

# prometheus

The Johns Hopkins University Undergraduate Philosophy Journal



2012

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CORRESPONDENCE editors@prometheus-journal.com  
Prometheus, Department of  
Philosophy  
The Johns Hopkins University  
3400 North Charles Street  
Baltimore, Maryland 21218



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To Jonathon Hricko and Sandy Koll  
whose wisdom and support  
made this publication a reality.

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for philosophy resurrected this phenomenal  
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to keep it alive.

To our professors who inspired and  
supported our love of philosophy and our  
dedicated search for truth.

We dedicate this to you.

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We have been proud of every issue that this journal has published and this year is no exception. We received a large number of submissions from campuses all over the globe of which only a select few were accepted for publication. The papers went through many stages of review, the top papers were reviewed by our graduate students, and from those we chose the final papers to publish.

Philosophy has a very strong resemblance to science in its methods. Scientific theories can be argued against, critiqued, and tested. Philosophical theories too can be argued against, critiqued, and tested. However, where scientific theories can be experimentally tested, philosophical ones (mostly) cannot. Instead of empirical tests, philosophy employs logic, and (like in science) an open platform that allows philosophers to critique each other's theories. This platform would be significantly reduced without journals that allowed philosophers to publish their work, their theories. Philosophy without journals would eliminate a crucial part in advancement of theories: communication.

It is important to start the philosophical conversation at an early stage. This is why we are so proud to publish such a fine-quality undergraduate journal. Many original and interesting philosophical theories come from undergraduate students, and we are proud to offer them a professional platform to share these ideas.

We are proud not only of our distinguished authors, but also of our distinguished and critical readers. For a productive and meaningful conversation, both sides need to be active, making our readers as important as our authors. Our online journal provides our readers with the ability to respond to our published papers and to share ideas with one another.

It has been both an honor and privilege to be editors of this fine journal. This revived journal started out in good hands, and we know that we are leaving it in good hands next year.

All Our Best,  
Michal De-Medonsa and Garrett Lasnier  
Editors-in-Chief, *Prometheus*

# An Ethical Definition of Art and Kitsch

Simon Chaffetz

Yale University, Class of 2012

We define an artwork as the product of an act that mainly serves the function of expressing an ethos, ethos here being the basic inclination from which a person or group derives its values. Values are understood as the non-rational propositions that ultimately motivate human acts. According to this definition, works that do not aim to express an ethos are not artistic. Some works are given a place in the art world because they bear an effect on their audiences similar to the effect of art, even though their function is not to express an ethos. These are identified as kitsch. We arrive at an analogy between the ethical nature of kitsch and that of an act committed without values.

## I. INTRODUCTION

Certain works in the art world present us with a puzzle. They have many of the important qualities we attribute to works of art, even to good works of art. They serve little practical purpose yet are considered worth more than their material constituents. Some are the product of technical mastery and make a strong emotional impact on their audiences. And yet these very works pale in comparison to those works we

consider true artistic achievements. Their inferiority is not simply due to a lower degree of quality; they are different in nature. They fit a category of cultural production fundamentally distinct from true art. These first lines from T. S. Eliot's poem "The Hollow Men" were published in 1925.

We are the hollow men  
We are the stuffed men  
Leaning together  
Headpiece filled with straw. Alas!  
Our dried voices, when  
We whisper together  
Are quiet and meaningless  
As wind in dry grass  
Or rats' feet over broken glass  
In our dry cellar (Eliot 79)

"The Secret of the Ages" by Edgar Guest was published in 1926.

You can do as much as you think  
you can,  
But you'll never accomplish  
more;  
If you're afraid of yourself, young  
man,  
There's little for you in store.  
For failure comes from the inside  
first,  
It's there, if we only knew it,  
And you can win, though you face

the worst,  
If you feel that you're going to do  
it.

The first is dark and the other light, but something more basic separates these contemporary works. The words of Eliot's poem seem brought together by a single vision. The images they conjure up are disparate but all share an uncertain quality, what one might ordinarily call an aesthetic. Even the images of 'stuffed men leaning together' and of 'rats' feet over broken glass', which bear no explicit analogy, seem to emanate from the same pessimistic spirit. Guest's work on the other hand reads as piecemeal because its creative process is transparent. The speaker is making a point on achievement and faith in self using colloquial terms. His verses are almost logically deduced from this thesis and style. It is as though we can explain the choice of each word using reasoning and the rules of composition. The author's grounds for including the address 'young man' for example are obvious. It dramatizes the words by putting them in a context, it engages the reader with a common phrase, it completes its verse's meter, and forms a rhyme with a verse above. The logical relation between the parts comes at the price of the deeper unity found in Eliot. If one can identify which criteria must be met by the words filling the 'young man' placeholder, 'young man' can theoretically be replaced by another phrase that satisfies the same criteria. The same can be said of the entire

text. Thesis and style are mere devices rather than the true emanation of an optimistic spirit. If it turns out no other phrase meeting these criteria exists, that is simply an accident of the English language. By contrast every word in Eliot's poem reads as the necessary outcome of a single movement. This generative movement, still undefined, is the essential feature of a true work of art. What exactly this movement consists in, and how it is lacking in "The Secret of the Ages" or in any work of the same nature, is the subject of this essay.

The last century of art history makes it clear there is no limit to the forms a work of art can take within what is physically and conceptually possible. Yet there is a common quality to be found in the works that we remember best from that century or from any other. All primarily serve the purpose of expressing something that cannot be understood by reason alone. The weight we give art in our lives is the weight of this meaning. In the presence of a great work of art, one cannot help but feel affected in one's deepest beliefs on how to live. Without giving specific instructions on what behavior to adapt in which context, "The Hollow Men" seems to formulate a view of the world from which one can derive an attitude toward existence. In other words all true works of art have an ethical resonance. Ethics may seem at first too narrow to explain the diverse forms art can take. It will be helpful therefore to understand how broad ethics can be. We will do this by contrasting ethics

to morality. Once a definition has been established, it will be clear what Guest failed or didn't bother to achieve, and we will have a strong case for arguing that in spite of ordinary language "The Secret of the Ages" and many other creations are not in fact works of art.

## II. DEFINING ETHOS

Arguably morality and ethics have the same meaning in vernacular speech and diverge in connotation only. Yale College awards a degree in 'Ethics, Politics and Economics'. Would studies in 'Morality, Politics and Economics' require a different syllabus? Or rather is it that the name of Yale's program promises an academic distance from the matter while morality sounds too real to be taught in a classroom? Voguish nuances aside, morality and ethics could have the same meaning. But the availability of two words is the opportunity to make a useful distinction. Morality evokes Christian doctrine and its claims to universality. The Greek origin of the word 'ethics' on the other hand points to Aristotle, whose teachings take a critical approach to the pursuit of happiness. Already a difference can be drawn. In the Christian sense, good is worth pursuing for its own sake. By moral principle we mean a rule of conduct that no cost or circumstance can justifiably compromise. For some life is so precious that they would rather jeopardize their own health than eat other animals. By contrast, the critical pursuit of happiness in the tradition of Aristotle is more sensitive to context.

Whereas morality holds good and bad as absolutes, ethics considers good or bad in light of their consequences. Ignoring world news isn't a particularly immoral choice, but if we can show that it somehow makes one a worse person we have an ethical argument against it. So just as the purpose of ethics is narrowed down to the individual or society at hand, its scope is broadened to any choice that affects the wellbeing of the individual or society. Charity, but also intelligence, erudition or the development of one's talents all become ethical matters. Ethics therefore addresses, at least indirectly, all and any questions about how to act. Bernard Williams in *Ethics and the Limits of Philosophy* views moral matters as a subset of ethical ones. Many of our choices are morally charged, but to believe all of them are either leads to a life of excessive gravity or dilutes the significance of morality. What time one wakes up in the morning, how one spends one's free time, how one dresses; these questions are best treated ethically and kept outside the scope of morality. This explains why we admit a category of 'amoral' actions to which moral principles do not apply, but cannot conceive of 'amoral' conduct. All conduct is subject to ethical judgment. The same construction is reflected in the ordinary sense given to 'ethos', which refers broadly to the characteristic way a person or group believes one should behave. (This meaning will later be revised.) "Characteristic" implies difference from others, and indeed ethics admits relativism. Morality on the

other hand claims to apply uniformly across people and cultures, even though we include it in ethics. One may object here that ethics has been stretched too thin. Doesn't any decision become an ethical problem if the question of ethics is how to live? Indeed, but that does not necessarily trivialize the concept, if we raise the stakes that every decision brings into play.

Ethics consists in assessing choices in light of their consequences. But rational assessment does not suffice in decision-making. The individual being constantly faced with countless possible actions, every decision is made at the detriment of myriad other options. Who is to say the consequences of one decision are more desirable than the consequences of another? Values, or things worth pursuing for their own sake, are necessary to establish preferences between these possibilities and to motivate our actions. They cannot be rational since reasoning only puts ideas in relation to each other and values must stand on their own. Our efforts are ultimately justified by the non-rational values they aim for, with varying degrees of mediation between the two. Without values we are like Buridan's ass, immobile between two stacks of hay. One may find this metaphor against strict rationalism misleading on account that hay is food. What matters in the comparison is the equidistance of the stacks to the donkey, symbolizing the insufficient reasons for choosing any one pursuit over another. Without values we do not literally starve,

but our existence does become stagnant. Nietzsche's image of the Last Man in *Thus Spoke Zarathustra* describes such immobile people who lack values. In this world, nothing is worth real effort. Life amounts to avoiding pain and pursuing easy pleasures.

[The last men] have left the regions where it was hard to live, for one needs warmth. One still loves one's neighbour and rubs against him, for one needs warmth. [...] A little poison now and then: that makes for agreeable dreams. And much poison in the end, for an agreeable death. One still works, for work is a form of entertainment. But one is careful lest the entertainment be too harrowing. (Nietzsche 129 - 130)

Here we see the detrimental effects of an existence devoid of values. People without values have no ties to their land so they flock by default to the most comfortable place to live. Living together is strictly a matter of cooperation, since there are no higher aims to pursue communally. By the 'poison' they take, Nietzsche means either drugs, which certainly make 'for agreeable dreams', or more figuratively artificial hardship. The Last Man administers himself pain so that he can enjoy the absence of pain instead of finding it boring. By the same token work is worthwhile not for the sake of achieving great things but because it helps pass the time. This is why the Last Man is 'careful lest the entertainment

should be too harrowing'. When the purpose of an activity is not its outcome but simply the passing of time, the activity becomes entirely replaceable. Why then choose any hurtful work when so many easier options are available?

It is worth noting that none of the Last Man's behavior is essentially immoral. If we read Aldous Huxley's *Brave New World* as an elaborate allegory of Nietzsche's Last Man, we find that most World State citizens are not bad people. In fact their calculated pursuit of pleasure is consistent with utilitarian morality. The World State is designed so that every act produces the greatest amount of pleasure and prevents the greatest amount of pain. According to this principle even consuming the "hangover free" soma drug has a moral character. But if the reader rejects this society, does it follow that utilitarianism fails as a moral theory? Here our distinction between ethics and morality is helpful. Utilitarianism offers answers to moral questions, and moral questions only. Should one lie to a criminal about the location of the person to whom they mean undue harm? A utilitarian would argue that one should because the pain the criminal can inflict is greater than the pain caused by the lie. In matters that are not moral however, utilitarianism becomes irrelevant and ethical values are needed. The utilitarian bearings of pain and pleasure are too widespread to constitute real values for discriminating among a multitude of possible choices. When, for lack of

real values, the Last Man treats pain and pleasure as ethical values, they guide his actions with little specificity and leave them interchangeable with any other action. Hunger is painful, so the Last Man works to eat, but this motivation is a mere accident of his condition. Without the necessity of a chosen purpose in his actions, the Last Man can do no more than wait for death. Whoever lives in such a passive state attaches little importance to the boon of being alive. It is in this sense that the Last Man is nihilistic. Metaphorically, he has starved between two stacks of hay.

Values then give the individual a purpose from which to derive sufficient reasons for choosing one stack of hay over another, instead of just picking one for the sake of passing the time. Morality is only relevant in the cases where one choice is absolutely right and the other is absolutely wrong. That is why we speak of moral commandments but rarely of ethical commandments. Ethics relies on values. From these, value systems are derived because values alone are helplessly abstract. As David Hume notes in his essay "On a Standard of Taste", the same thing may be universally esteemed in name, but at a closer look one finds that every society lives by this value differently.

The admirers and followers of the Alcoran insist on the excellent moral precepts interspersed throughout that wild and absurd performance. But it is to be

supposed, that the Arabic words, which correspond to the English, equity, justice, temperance, meekness, charity, were such as, from the constant use of that tongue, must always be taken in a good sense; and it would have argued the greatest ignorance, not of morals, but of language, to have mentioned them with any epithets, besides those of applause and approbation. (in Cahn & Meskin 104)

Hence we need ethical systems, or value systems, that each include not only a basic set of values but the ramifications of these values into the infinity of applicable occasions. Since nothing prevents two ramified values from dictating contrary actions in practice, a hierarchy may govern the relations between values in an ethical system. Internal dissonances in a system are possible, when one value is considered in light of another. If the hierarchy allows, the value of friendship may be ramified into doing someone a favor, while in light of the value of fairness the same favor may amount to political corruption.

