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EDITORIAL FOREWORD

I am delighted to introduce this year's edition of the Philosophy, Politics, and Economics Review (PPER), an interdisciplinary undergraduate journal that provides PPE students with an opportunity to publish their work. As the student Editor-in-Chief for the third volume of the PPER, I aspire for this edition of the journal to live up to its predecessors. This is my first time serving in this role, and I have learned so much throughout this enriching process.

The process began almost a year ago when we received more submissions than anticipated, which created a highly competitive selection process. The editors engaged in lengthy discussions over which papers should advance to the next round, and the decisions were not easily made. Ultimately, we selected five papers that encapsulated well the interdisciplinary nature of PPE and sparked further conversation among us.

This volume consists of five papers authored by students from Creighton University, Queen's University Belfast, and Queen's University Canada, and the journal's home university, Virginia Tech. The volume includes a variety of topics: the evolution of the female role in horror films, ranked choice voting, the repeal of the British Corn Laws, epistemic vulnerability and tolerance, and the reconciliation of concerns for strong affirmative action. Over the past year, the journal's editorial team, together with the authors, have worked to create a PPER edition that we can all take pride in. I hope the authors, especially, feel proud of their hard work, dedication, and the final product.

I enjoyed the editorial process far more than I anticipated, particularly the correspondence with the editors and the authors and the exploration of ideas back and forth. Helping the authors develop their draft papers into publishable work has been an incredibly rewarding experience, one that I will carry with me throughout the rest of my academic career.

I would like to extend my gratitude to my faculty advisor, Dr. Gil Hersch, for guiding me through the editorial and publishing process. I would also like to thank Dr. Michael Moehler for his passion for PPE and support of the journal's continued growth. PPE at Virginia Tech has shaped my college experience since I walked into my first meeting of the PPE Reading Group as a clueless first-year student. The room was mostly filled with decorated professors and graduate students, yet they welcomed me and provided a space for my ideas.

It was in this setting that I realized that undergraduate students can, and should, be seen and taken seriously, which is the main reason I decided to step into this role. The undergraduate articles that you find in this volume deserve a place on the academic stage, and I am honored that their authors chose the PPER as their platform.

Delaney Moran

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In addition to the web version, this journal volume is available for download in the following formats:

PPER Volume 3 (PDF Print).
PPER Volume 3 (Ebook). Compatible with all eBook readers except Kindle.

THE COMPLEXITY OF RANKED CHOICE VOTING AND HOW IT CAN IMPROVE THE U.S. ELECTION SYSTEM

Maya Mahdi

Fair elections are the foundation of democracy. Without electoral integrity, the justification for our democratic systems and governments are undermined. In this article, I explore how ranked choice voting can uphold the core principles of democracy and I defend this voting system against the fundamental criticism that it is too complicated. I argue that the complexity of ranked choice voting is, in fact, an asset for addressing our democracy's major challenges, especially poor political representation, low competitiveness, and low participation.

1. Introduction

In comparison to other nations, the United States has low levels of (i) political representation, (ii) electoral competitiveness, and (iii) citizens' participation in elections. These three problems warp the voting feedback loop that aims to minimize the gap between voter interest and actual policies that are implemented by politicians. In addition, they threaten to violate the main tenet of democratic decision-making: majority rule. In this article, I argue that ranked choice voting (RCV), which has been employed for elections by some U.S. states and by countries abroad, has the power to overcome these problems for democracy.

I defend RCV against some common criticisms, particularly the criticism that RCV's complexity is disadvantageous. I will show that the complexity of RCV is actually a strength. It protects the representativeness and integrity of the election system because, in practice, it makes strategic voting and election manipulation nearly impossible. Critics claim its complexity disenfranchises certain voters and thus threatens citizens' participation. However, real data shows RCV encourages more robust citizen participation because it demands that voters are better informed about more candidates.

Overall, RCV promotes political representation and electoral competitiveness and protects the voting feedback loop. It incentivizes candidates to better represent their constituents by enforcing majority rule. If voters can evaluate how well candidates will realize voters' preferred policy outcomes and candidates are systematically encouraged to be more sensitive to voters' preferences, then democracy flourishes and more closely embodies the rule of the people.

My argument proceeds as follows: In Section 2, I provide background information regarding voter participation and democracy. In Section 3, I discuss political representation in the U.S. In

Section 4, I focus on electoral competitiveness and in Section 5, I discuss citizens' participation. Section 6 concludes.

2. Background

Americans have become increasingly dissatisfied with the performance of the federal government. In 2000, 54% of respondents said that they trusted the federal government to do what is right most of the time. Five presidential elections later, in 2020, only 20% of respondents held that view. Americans are losing faith in the democratic system that is supposedly designed to serve them. More recently, after the January 6th Capitol riot, an ABC News/Ipsos poll found that 59% of respondents had little faith in the democratic system in the United States (ABC News).[1] These low approval and trust ratings demand immediate and urgent action to evaluate and resolve the structural flaws that cause dissatisfaction with the government. Election reform is a possible solution to the lack of faith in the government.

Evaluation of the procedures and processes within the U.S. democratic system will reveal the issues that led to such high levels of dissatisfaction. Faith in the democratic system does not necessarily translate to satisfaction with a policy outcome. For example, the U.S. may implement certain foreign policies to which an individual objects. However, if the decision to implement these policies is the result of a majoritarian, equitable, and representative process, then the individual may be resigned to agree with how the policies were reached. In addition, there are democratic remedies available for that individual and their community to alter these policy outcomes. Voting is a fundamental democratic process by which the citizens of a country can make decisions as a majority through fair elections. If this process is tainted or inequitable, it may lead to dissatisfaction with the government and little faith in the democratic system.

How well a particular voting system works can be evaluated by how well it functions as a negative feedback loop. Voting is meant to establish a negative feedback loop that helps to improve and adjust representative democracy (Baumgartner and Jones 2022). Each voter has a set of policy preferences. Voters evaluate the performance of a candidate to assess whether the candidate will help achieve their ideal policy outcomes. Essentially, voters are voting to close the gap between the actual, realized policy outcomes and their preferred outcomes. Since politicians aim to win elections, they design policies and platforms to appeal to the number of voters they need to win (Gaus and Thrasher 2021, 311). Because voters have the power to elect people to office or oust them, politicians have an incentive to protect the interests of their constituents. Thus, through constituent input (voting) and incentive structures, the voting feedback loop ensures that democracy is functional and representative.

For this feedback loop to work, election processes must embody the principle of majority rule. Voting is a method of aggregating individual preferences to make collective decisions. The collective choice rule that determines the voting procedure and tabulation of votes can change the outcomes of elections and the representation of voters. The simple majority rule is the only collective choice rule that satisfies all of Kenneth May's four conditions of (i) decisiveness, (ii) anonymity, (iii) neutrality, and (iv) strong monotonicity (Gaus and Thrasher 2021, 267-9). This ensures that elections have a definite result (the election of a candidate), every vote is weighted equally, the voting system does not disadvantage one alternative over another, and that, if a voter changes their vote to favor a candidate, it does not hurt that candidate's chance of winning. In practice, this means that in a pairwise choice, voters choose one of two candidates and the candidate with the most votes (a majority) wins.

As it stands, the U.S. electoral system is in violation of the majority rule, because many elec-

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1. Ipsos is one of the largest market research and polling companies globally.

tions do not offer a pairwise choice and candidates are elected by plurality rule. Plurality rule, or first-past-the-post, elects the candidate with the most votes–even if it is less than 50 percent plus one. Only seven states require a runoff in a primary election when a candidate does not earn a majority of the votes (Primary Runoffs 2023). This threatens the voting feedback loop and the health of democracy. Democratic health is important because it is associated with increased well-being (Bellinger 2019). Bellinger's time-series analysis reveals that greater political representation, electoral competition, and citizens' participation provide incentives for political representatives to perform well in office and enhance the general welfare of the citizens. A direct procedural evaluation of the U.S. electoral system reveals that the general lack of faith in U.S. democracy is not merely a matter of perception. Instead, there are flaws in the voting procedure that help explain the low levels of satisfaction with the government. Low levels of political representation, electoral competitiveness, and citizens' participation are invariably intertwined and damage the voting feedback loop.

In response, critics of democracy often claim that many voters are uninformed, and thus cannot make good decisions about the candidate that best closes the gap between their preferred policies and actual policy outcomes. In addition, the plurality rule leaves the election system open to strategic voting. To avoid vote splitting, voters may not express their true preferences on their ballot. Candidates are aware of this and may use these weaknesses of the democratic process to alter election outcomes. This lowers politicians' incentives to enact policies that will benefit the majority of their constituents. As a result, a minority of voters may determine electoral outcomes and the ideological makeup of legislatures is not necessarily proportional to that of the electorate. Politicians realize that they only need to appeal to a minority of voters, and with low electoral competitiveness, winning elections is easy. In such cases, voting is no longer an effective way to make collective decisions in a democracy. After the 2022 midterm election, over a quarter of Americans indicated that they want political or electoral reform.

A viable solution to these problems is ranked choice voting (RCV). RCV asks voters to rank candidates according to their preferences. Voters can choose to rank one, all, or none of the candidates on their ballot. The choice is theirs. To count the votes, all the first-place votes for each candidate are tallied. If no candidate earns a majority of the votes, then the election goes into an instant runoff. In some states, like Georgia, if there is no majority winner in a single-choice election, then a runoff is conducted. Voters must return to the polls to cast a vote for one of the top two vote-getters. While runoffs help ensure that majority rule is maintained, they often have lower voter turnout, which does not solve the problems of low political representation and citizens' participation. RCV simulates an instant runoff, so the candidate with the fewest votes is eliminated after the first round of tallying. Those that ranked the eliminated candidate first will have their vote reallocated to their second choice. This tallying process continues until a candidate emerges with 50 percent plus one of the votes. If after the first round of tallying a candidate earns a majority, then no instant runoff occurs and the race is called. By design, RCV efficiently guarantees majority rule.

In the following section, I will respond to some common criticisms regarding RCV. Specifically, I will address criticisms related to political representation, electoral competitiveness, and citizens' participation.

3. Political Representation

To determine the level of political representation in the U.S., consider the voter consensus for winning candidates. In 2022, just 24% of voters cast a vote for the winning candidate (Dubious Democracy 2023). In addition, the percentage of Congressional seats held by each party is not

always equivalent to the total percentage of votes that are cast for each party, as was the case in 2017 (Ingram and Wils 2017). Thus, Congressional ideological makeup is not always reflective of the electoral ideological makeup in the United States. 76% of voters that cast a ballot did not see their preferences realized.

These numbers may explain why a large proportion of Americans say that they are losing faith in democracy. Flaws in the electoral system prevent majority candidates from being elected and the majority from being proportionately represented. These flaws warp the voting feedback loop, because politicians can appeal to a minority of voters and still keep their positions. This may result in fringe candidates: on the left and/or right–taking office and implementing policies that do not represent the majority of U.S. citizens.

RCV is a viable solution to low political representation. To improve political representation, the voting system must employ a simple majority rule to determine the winner of a race. Simple majority rule works when there are only two choices (pairwise voting), because in such cases it is impossible for a candidate to emerge without a majority of votes. In practice, it is rare that there are only two choices on the ballot. Even when there are only two candidates in the race, there is always the option to vote for a write-in candidate. With more than two choices on the ballot, maintaining the simple majority rule becomes difficult. Often, candidates win elections with a plurality. Even if a candidate wins with 49.99% of the votes, the outcome still represents a violation of the simple majority rule and threatens the effectiveness of the voting feedback loop.

An unintended consequence of the plurality rule in electoral races with more than two candidates is vote splitting and strategic voting. Consider a hypothetical gubernatorial election with three candidates – one Democrat, one Republican, and one Independent. There are 100 eligible voters. Let us assume that 40 of these voters favor the Democrat, 45 favor the Republican, and 15 favor the Independent. Also, let us assume that the Democrat and Independent candidates are ideologically similar. As such, if the Independent candidate drops out of the race, then those that favored this candidate would theoretically vote for the Democrat. However, the Independent candidate does not drop out of the race and the Republican candidate wins with a plurality. This result is not reflective of the preference of most voters. Because these voters cast a ballot for the Independent candidate, the vote was split between the Democrat and the Independent. This enabled the Republican to win.

Vote splitting occurs when the vote is divided between ideologically similar candidates, which can result in the election of an ideologically dissimilar candidate. In this scenario, forward-thinking voters predict the likely vote-splitting outcomes. They engage in strategic voting and cast their ballot for the Democrat candidate to avoid 'wasting' their vote and propelling an unwanted candidate into office. Strategic voting undermines the voting feedback loop. If a voter engages in strategic voting, then they are not expressing their true preference on the ballot, but they ar voting based on their expectation of how others will vote. In such cases, majority rule is no longer a collective choice rule and elections are no longer a way to aggregate personal preferences to make collective decisions.

Furthermore, strategic voting reduces diversity of thought and opinion, because it discourages third-party, independent, and multiple candidates from the same party from running in the same race. When there are multiple similar candidates in the race, then the less popular candidates may drop out or be pressured out of the race. Such candidates will endorse and rally around the more popular candidate to prevent the election of the unwanted candidate.

RCV offers a solution to both the problems of vote splitting and the problem of strategic voting. In the same hypothetical gubernatorial race discussed before, if the voters use a ranked ballot then they could all rank the Independent first and Democrat second. Thus, they express that

they prefer the Independent candidate to the Democratic candidate, but they would still support the Democratic candidate in office. Since the voters did not rank the Republican candidate, they essentially voted against him. With 40 first place votes for the Democrat, 45 first place votes for the Republican, and 15 for the Independent, no candidate earned a majority. The Independent candidate is eliminated, and those 15 votes go to the Democrat. The Democrat then wins with 55% of the votes as compared to the Republican winning the election with 45% without using RCV.

