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Constitutional Regression under Populist Government

Jasmin König

(Universität Hamburg)

Abstract

Populism and liberal democracy are – at least in parts – in conflict. Researchers have discussed a possible relationship between populist parties in government and democratic regression. In a large-N analysis, we investigate whether this assumption holds empirically. Our results show that the relationship between populism and constitutional regression is ambiguous.

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Legitimate Climate Action:
Between Responsiveness and Responsibility
Dominik Austrup
(Universität Hamburg)

Abstract

My argument consists of three steps. First, I argue that the realist legitimacy framework entails two broadly applicable heuristics for political actors: responsibility and responsiveness. These heuristics can come into tension if citizens are unwilling to accept policies aimed at preserving a nation's long-term stability. This is especially relevant considering the emerging climate crisis. Second, I criticize a recent eco-authoritarian proposal that treats climate change as a state of emergency and thus grants responsibility considerations absolute priority over responsiveness. As I will show, this strategy is ultimately self-defeating. Responsible climate action necessarily entails a sufficient level of responsiveness. Lastly, I sketch the implications of this finding for climate activists, political leaders, and democratic institutions.

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The Political Economy of Inequality: Fairness, Redistribution and Crime
David Rueda
(University of Oxford)

Abstract
Beliefs in equality of opportunity are increasingly popular as an explanation for redistribution preferences. Some individuals (even if they are poor) may be more willing to accept inequality as a result of a fair meritocratic process. Others (even when they are rich) may support redistribution if they believe inequality to be the result of an unfair system. I will introduce some recent survey and lab experimental work (with Noah Bacine and Verena Fetscher) about the effects of procedural fairness on (1) preferences for redistribution and (2) the willingness to invest in policing as crime deterrent (amongst the wealthy) or to commit crime (amongst the poor).

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Elections in Lottocracy - Overcoming the Participation-Deficit

Julia Jakobi
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Abstract

In elections, voters express who they want to be represented by, but they also express what issues their representatives should address. In other words, democratic citizens have agenda-setting power. According to Dahl, it is a necessary element of democracy that citizens can decide how and what issues are put on the agenda. Proponents of lottocracy and other sortition-based political systems have said little about how this requirement can be met without elections. Guerrero suggests that those who are drawn should decide for themselves what issues to address. Landemore argues for open, digital methods of agenda setting. In my talk, I begin by arguing why the agenda-setting element is important to the ideal of democratic self-government. Building on this general argument, I show the important role that agenda setting would play in light of the changing interpretations of political representation and accountability that underlie the lottocratic proposal. I then show why current proposals do not adequately address this issue. In particular, these proposals face a participation deficit for those who are not selected. To overcome this deficit, I propose an electoral agenda-setting mechanism in lottocracy. I briefly explain the design of this mechanism and defend it against the lottocratic critique of electing politicians.

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Elections, Sortition, and the Danger of Oligarchy

Palle Bech-Pedersen
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Abstract

Calls for introducing a sortition legislature typically rest on two claims. On the one hand, sortitionists argue that elections suffer from inherent oligarchic biases which lead to the creation of parliaments that are responsive to the interests of the affluent. On the other hand, sortitionists predict that a sortition chamber would avoid this bias and be responsive to the interests of the many. This article argues that both claims are uncompelling. In response to the first claim, I begin by addressing the theory of elections which sees them as a mechanism for selecting candidates deemed superior by the electorate. I show that this implication, even if unavoidable, fails to substantiate the claim that elections are inherently oligarchic, first, because superiority is a context-dependent term, and second, because voters have self-motivated reasons to be critical of affluent candidates. I then offer some tools for repairing an electoral system that has turned oligarchic. In this context, I distinguish between internal and external obstacles to inclusion, both of which can cause the absence of legislators from less privileged backgrounds. I demonstrate how ideology critique and specific programs meant to assist less privileged candidates in their campaigning efforts offer solutions to these obstacles. Finally, and in response to the second claim, I argue that a sortition legislature cannot deliver on its promises because citizens are excluded from exercising control over it. It won't be responsive to the interests of the many, nor is it likely to avoid resulting in government for the affluent.

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Honesty of Groups: The Effects of Group Size and Group Gender Composition
Timo Promann
(Universität Hamburg)

Abstract

We investigate the effect of gender composition on unethical decision-making of two- to five-person groups. We vary group size and gender composition systematically and observe 1,677 subjects in 477 groups across 18 treatments. The groups use a video chat to coordinate on the unanimous report of a die roll. Our findings show that both group size and gender composition matter. First, lying increases with group size. Second, all-male groups lie most frequently within every group size. Third, lying is not decreasing monotonically with an increasing number of females, but adding the first female to otherwise all-male groups breaks the males' social norm to lie for every group size.