So conceived, a system of values is similar to the notion of ethos. In this essay however we want to define ethos as preceding values. 'Values' in the plural signifies that the whole is composed of individual propositions. As a singular noun, the word 'ethos' can be redirected toward the underlying unity, the fundamental inclination from

which a system of values derives. As an irreducible, ethos does not lend itself well to reason; even less so reason to language. To formulate a value system into words is to attempt the translation of a whole ethos into disparate propositions. The exercise never succeeds entirely, but has the merit of increasing our awareness of the direction our ethos points us in. Although every action may be judged ethically, a person's ethos is not necessarily reflected in every decision she makes. Unlike personality, ethos as we understand it here articulates how one believes one should behave rather than how one does. Ethos therefore does not play a direct role in those moments of weakness when a person acts contrary to her ethos, though it may play an indirect role if for example laxness has a place in her system of values. A pacifist who refuses to bear arms is a conscientious objector because her actions stay in keeping with her ethos, but a jingoist who does the same is a coward. On the scale of an entire society one does not recognize these exceptions but only what is regular, therefore it makes no sense to talk of an entire people's ethos in contrast to their most common practices. The two are the same. If individuals in a society fail often enough to honor a value that they claim to uphold as a group, we may conclude the society has lost that value and that its ethos has changed. On the scale of the individual, a deed is 'ethical' or 'good' if it is in accordance with one's ethos. Every person has an ethos in its rudimentary sense of inclination. In fact the images of 'losing one's way' and



'being true to oneself' reveal ethos and identity to be deeply linked. Individuals do not choose one anymore than they choose the other. An ethos is precisely that which determines the choices individuals make. A properly developed value system therefore does not call just on reason but also on introspection. And while a value system can be developed mistakenly or insincerely, an ethos as we use it can only be real. The Last Man may believe he is living according to an ethos, but he merely ignores his ethos while tending to the satisfaction of basic needs. He seems idle, but lives in constant alienation to suffocate the ethos within him. On the scale of society, his neighborly love is without values. It merely accommodates the need for warmth. A society of last men can associate persons with widely divergent ethical inclinations; none would ever know it since this society requires no joint effort between its members beyond what is necessary to satisfy basic needs while waiting to die. That is why the Last Man squints after saying "We have invented happiness" (p. 130). He blocks out his vision because he is lying to himself. Our translation uses 'blink' for 'blinzeln'. German does not distinguish between blinking and squinting, but the latter English word better denotes the ugly act of denial. Just as divergence from ethos is displeasing, we are pleased to see ethos applied. Ethics and aesthetics are linked.

### III. DEFINING ART

An object or deed is beautiful when the

intention behind it is ethical. Hermann Broch's essay "Evil in the Value-System of Art" defines the aesthetic in relation to the ethical, setting both up as two sides to the same coin. "The aesthetic is the ethical become reality (Broch 12)." It follows that any act can have an aesthetic effect to the extent that it is motivated by values and, ultimately, by an ethos. There is beauty in the perseverance of someone working hard toward a great goal. Broch's conception however makes it clear that beauty is a side effect of that person's ethical choice. An athlete does not practice for the beauty in her discipline but for the rewards of her sport. Beauty occurs incidentally; an ethical act mainly aims at its practical results. Hence its thread in the web of causality is tied to countless circumstances, each of which is subject to its own ethical interpretation. The athlete who practices diligently because she values the development of her skill in a sport may be criticized for neglecting other talents. So not only does any act deemed good by one ethical system expose itself to the condemnation of another system, but the degree of this relativism is multiplied by the infinite circumstances to which the single act can be related. Different values make contradictory judgments, not just on the same act, but also on myriad associated facts.

An act becomes artistic when the aesthetic 'side effect' of ethical doing is made its primary goal. It is still motivated by an ethos, but its practical consequences matter less than its beauty. It does not

attempt to accomplish values so much as it aims to express them. If a value system is an ethos brought to a higher level of consciousness at the cost of its original unity, an artistic act reconciles the two by making an ethos manifest without compromising the whole. Unlike an ethical act that is rooted in practice, it need not isolate a particular set of values to aim at. It points straight to their origin. Ethical actions are directed at the world while artistic actions refer back to the ethos that motivates them. The self-referential function of an artistic act makes it less vulnerable than an ethical act to being judged on relatable circumstances. Indeed its practical consequences matter less, so the author of an artistic act has more license to choose what facts can be related to it. The aesthetic quality of a real battle scene can be judged in relation to countless associated facts. Soldiers fight for the defense of their land. They die young leaving widows and orphans behind. Centuries later scholars find historical evidence in their spoils. Artistically however, a battle scene can be designed to bring about these associations or to rule them out. Whatever undesired associations remain, these are imputed to a failure of the author rather than to real world parameters. As a result of this aesthetic selection process the degree of relativism in the aesthetic quality of an artwork is not as great as in the ethical quality of an ethical act. The artistic act has the advantage over the ethical act of presenting itself on its own terms.

Concerning the nature of the artistic act itself, our ethical definition of art has little use for the distinction between reality and fiction. What matters is the primary purpose attributed to the action. To a Futurist who admires the ethos expressed in war without caring for its consequences, a battle can be artistic. Its reenactment in film may simply serve educational purposes. An edifice is a work of art in so far as it is meant to express values. It is an enclosure to the extent that it is meant to separate an inside from an outside. The ethical definition holds no stipulations on the forms art takes, but simply postulates its purpose. Art is not the only kind of thing that expresses ethos and sometimes art can fail to express a real ethos. But by calling an object artistic we make its chief purpose the expression of an ethos.

In *The Transfiguration of the Commonplace* Arthur Danto defines art simply as what the art world sanctions as art. The ethical definition agrees with the negative premise that an object is not art by virtue of its intrinsic qualities. But it also makes a stronger claim, since it puts art in a specific relation to ethos. If an art world outsider were to walk into a museum and deny that a certain outlandish installation is art, her judgment according to Danto would represent no more than a contradiction in terms. The installation cannot be 'not art' because being an object on display in an art museum is precisely what it means for something to be art. And yet it seems unfair to strip this person's

claim of meaning because she lacks the credentials. The concept of artwork is too common in everyday life simply to refer to the ever-changing category of things art insiders consider artistic. Whether or not her judgment is accurate, the museum visitor uses the term 'art' to indicate more than what the sanctions of art world insiders provide. Our ethical definition is institutional to the extent that it refers to extrinsic attributions given to an object instead of identifying uniform qualities inherent to all works of art; but unlike Danto's it isn't entirely relativistic either because it postulates a common understanding of the notion. In case of a disagreement over whether something is a work of art, the ethical definition provides a universal concept to refer to, not just arguments of authority.

The ethical definition relies on a notion of purpose. Who attributes to an artwork this special purpose? It is implied by whosoever claims that something is a piece of art. So according to our definition it is a contradiction in terms to call something art and to deny that its purpose is mainly to express ethos. Frank Stella's *Newburyport* is ostensibly painted to express nothing but its own formal properties. The audience should see in this painting nothing but two squares side by side, each containing a sequence of five incrementally smaller squares, both series using the same colors in opposite order. There is pleasure in looking at the inverse symmetry formed by the geometric shapes and in experiencing the ambiguous illusion

of depth and protrusion created by the color sequences. Ostensibly, the artist's religion, politics and other beliefs stay out of the picture. Stella himself stresses the point.

I always get into arguments with people who want to retain the old values in painting, the humanistic values that they always find on the canvas. If you pin them down, they always end up asserting that there is something there besides the paint on the canvas. My painting is based on the fact that only what can be seen is there ... All I want anyone to get out of my paintings, and all that I ever get out of them, is the fact that you can see the whole idea without confusion ... What you see is what you see. (in Harries 1997, p. 16)

We will grant to Stella that although art-historical context is relevant for understanding his work, it isn't required to appreciate it. One does not need to know the genealogy of a pen to get the best use out of it. But on this analogy, what 'use' does *Newburyport* have? The educational purpose it serves at the Yale Art Gallery is incidental to the real point of its appearance. So is its high market value, and so is its historical significance. But don't all the extraordinary social practices surrounding the object suggest it has some special property? What makes *Newburyport* so special? Contrary to Stella's claims, the exceptional handling of shape and color

doesn't say everything. One could come across the same pattern on bathroom tiling or on a bedspread without pausing. But by labeling Stella's production 'art', we inscribe it in a certain tradition and attribute to it qualities that are invisible on the canvas. Since the label refers to a tradition, it must be understood historically. Kant in the *Critique of the Power of Judgment* conceptualized a kind of universal sensory pleasure found in objects with no purpose. Already this take on aesthetics presupposes a value system sophisticated enough to value something with no direct benefit. A simpler system would have me prefer a nice meal to looking at *Newburyport*, but Kant's theory of the beautiful offers arguments to the contrary. Therefore our appreciation for the painting is not as naive as Stella claims. Stella's defenders might counter that although Kant's ethically charged theory is applicable, it isn't necessary for enjoying the painting. The artist still wants us to believe the choices materialized in *Newburyport* have nothing to tell us about how to live. Had his painting been created in another culture, he would have been right, but then his work would have amounted to little more than decoration. As someone who claims to make art, he could only have painted *Newburyport* in the 20th century Western world, when a value of Art for Art's Sake had been sufficiently developed.

In the 18th century Kant justified the autonomy of art from other activities. Had aesthetic theory been left at that, art

enjoyed without ethos might have been possible, though it would have risked triviality. But those who sought to escape from the social and political turmoil in 19th-century Europe established art as a value in itself. Followers of Kant such as Schiller and Schopenhauer played a role in making art an ethical value. They respectively make political and cosmological arguments to elevate art to something near or equal to what the divine represents in some value systems. *The World as Will and Representation* holds aesthetic contemplation as the only activity that can deliver human beings from the misery of existence. Greenberg's "Avant-Garde and Kitsch" connects this evolution in history to his own time. Abstraction for Greenberg is the natural consequence of art's newfound place as a central value.

It has been in the search of the absolute that the avant-garde has arrived at "abstract" or "nonobjective" art—and poetry, too. The avant-garde or poet tries in effect to imitate God by creating something valid solely on its own terms, in the way nature itself is valid, in the way a landscape—not its picture—is aesthetically valid; something given, increate, independent of meanings, similars or originals. (Greenberg 5 -6)

Only once art has become its own value can it represent nothing but itself and still be valuable. Stella's project fails

to recognize this condition. Therefore in spite of what the author says, *Newburyport* does express an ethos. In Broch's terms, we appreciate it as the aesthetic manifestation of the artist's ethical commitment to art for art's sake. This is why one needn't look far beyond the lines and colors on the canvas since what is on the canvas is in fact the very object of the expressed ethos. The tradition we place the artist's work in makes it an object of ethical value regardless of his intention. It is the same indifference to an artwork's alleged purpose that allows us to consider 'artistic' an object that was created outside of our tradition. While the original users of African masks do not distinguish between the object's artistic value and its religious function, we allow ourselves to abstract the masks from their earlier use and call it art. This is the paradox in our conception of art. It is built on the relativistic notion of ethos and yet claims to universality.

#### IV. THE META-VALUE OF AUTHENTICITY

After acknowledging that values are relative, Greenberg goes on to affirm that the valuation of art on the whole is constant across cultures.

there does seem to have been more or less of a general agreement among the cultivated of mankind over the ages as to what is good art and what is bad art. Taste has varied, but not beyond certain limits; contemporary

connoisseurs agree with the 18th-century Japanese that Hokusai was one of the greatest artists of his time; we even agree with the ancient Egyptians that Third and Fourth Dynasty art was the most worthy of being selected as their paragon by those who came after. (Greenberg 13)

Art then is not the arbitrary invention of our time and place, as a simplistic reader of Danto might conclude. Its meaning was refined in 18th and 19th-century Europe with the result of denoting an activity common to all societies. And this activity, Greenberg claims, is uniform enough to be subject to the same criteria of appreciation. He does not venture such criteria, but our definition of the artwork as something primarily meant to express an ethos already hints at one. An artistic act can have various qualities, some of which detract from its beauty. A clumsy or deceitful act does not express values as well as an adroit or genuine one. The difference is authenticity, that is to say conformity to the ethos the act is meant to express. Authenticity is not relative because it is not a value. Between two stacks of hay, the donkey can choose the healthier one, or the shapelier one, or the more fashionable one, but not the more "authentic" one. A value makes something worth pursuing, while authenticity is a discipline for the way one pursues it. We will call it a meta-value.

The ethical definition of art therefore provides a measure for evaluating all

works. It is a matter of determining how accurately a work expresses the artist's ethos. The exact relation between the artist proper and the ethos we call the artist's remains undefined however. One is tempted to assert that the ethos an artist expresses in a work is also the ethos from which she derives values to live by in other aspects of her life. This simplistic relation from the author as a person to the author as a creator does not do justice to the power of imagination. An accomplished artist can invent an ethos which is not her own and express it compellingly in a work of art. The invention can even be unintentional. The ethos a work's audience encounters is sometimes different from the ethos the author meant to express. In *Art, Emotion and Ethics*, Berys Gaut points out that the narrator in *Anna Karenina* is much more sympathetic to the female protagonist than Leo Tolstoy was toward women in his own life. He further proposes that Tolstoy meant to treat his heroine more harshly than he does in his novel (Gaut 108). Therefore, whether the work of art claims to be real or fictional, it is safest to assume that the ethos expressed in a work of art is always an imagined one, no matter how closely it resembles the author's personal ethos. A good work of art has 'artistic truth' then, not because it expresses any real values that the author lives by, but because it stays true through and through to the ethos it expresses. Broch places this truth under the idea of autonomy, synonymous with our notion of authenticity (Broch 17). The most fantastical piece of

fiction has as much artistic truth as a candid autobiography if both works are equally true to the respective ethical inclinations they set out to express.

Does morality's claim to universality in all value systems extend to the imaginary ethos of a work of art? If approached morally, the question is whether art is subject to the same moral commandments as other acts or whether it is immune. Artistically, the question takes the following form. Does whatever it is that hypothetically causes morality to be universal in mankind, say human nature, extend to an artist's imagination, or can an artist theoretically imagine an immoral ethos and stay true to it in her work? The answer to the moral question is simpler but concerns us less. Moral commandments do apply to art, but in a way that is adapted to its imaginary quality. Sadism in a work of art is a real moral defect, but its severity isn't the same as in politics or in medicine. A work of art can violate moral commandments in a non-imaginary way, by slander for example. In such cases there is no imaginary quality to mitigate the moral defect. From an artistic standpoint, what place does morality have in a work of art? Since a work of art is intended to express an entire ethos, and moral questions are just a subset of ethical ones, finding a work moral or immoral is not enough to argue that it is good or bad. Morality can only be an artistic quality to the extent that its expression is ethically authentic. In other words its expression must conform to the overall ethos

being expressed in the work. Morality being universal, this conformity would be a given unless immorality could also be expressed authentically. Can it not? Is there anything that prevents an artist from inventing an immoral ethos? To call the task of inventing an immoral ethos impossible, rather than just hard, is to postulate a limit to the power of imagination. Such a claim is as unfounded as it is unwelcome. The same goes for the audience's appreciation of an immoral ethos. We find the expression of an ethos beautiful provided it does not clash too strongly with our own ethos, but no strict limit can be placed on the degree of our aesthetic flexibility.