In short, the structure and process of RCV ensures majority rule and increased political representation. In the 300 single-choice RCV elections in the U.S. that had at least three candidates, a majority winner was identified in the first round in about 40% of these races (Research and Data on RCV). An instant runoff was unnecessary in these races. However, 60% of the races required multiple rounds of tallying before declaring a winner. This means that without RCV, 60% of those races would have been won with a plurality. Not only does RCV ensure majority rule, and thus better political representation, it also allows voters to express more nuanced political opinions through their ballots.

In the strategic voting example case, strategic voters did not express their true preferences on their ballots. In a single-choice race, marking a ballot in favor of one candidate means that the voter prefers that candidate over all other candidates in the race. This is not the case for the strategic voters. They prefer the Independent candidate over all other candidates on the ballot, but they mark their ballot for the Democrat because they want to avoid aiding the plurality win of a Republican candidate. Under RCV, "strategic voters" are just voters. They can rank candidates based on their true preferences without being penalized by casting a "wasted" vote or the need to engage in strategic voting. This turns out to be especially beneficial for candidates of color who are often discouraged from joining races with candidates of the same race or ethnicity because of the fear of vote splitting. However, with RCV, candidates actually experienced an increased win rate when they ran against candidates of the same racial or ethnic background (Otis and Dell 2021, 2).

Theoretically, RCV is subject to strategic voting because it violates May's condition of non-negative responsiveness (Gaus and Thrasher 2021, 292). However, in practice, it is extremely difficult for strategic voting to succeed. First, it requires an individual to know how each individual voter ranks each candidate. This requires robust and accurate polling data. If this information is available, then one can determine the number of voters who rank candidates in a certain order needed to secure the desired outcome. However, even if an individual were to try and rally the exact number of voters to carry out their strategic voting plan, if even a few voters defect, then the plan is spoiled. In single-choice elections, it is easier to get voters to vote for a single candidate, making siphoning a certain percentage of the votes easier. This explains why in simulations of RCV and plurality elections, RCV was less sensitive to strategic voting (Durand 2023).

For voters using RCV, strategic voting is no longer an efficient or effective way to help guarantee a desired outcome. Thus, RCV removes the burden of strategic voting from voters while making room for additional candidates to join the race without 'spoiling' the process by vote splitting. RCV increases political representation because it ensures that candidates are elected using majority rule while its complexity reduces strategic voting.

4. Electoral Competitiveness

High margins of victory reflect the low electoral competitiveness in the U.S. Between the years of 2012 and 2022, the margin of victory is the difference between the share of votes earned by the first and second-placed candidates. Competitive races are those with margins between 5% and

10% (Dubious Democracy 2023). The average margin of error for both Senate and House races in the U.S. has never fallen within the competitive range between 2012 and 2022 (Election results, 2022: Congressional Margin of Victory Analysis). The 2022 average margin of victory for winners in contested elections was 28% (Dubious Democracy 2023). This means that on average, a candidate would need more than 28 percentage points to beat their opponent.

With such low competitiveness, candidates are less motivated to respond to constituents' preferences. In 2022, 94% of incumbents won re-election. For candidates running against incumbents, such a high incumbent winning percentage is discouraging. It means that winning is unlikely, which may result in fewer candidates running for office. For incumbents, a high expected win percentage means re-election is almost guaranteed. If their opponent, on average, needs 28 percentage points to beat them, then the incumbent may not be concerned with appealing to the majority. This equates to a lesser incentive for incumbents to respond to their constituents' preferences. A lack of electoral competitiveness effectively means that, while voters cast their ballots to express their preferences, the gap between their preferences and the realized policy outcomes is not closing. The wider the gap, the less representative democracy is.

RCV has the potential to increase electoral competitiveness. This is especially so since RCV effectively eliminates strategic voting and vote splitting, which both contribute to the lack of electoral competitiveness. Without RCV, candidates can win elections by splitting the vote instead of winning elections by representative party platforms. There is a history of parties elevating weak or extremist opposing candidates to cause the vote to split. If parties can siphon enough votes from their opposition for the weaker candidate, then they can split the vote to help guarantee a win for their candidate. Parties often use the plurality rule to their advantage. The Montana GOP spent $100,000 to qualify the Green Party for 2020 ballots (Dennison 2020). There was a similar story in Arizona where three Green Party candidates dropped out of the race at the last minute causing speculation as to whether they were either (a) plants from the Arizona GOP or (b) were forced out of the race by Democrats trying to prevent vote splitting (Duda 2010). In her book, Senator Claire McCaskill described how her campaign spent $1.7 million to pay for advertisements for Representative Todd Akin to earn him the Republican nomination. She admitted that she knew she could earn more moderate voters if she elevated Akin, who was further to the right than other Republicans (McCaskill 2015). This common practice suggests that money, not candidates or platforms, wins elections.

RCV helps prevent vote splitting and strategic voting in practice and encourages more candidates to enter races by lowering barriers to entry for political candidates. When there are more candidates in a race and candidates cannot win with a plurality, the race becomes more competitive. In an RCV election, a winning candidate needs to rally more than just their base of support. They must also secure second and third choice support to win elections. This encourages candidates to clearly address the issues most important to voters, including the issues in their opponents' platforms. It is also predicted that voters rank more candidates when a race is more competitive (Neely and McDaniel 2015). According to FairVote, a median of 74% of voters rank multiple candidates when races are competitive (when they have more than five candidates). Once again, while the robust nature of RCV demands more involvement from voters, its complexity is not a drawback, but an advantage. Ranking more candidates makes elections more competitive and the use of those rankings generally indicates a more informed electorate. High usage of rankings in the U.S. across RCV elections indicate that RCV is increasing electoral competitiveness while ensuring broader political representation of a higher number of educated voters.

5. Citizens' Participation

Citizens' participation, commonly measured by voter turnout, is low in the U.S., especially when compared to other democracies. The U.S. trails behind 30 other countries in voter turnout (Desilver 2022). Specifically, New Zealand (77%), Australia (76%), and India (68%) had higher voting-age population turnout than the U.S. (62.8%) in 2020 (Desilver 2022). Critics of democracy claim that even if 100% of voters turned out, they would be unable to elect a candidate that matches their policy preferences. The candidates whom voters vote for may not necessarily be the best-suited individuals for the job, given voters' desired policy outcomes. RCV systematically encourages more robust citizen participation because it motivates voters to learn more about more candidates and issues.

In theory, RCV could hurt citizens' participation levels as it is more demanding than the plurality system. RCV demands more of voters because it requires them to explicitly rank candidates. A lack of understanding of RCV could lead to disenfranchisement. If voters do not understand how RCV works, they could be discouraged from using it or mark their ballots incorrectly.

Indeed, there is evidence of higher voter error rates for voters of color in RCV elections. This suggests that RCV may hurt citizens' participation, specifically for historically disenfranchised populations. If this is true, then this would violate May's condition of anonymity, or equality of voice. If only a specific category of voters has a voice in elections, then politicians and candidates lose the incentive to appeal to the majority, threatening the feedback loop.

However, it is important to consider here that the demographic differences in voter error rates in RCV elections are similar to those of single-choice elections. Voters of color also tend to rank more candidates than their white counterparts. This suggests that voters can understand RCV well and vote effectively. In addition, RCV increases citizens' participation because it motivates voters to become more informed on more candidates. This helps reinforce the voting feedback loop because voters become better equipped to determine which candidate(s) could best realize their ideal policy outcomes.

Moreover, exit polling data suggests that voters understand RCV ballots and the system. Alaska recently implemented RCV statewide via ballot measure. According to a 2022 Alaskans for Better Elections poll, 85% of Alaskans reported that RCV was "simple." This held true across racial and ethnic groups as at least 80% of respondents across all major ethnicities, including Alaska Native, Latino, and Asian American Pacific Islander (AAPI) voters, also said it was simple (Moser 2022). Similarly, in Maine, after their 2nd Congressional District election in 2022, 82% of those that ranked a first and second choice said RCV was very easy or easy (Results of SurveyUSA Election Poll #26645 2022). In Minneapolis, Minnesota, 95% of respondents said RCV was simple after an RCV election in 2009 (RCV Minneapolis Election Results 2018).

In Santa Fe, California, 84.4% of poll respondents said that the RCV ballot was not at all confusing or not too confusing. In a New York exit poll conducted by Common Cause and Rank the Vote, 95% of respondents found their ballot simple to complete in the 2021 primary race. In addition, 78% of respondents said they understood RCV extremely well or very well. There were high levels of understanding of RCV across racial and ethnic groups as well. 77% of Black voters said they understood RCV as compared to 80% of Hispanic voters, 77% of Asian voters and 81% of white voters.

On the other hand, a research study about the self-reported understanding of RCV found that 73% of respondents from plurality elections said they understood voting instructions compared to the 61% of RCV respondents. While this is not a small difference, there are no significant demographic differences in reported understanding in RCV elections and voter education guides have proven to close this overall difference in understanding (Tolbert et. al. 2019).

Overall, RCV is a new and more complex system than plurality voting. However, racial and

ethnic minorities do not report statistically significant lower levels of understanding of voting instructions in RCV elections. In comparison, in plurality elections, 65.2% of nonwhite voters said the election instructions were easy to understand versus 79.6% of white voters that said it was easy. Respondents were polled on their level of understanding of top-two primaries and winner-take-all elections to ensure the difference in understanding of voting instructions was due to the type of election rather than a lower propensity of reporting understanding. There was a statistically significant difference between white and nonwhite voters' level of understanding.

However, this difference was no longer significant when considering only the RCV respondents. Thus, the lower overall understanding of RCV does not appear to be due to racial disparities. The only demographic group which had a significantly lower probability of reporting high levels of understanding was elderly voters.

The report points to education as a solution. When new procedures are implemented, it is expected that voters will not understand them at the outset. Only 13% of voters said they did not understand RCV at all. This is similar to reported understanding of other election systems. This indicates that efforts should be directed towards increasing outreach and voter education to increase voter understanding. In all surveys, higher education was associated with increased understanding of voting instructions and voting systems in both plurality and RCV elections. However, since the study could not link respondents to their ballots, the study is limited. They could not corroborate reported understanding to whether the individual made an error on their ballot.

The study on self-reported understanding found no demographic differences in voters' understanding of RCV; in practice, voters of color have higher rates of overvotes, suggesting that some of these voters struggle to understand ballot instructions. However, there are similar demographic differences in voter error rates in single-choice elections. An increase in the proportion of African Americans in a precinct that uses RCV or plurality voting will lead to an increase in the overvote rate (Neely and McDaniel 2015). The analysis concluded, overall, RCV does not necessarily result in more overvotes than plurality elections. The authors also point to education as the solution to the disparity in voter error rates.

There is no concrete evidence to suggest that the complexity of RCV specifically hurts voters of color. The task then becomes closing the education gap. States and localities that use RCV must conduct proper outreach and prepare comprehensive education programs to increase understanding and prevent voting errors, particularly targeting elderly voters and voters of color. Voter guides effectively closed the gap between informed and uninformed voters (Boudreau et al. 2020). Therefore, educational programs and resources are essential in maintaining a fair and equitable election system.

In summation, for those voters who do correctly fill out their ballots, RCV increases citizens' participation by design. A ranked ballot gives voters the opportunity to express a more nuanced political opinion. However, to rank multiple candidates, a voter should be educated on multiple candidates. A study found that uninformed voters use fewer rankings than informed voters (Boudreau et al. 2020) and the rankings of informed voters are strongly related to the voters' policy views (Boudreau et al. 2020). A median of 71% of voters rank multiple candidates–a percentage that is higher in more competitive races (Research and Data on RCV in Practice). As a matter of fact, voters of color tend to use more rankings than their white counterparts (Louthen 2015). This suggests that a high percentage of voters under RCV elections are informed voters and voters of color may be more informed than their white counterparts in these elections.

As such, it can be argued that RCV elections can close the gap between actual and ideal policy outcomes better than plurality elections, as RCV increases citizens' participation. According to

Thomas Jefferson, "Wherever the people are well informed they can be trusted with their own government; whenever things get so far wrong as to attract their notice, they may be relied on to set them to rights."

6. Conclusion

The complexity of RCV aids political representation, electoral competitiveness, and citizens' participation, and thus ultimately helps to improve the voting feedback loop. As a result, the voting system better functions to elect candidates that represent the general policy goals of the electorate. Because RCV requires more involvement from voters, voters tend to be more informed. Voters can express a more nuanced political opinion through a ranked ballot. The use of rankings guarantees that a candidate is elected with a majority of votes. Since RCV requires that candidates reach a true majority to win, candidates are incentivized to appeal to a broad range of voters.

The complexity of strategic voting under RCV helps to support the argument that voters are better represented by their elected officials. Recall that voters are better equipped to evaluate whether candidates will realize their preferred policy outcomes. This reinforces the incentive for candidates to reflect the will of their constituents. Since the complexity of RCV makes strategic voting difficult, it also makes election manipulation nearly impossible. There are no examples of election manipulation in RCV elections, helping to encourage electoral competitiveness. Together, the reduction in strategic voting and election manipulation lower barriers to entry for candidates—especially candidates of color—which makes elections more competitive. The structure and complexity of RCV promises to create incentives that promote a more robust representative democracy.

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EPISTEMIC VULNERABILITY AND TOLERANCE IN SOCIETY

Maddox Larson

The question of church-state separation has haunted America since her founding. James Madison and select founding fathers suggest that religions and states are better off when they minimize (or altogether eliminate) their interactions. Many Muslims in Iran, for instance, believe the opposite—aligning state functions with religious motives results in the most effective state. In this article, I propose a model of thinking about church-state separation in which states and religions must maintain epistemic vulnerability to allow legal, political, and socio-religious change. Simply put, epistemic vulnerability is an attitude of susceptibility to new sources and instances of knowledge. I present institutions as sets of constraints which interact with shared mental models. In this way, I explain how cultural institutions limit and shape individuals' susceptibility to new knowledge. A religion being more accommodating to self-assessment when confronted with new knowledge aids in forming institutions that are reliable, efficient, and robust for groups to grow and adopt new ideas. This results in a model of state-religion relationship that highlights the impact on epistemic vulnerability when either religious organizations or state governance expand their responsibilities outside of their proper functions.