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Giving Priority to the Worse Off? Generalized Utilitarianism for Interval-Scale Measurable Well-Being

Robert Raschka
(Universität Hamburg)

Abstract

Generalized Utilitarianism is one of the central approaches to social evaluation. It allows to give priority to worse off individuals. The purpose of the paper is to identify and solve open issues regarding Generalized Utilitarianism. First, it clarifies informational requirements. Contrary to discussions in the literature, Generalized Utilitarian Orderings are well-defined if well-being is interval-scale measurable. There are promising approaches to construct such a scale. Second, the paper unifies the prevalent topological approach to Generalized Utilitarianism with an intuitive algebraic approach. While the former is based on continuity, the latter employs existing and new compensation conditions. They lead to three characterizations of Generalized Utilitarian Orderings. Third, the paper examines old and new justifications of Utilitarianism. Maskin's influential characterization implicitly employs a problematic substantive invariance requirement on social evaluation. A more convincing characterization of Utilitarianism is based on a new stability condition. Except for Strong Pareto, the result does not need any substantive normative conditions.

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Algorithmic Fairness and Human Discretion

Arna Wömmel
(Universität Hamburg)

Abstract

Machine-learning algorithms are increasingly used to assist humans in high-stakes decision-making. For example, loan officers apply algorithmic credit scores to inform lending decisions, HR managers use data-driven predictions in selecting applicants, and judges turn to recidivism risk tools when setting bail. Despite their pervasiveness, there are growing concerns that such predictive tools may discriminate against certain groups, which has led to numerous efforts to exclude information about protected group membership (e.g., race, gender) from input data. While, technically, such interventions can increase overall fairness levels, there is little evidence on how human decision-makers, who take these predictions as input, ultimately react to them. Do they consider the elimination of protected characteristics in algorithmic predictions when making decisions about others? To address this question, I conduct a lab experiment in which subjects predict the performance of others in a quantitative task. They receive (i) an algorithmic performance prediction ('suggestion'), and (ii) information about the other participants' social identity ('profile'). The treatments vary between subjects in the level of algorithmic fairness, i.e. whether the prediction includes protected social identity variable(s) (e.g. gender) or not, which is communicated to the subjects. I explore how potential reactions to various fairness properties might be influenced by subjects' biased beliefs about differences in performance levels across protected groups.

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An (In)Decent Proposal? Price Justice in Digital Markets
Colin von Negenborn
(Universität Hamburg)

Abstract

Digital markets exhibit particular forms of market behaviour. In particular, pricing strategies differ vis-à-vis traditional markets by featuring a higher degree of personalization. This move from uniform to prices to personalized prices is considered a form of "price discrimination" in economics. I assess the normative dimension of this practice, asking whether it is morally permissible.

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The Restoration of Welfare Economics

Paolo Piacquadio
(University of St. Gallen)

Abstract

In light of Arrow's (im)possibility result, many economists share a widespread belief that there is little scope for welfare economics. In strong disagreement, Atkinson (2011, AER-P&P) suggested that "welfare economics should be restored to a prominent place on the agenda of economists." I argue that welfare economics is experiencing a rebirth and that Atkinson's wish might soon be fulfilled. A major role will be covered by the mapping between individuals' ethical views, value judgments, social welfare functions, and policy implications.

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No Conflict, No Trust, or Why Democrats and Populists are Not Equally Trustworthy

Ilaria Cozzaglio
(Goethe Universität Frankfurt am Main)

Abstract

Both populists and democrats resort to the notion of trust to justify their political agenda. While at first sight they seem to share a conceptual understanding of trust – namely that trustworthy politicians are those who act in the name, and for the sake, of the people – I argue that democratic and populist understandings of trust differ, in that the latter is unpolitical and therefore inadequate to inform political relationships. The populist approach is unpolitical because it overlooks the role of conflict in shaping the object of trust, the context in which trust relations are demanded and established, the purposes of trust relations, and the reasons that ground justified trust. As an alternative, I propose a democratic conception of trust that is politics-sensitive, according to which trust relations are established despite and, to a certain extent, thanks to the pervasiveness and endurance of institutionalized conflict.

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The Generality Problem for the Heuristic Model of Rights-Based Reasoning

Daniel Häuser
(Universität Hamburg)

Abstract

Many disagreements in political theory concern the recognition of moral rights. One methodology for resolving such disagreements aims to justify specific moral rights on the basis that they protect important interests. This methodology has recently been prominently applied to debates on human rights, animal rights, territorial rights, global justice and just war theory. This talk identifies an overlooked challenge for this methodology. This challenge arises because the interest-based justification of moral rights involves claims about the likely balance of interests in certain types of practical conflicts. Types of practical conflicts do not constitute natural kinds though, so the choice of a particular scheme for categorizing practical conflicts requires justification. As prior applications of this interest-based methodology fail to provide such a justification, this observation threatens to render their results arbitrary. The talk then outlines a strategy for meeting this challenge, which emphasizes the heuristic function of rights in practical reasoning.

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Legal Moralism, Mala Prohibita, and Norm Change

Eline Gerritsen
(Universität Hamburg)

Abstract

According to Antony Duff's strong negative legal moralism, only conduct that is wrongful independently of its criminalisation may be criminalised. In this talk, I explore how this view is undermined by cases in which criminalisation is needed to change suboptimal or harmful norms in society. In particular, I show that Duff's response to such counterexamples fails: legal moralism can allow for criminalising the harmful conduct only when it is no longer the norm, as this conduct is not wrongful before the social context has changed. This means that legal moralism cannot accommodate criminalisation as a tool for important positive norm change.