#### V. ART AND KITSCH

In the 19th century the ethically destructive consequences of Humanist rationalism took full effect. Submitted to systematic questioning, the values that Westerners lived on fell apart. It would be wrong to claim they completely disappeared. Kings and priests still existed, albeit in new forms. But more fundamental than the evolving values of individuals and institutions, the cohesion of the whole was lost. Broch refers to this process as the disintegration of values.

This process, occurring over hundreds of years, is one in which the European worldview, first formed by the Middle Ages, was dissolved bit by bit, and in which the individual value-systems became independent from one

another, but in which man, increasingly confused and torn by both destructive and constructive forces, had lost the ability to halt the final disintegration of the old given values, to hold off the final bloody chaos, and finds himself to an increasing degree at the mercy of his own conscience in the face of horror and death still confronted with the question, like a thunderclap: "What should we do?" (Broch 5)

After the several scientific, political and philosophical revolutions that transformed Europe in the Early Modern era, it was no longer clear that the peasant tilling the soil served the same ultimate goal as the monk praying in a monastery. The peasant was now free to define a private purpose, or in our words free again to pick haystacks according to personal values. The numerous isms that succeeded one another in the 19th century can be understood as retorts exchanged in Western Civilization's debate over how to choose between stacks of hay.

As an activity meant to express values, art was especially impacted by this uncertainty. Short of spelling the end of art, the West's soul seeking put new demands on the artist. In addition to making her medium expressive of an ethos, the artist had to redefine with every artwork what ethos it would express. While similar efforts were needed from all members of society, it is easier for an industrialist or factory worker to

focus on immediate tasks and ignore the greater ethical questions that now face every individual. Many aspiring artists did try to go on ignoring these questions. The result however was something that resembles art in every respect but the most important—its ethical function. In seeking the effects of art without answering the newly troublesome question of values, these aspiring artists obtained what we call kitsch.

All art has as its primary purpose the aesthetic side effect of ethical acts, but true art does not forsake the ethical act itself. It has an ethos at its origin, expresses it in a work, and thus obtains the beautiful. As well as pleasing, the experience of beauty is necessarily daunting. It addresses the disturbing question of how one should live. Beauty is a nuisance to someone who would ignore the aporia. Therefore kitsch is invented to procure the pleasures of beauty distilled from its burdensome ethical implications. In order to express an ethos, true art turns material into metaphor. Kitsch rehearses the process backward. It imitates art's metaphors, in a tamer form known as clichés, and thus alludes to an ethos without expressing it authentically. Instead of experiencing beauty, the audience is titillated. Titillation offers a third understanding for the 'poison' Nietzsche's Last Man administers to himself. "A little poison now and then: that makes for agreeable dreams". 'For agreeable dreams', that is to say pleasure without bearing on reality.

Kitsch mimics the aesthetic effects of art while circumventing ethics. In *The Ethical Function of Architecture*, Karsten Harries compares this imitation to the worship of a false idol as exemplified by Aaron's Golden Calf (Harries 1997, 364). The Israelites bypass the divine by simulating the splendor of God in the glow of a gold sculpture. Without the purpose of ethical expression, kitsch offers nothing but its own appearance. As a result it lacks what Karsten Harries calls 'psychical distance'. "The sugary stickiness of Kitsch is opposed to the sense of distance which is said to be characteristic of art" (Harries 1968, 76). Without distance the appearance of the work becomes central but problematic as well. Artistic distance in this regard is analogous to scientific detachment. A surgeon looks at a body cut open without disgust. Though not oblivious to the gore, she is not perturbed by it because she blends the particular with the universal. She sees anatomy where others see bloody organs. Likewise in art the appearance of the work matters only insofar as it expresses ethos. Kitsch on the other hand avoids the nuisance of ethics only to stumble upon the problem of its own appearance.

How appearance can be problematic and how kitsch responds will become evident in the comparison of Botticelli's *Birth of Venus* with Cabanel's 1863 work on the same theme. Both scenes depict Aphrodite transported to the viewer by the waters, tended to by various creatures. This being the birth

of a love goddess, *eros* is present in both nudes. In Botticelli's Venus it is unabated because it serves to express an ethos. By contrast the eroticism of Cabanel's Venus is central to the work. This is not only problematic because erotic pleasure is contrary to good taste. To pass for art, that is to say to imitate the force of necessity characteristic of ethically motivated acts, the work must pretend to stand for more than what lies on the canvas. Its content must be stylized to conceal erotic pleasure and to evoke the expression of ethos. In Botticelli the nude's *contrapposto* brings her to life while the expression on her face eludes the viewer. Her eyebrows are raised, her mouth is slightly curved in a smile and her gaze wanders off the canvas. This vividness expresses a deep Humanism, but does not shy away from the eroticism of the subject. Venus' belly is shaded to indicate the voluptuous protrusions of muscle. She emphasizes her nudity by covering it. Her hair is remarkably unkempt, floating candidly in the wind. She celebrates human beauty, including its erotic appeal.

Whereas the context of Botticelli's Venus makes her erotic appeal Humanistic, Cabanel must use context to conceal the erotic nature of his work and make it less unsettling. The sensuality of Venus' body is highlighted by her large hip, prominent naval, half-closed eyes and limp hands. The rest reduces it to cliché. Her hair is organized into manageable locks. It is tamed into a solid surface, which the light reflects

on to agreeable effect. Her flesh is fully exposed, but the homogeneity of her skin tone mollifies its carnal appearance. Her body has just enough movement to associate her voluptuousness with a respectable art-historical tradition, though it remains languid and sensual. The mythological setting provided by the putti further sterilizes the image. Instead of cultivating *eros* in order to express an ethos, Cabanel has tamed it with clichés so as to titillate his audience without embarrassment. His allusions to the Renaissance reassure the audience into thinking the painting proclaims the same Humanism as Botticelli's work. The ethos alluded to is specifically chosen for being established enough to procure enjoyment without ethical debate. But in spite of its clichés, the work as a whole remains more erotic than Botticelli's because eroticism constitutes the essence of its impact on the viewer instead of serving as a means to express an ethos. The lack of distance explains why kitsch ages poorly. Blunt appearance is tamed according to the changing requirements of taste. These express not an ethos but social conventions. Once these conventions change, nothing justifies the choices that led to a work of kitsch. Its appearance is revealed as completely interchangeable because it lacks the ethical stamp of necessity.

There exists a special form of kitsch however, which self-consciously embraces its lack of distance and repudiates the allusions it makes to ethos. This variety known as camp celebrates

its own derivative quality. Its subject is usually frivolous because nothing can be treated seriously with such a contradiction. Recent developments in the art world have seen the appearance of works that embrace kitsch, not just as appearance, but as the expression of its own ethos. Whether the work of Andy Warhol, Jeff Koons and others is art or an elaboration on camp depends on whether it expresses an ethos authentically or merely parodies one.

## VI. CONCLUSION

A work of art is an object or performance made for the primary purpose of expressing an ethos. An ethos is the fundamental disposition from which derive a person's values, that is to say the general preferences that make each choice necessary amid the infinity of possible alternatives. The primary purpose of an ethical act is its practical consequences and beauty is its side effect. A work of art makes this side effect its own primary purpose. It obtains beauty through the authentic expression of an ethos, to the relative neglect of its practical consequences. Without ethical motivations, artistic acts and practical acts are just as arbitrary. Without values one does not stand literally immobile. One always finds things to do, but nothing commands the choices one makes over those one does not. Behavior without values is accidental. Likewise the choices an author makes in a work that does not express an ethos seem interchangeable because they are not

entailed by a generative whole. Under these conditions, the best kitsch can do is to titillate its audience and justify itself by appearing to express ethos.

So far we have described kitsch in pejorative terms. Clearly it lacks the ethical significance of art. But is that so wrong? It does not follow from our argument that all art is more pleasurable than all kitsch. A work of kitsch can be immensely pleasurable while an artwork can fail to express an ethos in spite of its author's best intentions. Requiring people to reject something they enjoy in the name of a philosophical distinction sounds pedantic. Clement Greenberg makes the political argument in his time, that kitsch is a convenient way to distract the masses while rulers ignore their legitimate claim to power. An unabashed appreciation for kitsch may also betray a resistance to seeking values worth pursuing, a resistance fundamentally caused by a loathing for existence. Kitsch cannot be too far from nihilism. More broadly anyone who holds fast to one set of values will denounce kitsch as a distraction from what matters most. Today the widespread acceptance of kitsch suggests our culture is too pluralistic to protect any single set of values from being mishandled. No search for truth has been sincerely conclusive, to the point where "the best lack all conviction, while the worst are full of passionate intensity" (Yeats 187). If we each may pursue our own values, who is to insist the values we pursue be real? But then do we not risk becoming

a society of last men that has given up on real values? Is the spread of kitsch an apathetic vow of neighborly love?

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# On the Divisibility of Material Appearances: An Evaluation of Kant's Second Antinomy<sup>1</sup>

James Simkins

University of Pittsburgh, Class of 2013

## ABSTRACT

This paper provides an exposition and critical evaluation of Kant's Second Antinomy of the *Critique of Pure Reason* in light of the secondary literature on the topic. It seeks to defend a position that falls somewhere between more charitable commentators who fully defend Kant's positions and those commentators who see the Second Antinomy as clearly indefensible. After putting the Second Antinomy in the broader context of Kant's Dialectic, I argue that it fails to completely rule out all dogmatic metaphysical positions on the divisibility of material appearances. However, the Second Antinomy does manage to rule out the most appealing alternatives to Kant's own transcendental idealism. In my view, this reveals a deep difficulty facing any philosophical account of matter.

## I. INTRODUCTION

The interpretation of Kant's Second Antinomy has been a matter of intense debate among Kant scholars throughout the last century. The Antinomy concerns the question of whether the division of matter terminates by reaching simple

parts or continues infinitely indicating the absence of anything simple in nature. Kant concludes that neither alternative is coherent and uses this to motivate a shift to transcendental idealism. Respected scholars have charged Kant with a number of mistakes in this section of the text. For instance, various commentators have argued that Kant "assumes, by his definition of terms, the point which he professes to establish," "libels [his] own dealings with the concept of substance," and offers an argument "that one could not reasonably assert it unless one already knew that the conclusion was true" (Smith 489; Bennett, KD 167; Van Cleve 493). Other commentators have come to Kant's defense arguing that the first criticism above "is strictly irrelevant and betrays a basic misunderstanding" and that critics have generally "confused, misrepresented, or dismissed" crucial distinctions in the Kantian position (Al-Azm 55; Grier 181).

In this paper, I will attempt to chart a middle path through this critical controversy. In order to make room for this position, it is important to first distinguish between two competing approaches to Kant's Second Antinomy found in the secondary literature. The first approach, represented by Sadik Al-Azm and Michelle Grier, frames



the Second Antinomy in terms of the wider arguments of the Dialectic. This approach tends to favor the optimistic conclusion that the Second Antinomy fits consistently within Kant's overall position. In defending this view, Grier and Al-Azm deserve credit for their effort to provide a charitable interpretation of the Kantian position. They are correct to argue that the Second Antinomy ought to be judged primarily in relation to Kant's wider philosophical project, and they rightly conclude that the overall structure of Kant's argument in the Second Antinomy is consistent with his position in the Dialectic. However, they fall short of providing a complete defense of Kant's arguments.

A second approach, taken by Norman Kemp Smith, Jonathan Bennett, and James Van Cleve, focuses on the logical validity of the arguments of Kant's Second Antinomy in the context of a broader metaphysical debate concerning the divisibility of matter. Such commentators tend to focus on the specific arguments of the Thesis and Antithesis and show that these two arguments fail to create a proper antithetic. In other words, some dogmatic metaphysical possibilities remain which are not excluded by either argument. Since excluding all such possibilities is essential to motivating the shift to transcendental idealism, this is a serious failure in the argument. Unfortunately, there is no way to rescue this situation without appealing to additional assumptions that cannot be found in the text. As such, these

commentators fairly conclude that Kant's Second Antinomy is significantly flawed.

However, this does not support the conclusion that the Second Antinomy is a complete failure. Even though the Antinomy fails to reject all forms of transcendental realism concerning material appearances, it nonetheless rules out several of the most compelling alternatives. Thus, the failure of the argument lies in the details, not in the overall structure, and the Second Antinomy does provide some motivation for transcendental idealism. This paper will consider both the successes and failures of Kant's arguments, beginning with a presentation of the overall structure of the argument, then pursuing critical analysis of the Thesis, Antithesis, and Solution, and ending with some reflection on what philosophical conclusions might be drawn from it.

## II. KANT'S DIALECTIC AND THE ANTINOMY OF PURE REASON

In order to reach a complete understanding of Kant's arguments in the Second Antinomy, it is important to first consider the broader Kantian position in the Dialectic of the *Critique of Pure Reason*. In the Introduction to the Dialectic, Kant establishes the notion of transcendental illusion while considering the distinction between the ascending and descending use of reason. In the descending or synthetic use of reason, one begins with general principles and deduces conclusions,

which are then known to be true under the condition that the general principles hold. However, reason can also proceed in the opposite direction, which is called the ascending or analytic use of reason. This kind of reasoning occurs when we take various objects of sensory experience to be certain and then proceed to search for principles from which these objects can be derived. Since the objects of sensory appearances are given, "reason is constrained to regard the series of conditions in the ascending line as completed and given in their totality" (Kant A332/B338)<sup>2</sup>. However, reason goes too far in embracing this conclusion, because such an inference would only hold in a case in which objects of sensory experience were given as things in themselves. In fact, objects of sensory intuition are never more than mere appearances and the purely logical condition of the completeness of the ascending series does not apply to them. This transcendental illusion leads human reason into inevitable dialectical conflict.