1. Introduction

Pioneer of early-American law and father of the U.S. Constitution James Madison ([1822] 1910, 102) once wrote, "I have no doubt that every new example, will succeed, as every past one has done, in shewing that religion [and government] will both exist in greater purity, the less they are mixed together." As an authority on the matter of church-state relations (Muñoz 2003), Madison's words ring loud 200 years after his death. During his life, Madison was regarded as a secretive man with respect to his thoughts on religious governance. Access to his personal correspondence has made his stance clearer. To Madison, the functions of the state and the motives of religion were to be kept separate for the betterment of both groups.

In the intervening years, thinkers have taken varied stances on this complex issue. The variance in answers to the question of religious governance comes, in part, due to different definitions of state authority. One's understanding of the authority of the state shapes their willingness to allow it to align its means or ends with a religion. Marx, for example, refers to religion as a compensator for the heartlessness of the world (Surin 2013; Toscano 2010). Thus, the very presence of religion means that liberation is required for those who believe, and, per Marx's account, this ought to be carried out by the state (Surin 2013, 10). Shī'a Muslim scholars in Iran have advocated for an Islamic state since long before the Iranian Revolution of 1979 (Tamadonfar 2022;

Farmanfarma 1954). This view stems from their strong religious belief in the sovereignty of the Prophet Muhammad's Qur'ānic writings and the universality of the *sharī'ah* (Islamic law).

Islam and Christianity are the most popular world religions. The Pew Research Center (2015) reports that in 2010 approximately 31% of the world population identified as Christian and 23% identified as Muslims. It is expected that the Muslim population will grow to about 30% by 2050 and the Christian population will stagnate at 31%. While the attitudes of individual religious persons vary, patterns emerge generally. Baker (2015, 399) writes that American-Christians:

> [S]truggle with the sense that the nation [the United States] owes something to God. It owes him love and respect. It owes him obedience. They still fear as men of old did that God is a jealous god and that he will hold us accountable for refusing to acknowledge his blessings and for flouting his law. They want to save souls, yes, but they also want to bring the nation back to him as they suppose it once hewed more tightly to the Father.

While this contrasts sharply with Madison's view, it has become a staple of the modern American political sphere.

Intuitively, the interdisciplinary nature of the issue of church-state relations has yielded varied results in myriad disciplines. Political scientists, historians, sociologists, and economists have all sought to provide a perspective from their respective disciplines. Approaches from political scientists focus on religion's impact on public policy responses to cultural issues and other political outcomes such as general elections (Greenawalt 2001; Horwitz 2008; Minkenberg 2002). Economic perspectives focus on the ways in which culture and religion affect economic outcomes such as GDP and economic growth (Guiso et al. 2006; McCleary and Barro 2006) as well as public finance outcomes (Kuran 1994).

Within political economy, Gill (2021) works considers the institutional durability of religion while Zelekha et al. (2014) identify a connection between certain religions and economic entrepreneurship. Limited philosophical works, such as the work of Guyer (2018), have provided grounding for arguments in support of religious liberty. However, no such literature has taken into account the psychological (specifically epistemic) consequences of varied forms of state-religion alignment.

To add to existing literature on church-state separation and state-religion interaction, I offer a psychological model of state-religion interaction which utilizes literature from multiple disciplines to develop a holistic approach. This approach expands on the tension between religions and state governance beyond the simple informal and formal distinction because it offers a micro-foundational approach toward the psychology of human interaction to define the interaction between these two categories.

The term "epistemic vulnerability" (Gilson 2011) is an important part of understanding how "shared mental models" (Denzau and North 1994) work to resist or embrace change. The more accommodating a religion is to self-assessment when confronted with new knowledge aids in forming institutions that are reliable, efficient, and robust for groups to grow and adopt new ideas. This results in a model of state-religion that highlights the impact on epistemic vulnerability when either religious organizations or state governance expand their responsibilities outside of their proper functions.

Section 2 defines states and religions as formal and informal institutions, respectively, using the framework provided by Douglass North and explain how institutions can affect mental models. Section 3 identifies previous attempts to define epistemic vulnerability and, expanding on Erinn Gilson's account, further clarifies the role of tolerance in an individual's epistemic self-assessment. Finally, Section 4 models state-religion interactions in a two-by-two matrix and

explains the development of entrenched, captured, and malleable states and concludes with implications.

2. States and Religions as Institutions

In order to engage in a philosophically rigorous discussion of the consequences of state-religion alignment, I must first define what I mean by the terms 'state' and 'religion'. After all, each term takes on different denotations in different discipline and I hope to offer an interdisciplinary approach. This section will provide an overview of existing definitions of states and of religions. Specifically, using Douglass North's definition of institutions, I define religions as informal institutions and states as formal institutions. This disambiguates our terminology before entering into a discussion of the ways that institutions affect mental models.

Jonathan Smith (1998, 281) writes:

> It was once a tactic of students of religion to cite the appendix of James H. Leuba's *Psychological Study of Religion* (1912), which lists more than fifty definitions of religion… The moral of Leuba is not that religion cannot be defined, but that it can be defined, with greater or lesser success, more than fifty ways.

Further, some refer to religions as systems that generate certain social goods based on supernatural assumptions (Stark and Bainbridge 1980, 125). This definition, however, yields a certain degree of reductionism. The same problem exists when trying to define states (or governments). Each example that one can identify behaves in idiosyncratically different ways that creates difficulty when trying to generalize—in part due to the diverse array of political philosophies at play within these state structures.

I refer to each of the aforementioned structures—states and religions—as institutions. In Douglass North's seminal account of institutions, North (1991, 97-98) writes:

> Institutions are the humanly devised constraints that structure economic and social interaction. They consist of both informal constraints (sanctions, taboos, customs, traditions, and codes of conduct), and formal rules (constitutions, laws, property rights) … institutions reduce transaction and production costs per exchange so that the potential gains from trade are realizable.

Demarcating informal institutions from formal ones affords insight into human-institution interaction and comparative institutional structure. Variance in the degree of formality of constraints bifurcates human interactions into two categories: public (constrained by formal rules) and private (constrained by informal sanctions). North (1986, 231) also identifies organizations: "Within this institutional framework, individuals form organizations in order to capture gains arising from specialization and division."

North helps sort religions within this taxonomy: "In the absence of a state that enforced contracts, religious precepts usually imposed standards of conduct on the players" (North 1991, 99). Stark and Bainbridge (1980, 123) explain this social phenomenon by defining religion as "systems of general compensators based on supernatural assumptions." Psychological reasoning furthers North's conception if one considers that religions exist to provide "existential resources"—e.g., love, community, and/or a meaning for life (Ballard 2017). I consolidate these approaches and consider religions to be the informal, humanly devised constraints and rules that provide existential resources for their members and are based on supernatural assumptions.

In order to consider how religions interact with individuals, norms and customs must be considered. Cristina Bicchieri's *Norms in the Wild* (2017) is among the most recognized recent accounts of norms. While customs are behavioral patterns that individuals prefer to conform to because they meet a need (Bicchieri 2017, 15 and 35), a social norm is a rule of behavior that

"individuals prefer to conform to … on condition that they believe that (a) most people in their reference network conform to it (empirical expectation), and (b) that most people in their reference network believe they ought to conform to it (normative expectation)."

Using their spiritual texts for guidance, religions are able to create behavioral rules (norms), which are enforced at three levels: the intrapersonal, interpersonal, and institutional levels. For example, the Jewish faith maintains specific dietary restrictions in accordance with their scriptures (Leviticus 11). A norm is created that members of the faith should abide by these rules and subsequent empirical and normative expectations form over time as faith members adhere to the rules. This rule is enforced (i) intrapersonally in so far as individuals hold themselves accountable for their norm violation, (ii) interpersonally when congregation members seek to hold others accountable (typically in the form of taboos), and (iii) institutionally if Jewish faith leaders (e.g., rabbis) were to hold a constituent accountable for their violation.

My model would be for naught if I were not to account for the existence of formal religious organizations. Though religions in and of themselves operate informally, it is not unheard of for their members to create formal organizations in order to further their values or beliefs. The religious people are able to exercise both informal constraints and formal constraints on their members. One of the clearest and most well-known examples of this is the Roman Catholic Church.

The Magisterium and Holy See were established to oversee the functioning of the religion in a very formal sense. The Magisterium refers to the authority vested in the Bishop of Rome (the Pope) and other bishops in communion (or aligned) with him and is responsible for scriptural interpretation (*Catechism of the Catholic Church*, ¶85, 100). The Holy See is the administrative body that governs the Catholic Church and, supervised by the Pope, makes decisions relating to Catholic faith and morality.

For example, the Holy See has issued the *Catechism of the Catholic Church* which contains all the official Roman-Catholic theological positions on a diverse array of issues. Through the creation and enforcement of the official Catholic doctrine, the Roman Catholic Church maintains both informal and formal characteristics. Doctrine and theology are still enforced at the parish and reference network levels. The Roman Catholic Church is simply a formal extension of the informal religious institution.

A religion is the collection of institutions, and the organizations which arise from such. The institution is the rules, and the organization is the rule enforcer. This further clarifies the role of the Catholic Church: the Catechism and Canon Law are the institution, and the Holy See is the organization.

Contrary to religions, states are formal institutions that use their constraints to create and maintain social, political, and economic order. As societies expand, they reach a point where "[they] need effective, impersonal contract enforcement, because personal ties, voluntaristic constraints, and ostracism are no longer effective as more complex and impersonal forms of exchange emerge" (North 1991, 100). As communities grow, they need impersonal mediation and clear and consistent rule enforcement in order to structure political, economic, and social interactions and make gains from trade realizable. States are created for precisely this purpose. States structure interactions by creating a universal set of rules by which all constituents must abide lest they face formal constraints.

The ambiguity of this conception of states allows for a plethora of interpretations, which is how different political theories and economic systems emerge. Lawson and Clark (2010) build on this understanding of states through analysis of what they call the "Hayek-Friedman hypothesis." They derive this understanding from the works of Friedrich von Hayek and Milton Friedman

that attempt to reconcile the relationship between economic theory and political philosophy at play to answer whether or not economic freedom precedes political freedom or *vice versa*.

   This consideration implies that the relationship of different states to each other can be understood through a simple illustration using a Cartesian graph. In Figure 1, the x-axis shows economic freedom and the y-axis shows political freedom. A point in the first quadrant would denote a state that is both politically and economically free, while a point in the third quadrant would represent a state that is neither politically nor economically free.
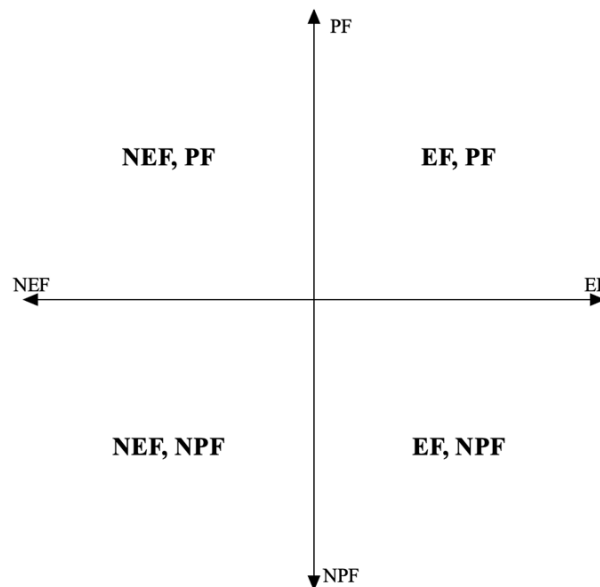

Figure 1. Economic and political freedom on a Cartesian plane.

Insofar as states structure social, political, and economic interactions, they organize themselves in myriad ways. States often separate into multiple branches, divisions, and departments to accomplish their varied goals (consider the United States, United Kingdom, Mexico, China, etc.). All state variations in this respect can be represented on Figure 1. States represented by points further in the positive direction on the political freedom (PF) axis allow for more political freedoms such as press, association, religion, speech, etc. States further in the positive direction on the economic freedom (EF) axis allow for private property rights, market privatization, etc.

   It is commonplace for the state to be regarded as an organization, body, or entity that has a monopoly on violence—or the legitimate use of force.[1] This differs from how I have regarded states. While it is apparent that states have a monopoly on the legitimate use of force, this is not all they are. Rather, they are both the institutional and organizational structures which use their constraints to create and maintain social, political, and economic order. Not only are states the rules (institutions), but they are the rule-makers and rule-enforcers (organizations). Yes, one such means of enforcement is physical violence.

   Institutions create markets. In economics, markets describe the structured socioeconomic situations in which individuals are able to exchange goods and services (Herzog 2021; Rothbard 2007). Since states *ipso facto* structure the interactions between constituents, it follows that they structure the process by which individuals engage in commerce—in turn, creating markets. In the same way that institutions create economic markets, they can create an epistemic market of sorts where knowledge (specifically ideas and information) are traded instead of goods and services. Some have called this the "marketplace of ideas."[2]

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1. This is credited to Max Weber in his lecture "Politics as a Vocation" (1918).
2. Some credit the phrase to Supreme Court Justice William O. Douglas in his dissenting opinion on Dennis v. United

The role of epistemic markets is clarified by referencing knowledge that is traded in terms of general schemas (in the psychological sense). Denzau and North (1994) refer to a similar idea called "shared mental models." On their account, these are "myths, dogmas, ideologies and 'half-baked' theories" which "arise in peer-based conversations … [and] that can become embedded in the institutions that shape interactions" (Denzau and North 1994, 3; Shugart et al. 2020, 371). By referencing ideological and dogmatic beliefs as 'models,' Denzau and North are creating a 'cognitive bundle theory of ideas.' We group ideas, beliefs, and knowledge together in order to more accurately describe the 'models' at work within particular groups and nations. Recalling the ways in which institutions structure interactions and, subsequently, create and structure *economic* markets, it is clear that they also create and structure epistemic markets.

