a *prima facie* reason to establish upper limits on cultural capital. Whether these limits are actually justified, *all things considered*, depends on additional qualifications.

Upper limits always entail lost opportunities for the well-off in society: Upper limits on wealth imply that the rich can no longer afford many luxury goods. Similarly, upper limits on Ivy League-education curtail the chances of students to profit from an intellectually inspiring environment. The difference between the two cases lies in the normative status of these lost opportunities. Limits on education are a severe problem, as education is a highly valued social good which is positively related to the promotion of democracy (Cf. Apergis, 2017). In sharp contrast, the ability to buy the latest sports car is less valuable for the society and the course of democracy as a whole. After all, it only amounts to the satisfaction of the owner's preferences or desires.

Thus, I think there are good reasons to not establish upper limits on education, as the normative opportunity costs are too high. Thus, even if the democratic argument gives society a *prima facie* reason to establish upper limits on every political resource, limitarianism will not always prescribe them: Robeyns's account of limitarianism is characterized by an implicit weighing of upper limits' benefits against their costs, e.g. lost opportunities. To illustrate this point: Upper limits on wealth are justifiable, because the desires of the wealthy, which would be curtailed by upper limits, have "zero moral weight" (Cf. Robeyns, 2016, p. 12): "In the highly unjust and ecologically fragile world in which we live, limitarianism would curtail some opportunities for the best-off, but in order to increase the opportunities for those who have a far more restricted range of initial opportunities" (Robeyns, 2016, p. 34). Since lost educational opportunities have at least some normative weight, the case for

limiting education is harder, or even impossible, to make within Robeyns's justificatory framework. Thus, I contend that limitarianism will not necessarily fall prey to the *reductio ad absurdum* objection.

3.5 Limitarianism – An outlook

In the preceding paragraphs, I have tried to defeat three important objections to the democratic argument for upper limits in the larger context of Ingrid Robeyns's defense of limitarianism. Against the “old wine in new bottles”-charge, I pointed out limitarianism's original way of combining two arguments drawn from different distributive theories. This particular strategy, however, can be accused of inconsistency if limitarianism's commitment to the two values of political equality and unmet urgent needs is fully spelled out. Nevertheless, as limitarianism does not fully commit itself to either of these values, it does not face the aforementioned objection. I denoted this particular feature of Robeyns's case for upper limits its incompleteness. Interestingly, other philosophers have recently described the same theoretical property: “Limitarianism supposes that political equality is an important value, but it is not entirely reliant on this value in order to survive as a distinct view on justice” (Volacu & Dumitru, 2018, p. 7). It should be noted, however, that incompleteness is not the same as *partiality*.²¹ Lastly, I countered the *reductio ad absurdum* objection by arguing that Ingrid Robeyns implicitly uses a cost-benefit analysis in her account of limitarianism. The sensitivity of the latter to the normative opportunity costs of upper limits probably rules out any absurd consequences.

Nevertheless, even if all these objections succeed in addressing a single challenge to limitarianism, they could be accused of an *ad hoc*-character. After all, one might always find an arbitrary, yet normatively potent, value or ideal that supports a limitarian viewpoint against a specific objection. However, I think that this contention is misplaced as all my counterarguments draw plausibility from a common interpretation of limitarianism, i.e. limitarianism understood as a non-ideal theory. Firstly, the original character of limitarianism in embracing to very different ideals can be justified by the need to address two very different problems in a non-

²¹ Robeyns uses the term *partiality* to spell out that “limitarianism [...] can be specified in a way in which it is agnostic regarding what distributive justice requires for those who are not maximally flourishing” (Robeyns, 2016, p. 1).

ideal world, i.e. unmet urgent needs and the distortion of the political sphere by the economic sphere. Secondly, limitarianism's incompleteness can be similarly justified by understanding the former as a non-ideal, i.e. transitional, theory. Only then does it make sense to partially embrace an ideal such as political equality. Lastly, the concept of normative opportunity costs closely resembles pivotal feasibility constraints in the debate on non-ideal theory, e.g. the "moral costs of transition" (Cf. Valentini, 2012, p. 661): Limitarianism, by implicitly weighing the costs and benefits of upper limits, takes various costs of transition, e.g. limited opportunities for the wealthy, into account.

In short, I hope to have shown that the common origin of my responses to the three charges against limitarianism immunizes them against the ad hoc-objection.

At this point, I have pushed my thoughts far enough to finally answer the research question of this thesis, i.e. "Is the democratic argument a well-chosen defense for limitarianism?": I demonstrated that a concern for political equality is indeed a strong reason to establish upper limits on wealth. More specifically, the democratic argument is a well-chosen defense for limitarianism if the latter is understood as a non-ideal theory. In that case, it is possible to (1) coherently reconstruct the democratic case for upper limits and (2) make sense of its positioning in the larger context of limitarianism's justification. However, I did not show that a non-ideal understanding is necessary to make sense of the democratic argument, or even of limitarianism in general. Nevertheless, this specific perspective on limitarianism already raises important concerns, and has valuable implications for future research.