The Antinomy of Pure Reason arises out of the influence of the transcendental illusion on the field of rational cosmology. Kant refers to the section using the singular 'antinomy' indicating that he means for the Antinomy of Pure Reason to be considered, in some sense, as a single, unified problem facing reason. The section is united by its concern with the dialectical conflict that arises "when reason is applied to the objective synthesis of appearances" (Kant A407/B433). Despite this suggestion of

unity, the section is divided into four parts, each of which is also referred to as an antinomy. In each antinomy, Kant presents a pair of arguments representing a thesis and antithesis position, which, from the perspective of dogmatic metaphysics, are directly opposed and completely irreconcilable. Each argument proceeds as a *reductio ad absurdum* and successfully refutes the opposite position. This results in "a dialectical battlefield in which the side permitted to open the attack is invariable victorious" (Kant A423/B450). Kant views this as a major problem for philosophy as a discipline, since the apparent inability to resolve the dialectical conflict tends to lead either to dogmatic adherence to certain assumptions or to skepticism about philosophy in general. Kant uses this failure to motivate his own transcendental idealism, which he presents as the only way to resolve this "entirely natural antithetic" (A407/B433).

The thesis and antithesis positions of each antinomy represent the two sides of a dogmatic metaphysical debate. Each thesis represents the position of a hypothetical rationalist and satisfies reason's demand that "the entire chain of conditions ... [be] grasped completely *a priori*" (Kant A467/B495). In each argument, the thesis position rejects an infinite regress of conditions in favor of a finite regress that terminates in the unconditioned. On the other hand, each antithesis represents an empiricist position and satisfies the



demands of the understanding. Namely, the antithesis supports a position in which “the understanding is always on its own proper ground, namely, the field of genuine possible experience” (Kant A468/B496). Thus, the antithesis consistently reasserts the necessary empirical conditions of possible experience and demands an infinite regress to satisfy these requirements. Yet, despite the disagreement between the thesis and antithesis, it is important to remember that they are similar in one crucial respect: both the thesis and the antithesis assume that appearances are given as things in themselves.

The resolution of each antinomy depends upon showing that both sides incorrectly assume that appearances are things in themselves and that once this assumption is rejected, each antinomy presents a false dilemma. All of the antinomies concern an empirical regress from conditioned to conditions. The thesis argues that this regress *must* stop and the antithesis argues that it *must* continue infinitely. If we regard such propositions “as contradictory opposites, we are assuming that the world, the completed series of appearances, is a thing in itself” (Kant A504/B532). However, if we “reject this assumption, or rather this accompanying transcendental illusion... the contradictory opposition of the two assertions in converted into a merely dialectical opposition” (Kant A504/B532).

This rejection of the position that

appearances are things in themselves is at the core of Kant’s transcendental idealism. Kant holds that this position is proven in the Analytic, but he takes the Antinomy of Pure Reason to offer further support for the necessity of such a position. Kant defines transcendental idealism as the position “that admits the reality of the objects of outer intuition” but holds that “all appearances, are not in themselves *things*; they are nothing but representations, and cannot exist outside our mind” (B520/A491; A492/B520). Appearances do have some connection to things in themselves, but these noumenal entities, whatever they might be, are not possible objects of our experiences, and we have no epistemic access to them. This shift to transcendental idealism resolves the problem of each antinomy. In the first two antinomies, which concern the mathematical aggregation and division of appearances respectively, each side is shown to be mistaken. In the third and fourth antinomies, which concern dynamical connections between appearances, the two sides are shown to be mutually compatible. However, in each case, the antinomial conflict is resolved by a shift to transcendental idealism.

### III. AN OVERVIEW OF THE SECOND ANTINOMY

The subject of the Second Antinomy is a point of controversy in the secondary literature concerning this section of the text. The Antinomy plainly concerns the divisibility of a composite

substance and whether or not such a division ends with simple entities, but commentators disagree about whether the Antinomy concerns only material substance or whether it concerns substance in general. Grier and Al-Azm both defend wider interpretations of the Antinomy. Al-Azm argues that the arguments in the Antinomy have analogous steps in both material and mental substance (47). Grier points out that nowhere in the Thesis is the notion of spatial extension invoked. Instead, she argues, that the Thesis “operates with a rational conception of composite substance in general” (198). Each view is offered as a criticism of commentators who argue the Second Antinomy concerns only material substance.

Grier is right to argue that the Thesis does not require any of the extended properties of composite matter in order to make its argument, but it does not follow that the Second Antinomy concerns substance in general. In fact, in his introduction of the problem of the Second Antinomy, Kant specifically states the Second Antinomy is about “reality in space, *i.e. matter*” (A413/B440). Furthermore, mental substance was already explicitly dealt with in the First Paralogism, so it would be surprising for it to come up, as Al-Azm suggests, in the Second Antinomy. Therefore, despite the generality of the Thesis position, Kemp Smith, Van Cleve, and Bennett are justified in the conclusion that “the substance referred to, though itself never mentioned by name, is

extended matter” (Kemp Smith 489).

The next major interpretive question is what kind of composition is being considered. Kant mentions at least two kinds of composition in the solution to the Antinomy, raising the question of which kind of composition is being referred to in the Thesis and Antithesis arguments. The first kind of composition is that which has parts constituting what Kant calls a quantum continuum. Such a division, according to Kant, “is inseparable from the occupation of space, which is indeed its ground” (A527/B555). This weak form of composition is merely an aggregation of spatial regions with no additional structure or organization. This suggests a stronger notion of composition associated with what Kant calls a quantum discretum. A substance constituting a quantum discretum all the way down to infinity would have the property that “every part of an organized whole is itself again so organized, that in the analysis of parts to infinity, still other organized parts are always to be met with” (Kant A526/B554). However, this distinction is only introduced in the Solution to the Antinomy and is not central to Kant’s arguments. The Thesis concerns both kinds of composition whereas the Antithesis utilizes only the weaker notion. However, as we shall see, this presents no problem in terms of the validity of Kant’s argument. Thus, with these preliminary matters settled, it is time to delve into the logical structure of the antinomial arguments.

To get a clear sense of how to evaluate Kant's arguments, it is necessary to consider what Kant sets out to achieve in the Second Antinomy. It is helpful to recall that the thesis and antithesis of each antinomy are meant to be contradictory opposites once one grants the illicit assumption that appearances are things in themselves. By definition, this means that the conjunction of the thesis and the antithesis positions must eliminate all logical possibilities so long as transcendental realism is accepted. It should be noted that this commits Kant to quite a strong position. As Van Cleve points out, Kant must argue that there is simply no coherent way to conceive of matter as extended substance existing independently of the mind (489).

Since Kant is committed to refuting all dogmatic metaphysical accounts of matter, it will be helpful to comprehensively list plausible theories that he must reject. Van Cleve suggests such a list based on the three alternatives that "matter is infinitely complex, every part containing further parts; or it is composed of extended simple parts; or it is composed of unextended simple parts" (481). While a few conceptually distinct possibilities occupy each of these three alternatives, this division will be useful in evaluating the Thesis and Antithesis arguments. In particular, the Thesis will be evaluated in terms of its ability to exclude all possible theories in which matter is infinitely complex, and the Antithesis will be evaluated in terms of its ability to exclude all possible

theories in which matter is composed of extended or unextended simple parts.

In the Solution of the Second Antinomy, Kant must show that the apparently irreconcilable conflict he has presented through the Thesis and Antithesis can be dissolved through an appeal to transcendental idealism. Kant remains committed to arguing that any transcendental realist theory will lead to a contradiction. However, he must also argue that transcendental idealism avoids such a contradiction. In other words, Kant must argue that the realization that matter is a mere appearance allows for a philosophical position that is safe from either side of the antinomial conflict. The Solution of the Second Antinomy will be evaluated in terms of whether or not it successfully defends such a position.

#### IV. THE ARGUMENT OF THE THESIS

The Thesis of the Second Antinomy proceeds via *reductio ad absurdum* to show that matter is made up of simple parts. The argument can be rewritten as follows:

Suppose matter is not made up of simple parts.

Premise 1: Matter is made up of composite substances.

Premise 2: By definition, a composite substance must remain in existence regardless of any accidental relation it

might bear to any other entity.

Premise 3: The division of a composite substance must lead either to more composite substances, to simple substances, or to nothing at all.

Remove, in thought, all composition. By the third premise, either a simple substance must remain, a composite substance must remain, or else nothing at all will remain. A simple substance cannot remain because that contradicts our supposition. Nor can a composite substance remain, since we removed in thought all composition. Therefore, either we cannot remove all composition in thought or nothing at all remains once we do so. Both remaining options lead to further contradictions. Since composition is an accidental relation, it must be possible to remove, in thought, all composition, and have matter continue to exist by our definition of substance in the second premise. However, the final remaining possibility, that the complete division of matter leads to nothing at all, also contradicts our definition of substance in the second premise.

Conclusion: Reject the supposition that matter is not made up of simple parts.

Transcendental	Realist
Assumption:	Appearances
are things in	themselves.

Transcendental	Realist
Conclusion:	Matter is
made up of	simple parts <sup>3</sup> .

It should be immediately noted that this presentation of the argument contains a significant alteration of the text. The conclusion in the Thesis actually reads, "every composite substance in the world is made up of simple parts" whereas I substitute 'matter' for 'composite substance' (Kant A434/B462). This change is necessary on the following grounds. As I have already argued, the second antinomy is concerned with material substance in the field of appearances. Therefore, when Kant speaks of composite substance in the Thesis, he must assume that ordinary material appearances are composite substances. Given how strongly Kant defines composite substance, this is not a trivial assumption, and, as such, it belongs in the text of the argument itself. The formulation offered above simply makes this assumption explicit without any further changes to Kant's argument.

Even a cursory glance at the Thesis will reveal that much of the weight of the argument depends on the assumption in the first premise that matter is a composite substance and in the second premise of the strong definition of composite substance. Otherwise, the third premise

is relatively unproblematic, and the thesis position readily follows from the illicit assumption of transcendental realism. Noticing this strong definition of composite substance, Kemp Smith argues that “Kant here assumes, by his definition of terms, the point which he establishes by argument” (489). This is arguably true of Kant’s original presentation. However, the presentation I have offered above suggests a more charitable interpretation of Kant’s definition of substance. Rather than taking the definition as an unjustified assumption and regarding his argument as trivial, one can instead treat his strong definition of composite substance as a premise of his argument. The question becomes whether or not this definition of composite substance actually describes material appearances.

It might seem that the best place to turn would be Kant’s own definition of substance in the First Analogy. However, this will not help the Thesis position. In the First Analogy, substance is defined as that which is permanent “in all changes of appearances” (Kant A182/B224). However, the removal of all composite substance in thought is most certainly not itself given in any appearance. Rather, it is a purely conceptual operation which is possible on logical grounds alone. Therefore, Kant’s own definition of substance cannot support the Thesis. Bennett takes this as a major flaw arguing that the thesis “libels Kant’s own dealings with a concept of a substance” (KD

167). However, this objection reveals a major misunderstanding of Kant’s argument. The definition of substance in the First Analogy already reflects the point of view of transcendental idealism and treats sensory objects as mere appearances. Thus, this definition will obviously not be suitable for the Thesis, which is argued from the perspective of a dogmatic rationalist. As Bennett points out, “the Thesis-argument needs a rationalistic concept of substance” (KD 167). However, this is not a vice, as Bennett argues, but rather is exactly what one might expect. Kant himself clearly realizes this when he mentions that his definition of substance is “only an abiding image of sensibility” and “not an absolute subject” (A526/B554; A525/B553).

For the moment, let us pick a suitably rationalistic definition of substance and grant Kant his assumption that material appearances are made up of composite substances as described by this definition. Any number of philosophers would provide a suitable definition here, but, to pick a prominent example, let us refer to Rene Descartes’s definition of substance in *Principles of Philosophy*. Descartes defines substance as “a thing that exists in such a way as to depend on no other thing for existence” (Descartes 210). This corresponds to Kant’s view of how the category of substance would work if it were not limited to appearances by a schema. Since this is exactly the illicit application of substance that a transcendental realist would seem to be entitled to, it makes sense that this

definition of substance would be at work in the Second Antinomy<sup>4</sup>. From this point of view, Kant’s conclusion that the removal of all composition will result in the destruction of substance is fully supported<sup>5</sup>. After all, since a substance can depend on no other thing for its existence, it most certainly cannot depend on the accidental relation of its parts. Therefore, those who wish to continue to hold that matter is infinitely complex must dispute the position that composite substances exist in the field of appearances or deny the definition of substance offered above. However, given that the definition of substance above is the standard definition in the field of rationalistic metaphysics, these choices really amount to denial of the same thing. Adherents of the view that matter is infinitely divisible must deny that ordinary appearances are composite substances in the rationalistic sense.

If we stay within the conceptual framework of the Second Antinomy, Kant has no convincing argument to eliminate the possibility raised by denying that material appearances are composite substances in the rationalistic sense. Kant might argue that such a denial fails to threaten the Thesis because such a position abandons transcendental realism. After all, Kant himself denies that ordinary appearances are substances in the rationalistic sense, and he is certainly not a transcendental realist. However, Kant is mistaken if he thinks that transcendental idealism is the only coherent position

that denies that appearances are substances in a rationalistic sense.

In order to see how this is the case, let me briefly sketch a consistent view that also rejects the assumption that matter is a composite substance in the rationalistic sense, but remains committed to transcendental realism. An adherent of such a view might hold that appearances are not substances at all, but are merely modes of a single substance. A substance monist of this kind can concede that modes are infinitely divisible, but, since they are merely modes and do not themselves have necessary existence, this concession poses no problem. In this way, these modes are much like extended space, which can also be divided infinitely without any contradiction. Now, it might seem that the one substance would be vulnerable to division. However, unlike Kant’s composite substance, this single substance need not be a composite in Kant’s sense of the word. Rather, it could be what Kant calls a totum, an aggregation of things in which “parts are possible only in the whole, not the whole through the parts” (A438/B466). In other words, the single substance would be ontologically prior to any of its parts<sup>6</sup>.

The adherent of the position above can continue to treat appearances as things in themselves and thus maintain transcendental realism. The theory can consistently hold that the extended modes, which constitute ordinary appearances, really do possess the attribute of extension and exist as things

in themselves. However, divisibility no longer poses any problem for the existence of these things. Kant partially realizes this weakness when he says “our inference from the composite to the simple applies only to self-subsisting things” (A441/B469). Yet, he does not seriously consider the possibility that ordinary appearances might not be self-subsisting from a transcendental realist perspective. The position above clearly outlines just such a view. Nonetheless, the extent of this failure should not be overemphasized. The idea that appearances are composite substances is a far more popular view than the position that appearances are modes. To that extent, Kant’s Thesis still manages to exclude many of the most common forms of transcendental realism.