3. Vulnerability and Tolerance

Recent years in American politics have seen greater degrees of polarization along political lines (Mason 2018). One consequence of polarization is its effects on information consumption. When higher degrees of polarization are present, people are less likely to evaluate mental models from individuals and organizations of similar ideological backgrounds thoroughly before adopting them. One's ability to critically examine their mental models is crucial for their participation in a society (especially democratic societies), but also in their ability to tolerate others. Convergence toward a tolerant, pluralistic society requires epistemic vulnerability or susceptibility to new knowledge and mental models. This can only be reached through critical self-assessment.

While epistemic vulnerability is new to the literature, its presence is seen in writings on tolerance such as Locke's *A Letter Concerning Toleration* and Smith's *Theory of Moral Sentiments*. Johnson (2020) uses the term to describe a theory of epistemic obligations using Eva Kittay's (1999) ethics of care. Sullivan et al. (2020) use epistemic vulnerability to explain the formation of varied epistemic groups based on theories of group polarization—though they leave epistemic vulnerability to be defined by the reader's intuition. It is in her investigation of the role that ignorance plays in the endurance of oppressive systems that Erinn Gilson (2011) clearly defines epistemic vulnerability as a heightened sense of openness toward unfamiliar facts and sources of knowledge. Put another way, epistemic vulnerability is "openness to unplanned and unanticipated change" in one's own knowledge or approach to knowledge (Gilson 2011, 313).

Gilson's (2011, 313) argument for epistemic vulnerability arises from her opposition to its antecedent: an intentional state of ignorance because it appears to be in one's favor to be so, called "willful ignorance." Gilson (2011, 325) thus offers the following five criteria for epistemic vulnerability:

1. Openness to not knowing, which is the precondition of learning.

2. Openness to being wrong and venturing one's ideas, beliefs, and feelings, nonetheless.

3. Possessing the ability to put oneself in and learn from situations in which one is the unknowing, foreign, and perhaps uncomfortable party.

4. Openness to the ambivalence of our emotional and bodily responses to reflecting on those responses in nuance ways.

5. Openness to altering not just one's beliefs, but oneself and sense of oneself.

States, 341 U.S. 494, 584 (1951) where he writes, "When ideas compete in the market for acceptance, full and free discussion exposes the false and they gain few adherents. Full and free discussion even of ideas we hate encourages the testing of our own prejudices and preconceptions. Full and free discussion keeps a society from becoming stagnant and unprepared for the stresses and strains that work to tear all civilizations apart."

Epistemic vulnerability opposes willful ignorance in specifying that the respective individual must be able and willing to put themselves in uncomfortable situations (3) and to be wrong and venture their beliefs nonetheless (2). These two criteria in particular directly oppose the willfully ignorant person's attitude toward knowledge which contradicts or threatens to contradict their own previously acquired knowledge. While Gilson certainly offers the most complete account of epistemic vulnerability, I build off of this account to clarify the process by which the epistemically vulnerable person behaves in order to allow for a more generalizable conception. In particular, I seek to answer the following question: How does the epistemically vulnerable individual evaluate knowledge?

To maintain the same kind of vulnerability of which Gilson writes, one must recognize the different forms and sources of knowledge and the trade-offs that exist among them. Truncellito differentiates between 'a priori' (non-empirical) and 'a posteriori' (empirical) knowledge—a common bifurcation in philosophy. A priori knowledge is knowledge which can be known with reason alone, while a posteriori knowledge can be known through the utilization of the traditional human senses (experience) in addition to reason.

From these two sources, knowledge emerges in three forms: knowledge-that, knowledge-what, and knowledge-how (Hetherington). Knowledge-that (or propositional knowledge) is knowledge with the understanding "that such-and-such is so." Examples of knowledge-that would be *that* Germany is a country in Europe, *that* water is an element represented by the chemical symbol H2O, and *that* B is the second letter of the English alphabet.

Knowledge-what (or knowledge-how) is representative of specific forms of knowledge-that that can be characterized by the standard "what," "whether," or "why" interrogatives. For example, "knowing *whether* it is 2 p.m.; knowing *who* is due to visit; knowing *why* a visit is needed; knowing *what* the visit is meant to accomplish" (Hetherington; original emphasis). Knowledge-how (or practical knowledge) is knowledge of *how* to do something: *how* to ride a bike, *how* to pack a suitcase, etc. (Pavese 2022).

Further, with this understanding of knowledge, we consider the evaluative process of epistemically vulnerable individuals. Specifically, we consider John Hardwig's account of epistemic self-assessment. Hardwig (1991, 699-700) argues that in order for an individual, B, to enter into a trust-based relationship with another, A, on a particular matter, *p*, "*B* must not have a tendency to deceive herself about the extent of her knowledge, its reliability, or its applicability to whether *p*." This introspective act allows one to consider their knowledge's source and form in order to determine its scope, accuracy, reliability, and applicability to a given situation. By determining whether their knowledge is a priori or a posteriori, one must determine its accuracy and reliability.

In other words, when identifying whether a claim or belief is justified by reason alone or by senses in addition to reason, one must make a judgment of when this knowledge can be applied or if it requires additional work to justify—therefore determining its accuracy and reliability. Applicability is similarly determined by the categorization of knowledge. When one determines whether their knowledge is know-how, know-that, or know-what, they determine under what circumstances it can be used—in this case, which interrogative one might be able to answer with that form of knowledge. One's ability to identify and categorize their own knowledge is essential to Hardwig's account of epistemic self-assessment.

It follows that if epistemic vulnerability is a cognitive disposition to take in new information, then that one must consider knowledge's accuracy, reliability, and applicability is a prerequisite. In order to do this, the individual must identify the knowledge's source. Categorizing knowledge in this way requires the individual to make a judgment about its accuracy and reliability. That

is, when determining whether a fact is known my reason alone or by perception, one judge's the attributes of this fact in order to categorize it. For example, when Person A meets Person B, some of the facts about B that A will have will be reasoned from body language, speech, and other heuristics while others will be directly acquired from what B tells A. This means that in order to determine what A *knows* about B, they must delineate a priori judgments from a posteriori.

To perform an epistemic self-assessment is a necessary but insufficient condition of epistemic vulnerability. One cannot simply maintain an evaluative disposition when interacting with others in order to be considered "vulnerable." The very notion of vulnerability requires more. The final, and most important, criterion of epistemic vulnerability is that which can also confront and prevent polarization: tolerance. Tolerance is not just allowing the existence or practice of beliefs/knowledge that one does not wish to partake in (*Oxford English Dictionary*), but also the acceptance of such behaviors or beliefs (*Cambridge Dictionary*).

To accept a mental model is not to approve of one. One is not after all required to approve of all behaviors which they understand that others partake in. To accept a mental model is to recognize and understand without necessarily agreeing. The epistemically vulnerable individual is tolerant by assessing their knowledge when confronted by foreign mental models, examining the mental model, and, even if the mental model is incoherent or logically invalid, the epistemically vulnerable individual tolerates these beliefs, and those that belief them, nonetheless. This toleration does not mean that society is unable to engage in critical discourse. On the contrary, epistemically vulnerable individuals discuss critically not just the seemingly incoherent and invalid mental models among themselves, but also those which seem to be the most robust. In a manner akin to Descartes and Hume, epistemically vulnerable individuals subject their knowledge to reasonable doubt in order to continually improve as societies and as a species.

4. Modeling State-Religion Interaction

To engage in a philosophical discussion, one must clearly understand all the terms at work. At this point, I have defined states as formal institutions and organizations which structure social, economic, and political interactions through the creation and enforcement of laws, penal codes, and other formal constraints. Religions are informal institutions and organizations based on supernatural assumptions which also structure social interactions, but by the generation and enforcement of customs, traditions, and norms. Mental models are the bundles of knowledge, ideas, and beliefs which arise from cultural institutions like religions and are subject to institutions. Epistemic vulnerability is a characteristic that describes those who are willing and able to carry out self-assessment of their knowledge when confronted with foreign mental models and, subsequently, maintain general susceptibility to new knowledge while being tolerant of mental models which they themselves do not adopt.

This section develops the theoretical framework to four variations in outcomes that follow from vulnerability in states and religions, each as collections of institutions and organizations. When both structures are invulnerable, there is little competition between various mental models and the incumbent group will have a monopoly or cognitive capture. Invulnerability leads to path-dependency and little growth. On the other extreme where both structures are maximally vulnerable, growth only occurs through arbitrage of existing mental models, often from the outside. I contrast the role for technological change and legal adaptation in the off-diagonals of my two-by-two matrix to show where there are meaningful trade-offs in state-religion vulnerability.

How can institutional structures be epistemically vulnerable? Recall Gilson's (2011) five criteria of epistemic vulnerability: (1) openness to not knowing, (2) openness to being wrong, (3) putting oneself in and learning from situations in which one is the unknowing party, (4) open-

ness to the ambivalence of our emotional and bodily responses, and (5) openness to altering not just one's beliefs, but oneself and sense of oneself. Each of these criteria can be applied to the institutional structures we have seen by viewing the sets of rules which they utilize in their constraint of behaviors. Largely, we consider these structures to be epistemically vulnerable insofar as they allow arbitrage between mental models.

States may be epistemically vulnerable in the policies they produce and enforce. The first two criteria (openness to not knowing and to being wrong) are among the simplest for states to implement. While a state is a combination of laws, codes, and agencies, it may allow itself to be open to not knowing by failing to make claims which go beyond its scope—that is, beyond the social or political. This leaves room for cultural institutions to create additional rules for specific conduct within the private sphere of individuals' lives.

Similarly, states can be open to being wrong by retracting legislation or regulations which have been enacted based on knowledge that the state has been shown not to have—despite past actors believing the state to have had such knowledge (also called legal change or adaptation). A state's adherence to the fourth criterion—openness to the ambivalence of our emotional and bodily responses—will be considered its responsiveness to its member agencies. Any given policy or legislative act will have consequences for any given government agency, so openness to the responses of legislation allows a state to prevent scotosis.[3]

To a certain extent, it would be unreasonable to expect religions to maintain total epistemic vulnerability. Religions typically require the dissemination of their assumptions and conversion of other individuals. Religions exempt themselves from being maximally vulnerable for fear of, in their eyes, delegitimizing themselves. In Islam, the Qur'ān recognizes the similarity of the ontological claims of Judaism and Christianity yet draws a sharp distinction between the eschatological fate of the Muslim versus the Jew or the Christian (4:159). Christianity has similar scriptural passages to the general "unbeliever" (2 Cor. 6:13-15).

Religions must then maintain an amount of epistemic vulnerability which is efficient so as to attain the benefits of vulnerability while not incurring the costs of threatening their ontological and metaphysical claims. Unfortunately, this ambiguity is both unavoidable and required by the observer-relativity of epistemic vulnerability. This means that the religious individual's epistemic self-assessment is different in that they must also factor in a cost-benefit analysis towards the ontological claims of their religion when attempting to maintain epistemic vulnerability.

Now, I introduce the following four variations in outcomes that follow from the epistemic vulnerability of state and religious institutions: cognitive capture, entrenchment (teleological and legal), and maximum social arbitrage. These are seen in relation to the vulnerability of the two institutions in Figure 2.[4]

		State	
		Invulnerable	*Vulnerable*
Religion	*Invulnerable*	Cognitive capture (I, I)	Teleological entrenchment (V, I)
	Vulnerable	Legal entrenchment (I, V)	Social malleability (V,V)

Figure 2. Two-by-two matrix of state-religion interaction variations.

3. Scotosis refers to intellectual blindness or a hardening of the mind against unwanted wisdom.
4. I owe Jack Johnston for helping develop this figure.

On the off-diagonal, first consider an invulnerable state paired with vulnerable religion. This results in legal entrenchment. On constitutional entrenchment, Callais and Young (2022) write that a constitution is entrenched when procedural barriers make constitutional amendment more onerous than ordinary policy change. Therefore, in a scenario where religious structures are willing and able to adopt new mental models, but state structures are not, the legal system is entrenched. In this context, systemic legal change is made more onerous than religious cultural change by means of invulnerability.

Following the off-diagonal, when states are vulnerable while religions are not, society is susceptible to teleological entrenchment. Under these conditions, invulnerable religions each seek to capture (or monopolize) the epistemic marketplace and to purport their mental models while expelling all others. From their perspective, this would increase the religion's growth. When coupled with a vulnerable state, the result is a society which is capable of political and economic change, but is held back by the over-enforcement of religious norms that will come with attempts to capture the epistemic market.

The first box along the main diagonal in Figure 2 reveals that invulnerability on the part of both state and religious structures creates cognitive capture. As alluded to previously, "cognitive capture" is the process by which an individual, group, institution, or organization attempts to monopolize the promulgation or acceptance of their mental model (Thomas 2019). Due to their invulnerability, states and religions pursue two paths under these circumstances: mutual reinforcement or exclusive enforcement. If they opt to become mutually reinforcing, the newfound "state-religion" will be able to use both informal and formal constraints to enforce rules.

This means that when an individual is faced with violation of a religious norm, for example, they face the expected informal constraints from their religious peers (e.g., taboos, ostracism, etc.) but also face formal constraints from the state. Their shared invulnerability will severely limit or entirely halt the exchange of ideas. If the two opt for exclusive enforcement, they operate separately with each imposing strict rules and consequences for violation; however, violation is limited to the sphere of formality of the institution.