Firstly, the non-ideal account of limitarianism is accompanied by significant methodological commitments: Only by characterizing limitarianism as a transitional, derivative and incomplete theory could I circumvent the set of challenges outlined in the preceding chapters. These commitments might contradict one's general approach to political philosophy and one's own methodological convictions. Furthermore, there are good reasons to be skeptical of a transitional theory of justice, which, without referring to any normative end-state, prescribes an allegedly arbitrary and disconnected set of policy measures. In short: I think that the substantive questions answered by my interpretation of limitarianism, in turn, raise important methodological concerns, which could be addressed in future research.

Secondly, on a more substantive level, my thesis illustrated a pivotal feature of Ingrid Robeyns's particular justification of limitarianism: The latter spells out limitarianism as a derivative theory, combining egalitarian and sufficientarian elements. In precisely this spirit, Alexandru Volacu and Adelin Costin Dumitru have recently argued that, "to the extent that limitarianism is to be given a non-intrinsic justification, the view does not actually compete with standard egalitarianism, prioritarianism or sufficientarianism but rather with views on how to best operationalise these theories" (Volacu & Dumitru, 2018, p. 14). However, Ingrid Robeyns's characterization of limitarianism as "a view of distributive justice" (Robeyns, 2016, p. 1) is sometimes interpreted as if limitarianism was "an alternative to [...] egalitarianism, prioritarianism or sufficientarianism" (Volacu & Dumitru, 2018, p. 14), or even "a novel view on distributive justice" (Volacu & Dumitru, 2018, p. 1). However, Ingrid Robeyns's own, derivative justification of limitarianism does no justice to these ambitious characterizations. In contrast, they invite for unnecessary confusion. The "old wine in new bottles" objection, for example, can be traced back to a false understanding of limitarianism as a distinct and original theory of distributive justice. I hope that my thesis can resolve this confusion by delivering an adequate characterization of Robeyns's justificatory strategy.

Another confusion I hope to have resolved concerns Robeyns's appeal to the ideal of political equality. Volacu & Dumitru, for example, state that "a strong case can be made - and is indeed offered by Robeyns - that implementing [limitarianism] would lead to political equality, as individuals would have no surplus money to spend on buying political influence" (Volacu & Dumitru, 2018, p. 6). However, Ingrid Robeyns does not claim that limitarianism will realize political equality. As I have shown, upper limits are meant to foster political equality by diminishing its distortion through wealth only. They are not meant to fully realize political equality. The latter is not even desirable for a limitarian, as a full commitment to political equality would create a significant tension between Robeyns's two argumentative pillars, i.e. the democratic argument and the argument from unmet urgent needs.

In short: By illustrating that Robeyns's justification of upper limits on wealth should not be understood as (1) a distinct theory of distributive justice and (2) a full commitment to political equality, I hope to preclude terminological and methodological confusion in philosophical debate. Future research can build on this reasoning by further explicating the substantive and methodological differences

between limitarianism and established theories of distributive justice. Thus “it would be good to know exactly how the limitarian distributive rule differs from other distributive rules, such as equality of outcome, equality of opportunity, sufficiency, priority, and the Rawlsian difference principle” (Robeyns, 2016, p. 37).

4. CONCLUSION

Is it true that “we can have a democratic society or we can have the concentration of great wealth in the hands of a few” but that “we cannot have both”? This thesis, by offering a coherent reconstruction of the democratic argument for upper limits on wealth, provides an affirmative answer: A commitment to a central, democratic ideal, i.e. political equality, translates into a powerful argument for restrictions on wealth in the form of an upper limit.

Furthermore, I explored the democratic argument in the context of a specific ethical doctrine, i.e. Ingrid Robeyns’s non-intrinsic limitarianism. The latter employs the democratic argument side by side with the argument from unmet urgent needs. Although limitarianism is currently not well represented in academic discourse, I hope to have shown that there is nothing principally wrong with its argumentative strategy. In contrast – the democratic argument is a reasonable and well-chosen defense of Robeyns’s limitarian doctrine if the latter is interpreted as a non-ideal theory. By having offered a non-ideal reconstruction of the democratic case for limitarianism, I aligned it with a recent turn in political philosophy towards non-ideal theory. Moreover, I demonstrated that Ingrid Robeyns’s account of limitarianism is original and complex: It is marked by a derivative, transitional and incomplete character. These peculiar features all stem from the non-ideal nature of limitarianism. I argued that the non-ideal perspective helps to overcome paradigmatic challenges to the limitarian doctrine. It explicates the normative force of limitarianism, even if upper limits on wealth are not sufficient to ensure political equality. Furthermore, a non-ideal understanding helps to demarcate upper limits from alternative strategies of insulating the political sphere from the economic sphere, e.g. conventional regulatory law.

However, the strength of the non-ideal approach in making sense of, and defending, the limitarian doctrine comes at a price: It can only be upheld by making substantial methodological commitments. Robeyns’s particular justification of

limitarianism (1) does not constitute a distinct view of distributive justice and (2) does not fully commit itself to political equality. Therefore, the implications of my analyses are threefold: First of all, it clarifies the nature and character of limitarianism and thus contributes to mitigate methodological and terminological confusion. Secondly, it draws the attention of future researchers to the peculiar nature and justificatory strategy of limitarianism. Lastly, it supports more a more general research focus on the limits and merits of non-ideal theory.

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STATUTORY DECLARATION

I declare that I have authored this thesis independently, that I have not used other than the declared sources / resources, and that I have explicitly marked all material which has been quoted either literally or by content from the used sources.

Utrecht, 14.06.2018



(Jonas Franzen)