#### V. THE ARGUMENT OF THE ANTITHESIS

The Antithesis of the Second Antinomy shares the *reductio ad absurdum* form of the Thesis, but it reaches an opposite conclusion concerning the divisibility of matter. It concludes that nowhere in nature exists anything simple. The argument can be rewritten in the following manner:

Suppose matter is made up of simple parts.

Premise 1: Matter is made up of composite substances.

Premise 2: All external relations

(including composition) are possible only in space.

Premise 3: Everything that occupies a space contains a manifold of constituents.

Matter, as a composite substance, is possible only in space by the first two premises. A composite substance, by definition, has parts. Each of these must occupy a space. The absolutely first parts of the composite will be simple. As parts, these too must occupy a space.

But this means that they must have a manifold of constituents. But then the simple has parts and is also composite, which is a contradiction.

Initial Conclusion: Reject the supposition that matter is made up of simple parts.

Additional Assumption: Everything is experienced in space and time.

Further Conclusion: The simple is a mere idea which can never be found in experience.

Transcendental Realist Assumption: Space and time are attributes of things in themselves.

Transcendental Realist

Conclusion: Matter consists of infinitely many parts<sup>7</sup>.

In this formalization of the argument, I once again substituted ‘matter’ for ‘composite substance’, but in this case the substitution is far less significant, as the argument depends on the fact that matter must exist in space and time rather than upon the idea that matter is self-subsisting.

Since the argument offered by Kant is clearly meant to rule out the possibility of matter being composed of simple, extended parts, it makes sense to begin by evaluating its success in this role. I take it to be unproblematic that the argument is successful in showing that even the most simple parts of matter must themselves have parts if they are to exist as spatially extended things. Bennett points out, in opposition to this view, that many physicists accept that there is some distance that is the smallest possible distance that can be measured (KD 181). Such a point takes us far from any consideration available to Kant, so I will leave it aside in this analysis. In the absence of such an objection, Kant’s argument seems to hold. However, it is important to note that the kind of composition established by the antithesis is only the weak composition of a quantum continuum and not the strong composition of a quantum discretum.

A second possibility is that the simple substances are not extended things at all. Kant identifies such a view

with Leibniz and goes to considerable effort to explain why the Antinomy is not concerned with this position. Kant describes Leibniz’s position as containing simple substances that are “immediately given as simple (e.g. in self-consciousness)” (A442/B470). What is significant is that monadists like Leibniz do not “treat space as a condition of the possibility of objects of outer intuition” as Kant does, but they do not share the view of transcendental realism in which space and time are basic, mind-independent attributes either (Kant A442/B470). Monadists pursue a third possibility “by taking instead... the dynamical relation of substances as the condition of the possibility of space” (Kant A442/B470). This third position is mistaken and, according to Kant, “has already been sufficiently disposed of in the Transcendental Aesthetic” (A442/B470). In Kant’s view, this is not the kind of position that is under consideration in the Second Antinomy.

A final possibility is that the simple substances are not extended things themselves but, rather, are dimensionless points that exert a repulsive force centered around a single point in space. Such a theory was first seriously put forward by Roger Boscovich<sup>8</sup>. Considering such a possibility, Van Cleve points out that “such points give us the *appearance* of extension, not extension itself” (Van Cleve 90). Kant would probably point out that this view shares a crucial similarity with the monadist view. In both cases, it is a dynamical relation which gives

rise to the appearance of space. As such, this theory also violates the conclusion that Kant has already reached in the Transcendental Aesthetic and should be disqualified on those grounds. Therefore, with the additional assumption of the correctness of the arguments of the Transcendental Aesthetic, Kant is able to fully defend the antithesis position from both the monadist and the Boscovichian objections.

## VI. KANT'S SOLUTION TO THE SECOND ANTINOMY

Kant resolves the Second Antinomy by arguing that both sides of the debate have mistakenly taken appearances to be things in themselves. Grier offers a penetrating analysis of the mistakes of each side of the argument. The Thesis takes the pure category of substance "to be materially informative", which allows it to reach the conclusion that simple parts must underlie all composition in matter (Grier 210). If matter were a thing in itself, this application of the pure category of substance would be an appropriate logical move. Since the matter in question is merely an appearance, it is the schematized category that would be appropriate. However, this notion of substance will not yield the same antinomial conclusion. On the opposite side, the Antithesis "projects space and time as universal ontological conditions" (Grier 210). This allows the Antithesis to slide from the appropriate conclusion that material appearances can always be

further divided to the illicit conclusion that matter has infinitely many parts.

Yet, an apparent problem still remains. Kant is committed to arguing that the purely negative conclusion of each antinomy is appropriate. Therefore, he must accept each of the following propositions:

1: Matter (as an appearance) cannot be composed of infinitely many parts.

2: Matter (as an appearance) is infinitely divisible

These propositions seem obviously incompatible. In fact, replace 'appearance' with 'thing in itself' and they are directly contradictory. Yet, this seemingly small replacement makes all of the difference. Since matter is contained in the field of appearances, the division "proceeds *in infinitum*" (Kant A523/B551). Yet, as Kant points out, an infinite number of parts do not follow:

We are not, however, entitled to say of a whole which is divisible to infinity, that *it is made up of infinitely many parts*. For although all parts are contained in this intuition of the whole, *the whole division* is not so contained (A524/B552).

Another way to think about this is to ask what it would take to actually force a contradiction between the two

propositions above. One would have to take an appearance and actually divide it an infinite number of times. But this is impossible because it requires that "this infinite involution is regarded as an infinite (and therefore never to be completed) series, and yet at the same time as completed" (Kant A527/B555). Therefore, no actual contradiction ever arises.

Kant resolves the debate of the Second Antinomy through an appeal to his doctrine transcendental idealism. The arguments of each antinomy, as they are presented, would apply only to things in themselves. However, since things in themselves are unknowable, there is no way to actually apply such arguments to them. Appearances, which can be known, are known only as mind-dependent entities. The composite nature of substantial appearances leads to a possible infinite regress of a series of divisions. If such an infinite series could ever be completed, the Antinomy implies that a contradiction would result. However, since there is no way to experience the completion of an infinite regress of conditions, it is not a problem that such a completion would lead to a contradiction.

In this way, the conflict of the Second Antinomy is successfully resolved by appealing to Kant's position that all objects of outer intuition are mere appearances. However, this leads to the conclusion that matter exists, at least as far as we know anything about

it, only as an appearance. Moreover, it is also leads to the conclusion that it is incorrect to think of spatial extension as an inherent property of things (as opposed to objects). This is quite a remarkable pair of conclusions. Clearly, they did not bother Kant; however, they are sufficiently contrary to widely held intuitions that I will devote the final section of this paper to considering whether or not they might be avoided.

## VII. CONCLUSION

Before I proceed to briefly consider alternative ways out of Kant's Second Antinomy, I should note that Kant himself did not depend on the Antinomy alone to prove anything about transcendental realism or idealism. In fact, the same thing can be said about the Dialectic as a whole. Kant repeatedly holds that the Analytic alone is sufficient to establish his position; the Dialectic merely serves as a kind of therapeutic, which could be avoided entirely if reason did not have an inevitable tendency to fall into dialectical error as a result of the transcendental illusion. Therefore, it is not entirely consistent with Kant's overall position to question whether or not the mind-independence of matter might be saved from the arguments in the Second Antinomy as they stand alone. However, Kant does indicate that the antinomies might serve as indirect evidence for transcendental idealism (A502/B530). On this ground, it is fair to question whether or not the Second Antinomy alone entails transcendental

idealism concerning composite matter.

As previously mentioned, one way of avoiding Kant's argument in the Thesis is to posit that appearances are not composite substances, but, rather, are modes. This amounts to a reversal of the direction of ontological priority. In a composite substance, the parts are ontologically prior to the whole. Thus, the composite is vulnerable to an infinite division of parts. However, in a mode, no such priority is assumed. Therefore, it can be just as easily argued that the parts are ontologically dependent on the whole. In this case, divisibility is no longer a worry. The most natural view then becomes a kind of monism in which everything is ultimately dependent on a single substance. However, the idea that ordinary physical objects are modes of a single substance is at least as hard to accept as transcendental idealism. Moreover, Kant would likely argue that this is ruled out by his argument in the Schematism that the category substance can only be legitimately applied to appearances. Historically, such a rationalist view also depends on an ontological argument, which Kant disputes in the Ideal of Pure Reason. However, neither of these responses will save Kant from the conclusion that the Second Antinomy falls short of true antithetical conflict.

A second option is to take a path which was briefly mentioned earlier and accept that, at some extremely small scale, it is no longer possible to measure or

divide space. However, this amounts to the position that our ordinary, Euclidean spatial intuitions are somehow wrong. Kant believes he has thoroughly defended these intuitions in the Transcendental Aesthetic. On top of this problem, some method of understanding how a simple material entity could occupy such a non-euclidean space would have to be provided. Since neither of these problems can be solved in any fully intuitive manner, this position is no refuge for common sense intuitions concerning matter.

A final option is to accept some view in which the dynamical properties of matter are prior to its formal properties. This view also amounts to a rejection of the Transcendental Aesthetic; however, it will do no harm to entertain this possibility along with the others. Such a view is proposed by Leibniz in his *Monadology*, and is represented, in less elaborate form, in a theory of repulsive Boscovichian points. In either case, spatial extension lacks metaphysical primacy. Instead, space is a mere appearance that arises out of the interaction of unextended, simple entities. This view also challenges our intuitions, particularly in the case of Leibniz's *Monadology*, which holds that these simple entities also have mental properties.

In conclusion, it would seem that there is very little hope for recovering an intuitive notion of matter from the antinomial conflict presented in the

Second Antinomy. This is not to say that the Antinomy is constructed in a way that entirely rules out all dogmatic theories of matter. Based on the structure of the Antinomy, this was the goal that Kant set out to accomplish. However, the arguments, as they appear in the text, leave open a few additional possibilities. Kant might argue that such possibilities are implausible. However, they are no more troubling than Kant's own solution of transcendental idealism once the full implications of that view are realized. Yet, they are no less troubling either. Therefore, it is fair to conclude that the Antinomy provides some support for Kant's position, if only by vanquishing the most intuitively appealing alternatives and leaving only equally challenging ones. Perhaps more importantly, it yields significant insight into the incredibly difficult problem of providing an adequate account of matter.

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#### NOTES

<sup>1</sup> I would like to thank Professor Stephen Engstrom for generously offering his time advising my directed study as well as for his helpful and encouraging comments on an earlier draft of this paper.

<sup>2</sup> Page numbers for *Kant's Critique of Pure Reason* refer to the standard Prussian Academy Edition of the text.

<sup>3</sup> Compare to Kant's argument beginning at A434/B462 in the Kemp Smith translation. Quotation marks are omitted to enhance clarity.

<sup>4</sup> See Kant's discussion of the categories at the end of the Schematism at A146/B186.

<sup>5</sup> It should be noted here that Bennett has raised the objection, based on contemporary mathematical notions of infinity, that an infinite number of parts can still make up a whole without threatening its existence (KD 126). However, in cases in which this is true, I would argue that the existence of the whole must be ontologically prior to the existence of its parts. Whether or not composite matter might share this property is considered at the end of this section.

<sup>6</sup> The reader may notice that this account shares many similarities with the metaphysical account presented by Benedict Spinoza in *Ethics*. Whether or not Spinoza actually holds this position is a interpretive question that is beyond the scope of this paper.

For further discussion on Spinoza's view of extension, see chapter 4 of Jonathan Bennett's *A Study of Spinoza's Ethics* (Indianapolis: Hackett, 1984).

<sup>7</sup> Compare to Kant's argument beginning at A435/B463 in the Kemp Smith translation. Quotation marks are omitted to enhance clarity.

<sup>8</sup> For such a view, see Roger Boscovich, *A Theory of Natural Philosophy* (Cambridge: MIT Press, 1966).



# Choosing Justly: Evaluating Voting Systems with Social Choice Theory

Jay Weismuller

Macalester College, Class of 2012

“To attribute human coherence to any group is an anthropomorphic delusion.”

-William Riker<sup>1</sup>

## ABSTRACT

The impossibility results of social choice theory provide a serious challenge to normative political theory: if voting systems cannot be both rational and normatively acceptable, then evaluations of and justifications for adopting proportional representation (PR) or majority rule (MR) are, at best, incoherent. At worst, they are misguided. I call the former view agnosticism: voting theory shows us that, since normative arguments for voting systems cannot stand, the choice between PR and MR is arbitrary. I call the latter view pessimism: voting theory shows that, in choosing between voting systems, normative criterion should be abandoned in order to meet rationality conditions. In this paper, I argue against these views and in favor of an optimistic view: despite impossibility results, voting theory can provide compelling normative arguments concerning the choice between PR and MR. Specifically, the Rawlsian-ordinalist approach to Arrow's impossibility result is committed, on normative grounds, to

PR over MR. I argue that this approach's use of “positional dictatorships” requires Hanna Pitkin's “descriptive representation” and a principle of “degressive proportionality”. Viewing these as individually necessary and jointly sufficient conditions for PR, I argue that the institutionalization of positional dictatorships would effectively institute PR. In this way, a specifically Rawlsian and egalitarian approach to social choice theory can circumvent impossibility results and provide normative grounds for the evaluation of voting systems. Optimism trumps agnosticism and pessimism.

## INTRODUCTION

Voting is of primary importance to the democratic method. Voting is the means by which the citizens of a democracy make decisions; it is the mechanism that distinguishes rule of the many from rule by the few. Yet despite being central to what many consider the only acceptable political system, few political theorists and philosophers pay much attention to the concept of voting. Much of normative democratic theory focuses on apparently more problematic concepts such as justice and representation, or

on technical problems concerning how voting works in the electoral setting. It is generally assumed that, bracketing practical problems, voting itself does not present conceptual difficulties.