Following the main diagonal, as indicated in Figure 2, social malleability is the opposite of cognitive capture. Wherein a cognitively captured society neither institution is susceptible to new knowledge and therefore change, both are susceptible to new knowledge and change in a socially malleable society. When each of these structures allows for maximum arbitrage between mental models, they create an epistemically open and unregulated society. Effectively, this means that mental models can be traded freely with severely limited enforcement of formal or informal constraints. In a society of pure arbitrage, constant change would be occurring which would leave no room for consistency or legitimacy of these structures to develop. While change is often good and needed, too frequent change undermines the process.

Resulting from previous discussion of the four variations of state-religion interactions, consider the subsequent optimization problem. This problem is best framed as a question: What degrees of vulnerability/invulnerability for state and religious institutions are optimal for the growth of society? The answer is simple—in theory. Convergence along the main diagonal achieves a free and flourishing society. A society of this type allows for religions to maintain a certain degree of invulnerability (as would states), while also requiring clear processes with limited barriers to change when necessary.

5. Conclusion

In order to offer an explanation for James Madison's ([1822] 1910, 102) famous claim that both religions and states will be better off given their separation, I have provided a psychological,

micro-foundational approach to explain the consequences of four variations of state-religion interaction. This approach builds on political, economic, and philosophical approaches to the notion of church-state separation. Political approaches focus on the negative outcomes of mutually reinforcing state-religions on political judgments, election results, and general policy responses (Greenawalt 2001; Horwitz 2008; Minkenberg 2002), while economic approaches focus on economic outcomes such as GDP and economic growth (Guiso et al. 2006; McCleary and Barro 2006) as well as public finance outcomes (Kuran 1994).

To unite many of these political and economic approaches, I have defined states and religions as formal and informal institutions, respectively. That is, understanding institutions as humanly devised constraints which structure various aspects of our interactions (North 1994), both states and religions set out to govern our social, political, economic, and religious interactions in different respects. Regardless of the ways in which they do this, both institutions have an effect on the exchange of ideas. Collections of ideas, knowledge, and beliefs can be called "mental models." Each respective institution, through their own enforcement of their rules, shapes the ways in which mental models are exchanged in the epistemic marketplace.

When institutions shape epistemic exchange, they also impact individuals' epistemic vulnerability. Epistemic vulnerability is used in the contemporary literature by Johnson (2020) as a term which describes her theory of epistemic obligations stemming from Kittay's (1999) ethics of care and it is used by Sullivan et al. (2020) to explain the creation of various epistemic groups based on theories of group polarization. Gilson (2011) provides an account of epistemic vulnerability in response to the place of ignorance in the maintenance of oppressive systems. Gilson's account is worthwhile in its clear provision of criteria of epistemic vulnerability. I amend her account to argue epistemic vulnerability is susceptibility to new knowledge, willingness to put oneself in uncomfortable epistemic situations, willingness and ability to critically examine one's knowledge (self-assessment), and ability to pursue and maintain tolerance of foreign mental models.

Institutional structures (i.e., collections of institutions and organizations) can be epistemically vulnerable as well. Recall that institutions are sets of rules used to constrain behaviors. Organizations are sets of individuals who organize to realize gains from trade within a particular institutional framework. To allow arbitrage between mental models is to be epistemically vulnerable for institutional structures. And so, I introduce four variations of state-religion vulnerability: cognitive capture, teleological entrenchment, legal entrenchment, and social malleability.

A society is cognitively captured when both state and religion are invulnerable and mutually or exclusively enforce their rules in monopolistic ways. Cognitive capture results in a limited or zero-arbitrage society. When states are vulnerable and willing to support change and religions are invulnerable, teleological entrenchment occurs and religions maintain their monopolistic tendencies to capture society while states are capable and willing to carry out political and economic change. Legal entrenchment occurs when invulnerable states prevent political and economic change through increasingly onerous legal barriers, while religions are able and willing to support change. Either form of entrenchment results in little to no change in social procedures. When both are vulnerable and support change, achieving social or legal change becomes trivial, so much so that the credibility of each institution is severely limited. Too much change results in a lack of stability.

The resulting optimization problem is solved when we consider convergence from cognitive capture to social malleability. That is, optimal capacities for change are achieved by allowing states and religions certain degrees of entrenchment while maintaining epistemic vulnerability. Limited (but still present) barriers to social and legal change ensure that these processes are able to maintain checks-and-balances and proper evaluation before change is adopted. As a result,

entrepreneurial and opportunistic behaviors are still encouraged such that change of any variety can occur when necessary.

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THE EVOLVING DEPICTION OF FEMALE CHARACTERS IN THE HORROR FILM GENRE

Claire Lympus

This article explores the depiction of women in film, specifically in the American horror film genre through films released over the last fifty years. The article looks at how these women are depicted and why. This analysis is done through a discussion and evaluation of the selected movies with the use of social changes and their effects on the genre as well as their characters, and the neurological and archetypal connections that our brains make. The four movies discussed include Carrie, Silence of the Lambs, Midsommar, and The Menu.

1. Introduction

Storytelling has been used as a vessel to display values, traditions, past experiences, and knowledge. For children, stories are often connected to life lessons or shared to reinforce necessary skills (Engel 2016). In the case of young adolescents, they often communicate shared experiences, self reflection, or present different points of view (The HUB). The film industry is tasked with immersing the viewer into both the story line and the characters. It is an art that requires the writers and directors to focus on the senses of the viewer, specifically those of light and sound. Directors, the primary storytellers, must include symbolism while simultaneously manipulating the emotions and reactions of those watching the film.

Horror is a niche genre that aims to evoke fear in viewers. This requires an understanding of what people fear and why. Fear is a complex emotion that connects to our survival instincts and therefore evolution. On a neurological level, fear stems from a chemical reaction in our brains that guides us to act and think in different ways. When watching a movie, these chemicals are being activated by the portrayals of the characters being seen on the screen as well as the storyteller's influences. This article will explore the external reasons why women in this genre are being depicted in various ways throughout different time periods, past and present.

This article focuses on four movies, *Carrie, Silence of the Lamb, Midsommar,* and *The Menu. Carrie* was directed by De Palma and in theaters in 1976. In this movie, Carrie, the main character, is repeatedly bullied and harassed by both her highly religious mother and her fellow classmates. Once she gains powers of pyrokinesis, telekinesis, as well as telepathy, she eventually tries to kill the entire town to get revenge.

In the 1991 film, *Silence of the Lambs,* directed by Jonathan Demme, the audience follows FBI agent Clarice Starling to find a serial killer named "Buffalo Bill." In order to find the serial killer, however, she has to cooperate with the criminally insane ex-psychiatrist, Hannibal Lecter.

Dr. Lecter and Agent Starling find themselves having to have a subjectively equal exchange of information. For Starling, she had to provide personal information in order to gain insight from Lecter. Agent Starling specifically needed information on Lecter's previous patient "Buffalo Bill."

Ari Aster's 2019 film, *Midsommar*, follows the main character, Dani, her boyfriend, and his graduate student colleagues to an isolated village in the forest of Sweden. Dani's family had died due to her sister killing their parents, as well as herself. Dani and the group go to experience the midsommar festival. Dani decides to go to the village to grieve her loss and have a change of scenery with her emotionally distant boyfriend Christian. Christian and his fellow graduate students are there to develop their research thesis. The group finds itself trying to determine what happened to their friends' mysterious disappearances but learns that the residents were sacrificing themselves and their guests for their ancient pagan rituals.

Director Mark Mylod's 2022 film, *The Menu*, follows the main character Margot. Margot is a sex worker who was hired to go to the highly exclusive restaurant Hawthorn. The antagonist, Chef, decided to personally invite individuals that he concluded needed to die. Chef's criteria for those he deemed worthy to be included in his "masterpiece" were all individuals who had a hand in his career and the person he is today. Margot was the only variable that Chef did not expect, which led her to being the only one to survive the night.

In Section 2, I consider the effects of our laws, social preferences, and history on this form of media, and how each of these components come together to provide an additional perspective. In Section 3, I discuss this issue with a more individualistic approach, including psychology, archetypes, and the chemical rewards offered by watching scary movies. This analysis will consider how all these components affect human interaction. My goal in this article is to discuss how and why women have been portrayed in the horror film genre, what effect these shifts have in terms of storytelling, and the impact of these movies on the individuals watching them.

2. Feminism and Horror

In this section, I discuss how political movements over the last 90 years have affected the characters and their stories in the horror film genre. My discussion will include consideration of the four different movies from the perspective of feminist waves and politics. My goal is to make the case that film, specifically in the horror genre, is a mirror that reflects our decisions, the opinions of society, and the time period of its audience. These factors will be discussed with a specific focus on women and how they and their stories are portrayed. There are four feminist waves in total, each looking at women's rights from a new perspective, but I will focus on the last three of these waves.

The time period between the end of the first wave and the beginning of the second sets the foundation for contemporary feminist thought. Between 1928 to the 1960s (Raine), there were many historical events that brought to light the potential that women had in the workforce. During World War II, women took the helm at home and at work. As an example, "in the U.S. aircraft industry in 1943, [women made] up 65 percent of the industry's total workforce" (HISTORY.COM 2023). The idea that women were able to work and maintain a home, that they were able to hold both masculine and feminine roles, was a novel idea.

Rosie the Riveter, a feminist pop culture icon, was a product of these times. Rosie is a representation of female independence and beauty, reinforcing the importance of internal and external strength. This is especially seen in her quote, "We can do it" (Cokely 2023). Two prominent academic works were written during this period. *The Second Sex* (De Beauvoir 1956) and *The Feminine Mystique* (Friedan 2001) both aided in pioneering the fundamental ideologies for modern feminism.

This 32-year span is an important time frame for all other waves of feminism that followed. The women of this generation were able to obtain financial and personal freedom, which allowed many to remain in the workforce. This raised questions regarding the power and autonomy that women should have. One issue that arose for women trying to enter the workforce was whether or not they had, or were planning to have, a family. This consideration would lead to a discussion on birth control and other forms of contraceptives, as seen in the second wave (McKay 2020). An implication of this time is that women graduating with a STEM major in the 1970s increased by 30% due to the normalization, as well as legalization, of birth control (McKay 2020).

The harassment and low wages (Mcdermott 2023) that followed this generation would ripple out to the third wave of feminism. The utilization of highly accessible platforms to discuss important topics pertaining to women's rights was evident both during this period and during the fourth wave (Britannica). These platforms allowed women from different places all over the world to share their experiences and thoughts, creating additional opportunities for growth in feminist thought (Britannica). Due to these women's hard work and lasting impression, Baby Boomers embraced and reinforced the second wave of feminism (Peltola et al. 2004).

The second wave took place between the 1960s and the late 1980s. The most prominent topics from this period are an increased focus on women's health, individuality, and a divergence of public opinion on sexuality. Contraceptives and birth control were being normalized during this time period (McKay 2020). This eventually led to there being legislation and Supreme Court cases on the issue, discussed in further detail below, that reflect this as well.

In the 1976 movie *Carrie* (De Palma 1976), one can see the impact of these political and social changes and reforms. The main character, Carrie, is introduced to the audience in the opening scene of her in the shower beginning menarche. In essence, menarche is the beginning stages of female adulthood as well as the start of the individual exploring their sexuality. Carrie's mother, in opposition, represents the purity culture ideals of the previous generation (Kael 1976). Purity culture, in the 1960s, was the popular societal belief that individuals need to wait until marriage before having sex (Blue Ridge PBS – American Experience – The Pill).

Roe v. Wade and Griswold v. Connecticut both took place during this period and gave women more power to make their own decisions about their sexual health. These verdicts allowed American women to choose what they could do with their bodies in terms of female health (National Women's Law Center 2022). Throughout the movie, Carrie displays independence in opposition to her mother's fear of sin. The conflict between fear within the social construct of purity and freedom in owning one's sexuality, as displayed by the film, is one reason why Carrie inevitably killed her mother. These are all instrumental concepts and understandings of this time period.

Carrie exemplified the beliefs of the purity movement. There was a lack of understanding and progression that caused there to be a clear divide between the new and old methods of thinking in terms of women's sexual health and knowledge. When considering the political climate of women's rights associated with sexual health at the time, this reaction was not uncommon for the older generation. Communication, trust, and respect for others' experiences or beliefs were not properly acted upon by the older generation.

The third wave, spanning the 1990s, primarily looked at inclusivity as well as expanding the rights of women and minorities. In this wave, there was a further discussion on what is appropriate and acceptable in terms of consent for physical contact in a professional setting as well as identifying the beginning stages of intersectionality. Consent in the workplace is mostly focused on preventing undesired sexual advances in this wave but is expanded upon in the fourth wave.

The beginning stages of intersectionality sought to bring to light the combination of various groups that are discriminated against due to different peoples' varying characteristics. In this

wave, intersectionality addressed such groupings as gender, sexuality, race, ethnicity, and age. These are all traits according to which individuals can be aligned. Where intersectionality differs from the standard single variable understanding of what discrimination is, is that it seeks to acquire a big-picture understanding upon an individual and their experiences in life.

For instance, one person may face discrimination based on their race, while another individual, who is also subjected to racial discrimination, additionally encounters sexism. The difference between the first and second individual is where intersectionality lies. Simply put, the beginning stages of intersectionality looked at the base characteristics that apply to different groups within the population.

In *The Silence of the Lambs*, an illustration of the prevailing intersectionality of this time includes concepts of consent, workplace harassment, and gender. These concepts would be expanded upon in the fourth wave. These new concepts allowed for there to be a richer discourse on the topic of sexual harassment (National Women's History Museum 2020). Intersectionality is defined by the Center of Intersectional Injustice as a "[c]oncept... [that] describes the ways in which systems of inequality based on gender, race, ethnicity, sexual orientation, gender identity, disability, class and other forms of discrimination "intersect" to create unique dynamics and effects."