Social choice theory contests this assumption with a variety of voting paradoxes that point to the difficulties inherent in the concept of voting. These paradoxes suggest that voting is far more problematic than it seems on its face. These conceptual problems are so disconcerting that some have concluded, as Riker does, that a coherent account of social choice is not possible. Social choice theory's challenge to voting systems is formidable: when we assume that individual votes produce coherent group decisions, we are indulging in an anthropomorphic delusion.

Social choice theory attempts to model how individual preferences and votes can be rationally and ethically aggregated into collective decisions. It seeks to show in what way we can make social choices without violating rationality conditions or (usually minimal) normative principles. The models created by social choice theory, however, have consistently shown that any given voting system will be either rationally or normatively problematic. One of the most important results for social choice theory was Kenneth Arrow's 1951 “impossibility result”<sup>2</sup>, which established that any voting system meeting rationality conditions produces a “dictator”; this dictator's vote and only his vote

determines which alternative is chosen. Arrow's paradox demonstrates that rationality and normative acceptability are mutually exclusive; his proof shows that voting systems cannot have both.

I will assess this challenge to voting systems by focusing on the relation between decision rules and principles of representation. While the former is the province of social choice theory, the latter requires a theory of just representation. Both, I argue, are essential to any evaluation of voting systems. My question will be, how does social choice theory's account of decision rules affect principles of representation, and what do these affectations imply for the evaluation of voting systems?

In the debate, this intersection of social choice theory and theories of justice manifests itself in “Rawlsian-ordinalism”, which uses a form of John Rawls' difference principle to address Arrow's paradox (Strasnick [1]<sup>3</sup>, Strasnick [2]<sup>4</sup>, Hammond [1]<sup>5</sup>, Arrow [1]<sup>6</sup>). I argue that Rawlsian-ordinalism is committed to perfect procedural justice over pure procedural justice. This perfect procedural justice requires Pitkin's “descriptive representation”<sup>7</sup> and a specified principle of proportionality. As such, Rawlsian-ordinalism supports proportional representation. This conclusion contests the popular supposition that social choice theory either supports majority rule (Maskin<sup>8</sup>, Dasgupta & Maskin<sup>9</sup>) or offers no normative grounds for preferring either



voting system to the other (Riker [2]<sup>10</sup>). I refer to the former interpretation as the *pessimistic* interpretation, the latter view as the *agnostic* interpretation. I seek an *optimistic* interpretation.

This paper has three sections. In the first section I briefly introduce the aspects of Rawls' theory of justice relevant to social choice theory, and then introduce Arrow's impossibility result at length. I establish Rawlsian-ordinalism as the proper basis for evaluating voting systems with social choice theory, and then outline its solution to impossibility results: using a normatively acceptable "positional dictator" to establish rational and ethical decision rules (Sen [1]<sup>11</sup>, Roberts<sup>12</sup>, Roemer<sup>13</sup>, Nagahisa & Suga<sup>14</sup>). I identify the use of positional dictatorships as an instance of just procedure, as opposed to just policy.

In the second section I outline the pessimistic and agnostic interpretations of proportional representation and majority rule. I then argue that, due to impossibility results, a social decision rule cannot be normatively justified in isolation from principles of representation. This undermines the pessimistic and agnostic interpretations and sets up the optimistic interpretation.

In the third section I argue that the difference principle, as the normative means to normative ends, constrains what is acceptable in these ends. This supports a form of perfect procedural justice over Rawls' pure procedural

justice. Specifically, the procedural use of the difference principle requires that 1) representatives resemble their constituents and share their interests as much as possible and 2) all "social stations" are represented in the political institution. (1) is referred to as a *principle descriptive representation* and (2) as a *principle of degressive proportionality*. Principles (1) and (2) are individually necessary and jointly sufficient for a system of proportional representation. Thus Rawlsian-ordinalism supports proportional representation over majority rule.

I conclude that social choice theory is not entirely pessimistic or agnostic: it can provide normative grounds for evaluating voting systems. Further, justifications of proportional representation typically appeal to its inherent fairness or its desirable effects<sup>15</sup>. But with social choice theory, in its intersection with theories of justice, proportional representation can be justified in terms of voting theory.

## I. RAWLS, ARROW, AND RAWLSIAN-ORDINALISM

### A. Rawlsian Distributive Justice

In *A Theory of Justice*, John Rawls models a political liberalism with three important components: what he calls the "original position" (or "veil of ignorance") and his two principles of justice. Of these three components, the original position and the second principle of justice are relevant to the argument at hand.

In the original position, parties make decisions concerning the basic political institutions of their society, but are unaware of the position they will themselves hold in this society. Behind the veil of ignorance, Rawls argues, rational decisions require maximizing a general level of welfare. There are two important points to unpack here.

First, Rawls commits to a form of non-welfarism. In the original position, as Rawls sees it, social choices are made irrespective of utilitarian considerations. He rejects utilitarianism on the grounds that,

...it improperly extends the principle of choice for one person to choices facing society. The right course of action is characterized as that which best advances social aims as these would be formulated by reflective agreement, given that the parties have full knowledge of the circumstances and are moved by a benevolent concern for one another's interests<sup>16</sup>. (Rawls 122)

Rawls wants the parties in the original position to be risk-averse; social justice precludes gambling over primary goods such as liberty. Non-welfarism argues that certain principles are the necessary preconditions for the maximization of welfare. They are not objects of specific choices seeking to maximize welfare, because these choices must presuppose

(and cannot possibly alter) them if welfare is to be maximized. Rawls shares this position with Arrow and, as discussed below, non-welfarism is a basic commitment of Rawlsian-ordinalism.

Second, in the original position, decisions regarding the principles of justice must concern the basic structure of a political institution. The institutional focus of judgments concerning justice will be important in the third section, when I aim to show that the institutionalization of a procedural difference principle entails a commitment to descriptive representation and degressive proportionality.

Rawls' second principle of justice is the difference principle. This principle "singles out a particular position from which the social and economic inequalities of the basic structure are to be judged" (Rawls 65). This particular position is that of the individual with the lowest level of welfare; "the intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate" (Rawls 65). Since Rawls' focus is on distributive justice, he mainly uses the difference principle to solve problems of allocation and distribution. As I argue below, Rawlsian-ordinalism extends this principle beyond distributive justice and into procedural justice. In the context of evaluating voting systems, this extends the scope of inquiry beyond decision rules and into principles of representation.

## B. Arrow's Impossibility Result

Marquis de Condorcet established the first "impossibility result" in the eighteenth century. Condorcet's paradox, now referred to as the "paradox of voting", shows that three individuals voting over three alternatives with the method of majority rule may produce a cyclic effect:

Person 1 ranks alternatives  $A > B > C$   
Person 2 ranks alternatives  $B > C > A$   
Person 3 ranks alternatives  $C > A > B$

In this instance, all three alternatives win by majority. Thus Persons 1, 2, and 3 cannot make a collectively rational choice over this set of alternatives.

Arrow's impossibility result differs from Condorcet's in that Arrow uses an axiom called "Independence of Irrelevant Alternatives" (Arrow [1] 26-28). This axiom entails that, when a social choice is made between any two alternatives, only people's ranking of those two alternatives should be considered as relevant to social choice; other alternatives are "irrelevant". For example, in the situation above that produced Condorcet's paradox, the ranking of B would be irrelevant to a choice between A and C. Thus C would be preferred to A by majority, because person 1 ranks  $A > C$ , person 2  $C > A$ , and person 3  $C > A$ .

But Independence of Irrelevant Alternatives (IIA) leads to a dictatorship in which one person's ranking of

alternatives dictates society's ranking of alternatives. Take this situation:

Person 1 ranks alternatives  $A > C > B$   
Person 2 ranks alternatives  $C > A > B$   
Person 3 ranks alternatives  $C > A > B$

In this situation the society prefers all alternatives to B, because B is at the bottom of everyone's preference ordering. In shifting this situation to one where the society prefers B to all other alternatives, each person would need to shift his preferences so that B is at the top of their ordering. During such a procedure, there would be a moment in which one person's preference change would change the society's preferences. For example:

First, person 1 re-ranks alternatives  $B > A > C$   
Then, person 2 re-ranks alternatives  $B > C > A$   
And person 3 still has the ranking  $C > A > B$

At the moment when person 2 ranks B above the other alternatives, the society's preferences would change to rank B above the other alternatives. In this procedure, person 2 is a "pivotal" voter<sup>17</sup>. This pivotal voter dictates the society's decision between B/A and B/C. On its own this seems normatively acceptable: person 2's vote "tips the scales" in favor of B.

The problem is that this pivotal voter also dictates the society's decision between A and C. That is, because person

2 prefers C to A, society prefers C to A. Thus person 2 is a "local dictator" in the decision between A and C. Further, by looking at the situation above it can be seen that, whatever person 2's ordering of the three alternatives is, this ordering becomes the society's ordering. In this manner, person 2 is also a "global dictator", since his or her ranking dictates the society's decisions between A/B, B/C, and A/C. Since with IIA decisions can only be made over pairs of alternatives, it would not be permissible to circumvent dictatorship with appeals to the full ordering of the three alternatives. In this way Arrow's axioms entail the existence of a global dictator.

Interpretations of these impossibility results have been varied. Some have argued that these theorems have little practical import because voting paradoxes do not occur frequently (if at all) in voting practices. Since real world voting is frequently affected by agendas that rule out many of the logically possible pairwise comparisons, Condorcet cycles are not very common. Further, the existence of agendas points to an implicit degree of homogeneity among preferences that also deters the occurrence of Condorcet cycles. In a study of five elections held by the American Psychological Association, no instances of cyclical majorities were found. That is, "in each election there was a Condorcet winner (the candidate at the top of the social ordering)", meaning, "that the threat to the legitimacy of the voting outcome posed by cycles did not

materialize"<sup>18</sup>. The infrequency of voting cycles seems to indicate that descriptions of voting behavior need not be heavily concerned with Condorcet's paradox.

But what of Arrow's result? Typically, those who would find Condorcet's result unimportant for matters of description would find Arrow's result of even less importance. Since plurality voting is the most widely used voting method, a result concerning rank-ordered preference data is not very useful for analyzing real social choice processes. Further, whenever ranking is used as a voting method, it does not cohere with IIA. Thus descriptive social choice theory does not interpret Arrow's result as practically important.

These interpretations underscore the difference between descriptive, or positive social choice theory, and prescriptive, or normative social choice theory. As Dennis Mueller remarks;

The difference in starting points also explains the different approaches to the status quo in the [positive and normative] literatures. The positivist works within a set of fixed rules and value consensus, and favors maintenance of the existing rules in the absence of a clearly expressed preference for change. The welfare theorist attempts to define the rules to be embedded in an ideal (perhaps new) constitution and sees no

reason to give previous rules preference<sup>19</sup>. (Mueller 268)

Positive social choice theory is interested in descriptions of the status quo and its degree of Pareto efficiency<sup>20</sup>. However, “to choose among the set of Pareto-preferred points additional postulates must be introduced incorporating stronger value judgments than contained in the Pareto postulate” (Mueller 264). Basically, in order to choose one from among the set of Pareto efficient states (called the Pareto frontier), some value judgments beyond the Pareto principle must be made. Unwilling to make these value judgments, positive social choice theory cannot discriminate between the normative statuses of social states on the Pareto frontier.

In contrast, normative social choice theory is specifically concerned with establishing a function that can choose one social state from among the many on the Pareto frontier. Depending on how it is conceived, this function is sometimes called a “social welfare function” and sometimes a “constitution”. This distinction will be important later.

For the normative approach to social choice theory, Arrow’s impossibility result has drastic consequences. Arrow’s result claims to show that no function can discriminate between states on the Pareto frontier because any function meeting rationality conditions (such as avoiding Condorcet’s cycles with IIA) necessarily produces a dictatorship.

Thus Arrow claims to establish the impossibility of ethically discriminating between points on the Pareto frontier, and thereby the impossibility of a social welfare function or constitution.

### C. Rawlsian-Ordinalism and Positional Dictatorship

Arrow axiomatizes IIA because of his commitment to ordinal utilitarianism. Ordinalism and cardinalism differ on how to account for individual preferences. The cardinalist method assigns to each individual “preference intensity” a “utility indicator”, which is some number value or function that represents this intensity. When aggregating individual preferences into social choices, the alternative with the greatest cardinal value would be the most intensely preferred, and would thereby be the rational and normatively desirable alternative to choose.

Arrow and other ordinalists argue that only orderings of preferences are observable; preference intensities are not. In the context of voting, for example, the only data we have regarding the preferences of voters are the votes they cast; nothing about these orderings reveal the preference intensities that underlie them. Essentially,

...all that is observable in an individual’s choice is the fact that one option is preferred to, that is, chosen over, another or that the agent is indifferent between them.

There is no sense in which the magnitude or degree or intensity of a choice is observable in the choice itself. All the available information about an individual’s preferences in regard to a given set of alternatives is given by a complete ordering of these alternatives. (Strasnick [1] 243)

The basis for the ordinalist claim that preference intensities should not be incorporated into models of social choice is epistemological and not normative. Ordinalists would agree that, if indeed preference intensities could be observed, a social welfare function should and would need to incorporate them. But, ordinalists maintain, there is no way to measure preference intensities.

Ordinalism originally disputed with cardinalism about whether interpersonal comparisons should be used in constructing a social welfare function or constitution. While cardinalists allowed for interpersonal comparisons of utility, ordinalists wanted to reject all interpersonal comparisons and create an aggregation method that took only individual orderings as its data.

The development of utility theory over the last century “has led to an almost unanimous rejection of cardinal, interpersonally comparable utility functions” (Mueller 176). Though utility theory has rejected cardinal interpersonally comparable utility, the impossibility results suggest

that ordinalism still lacks something required for a decision rule. Thus Mueller argues that cardinality still seems to be required for social choice theory, leaving ordinalism in a bind:

The only way we will get a determinant outcome from a social welfare function whose arguments are ordinal utility indicators is to define it lexicographically. That is, to state that society prefers any increase in 1’s utility, however small, to any increase in 2’s utility, however large, and have this hold independently of the initial utility levels (distribution of income and goods). Which is to say, that a social welfare function defined over ordinal utility indexes must be dictatorial if it is to select a single outcome consistently. (Mueller 177)

Mueller suggests that ordinalism must bite the bullet and make three concessions if it is to be the basis for a social welfare function or constitution: 1) its social welfare function must be lexicographic; 2) the prioritized individual’s status must be independent of initial utility levels; and 3) this individual must, via (1), be a dictator in that his preferences alone determine the social choice to be made. Rawlsian-ordinalism accepts (1) and (3) but rejects (2).

(1) can be accepted in the form of a “lexicographic maximin principle”, such

as that first proposed by Sen (Sen [1] 138). This principle is basically the same as Rawls' lexical difference principle, but removed from the context of distributive justice and considered as a stand-alone decision rule. A "maximin" principle is one that maximizes the minimum. In the context of social choice theory, that would entail choosing so as to maximize the welfare of the individual with the least amount of welfare.

(2) can be rejected on the basis of the maximin principle, which does not assign priority to an individual without regard to initial utility levels, but uses these initial utilities in determining which individual's welfare (the one worst off) is to be maximized by the social decision.

In order to determine the relative welfare of individuals, the maximin principle must make interpersonal comparisons. As Strasnick notes, the basis on which "we may make the judgment that the preference of one individual has a greater priority than that of another" requires "some kind of interpersonal comparisons of the distributive situations of the two individuals." (Strasnick [1] 254). Arrow agrees;

Rawls' maximin criterion also implies interpersonal comparison, for we must pick out the least advantaged individual, and that requires statements of the form, "individual A is worse off than individual B." Unlike the sum-of-utilities

approach, however, this does not require that the units in which different individuals' utilities are measured be comparable, only that we be able to rank different individuals according to some scale of satisfaction<sup>21</sup>. (Arrow [3])

These ordinal rankings of welfare can be based on "indifference maps" that reflect the risk-adversity of individuals in certain choices (Rawls 65). Importantly, nothing about indifference maps requires cardinal utility indicators<sup>22</sup> (Samuelson 84). In this manner, interpersonal comparisons can be incorporated into an ordinalist social choice theory without bringing cardinal commitments. Thus this rejection of (2) also rejects the supposition that both cardinality and interpersonal comparability "are required to select a single, best point from among the infinity of Pareto optima" (Mueller 181). Mueller was mistaken to identify ordinalism's missing element as cardinality; it is interpersonal comparisons.

What is the nature of these ordinal interpersonal comparisons? These comparisons rely on what Arrow calls "extended sympathy" (Arrow [1], [2]). These comparisons take the form: "state  $x$  is better (or worse) for me than state  $y$  is for you" (Arrow [1] 114). In a more operational form, this judgment would take the form: it is better to be an individual  $i$  in state  $x$  than to be an individual  $j$  in state  $y$ . This principle of extending personal sympathy by considering

the position of another seems to be the basis of many welfare judgments.

The maximin principle is a form of extended sympathy, but so is the maximax principle (maximizing the welfare of the best off). In order for interpersonal comparisons of extended sympathy to favor a maximin over maximax principle, an additional egalitarian principle is required. This "equity axiom" (Hammond [1]) essentially says the following;

$x$  is more just than  $y$  iff there exists a one-to-one transformation of  $N$  into itself such that (a) being in state  $x$  in someone's position is better than being in state  $y$  in the position of the corresponding individual and (b) being in the position of each individual in  $x$  is no worse than being the corresponding individual in state  $y$ <sup>23</sup>. (Suzumura 337)

Condition (b) is a strong Pareto principle. Condition (a) is then Rawls' difference principle, because (b) requires consideration of every individual, including the one with the lowest level of welfare. Because ordinalism requires interpersonal comparisons, and extended sympathy requires an equity axiom, ordinalism is committed to egalitarianism. This is the point at which social choice theory and theories of justice intersect.

In regards to (3), the Rawlsian-

ordinalist approach is committed to the notion of an "ethical dictator", similar to that suggested by Park<sup>24</sup> and resisted by Samuelson (Samuelson 87). The notion of an "ethical dictator" is Rawlsian-ordinalism's escape route from Arrow's impossibility result; if a kind of preference priority can be defended (Strasnick [1]), then the formal inevitability of dictatorship is not a normative deterrent. If a certain kind of dictatorship is normatively acceptable, then rationality and normative acceptability would not be mutually exclusive. Arrow's pessimistic result would be circumvented.

This last point is pivotal, and before moving on to elaborate the nature of the ethical dictator it should be emphasized. In the social choice literature, the discussion of ethical dictatorship focuses mostly on its technical attributes, but the notion is radical enough to deserve a separate conceptual treatment. The claim made by Rawlsian-ordinalism is that, in order to avoid impossibility results and make coherent social choices, a procedure must be employed to select a dictator. This follows directly from Arrow's result;

Arrow's result can be recast as a dictatorship theorem, claiming that [his axioms] imply the existence of a dictator. In fact, the true conclusion of Arrow's theorem is that one cannot avoid interpersonal comparisons, because it is necessary to choose

the dictator<sup>25</sup>! (Hammond [2])

The striking claim, implicit in Rawls but only made explicit in the social choice context, is that dictatorships can be normatively acceptable. Thus the necessity of dictatorship is not normatively problematic. In this way, Rawls' egalitarian defense of dictatorship undermines the trade-off between rational and normatively acceptable voting systems.

This ethical dictator is a "positional dictator"; the positional dictator's vote and only his vote determines which alternative is chosen. With the lexical maximin principle, an individual is a positional dictator only in virtue of his position at the bottom the "welfare hierarchy"; "an example of positional dictatorship is the Rawlsian maximin principle where the worst-off position is dictatorial" (Roberts 413).

However, control does not stay long with one individual, because individuals move up "a lexicographic hierarchy of 'dictatorial positions'" (Hammond [2]). Basically, the worst-off individual becomes a positional dictator when voting paradoxes arise. When the effects of his dictatorial decisions lift him out of the worst-off position, the new worst-off individual fills the position of dictator. This is a positional, not a proper dictatorship. A proper dictatorship occurs when "control always remains with the original individual"; a positional dictatorship occurs when

control always changes hands. An ethical dictator is a positional dictator, not a dictator proper (Roberts 415).

In this manner, there is an increasing equality of welfare. This increasing level of welfare normatively justifies the use of positional dictatorship to solve voting paradoxes. Importantly, this normative justification is a criterion independent of the maximin decision rule. As mentioned above, both the maximin and maximax rule satisfy the conditions of extended sympathy. Only with the equity axiom can the normatively acceptable decision rule be restricted to maximin. The imposition of the equity axiom presupposes (and would require) an independent justification of the normative acceptability of egalitarianism.

In Rawls' theory of justice, the lexical difference principle is considered a just policy. That is, the goal of just decisions will be to maximize the welfare of the worst-off individual. Considered as a policy, the lexical difference principle is a kind of regulation. In the original position, a rational decision would opt for the maximum amount of general welfare. These decisions take the form of extended sympathy, but do so broadly and in regards to major issues concerning institutional structures.

For Rawlsian-ordinalism, however, the lexical maximin principle describes a just procedure. The entire point of importing the maximin principle into social choice theory is to circumvent impossibility

results. In order to do this, the principle must be considered as describing a specific process by which discrete social choices can be made. In the social choice context, extended sympathy is applied very narrowly and for the specific purpose of identifying positional dictators.

Instead of choosing as a matter of policy to maximize the welfare of the worst-off, the procedural use of maximin requires that the worst-off make the choices themselves. Rawls' use of maximin as a policy reflects his focus on problems of just allocation and distribution. The procedural use of maximin is concerned with problems of just social choice generally. The policy use of maximin is best associated with a social welfare function, while the procedural use is best associated with a constitution. The shift from maximin as policy to maximin as procedure allows a shift in focus from distributive justice to procedural justice. This permits social choice theory to move beyond decision rules and into normative constitutional issues, such as principles of representation.

## II. DECISION RULES AND PRINCIPLES OF REPRESENTATION

### A. Interpreting majority rule and proportional representation

Maurice Duverger contrasts proportional representation (PR) and majority rule (MR) as having two distinct principles of representation. PR, he argues, seeks "representation of opinions", while

MR seeks "representation of wills"<sup>26</sup>. Representation of opinions entails "thinking of an election as a means of obtaining a more or less accurate image of all the opinions in a country – or even as a means of 'photographing' these opinions" (Duverger 32). In this manner, PR attempts to assemble a parliament that is a small size model of the social groups present in the nation. This model is "a photographic image of public opinion that is as faithful a likeness as possible" (Duverger 34).

Duverger says that MR, on the other hand, understands that the parliament cannot be such a model. However, "representation of wills enables the voters to choose those who will lead them during the entire life of the legislature" (Duverger 32). For, even if the citizens cannot govern themselves, MR allows voters to directly choose those that will govern. In the multipartyism favored by PR, voters choose party deputies who then choose those that will govern. Duverger sees MR as eliminating the deputies from the equation, bringing the delegation of power one step closer to the voters.

In *Liberalism Against Populism*, William Riker interprets voting systems from the social choice perspective. Specifically, he argues that social choice theory's impossibility results undermine a populist or Rousseauistic interpretation of voting that views voting outcomes as a manifestation of a "general will". Riker argues that a

liberal or Madisonian interpretation of voting, in which voting has the modest role of producing government, is less damaged by the impossibility theorems.

The liberal interpretation of voting, on Riker's account, argues that the function of elections is to control officials. Voting negatively controls officials, who "in their efforts to avoid rejection usually in some rough way as agents of the electorate, at least attempting to avoid giving offense to some future majority" (Riker [1] 11). Popular consent, therefore, is a necessary condition for a voting system; it is what the officials must fear offending if they are to be controlled by elections. The administration of elections and limitation of incumbency, on the other hand, is a sufficient condition for a voting system. Riker argues that the necessary condition is meant to ensure participation and equality, while the sufficient condition is meant to ensure liberty. Thus liberalism associates normatively acceptable voting systems with the capacity to produce governments and limit officials.

The populist interpretation argues that the function of voting is to express what Rousseau called the General Will. As Arrow points out, "the fundamental doctrine of the group is that we distinguish between the individual will, as it exists at any given instant under varying external influences, and the general will, which is supposed to inhere in all and which is the same in all; social morality is based on the latter" (Arrow [1] 81). Since it

views social morality as based on the General Will, the populist interpretation takes popular consent and participation in rule-making as necessary and jointly sufficient conditions for a voting system. Populism identifies a normatively acceptable voting system as one that follows the General Will; "in the populist interpretation of voting, the opinions of the majority must be right and must be respected because the will of the people is the liberty of the people" (Riker [1] 14).

It is easy to see how impossibility results challenge the populist interpretation of voting. If individual rankings of alternatives ("wills") cannot be rational and normatively aggregated into social rankings of alternatives ("a general will"), then no voting system can satisfy the necessary and sufficient conditions set by populism. The liberal interpretation, on the other hand, makes no special normative claim about the relation between a voting system and collective will; "the outcome of voting is just a decision and has no special moral character" (Riker [1] 14). On this view, liberalism alone survives impossibility results.

#### B. Pessimism and agnosticism

What relevance does Riker's association of social choice theory with a liberal interpretation of voting have for evaluating voting systems? There seem to be three possible interpretations: 1) liberalism connects with Duverger's "representation of wills" and favors

majority rule; 2) liberalism does not favor either majority rule or proportional representation over the other; or 3) liberalism favors proportional representation. (1) is pessimistic, (2) is agnostic, and (3) is optimistic<sup>27</sup>. After outlining the arguments for pessimism and agnosticism, I argue that they share a normatively questionable assumption. This sets up the argument for optimism.

Pessimism interprets the populist goal of actualizing the General Will as similar to the goal of Duverger's "representation of opinions", which seeks to institutionalize public opinion with proportional representation. The liberal goal of producing governments and limiting officials resembles Duverger's "representation of wills", which aims to create effective governments with majority rule. With these associations, the same argument that Riker used against populism could be applied to proportional representation: since its aim to represent a collective will that according to impossibility results cannot coherently exist, the principle of proportional representation is incoherent. Thus social choice theory would support majority rule over proportional representation, but only in a negative sense: it is only the failures of proportional representation that lead us to the next best alternative (majority rule), but majority rule is not rationally or normatively justified by itself.

Riker himself holds an agnostic interpretation. He argues that,

since all electoral systems are unfair and incoherent,

...either kind of electoral system is adequate for representation. Indeed, the kind of election is, itself, not very important compared with the overwhelming importance of constitutional restraints. Constitution writers might as well adopt the electoral method that is most comfortable for people who will use the constitution they produce, plurality or PR as the case may be. What is more important for constitution writers is that they recognize that neither method of election can produce a true mandate or popular will. If they recognize that central and essential fact, then their problem is to restrain elected officials so that their actions can be easily blocked or vetoed by, and in the name of, the real majorities that oppose so-called mandates or the so-called popular will. (Riker [2] 110)

Here Riker points to the central thesis of the liberal interpretation of voting, that no voting system "can produce a true mandate or popular will" (Riker [2] 110). He argues that the liberal interpretation does not favor either MR or PR; the liberal interpretation only has implications for issues of constitutional restraints. On this view, social choice theory has nothing to

say about voting systems themselves.

The pessimistic and agnostic interpretations share the presupposition that a voting system's formula of decision should determine its principle of representation. With pessimism, the impossibility of a decision rule that could aggregate individual wills into a General Will is thought to imply that the principle of "representation of opinions" is incoherent. With agnosticism, the general impossibility of a decision rule is thought to imply that a general principle of representation is likewise impossible. In both these interpretations, the formula used to translate votes into social choices is assumed to dictate the manner in which these social choices can and should be implemented.

This assumption is normatively questionable. A voting system's principle of representation should be dictated by normative political goals, and as such should be treated as ends. A formula of decision, on the other hand, is a means to these ends. The problem with the pessimistic and agnostic interpretations is that they prioritize normative means over normative ends. That is, they interpret the normative goals of MR and PR as determined by the normative status of possible means to these goals.

### C. Towards optimism

Dieter Nohlen argues that a clear distinction needs to be drawn between "the two alternative principles of

representation (functional/political representation versus social/proportional representation) and the two types of formulae for translating votes into seats (the majority/plurality formulae versus the PR formula)" (Nohlen 86)<sup>28</sup>. While the basic goal of a functional principle of representation is to produce government, the goal of proportional principles of representation is to reflect, as exactly as possible, the various social stations of the population. This distinction between functional and proportional principles mirrors Riker's distinction between the liberal and populist interpretations of voting.