The Silence of the Lambs, made in 1991, strongly exemplifies political change and its effects on the horror genre (Demme 1991). While the main character, Agent Clarice Starling, was on the job, various male characters sexually harassed her. The general administrator for Baltimore State Hospital and her boss both propositioned her. When Starling evades both men's advances, she is sexually harassed by an inmate while trying to meet Hannibal Lecter. The 1986 Supreme Court case Meritor Savings v. Vinson, displays the importance of the external influences, including the third wave, on the film and how it depicts the story.

In other words, this court case presents the shifting perspectives of rights focusing on harassment and how the people in the United States would have perceived the content in the film. Meritor Savings Bank v. Vinson "[h]eld that a hostile or abusive work environment can prove discrimination based on sex" (National Women's History Alliance). Anita Hill was one of the first people to speak out about her experience with sexual harassment on live television in 1991. Her alleged abuser is still a powerful Supreme Court Justice today.

Seven months after the movie was produced, Anita Hill came out with her story of sexual harassment in a public statement (C-SPAN 2018). Hill, much like Starling, was in a position of power as well as having their personal autonomy encroached upon. Hill and Starling worked within a political sphere of some kind, but their rights were not taken into consideration when they were being harassed. Both women were expected to remain calm and collected when faced with unwanted advances due to their desire to be successful in their given careers.

However, unlike Starling, Hill had to deal with the real-life long-term effects of the patriarchal and racist system of America in the 90s (The New York Times 2019). In the instance of *The Silence of the Lambs,* we can see the beginning shifts of political powers and social opinions on the matter. The main character of the film in question experienced the prejudice of the workplace based on her gender.

Starling utilized trust, communication, and understanding in order to achieve her goal of catching the serial killer Buffalo Bill. This cooperation and respect that both Starling and Lecter display for one another is a characteristic that was being sought after between the feminist activists and the populous. Though more modes of communication were becoming popular during that time period, like live television in the case of Anita Hill, there would be added complexities in developing this comradery. *The Silence of the Lambs* displays that with the additional

intricacy provided by the advancement of technology, there is a possibility to work together, better our quality of life, as well as look out for ourselves.

The fourth and final wave, spanning from the start of the 21st century to today, combines the focus on intersectionality with activism on social media. An example that is seen in the comparison of both *The Menu* and *Midsommar*. Margot, the main character of *The Menu*, is of low economic status, a woman, as well as a sex worker. Dani, the main character in *Midsommar*, is a woman, is mentally unstable and lacks a proper support system. These are all factors that would have "unique dynamics and effects" (Center for Intersectional Justice), even though there are similarities between the two.

Both characters are Caucasian women in their twenties who are traditionally good-looking. This intersectionality has also helped in this wave's activism and expanded the social rights issues they touch upon. Due to social media, having access to various modes of communication and plentiful information sources, this wave is focused primarily on the idea of looking at the collective group that inhabits society, rather than just one group of women due to its involvement with social media and its international influences (Raine). Two aspects of this wave I discuss are mental health and sex workers' rights.

Mental health is depicted in various ways throughout the movie *Midsommar* (Aster 2019). The main character, Dani, goes to Sweden with her boyfriend and his friends after her sister commits a murder-suicide with the remaining members of her immediate family. Dani, over the course of the movie, experiences death over and over again in different forms: the public sacrifice to the Nordic gods, the symbolic death of her relationship with her boyfriend, and also the actual death of her boyfriend because of her rage. She is allowed to show rage, pain, and depression unlike that of Carrie and Clarice from the previous waves.

Mental health is more accepted in our society today than it was in the past (Latha et al. 2020). The Disabilities Movement started in the 1960s, but it did not gain traction until 1973. The Rehabilitation Act of 1973 and the Americans with Disabilities Act recognized the rights of individuals with disabilities, including mental illnesses such as depression (Vallie and Sachdev 2022). Due to social media providing a large platform to share information and awareness with others, there is a destigmatization of mental health and disabilities (Latha et al. 2020). This allowed there to be a movie where the main character with mental illness was able to live, unlike her predecessors.

The Menu, which came out in 2022, offers another example of a feminist horror movie that looks at a different aspect of the fourth wave (Mylod). *The Menu* looks at classism, sexism, and a critique of the corruption of wealth. The main character, Margot, is a guest in the exclusive restaurant Hawthorn, located on a private island. Eventually, we find out the truth behind the characters' backgrounds and how they all connect with one another. Margot is a sex worker who was hired to attend with her date, Tyler. Margot is a character that represents the working class and the future of the movement.

Today, there are starting to be more discussions around the rights of sex workers and women's rights over their own bodies in the United States. Prostitution, currently, "is a crime throughout the United States except in a few rural counties in the State of Nevada" (Wex Definitions Team 2020). Two examples of state court decisions that address this issue during the third wave are People v. Hinzmann in 1998 New York, and California v. Campbell in 1999 California (Wex Definitions Team 2020). Both cases concluded that any form of sexual interaction that is paid for is considered illegal.

Prostitution is a state-determined legal issue, not being under the control of the federal government. The legalization of prostitution is a topic that is commonplace discourse in the feminist arena. Some believe that "prostitutes are exploited by the ruling class," "sex work is oppressive

[both in an economic sense and sexual sense]," and that "the selling of sex is no different than the selling of other types of labor in exchange for a wage" (Robinson 2007, 7-9).

The majority of feminists currently, however, believe that sex work should be legalized. Legalizing sex work would "become safer when it is regulated, ... weed[ing] out the black market that exists for prostitution, ... sex workers [would] not [be] branded as criminals; encourag[ing them] to report behaviors that are a danger, ... [increase] tax revenue, reduction in sexually transmitted diseases, and reallocation of law enforcement resources" (Forestiere 2019).

Margot is the representation of the future of the fourth wave that includes the legalization of sex work as well as the de-stigmatization of prostitution. This is due to the previous visibility of women's rights in terms of deciding what they want to do with their bodies, looking closer at the differences and challenges faced by the working class versus the wealthy, as well as commercialism and its side effects on modern society.

For both *Midsommar* and *The Menu*, there was the additional necessity of understanding the other characters' thoughts and feelings during the story. This started to develop with the third wave, which is why it found its way into the more recent films. Empathy, or the ability to understand another's feelings (Merriam-Webster), is something that Carrie's story was lacking. Agent Starling, in *The Silence of the Lambs*, was able to establish a foundation of trust because both agents formed a bond with one another. This idea that empathy and not othering individuals is an important factor of survival in the horror film genre exemplifies the essential nature that this trait has for the future of the feminist movement in the world today and in the future.

Throughout these waves we can see that laws, social movements, as well as the majority of shared opinions on important topics have a great effect on the portrayal of women in the genre. There is a distinct difference in the ways that leading female characters are portrayed in *Carrie*, being a villain due to her representing un-virtuous ideologies, and *The Menu*, being seen as a virtuous character even though in the past she would be considered otherwise. This does not answer, however, the influence of the individual on women in horror films. How do the actions and habits of one person affect the group? This question is explored in the next section.

3. Archetypes and Neurological Factors

In the context of social change and evolving female stereotypes, this section discusses archetypes, intertextuality, and human psychology. Through these lenses, it explores the reasons why storylines change over time and how these changes affect female characters in the horror genre. By understanding the various components discussed, the reader will able to see the correlation between the individual in terms of their choices and physiological responses and the group, as presented in the last section.

Comprehending the connection between the human mind and archetypes is important, as humans have evolved to categorize and distinguish between what is good and bad, also known as cognitive thinking. These different categories are created through experience and knowledge, offering us a higher chance of survival, as well as allowing us to comprehend the environment in a general sense. On a neurological level, dopamine and adrenaline both are produced when the individual is afraid and in danger.

These chemicals affect the mind in a psychological way, such as making the individual feel increased pleasure, and in a physical manner, such as enabling a person to run faster as to escape a source of danger. Our brains produce dopamine and adrenaline to reinforce what we learn from our experiences and to reaffirm the good or bad categories. Due to us not living in environments where this survival trait is necessary, it has manifested itself into different parts of modern life.

Archetypes and intertextuality, both being a by-product of this process, are types of catego-

rizations that are based on pattern recognition utilized for the purpose of storytelling. In the horror genre, directors or writers use such categorization and familiarity in order to reinforce the chemicals being produced when the audience is afraid. The directors and writers display what the audience is afraid of, giving them a positive reinforcement of their fears from the dopamine and adrenaline being produced. This reinforces the audience's cognitive biases regarding their original categorization of what is considered good and bad. By doing so, directors and writers continue the cycle to feed into our subconscious minds and beliefs.

In terms of processing information, human beings use various methods to comprehend the world. People use cognitive biases when "intuitive thinking is used to reach conclusions about information rather than analytic (mindful) thinking" (Hammond et al. 2021). Intuitive thinking is an individual's instinctual reaction and thoughts on some issue. Human beings use instincts and prior experiences to interpret the world around them more than anything else. Intuitive thinking is a way of processing social change that is displayed in horror film archetypes due to the goal of the genre to instill fear into the audience. Because archetypes are a classification tool, it is important to consider their connection with cognitive biases.

Correlating archetypes and cognitive biases allows one to understand the "structure within which one can understand a broad range of existing findings" (Becker and Neuberg 2019, 12). These findings include developmental capacities and an individual's comprehension of experiences. It considers content-addressable memory, context sensitivity, soft constraints, and learning in subsymbolic systems (Becker and Neuberg 2019, 10-1).

The horror genre is a method of storytelling that prioritizes instilling fear into the audience. This fear is "trigger[ed by our]… fight-or-flight response, which comes with a boost in adrenaline, endorphins, and dopamine" (CSP Global). Therefore, we get a psychological and physiological reward for being afraid, due to watching a horror movie. We know that the threats portrayed on the screen cannot actually hurt us in that moment, and we can detach ourselves from the story to a certain degree. Those who watch horror films, "enjoy intellectual stimulation and imaginative activities, and that many are sensation seekers—people who love thrills and new experiences" (Moyer 2022).

From a sociological perspective, we can conclude that there is a reason that we seek these rewards from the genre. The adrenaline rush acts similarly to that of "cocaine and amphetamines, [due to both producing] monoamine neurotransmitters dopamine (DA), norepinephrine, and serotonin [throughout the body]" (Schmidt and Weinshenker 2014). There is a connection between being afraid in the controlled environment of the movie theater and taking an addictive drug, due to the overlap in the chemical reactions.

This connection can lead to the audience to be rewarded for perpetuating mental representations of other minorities, groups, and archetypes that are being portrayed on screen. Dopamine has been recently found to be associated with learning and reiterative habits (Pettibone et al. 2015). This would mean that mental representations and endorsement of archetypes in the horror film genre, both good and bad, are being reinforced when watching horror films.

The way the human brain is constructed affects various facets of our lives. The foundation of this, however, is through cognitive thinking. One of the primary purposes of cognitive thinking is to comprehend the world around us. This would also allow us to achieve a hierarchy of priorities, likes, and dislikes. What we consider to be generally good or bad often is reflected in these preferences. This "hierarchy of such systems, organized by their increasing flexibility… [such as:] basic emotions, such as fear and rage and higher still, social emotions like attachment and play" (Becker and Neuberg 2019, 3).

We can see this preferential ranking system in terms of archetypes as well as in the stories that

are portrayed on the screen. The archetypes and shifting stories for women in the horror genre have been affected by the hierarchy from the preferences of the population, which I discussed in Section 2. The shifting hierarchy of societal preferences and morals has evolved from generation to generation. Our collective morals, emotions, understandings, and experiences all affect the preference hierarchy of the horror genre industry as well as the women's stories that are within them.

Being able to reference and draw from the audience's memories, experiences, and understandings of the world is fundamental for the creation of a story in any medium. This is the reason that the use and understanding of archetypes in the horror film industry is so important, and the relevance of the term intertextuality. Intertextuality is "the interconnectedness of cultural narratives, … [in which it is common to have the thing in question be referenced] … backward to structures and ideas contained in earlier [works] (Hirschman 2000).

Referencing previous works by the means of archetypes is a common feature in the horror genre. *Midsommar*, for example, has elements of intertextuality. In *Midsommar*, the writers interconnect elements from the story of Alice and Wonderland, as seen by the psychedelic tea and continuous morphing of the main character's body, which signals their emotional state and when action is going to take place. There are also references to bears throughout the movie, which symbolize "strength, healing, inner wisdom and balance between the seen and the unseen world" (Tag Archives: Animals in Norse Mythology 2015). These representations also overlap with Dani's journey in the story. Bears were seen in Dani's apartment and throughout the Swedish village.

Intertextuality is more closely associated with objects or physical representations rather than just characters. To look at this further, intertextuality is based upon a foundation of "systems, codes, and traditions established by previous works of literature" (Allen 2000). Character archetypes are groupings of traits, relationships, and actions amongst characters. Both are methods to share information with their audiences within the confines of the story, and draw connections. The primary difference, however, is that intertextuality is a direct reference to different literary works as well as symbols rather than a generalized version produced by character archetypes (Stockwell and Whiteley 2014).

In other words, intertextuality is a method used by the individual creating the story, author or director, to draw connections between works through commonly known references. These references are representations that could be in a physical or verbal format. If a character says "I'm no Shakespeare," as an example, the audience can automatically understand the creator's intended meaning as well as source of the reference. Intertextuality, in summary, is a storytelling method that utilizes the representations and identifiable characteristics in the audience's memories with the intent to portray a feeling or additional meaning to the dialogue and story overall.

Archetypes can be defined as "a primordial image, character or pattern of circumstances that recurs throughout literature" (Encyclopaedia Britannica 2023). The primary archetype analyzed in the article is different characters. A key trait of these archetypes is that they "appear repeatedly in human cultures" (Literary Terms 2015). Character archetypes are characters "with specific traits and a role in their community or in the literary work" that they are portrayed in (Study.com). A few examples of character archetypes are the "hero, rebel, villain, heroine, victim, underdog, mother seeker, [and] buffoon" (Acuff 2010).