But, unlike Riker, Nohlen argues that "the principles of representation and the formulae of decision relate to each other like ends and means; while a wide scope of possibilities exist for the means, there are only two alternative ends" (Nohlen 86). Principles of representation concern the aggregate nationwide outcomes of elections. Formulae of decision, on the other hand, concern the disaggregate situation of translating votes into social choices. As such, principles of representation are political goals and formulae of decision are means to these ends.

Nohlen emphasizes that MR and PR each have their own dictum as to what the ends of preference aggregation should be. The two stand for different sets of "specific political goals which they are intended to reach and they are both located at the opposite ends of a bipolar continuum."

The "bipolar model" emphasizes that PR and MR are "two antithetical principles of political representation – politically, systemically, and with regard to the history of ideas" (Nohlen 85).

Duverger himself finds "an unresolvable contradiction between these two representations of opinions and wills" (Duverger 33). He argues that PR and MR rely on opposite mechanisms; while PR requires many parties to represent the variety of opinions, MR requires a small number of parties in order to produce effective governments. Duverger finds it tempting to interpret the relation between PR and MR "in the form of a law that approximates Condorcet's theorem and Heisenberg's uncertainty principle: the more accurate the representation of opinions, the less accurate the representation of wills, and vice versa" (Duverger 34).

This gives a new dynamic to the relation between the antithetical principles of representation. If voting systems should be evaluated on criterion related to their end goals and intended functions, and the mechanisms underlying each of these principles exclude effective use of the other, then there exists a strong imperative to choose between PR and MR. That is, we can't just leave it at the Madisonian interpretation offered by Riker, because we require a normative judgment regarding the antithetical principles of representation.

If we accept the Madisonian

interpretation, then this normative judgment should cohere with it (we shouldn't assume that either principle can embody the General Will). Still, the need to pass normative judgment on the antithetical principle of PR and MR remains. Since, as Riker argued above, the Madisonian interpretation lends itself to indifference between PR and MR, social choice theory cannot stop at this interpretation. The Madisonian interpretation is normatively incomplete. The question is, then, what normative contributions can Rawlsian-ordinalism make to a liberal interpretation of voting systems?

Nohlen's answer motivates the position that PR and MR should be evaluated solely in terms of their principles of representation.

Electoral systems should be classified and evaluated according to the principles of representation. The formula of decision are secondary in rank and do not determine the question of definition and classification of the electoral systems. (Nohlen 87)

Here Nohlen argues that voting systems should be evaluated according to their political ends, without regard to the many possible means to these ends.

This position ignores the possibility that problems with means affect the normative status of political ends, that certain impossibilities for formulae

of decision affect the possibility of normative ends. Basically, Nohlen's judgment does not take into account the implications of social choice theory and impossibility results. Empirically, there is some evidence that formulae of decision systemically violate rationality conditions (Chamberlin, et. al.). Theoretically, the formal possibility of either non-rational or dictatorial formulae of decision undermines any means-end relation that does not consider the normative status of the means.

Riker and Nohlen ignore the possibility that social choice theory's analysis of formulae of decision, of political means, can and should affect our decision between MR and PR. Riker fails to recognize the imperative to move beyond the Madisonian interpretation of voting with a normative judgment regarding the antithetical principles of representation. Nohlen, on the other hand, fails to recognize empirical and theoretical problems with ignoring the impact that decision rules have on the normative status of principles of representation.

So, what kind of normative judgment does social choice theory need for a complete evaluation of voting systems? A judgment that analyzes the normative implications of decision rules for principles of representation will avoid the pitfalls of both Riker's and Nohlen's positions. In the evaluation of voting systems, the social choice perspective provides insight into how political means condition political ends.

### III. JUSTNESS OF PROPORTIONAL REPRESENTATION

#### A. Perfect Procedural Justice

The argument here concerning the relation between decision rules as means and principles of representation as ends can be better understood as a position concerning the consequences social choice theory has for procedural justice. Specifically, it seems that social choice theory rules out the possibility of pure procedural justice and seems to support perfect procedural justice.

Pure procedural justice is the kind defended by Rawls. In pure procedural justice, "there is a correct or fair procedure such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed" (Rawls 75). For Rawls, the fairness of this procedure (or really, policy) makes all its outcomes fair. Rawls holds to this conception of procedural justice because it is required by his first principle of justice, which requires the lexical priority of fair opportunity and other liberties.

In the context of social choice theory, however, the difference principle is removed from commitments to unreviseable principles of justice. To use Amartya Sen's distinctions, Rawls relies on a "transcendental" approach to justice and social choice theory relies on a "comparative" approach to justice. Sen remarks that,

As an evaluative discipline, social choice theory is deeply concerned with the rational basis of social judgments and public decisions in choosing between social alternatives. The outcomes of the social choice procedure take the form of ranking different states of affairs from a 'social point of view', in light of the assessments of the people involved. This is very different from a search for the supreme alternative among all possible alternatives, with which theories of justice from Hobbes to Rawls and Nozick are concerned<sup>29</sup>. (Sen [2] 95)

The transcendental approach seeks unreviseable principles of justice, while the comparative approach seeks to evaluate certain states as just or unjust based on individual and collective judgments. Unlike the transcendental approach, the comparative approach does not presuppose that a theory of justice must offer an exhaustive ranking of just and unjust states. Instead, the intersections of incongruent individual rankings may form only partial rankings of just and unjust states. This makes "political room for incompleteness of judgments about social justice" (Sen [1] 104).

Rawls' commitment to pure procedural justice is required by his transcendental commitments. Rawls argues that the "practical advantage of pure procedural justice is that it is no longer necessary

to keep track of the endless variety of circumstances and the changing relative positions of particular persons" (Rawls 76). But this is precisely the task of social choice theory: to model coherent social choice with these relative positions as its data. Rawls says that, "unless we are prepared to criticize [pure procedural justice] from the standpoint of a relevant representative man in some particular position, we have no complaint against it" (Rawls 76). Again, social choice theory is prepared to make exactly this kind of critique.

Methodological objections aside, Rawls' transcendental account of pure procedural justice is at odds with the results of social choice theory. Arrow's impossibility result demonstrates that no decision rule can be normatively justified on its own terms. The Rawlsian-ordinalist solution to Arrow's impossibility result does not contest this result. In order to choose maximin over maximax, it must impose an "equity axiom" that is independent of either decision rule. This axiom is what permits a normatively acceptable positional dictator, for surely a positional dictator based on maximax would be unjust. Thus Rawlsian-ordinalism appeals to a normative egalitarian principle independent of decision rules.

Social choice theory presents two possibilities: it is either impossible for decision rules to have just outcomes, or just outcomes depend on more than decision rules. This invalidates the



position of pure procedural justice, because decision rules cannot themselves be just. For a just decision rule, an independent criterion is required.

This is another way of wording the conclusion reached at the end of the last section: an account of just outcomes that only considers decision rules (like the Madisonian interpretation) is normatively incomplete. The last section also suggests that the independent criteria required for procedural justice have to do with principles of representation. This is also suggested by Vatter's account of the later Rawls;

The principles of justice must be such that every citizen not only knows himself to be adequately represented in the selection of these principles, but also that all other citizens recognize this, in the sense that the decision for these principles is representative of the political unity of all citizens into a people<sup>30</sup>. (Vatter 256)

The decision rule must produce representative results, but this is only because of the independent criterion that citizens must be represented. The normative status of a decision rule, then, is related to the independent criterion that it cohere with a principle of representation.

So, instead of pure procedural justice, social choice theory and Rawlsian-ordinalism is committed to perfect

procedural justice. In perfect procedural justice, "there is an independent criterion for what is a fair division, a criterion defined separately from and prior to the procedure which is to be followed" and there is "a procedure that is sure to give the desired outcome" (Rawls 74). Rawlsian-ordinalism is committed to lexical maximin as the normative means to political ends. It is committed to two independent criteria: an egalitarian outcome and coherence with some principle of representation.

At the end of the last section I suggested that social choice theory provides insight into how decision rules as means condition principles of representation as ends. By this I mean to add a third component to perfect procedural justice. In addition to the independent criterion and the normative decision rule, there are also dependent criteria conditioned by the decision rule. It is an independent criterion that decision rules cohere with a principle of representation; it is a dependent criterion that only certain principles of representation are possible with an accepted decision rule. Thus from here I will be concerned with the dependent criterion that procedural use of lexical maximin imposes on principles of representation.

B. Descriptive representation and degressive proportionality

Procedural use of lexical maximin requires a principle of representation to have two attributes. First,

representation must be Pitkin's "descriptive representation", where representatives transmit information about their constituents by resembling them. Second, all social stations must be represented in the political institution. This kind of proportionality, in which small social groups are "over-represented", is called degressive proportionality. As outlined above, PR's principle of representation is to "reflect the various social stations of the population." Descriptive representation constitutes this "reflection" and degressive proportionality brings in the "various social stations". In this way, these two conditions are individually necessary and jointly sufficient for a system of proportional representation. Thus Rawlsian-ordinalism entails a commitment to PR over MR.

Descriptive representation is a concept of representation in which

representing is not acting with authority, or acting before being held to account, or any kind of acting at all. Rather, it depends on the representative's characteristic, on what he is or is like, on being something rather than doing something. The representative does not act for others; he "stands for" them, by virtue of a correspondence or connection between them, a resemblance or reflection. In political terms, what seems important is less what the

legislature does than how it is composed. (Pitkin 61)

However, requiring representatives to resemble or "reflect" their constituents does not restrict them to merely stand for their constituents. The main function of the representatives is to provide information about their constituents to the political institution. For descriptive representation, "representing means giving information about the represented; being a good representative means giving accurate information; where there is no information to give, no representation can take place" (Pitkin 83).

In what way does procedural use of lexical maximin require information-giving representatives resembling their constituents? First, those outside of the political institution cannot possibly hold positional dictatorships; these dictators must be, in some sense, present to make their dictatorial choices. The presence of all members of a population is not logistically possible in contemporary democracies. Thus in the context of representative democracy, the presence of a social station is equated with the "re-presentation" of this social station by a representative. Positional dictators must be understood as representatives operating in a political institution.

If these representatives are to hold positional dictatorships on behalf of their constituents, then the representatives must resemble their constituents as much as possible. If nothing else, it can

be said that the job of the representative is to “reflect” the choices that his or her constituents would make as a positional dictator. Otherwise the normative justification of procedural maximin is undermined, and impossibility results threaten the decision process.

The representatives must be information-giving so that the political institution can properly distinguish the constituency (and its representative) with the lowest level of welfare. If the representatives do not convey information about the preferences of their constituents, then procedures such as indifference mapping would be inhibited or impossible. Without these indifference maps, or another ordinal ranking method, the appropriate positional dictators could not be identified. In this way, descriptive representation forms the informational basis necessary for procedural use of lexical maximin.

In regards to degressive proportionality, procedural use of lexical maximin requires that all social stations be represented in the political institution. As Rawls argues;

...in applying the [difference] principle I assume that it is possible to assign an expectation of well-being to representative individuals holding these positions. This expectation indicates their life prospects as viewed from their social station. In general, the expectations of representative persons depend

upon the distribution of rights and duties throughout the basic structure. Expectations are connected: by raising the prospects of the representative man in one position we presumably increase or decrease the prospects of representative men in other positions. Since it applies to institutional forms, the [difference] principle refers to the expectations of representative individuals... neither principle applies to distributions of particular goods to particular individuals who may be identified by their proper names. The situation where someone is considering how to allocate certain commodities to needy persons who are known to him is not within the scope of the principles. They are meant to regulate basic institutional arrangements. (Rawls 56)

Here Rawls probably intends “representative” to mean “typical”, but since within a system of descriptive representation there is little distinction between these two concepts, his point still applies. The difference principle is intended to apply to the basic structure of a political institution, not to specific individuals in the population. This reinforces the point made above that positional dictators should be understood as representatives in the political institution.

It also underscores the necessity of degressive proportionality for procedural use of lexical maximin. Since the structure of the political institution should be such that lexical maximin can be applied without reference to particular individuals, the application should accommodate a representative expectation. If maximin is to be used in accordance with the representative expectations of various social stations, then there must be representatives of all these social stations to give information regarding their expectations.

This goes back to the informational basis required for positional dictatorships. If all social stations are not present in the institution, then it becomes impossible to identify the appropriate positional dictator, especially considering that those with the lowest welfare are frequently marginalized minority groups. If those groups with the lowest level of welfare are not represented in the political institution (as is often the case), then the proper positional dictators cannot be identified, and the normative acceptability of procedural maximin is threatened. Beyond these theoretical ties, there is experimental evidence further supporting this connection between maximin and degressive proportionality<sup>31</sup>.

Rawlsian-ordinalism involves procedural use of lexical maximin, and lexical maximin requires descriptive representation and degressive proportionality. In this sense, the

decision rule favored by an approach to social choice theory imposes conditions on the acceptability of principles of representation. Specifically, Rawlsian-ordinalism is committed to proportional representation over majority rule.

Importantly, none of these commitments are inconsistent with the Madisonian interpretation of voting. Nothing about lexical maximin’s need for descriptive representation and degressive proportionality appeals to a General Will. In fact, the use of a single will, that of the positional dictator, is completely at odds with the Rousseauistic interpretation. Thus it seems that a Madisonian interpretation of voting systems can be supplemented by this commitment to proportional representation. Contrary to the claim that only majority rule is “robust” (Maskin), the preceding shows that proportional representation is a rational and normatively robust voting system.

## CONCLUSION

Social choice theory is not necessarily pessimistic or agnostic: it provides normative grounds for evaluating voting systems. Further, ordinalist social choice theory, in its intersection with Rawl’s theory of justice, justifies proportional representation in voting-theoretic terms.

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<sup>20</sup> Pareto improvement is a new allocation that makes at least one individual better while making none worse off; in a state of Pareto efficiency no more Pareto improvements can be made.

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<sup>27</sup> Though I argue optimism supports PR, an optimistic view is not necessarily tied to PR: it is logically possible that an

alternate approach to social choice theory could provide normative justifications for MR.

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“It is a great folly to wish to be wise alone”

-La Rochefoucauld