The common archetypes most often portrayed by women in the horror genre are the heroine and the villain. The heroines are the ones that represent desired morals. In the 1990s, the term "Final Girl" was formed as a sub-classification within the genre for a heroine. Unlike some other heroines, Final Girls are the ones who are always the last ones standing to oppose the villains

of the movie. The creator of the term "Final Girl" discusses the primary characteristics of this archetype in *Men, Women, and ChainSaws*.

First, they must be acting in "passive to active defense" (Clover 1992, 37) against the killer and are the "one who looks death in the face, and who survives the murderer's last stab" (Clover 1992, 38). The method in which the Final Girl defends herself is dependent on the political changes of the viewing population referenced in Section 2.

Second, the "Final Girl" is boyish (Clover 1992, 40). The aspect of boyishness has become an important feature of this archetype. They need to exemplify qualities that are stereotypical for both men and women in various degrees. This character needs to have a level of "smartness, gravity, competence in mechanical and other practical matters, and [is] sexual[ly reluctant]" (Clover 1992, 40), allowing her to both stand out from the other female characters of the story and survive.

The characteristic of being sexually reluctant changes with the shifting political climate. That being said, it is a more traditional understanding of the term. Their overall role is meant to represent good conquering evil. The villains of horror films are often portrayed as mentally ill, intentionally isolating themselves from societal norms, and deviating from the moral path.

We can look at the 1976 movie *Carrie* as an example. The main character was depicted as a recluse who was repeatedly abused by her mother and the kids in town. Eventually, she dies due to her own malice towards the world and an overuse of her powers. Conversely, Carrie died because she could not see the support from those around her. She relied on her mother, who would repeatedly verbally, psychologically, and physically abuse her when she faced difficult challenges as she grew up. She did not trust in the kindness of Tommy Ross, her prom date, nor the advice and care from Betty Buckley, her teacher. Thus, the only individual who survived her wrath was Sue Snell. Sue was once a bully but changed her ways and actively tried to make Carrie's life better throughout the story. Sue survived because she grew and became a better person, cooperating and building trust with those around her. Carrie, on the other hand, died because she did not.

We look for connections between characters and prior experiences originating from cognitive thinking, as previously discussed. Dopamine that is released when the body is in the middle of an adrenaline rush reinforces our cognitive thinking and biases upon the archetypes displayed. Dopamine is a chemical produced by the brain that affects behavior, cognition, learning, pleasurable reward, and motivation (Cleveland Clinic). Due to the "rewards" produced by an adrenaline rush, it can be dangerous without external factors. These factors include such things as the progression of societal opinion, laws that are set in place, and the broadening of information and understanding when considering oppressed groups, like that of women in the horror film genre.

The influence of the moral hierarchy, from the preference ranking that was mentioned, breaks down negative narratives and stereotypes. This helps create a more open platform for different types of stories and characters, which includes women in the horror genre. Dopamine production encourages the individual to learn repeated physical reactions to the stimuli (Coddington et al. 2023), in this case, horror movies. This would mean that these agents are encouraged to learn what is and is not socially acceptable via dopamine production when observing this genre and the representations of women on the screen. Thus, we are apt to identify sociological change when observing these stories through an objective lens.

In essence, archetypes and intersectionality are both a result of human evolution. Human beings can comprehend the world by connecting different experiences throughout our lives. This would mean that we naturally seek out similarities with different characters throughout various stories. The archetype of a "Final Girl" was a byproduct of this factor of the human experience.

The archetypes and neurological factors through the horror genre's utilization of learning chemicals produced by fear are identifiable in the characters depicted in the fourth wave, with *Midsommar*. The main female characters in these movies have evolving representation and power in different ways. Dani, from the fourth wave, is able to depict her depression, mental instability, and emotions throughout the film without being the villain of the story.

Antagonists, in an archetypal sense, tend to be individuals who have a questionable moral compass. They do not follow traditional social conventions and virtues (Acuff 2010). Selecting Dani's neglectful boyfriend would have traditionally portrayed her as the antagonist, however, the audience witnesses her express her pain and psychotic break. Due to the film portraying what the audience inherently believes, we can assume that this would indicate that we are evolving how we interpret what qualifies as a villain and a "Final Girl."

4. Conclusion

In this article, I critically considered the horror genre and its depiction of female characters in four films spanning the last five decades. Specifically, I discussed the films *Carrie*, *The Silence of the Lambs*, *Midsommar*, and *The Menu*. Different lenses, including feminism and horror, as well as archetypes and neurological factors, were employed to elucidate the endings of the movies and the correlation between their storylines and the depictions of the female characters they portray. Section 2, on feminism and horror, demonstrated the external reasons as to why there was an evolution of the female leads. Section 3, on archetypes and neurological factors, discussed the psychological and interpersonal factors that affect this metamorphosis.

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RECONCILING CONCERN FOR FAIR EQUALITY OF OPPORTUNITY AND STRONG AFFIRMATIVE ACTION

Aloka Wijesundara

I argue that strong affirmative action aligns with the fair equality of opportunity principle by addressing two popular criticisms that suggest otherwise: affirmative action's devaluing of merit and desert, and its granting of group rights that contradict the liberal notion of individual rights and rewards undeserving members of racialized groups. This article argues that strong affirmative action policies are necessary to level a highly uneven playing field for racialized people through ensuring procedural justice. Furthermore, a group-based response to systemic racism is warranted due to the group-based nature of discrimination, a claim which I further justify through the constitutive justice approach.

1. Introduction

Affirmative action has been a lightning rod for debates surrounding fairness, especially as institutions are putting a greater emphasis on equity, diversity, and inclusion. Just recently, the Supreme Court of the United States rejected affirmative action programs in the country's colleges and universities, turning its back on decades of acceptance of such policies.[1][2] Often, affirmative action is critiqued for its supposed violation of fair equality of opportunity. One way critics believe that this violation occurs is through affirmative action's devaluing of merit and desert, which some argue should be the sole determinant of someone's achievement of a social position. A second objection that concerns fair equality of opportunity is that affirmative action grants group rights, which is unfair to the individual who is at the center of the liberal conceptions of rights and justice.

In response to these objections, I argue that the concern for fair equality of opportunity can, and does, align with strong affirmative action policies. First, contrary to the claim that affirmative action privileges irrelevant factors such as race over merit and desert in the competition for positions, I argue that systemic racism has heavily skewed notions of merit and desert, warranting exceptional measures such as strong affirmative action policies to ensure procedural justice. To make this claim I draw heavily from Nagel's (2003) interpretation of Rawlsian fair equality of opportunity, Dieterle's (2005) distinction between institutional and pre-institutional desert, and Meshelski's (2016) work on procedural justice.

Second, the criticism that affirmative action unfairly grants group rights can be addressed

1. Students for Fair Admissions v. President and Fellows of Harvard College, 600 U.S. 181 (2023).
2. Students for Fair Admissions v. University of North Carolina, pending citation (2023).

through constitutive justice as outlined by Wagner (1990). Furthermore, I view the granting of group rights as justified because only a group-based response such as affirmative action can adequately address the harms committed to individuals based on their membership in a group. I primarily draw from the works of Boxill (1972), Appiah (2011), and Delgado (2012) to formulate this response.

Before developing my response to the critics of affirmative action, I begin in Section 2 with a conceptual overview of affirmative action and fair equality of opportunity. In Section 3, I explore the merit-based objections and respond to them. In Section 4, I examine and respond to the group rights-based objections. In Section 5, I conclude.

2. Conceptual Overview
2.1 Exploring Affirmative Action
Affirmative action can be loosely defined as a policy scheme in which people with dominant access to social resources make those resources accessible to select groups who are deserving of preferential treatment (Schuck 2002, 5). Preferential treatment is awarded to members of historically disadvantaged groups to help them access competitive social positions in efforts to level a playing field that was uneven to begin with (Pojman 1992, 183). Affirmative action holds both backward and forward-looking orientations. The idea of looking at the past to correct, or at least to compensate for, historic injustice is deontological in nature since it alludes to a moral duty to right a past wrong.

The backward-looking view of affirmative action regards such policies as an overdue fulfillment of an obligation to groups that have been subject to historical injustice. Its forward-looking feature is both deontological and utilitarian, as it also imagines what a just society without discrimination may look like, and the benefits it ought to bring to the people in such a community (Pojman 1992, 182). Research demonstrates that lack of diversity and inclusion in society comes with large economic costs, such as labor market shortages, higher income disparity, and lost productivity, thereby reinforcing the need for diversity and equal opportunity achieved by way of affirmative action policies (OECD 2020).

Affirmative action can either be weak or strong (Pojman 1998). Examples of weak affirmative action include increased advertising of positions to oppressed groups, targeted recruitment, and more passive, uncontroversial policies that are generally accepted and practiced today to encourage more equality of opportunity. On the other hand, strong affirmative action is highly controversial as it involves taking more positive steps, garnering itself the term "reverse discrimination" from critics. Examples of strong preferential treatment include quotas and race-based hiring schemes (Pojman 1998, 98). This article specifically looks at strong affirmative action schemes attempting to redress racial harm.

2.2 Exploring Fair Equality of Opportunity
Much of the contentious nature of affirmative action has to do with the concern for fair equality of opportunity, which is the egalitarian belief that one's aptitude alone should determine which social position they end up in, and not factors such as gender, race, and other identities (Pojman 1992, 183). The most famous conception of the principle is presented by Rawls in *Theory of Justice* where he defines equality of opportunity as fairness. Rawls's (1971, 53) second principle of justice states:

> Social and economic inequalities are to be arranged so that they are both: to the greatest benefit of the least advantaged, consistent with the just savings principles, and attached to offices and positions open to all under conditions of fair equality of opportunity.

Rawls's conception of equality of opportunity is twofold. It requires that positions be open to and accessible by all and that everyone has a fair chance to obtain them (Mason 2018, 30).

While the Rawlsian notion of equality of opportunity is highly influential, there are other conceptions of it that offer some useful insight into the debate explored in this article. Joseph (1980) makes the distinction between formal and compensatory equality of opportunity. He defines formal equality of opportunity as emphasizing merit–a non-controversial means of countering discrimination that believes whoever deserves a position must be able to receive it. This is a form of equality of opportunity that critics of affirmative action may be keener to adopt.

By contrast, compensatory equality of opportunity acknowledges that while merit is important, compensation must be made out to those whose ability has been interfered with by circumstances out of their control (Joseph 1980, 394). The compensatory conception has more radical distributive effects that align with strong affirmative action. Supporters of formal equality of opportunity oppose the compensatory conception as it devalues the possibility of an individual developing their own capacity to attain a position against their competitors (Joseph 1980, 394).

Joseph (1980) also asks the question, "equal opportunity to do what?" (398). Here, he distinguishes between competitive and developmental equality of opportunity. The competitive conception involves ensuring equal opportunity in the competition for scarce social positions, whereas developmental equality of opportunity refers to leveling the playing field so that one can develop their talents to the fullest extent. The latter developmental conception of equality of opportunity seeks to mend the division between concern for equal opportunity and equal outcome (Joseph 1980, 398).

Sypnowich (2020) posits that concern with equal opportunity does not necessarily ensure human flourishing which enables people to live under conditions of equality. She argues that what matters is equalizing outcomes. Joseph (1980, 399) concedes to this point that competitive equality of opportunity does not necessarily lead to just outcomes. However, understanding equality of opportunity in the developmental sense may be the key to ensuring human flourishing enabled by equality in outcomes.

The criticisms surrounding fair equality of opportunity and affirmative action are occupied by those who adhere to the more formal and competitive conceptions of equality of opportunity. Affirmative action grants preferential treatment to members of groups based on their identity, and many believe this violates desert and merit, putting different under-represented groups on an unfair pedestal in the competition for scarce positions. Critics interpret Rawls's notion of fair equality of opportunity to arrive at the conclusion that affirmative action prevents positions from being "open to all" (Rawls 1971, 53). This is evident in the following case studies that brought instances of strong affirmative action to the United States Supreme Court.

2.3 Case Studies Demonstrating the Perceived Tension Between Strong Affirmative Action and Fair Equality of Opportunity

Some of the most controversial cases that embody the tension between strong affirmative action and fair equality of opportunity have occurred in the United States. In 1978, the United States Supreme Court issued the infamous Bakke ruling that brought the affirmative action and fairness debate to the judicial forefront for the first time. Allan Bakke, a 35-year-old white man, accused the University of California Medical School at Davis of violating the Fourteenth Amendment's equal protection clause. The school at the time reserved 16 out of its 100 admission spots for qualified students belonging to under-represented groups. While Bakke's scores were higher than those of the minority student applicants in his cohort, he was twice rejected in the admissions process, leading him to conclude that his rejection was due to his race.

The case sparked protests across the country between those who held the view that preferential treatment unfairly excludes deserving white people from obtaining different positions and those who supported the University's preferential admission scheme to address the under-representation of diverse racial groups in the medical field.[3] The divided Court ultimately decided that strict quotas undertaken by the University which exclude certain individuals based on race are unconstitutional. However, the Court also declared that the use of race in the admissions process as one of many other criteria, as opposed to the sole criterion, is permissible, effectively deeming affirmative action as constitutional.[4]

Another controversial case occurred in 1997, where the Centre for Individual Rights filed two cases on behalf of Jennifer Gratz and Barbara Grutter against the University of Michigan's undergraduate admissions system and Law School, respectively, for violating the Fourteenth Amendment's equal protection clause. Gratz and Grutter, both white women, were qualified but denied admission to their respective faculties, leading them to claim that the school's race-based admissions policies disadvantaged them.

In Gratz's case, the Supreme Court struck down the University's undergraduate admissions process which operated on a points system that was deemed to unfairly assign points based on factors such as identity over achievements, hence violating the Constitution.[5] Echoing the Bakke ruling, the University of Michigan's Undergraduate Admissions system was found to be placing an exclusive emphasis on race, rather than adopting a more holistic approach for its assessment.

In Grutter's case, however, the Supreme Court upheld the decision of the University of Michigan's Law School which argued that its race-based admissions policies aimed at increasing diversity in higher education align with its institutional goals and government interests. Interestingly, while the Court agreed with the Law School that diversity is in the interest of the government, Justice Sandra Day O'Connor declared that it shall not be an interest in 25 years, when affirmative action shall be deemed unconstitutional.[6]

This decision alludes to the forward-looking nature of affirmative action, which implements race-sensitive policies in the hopes that one day sensitivity to race will be irrelevant in the competition for scarce positions in a truly just society. One might say that if affirmative action shall not be constitutional in 25 years, it should not be constitutional now. However, this rhetoric misses the mark on the state of race relations in many local and global contexts today.

Starting from the 1978 Bakke ruling, the Supreme Court imposed more and more limits to what affirmative action can look like, including pushing for a more limited form of affirmative action that mandates the consideration of race as one among many other factors. Therefore, it was a surprise when in 2013, the Supreme Court sided with the University of Texas against Abigail Fisher, a prospective undergraduate student who was denied admission to the school and claimed it was due to their race-sensitive admissions policies.[7] Overall, in controversial cases of strong affirmative action, the Supreme Court historically approved a policy so long as it aligns with institutional goals informed by the instrumental value of diversity and does not essentialize race in the admissions or hiring process.

That is, until now. In July 2023, the United States Supreme Court made a historic ruling to reject affirmative action in the country's higher education institutions.[8][9] The Court sided in favor of the plaintiffs, Students for Fair Admissions, a non-profit organization that accused Harvard

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3. Regents of the University of California v. Bakke, 438 U.S. 265 (1978).
4. Regents of the University of California v. Bakke, 438 U.S. 265 (1978).
5. Gratz v. Bollinger, 539 U.S. 244 (2003).
6. Grutter v. Bollinger, 539 U.S. 306 (2003).
7. Fisher v. University of Texas, 579 U.S. 365 (2016).
8. Students for Fair Admissions v. President and Fellows of Harvard College, 600 U.S. 181 (2023).
9. Students for Fair Admissions v. University of North Carolina, pending citation (2023).

University of discriminating against white and Asian applicants by using subjective standards to assess personality traits such as likability. The group also accused the University of North Carolina of discriminating against Asian and white applicants by providing preferential treatment to Black, Hispanic, and Native American candidates.

Members of the Conservative majority of the American Supreme Court cited promoting equality as a reason for voting against affirmative action in American universities and colleges. The Supreme Court sided with the plaintiffs' view that affirmative action in university admissions violates the Fourteenth Amendment. Overall, these case studies culminating in the 2023 court cases highlight the fairness-related criticisms surrounding strong affirmative action that attempts to redress racial harms. It is this tension between the different conceptions of fair equality of opportunity and affirmative action that I seek to resolve in the remainder of this article, to demonstrate that adherents of fair equality of opportunity ought to support strong affirmative action rather than oppose it.

3. Addressing Criticisms that Affirmative Action Violates Principles of Merit and Desert
3.1 Criticisms

One of the principal ways that critics believe affirmative action violates fair equality of opportunity is by granting positions to some based on their identity, thereby dismissing the merit and desert of the broader candidate pool. This, in the critics' view, is inherently unfair and a violation of the fair equality of opportunity principle. Pojman (1998, 99), who argues that strong affirmative action is synonymous with reverse discrimination and therefore has no moral weight, condemns the supposedly anti-meritocratic roots of affirmative action on two grounds.

First, Pojman posits that meritocracy should have a place in society as "we ought to treat people as ends and not merely means" (1998, 113). In his view, affirmative action fails this deontological argument by treating people as a means through the focus on their identity and how it aligns with institutional goals of diversity, rather than personal talents. He believes this is disrespecting their intrinsic worth as human beings. Pojman (1992, 198) also holds that affirmative action negates the value of moral responsibility which holds that one deserves, and is therefore responsible for, the results of their labor and talents.

Second, he makes a utilitarian argument for meritocracy that appeals to many fairness critics of affirmative action. He posits that society is better off if we have the most qualified people in social positions. This is only possible by ensuring equal opportunity which grants positions according to merit (Pojman 1992, 201). These deontological and utilitarian arguments for meritocracy point to the view that affirmative action violates fair equality of opportunity.

3.2 Addressing Merit and Desert Based Criticisms

In response to Pojman, I argue that the meritocratic concern for affirmative action's supposed violation of fair equality of opportunity is misplaced. An alternative conception of equality of opportunity that focuses on procedural justice demonstrates that those interested in upholding meritocratic ideals for the sake of fairness may in fact be violating the very principle they are so keen to uphold. Nagel (2003), for example, defends strong affirmative action on the basis that Rawlsian equality of opportunity supports strong affirmative action policies. He supports the view that a just society as envisioned by Rawls would condemn preferential treatment based on race as it violates fair equality of opportunity (Nagel 2003, 84).

However, it is undoubtedly evident that today's society is not just, and Rawls's theories are ideal in their nature. It is flawed to apply ideal theory to a society that has operated on the basis of slavery, Jim Crow Laws, and countless microaggressions that discriminate against members of

racialized groups leading to their under-representation in many facets of our society (Nagel 2003, 84). Given the far from ideal circumstances in which we find ourselves today, a commitment to fair equality of opportunity means supporting strong affirmative action as it is an exceptional measure that aims to realize a truly just society in the future.

One might still concede that today's society is far from ideal, but still disagree with Nagel on how preferential treatment works to achieve a just society if it discriminates against deserving members of dominant groups. Institutional theories of desert posit that the rules and goals of an institution determine what desert looks like in candidates vying for their positions (Dieterle 2005, 84). This line of argument was successfully used by the University of Chicago Law School which defended their race-sensitive admissions policies by arguing that increasing diversity in the legal field was of instrumental value to the University and the broader legal field.[10]

Therefore, while their admissions policy led to qualified candidates such as Grutter and Gratz being rejected, it still aided the institution in reaching its goal of diversity by admitting other qualified candidates who were from under-represented groups. In other words, the institutional theory of desert posits that the admission of racialized students, albeit some possessing lower but still minimum qualifications, is fair because it is what the institution ought to do to realize its goals.

Critics of affirmative action concerned with merit and desert also appeal to pre-institutional theories of desert to strengthen their arguments. The pre-institutional theory of desert states that "if A deserves X in virtue of Y, then Y must be some quality, characteristic, action, or activity of A" (Dieterle 2005, 86) that does not need to be deemed as desirable by an institution.

This reasoning is what motivated the petitioners of the earlier-mentioned cases. The petitioners believed they deserved admission to their respective universities because of their high GPA and other academic test scores. This was a more salient argument given that in many of the cases, some of the admitted applicants from underrepresented groups had lower academic scores than the rejected white applicants, albeit still passing the threshold for minimum qualification. In this sense pre-institutional theories of desert hold far more weight in criticisms of affirmative action based on desert and merit.

However, an alternative conception of pre-institutional desert can also further justify affirmative action on the grounds of fair equality of opportunity. For the petitioners in the mentioned cases and other critics of strong affirmative action, the relevant qualification or characteristic (the Y in the previous definition of pre-institutional desert theory) is high academic performance.

Dieterle explains that high academic performance is the most relevant factor in a candidate because academic success is something one works to achieve, unlike one's race. He terms this relationship the "responsibility thesis": you are responsible for cultivating the relevant characteristics which makes you a worthy candidate for an educational institution (Dieterle 2005, 87). However, in reality, one's academic performance does not lie solely in the realm of personal responsibility.

Supporters of strong affirmative action do not argue that one deserves to be granted preferential access to a social position solely due to their race; candidates from under-represented groups must still possess the necessary minimum qualifications for the positions they apply to. However, what is important to acknowledge is the reality that more members of under-represented groups have a difficult time meeting the minimum qualifications, let alone going above and beyond them, due to limited resources and cultivation of abilities as a result of systemic discrimination.

A 2019 Report by the United States Department of Education found that the status high school

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10. Grutter v. Bollinger, 539 U.S. 306 (2003).

or General Educational Development (GED) equivalent drop-out rates are highest among Hispanic and Black youth, both groups that have been historically discriminated against in the United States (United States Department of Education 2019, 102). Trends are similarly worrying in the post-secondary context, where undergraduate enrollment from 2000 to 2016 has been highest among white students, and lowest among Black, Hispanic, and Indigenous students as demonstrated in figures A and B (United States Department of Education 2019, 126).

Proponents of competitive, formal equality of opportunity seem to dismiss the fact that these gaps in education, and subsequently wealth and other socioeconomic indicators, are not indicative of an intrinsic inferiority or lack of ability among members of under-represented groups. Lower levels of achievements do not signify that youth from under-represented groups deserve admittance to desirable social positions such as university any less than their white counterparts.

Those who support a purely meritocratic society fail to recognize the fact that discrepancies in representation occur vastly due to systemic barriers that interfere with one's development of their ability and talents. Those who are concerned with maintaining their utilitarian values must therefore be concerned by the violation of procedural justice which warrants a response such as strong affirmative action

The State of Funding Equity Data Tool developed by The Education Trust found that districts in the United States with schools serving more racialized students, in other words, non-white students whose identity subjects them to socially constructed race-based discrimination, receive 16 percent less funding than schools with predominantly white students. The discrepancy in funding leads to a myriad of negative outcomes in schools with more racialized students such as higher teacher turnover rates, poorly qualified teachers, larger classroom sizes that interfere with learning, less specialized courses, and other factors that play a significant role in determining a student's academic outcome (Dieterle 2005, 89).

There is no question that the uneven playing field created by systemic discrimination has had a large imprint on racialized students' life outcomes in ways that are beyond their control. Bakke, Gratz, Grutter, and Fisher were not all simply more deserving of admittance to university; they faced far better chances in life just by virtue of their unearned race. When combined with natural or earned abilities and talents, that is an advantage one cannot dismiss.

I have so far argued against the claim that affirmative action violates fair equality of opportunity by dismissing merit and desert, by appealing to institutional and pre-institutional theories of desert (Dieterle 2005). Overall, my response distills to the fact that desert and merit are not achieved in a vacuum; it takes a village for a success story. Therefore, it is mistaken to cite merit or desert-based arguments and say that qualified white people are losing out on opportunities unfairly due to strong affirmative action when racialized people have been presented with significantly less opportunities to develop competitive qualifications.

In addition, I further posit that admissions and hiring processes for desirable social positions should reward resiliency, which is displayed by most racialized candidates who are in consideration for competitive positions despite the barriers they face. Underlying the critics' merit and desert-based objection is a skewed understanding of what just procedure looks like.

Many argue that Rawlsian fair opportunity in hiring and admissions processes is best maintained through color-blind policies that purely reward merit. This view is exemplary of the popular understanding of Rawlsian just procedure. Following this view, hiring and admissions outcomes that may result in disproportionately white schools or workplaces are fair as long as just procedure is followed and only merit is considered.

This is problematic, and Meshelski (2016) provides a more nuanced interpretation of Rawlsian just procedures that accepts strong affirmative action. She posits that for Rawlsian fair equality of

opportunity to be realized, background circumstances must be just as well. An admission or hiring procedure cannot violate equality of opportunity if it works to equalize life chances for individuals across the board. Affirmative action therefore ensures just procedure which leads to the desirable outcome of at least somewhat equalizing life chances where racism has altered them.

Overall, critics maintain that strong affirmative action violates the notions of merit and desert which is unfair to qualified white candidates vying for desirable social positions. However, desert and merit are to a certain extent byproducts of the social landscape one belongs to. Systemic discrimination interferes with one's development of talents and abilities, thereby violating procedural justice. Therefore, strong affirmative action is an exceptional measure that is needed in a discrimination-ridden, non-ideal society, in order to ensure fair equality of opportunity rather than hinder it. Merit-based hiring and admissions processes will only be just if they account for white privilege which comes at the expense of racialized groups subject to historic and ongoing injustice.

4. Examining and Responding to Group Rights-Based Objections to Affirmative Action
4.1 Criticisms

While I have so far demonstrated how Rawlsian fair equality of opportunity supports affirmative action if re-interpreted in a way that emphasizes procedural justice, some take issue with the idea that affirmative action grants rights and preferences to groups. Group rights are held collectively by members of a group, as opposed to individual rights which are held by each autonomous individual regardless of their membership in any group.

Critics of affirmative action regard fair equality of opportunity to mean that every individual should possess the same chances to obtain social positions. Therefore, by granting preferential treatment to individuals in response to wrongs that were not committed to them on an individual basis, but due to the groups they belong to, critics view affirmative action as a violation of fair equality of opportunity (Appiah 2011, 275). They posit that the locus of liberalism rests on individual rights, not group ones. Therefore, critics cannot justify affirmative action through liberal principles of rationalism and individualism (Bell 2023, 58).

Criticisms of affirmative action's granting of group rights and its implications for fairness span beyond this ideological concern as well. Granting rights to groups, rather than individuals, is problematized in two more ways.

First, some claim that racialized people today do not suffer race-based discrimination to the same extent as their ancestors, and white people today are not responsible for the harm perpetrated by their ancestors (Sowell 1989). Therefore, affirmative action unfairly benefits members of groups that are not disadvantaged today at the expense of unfairly limiting the opportunities available to members of the dominant group.

Second, some critics argue that not all members of a racialized group experience the same harm, and not all will benefit the same from affirmative action. By granting rights on the basis of group membership, we run the risk of granting preference to already privileged members of racialized groups, leaving behind members of those groups who need the most help and white people coming from low socioeconomic backgrounds (Abram 1986, 1322).

4.2 Responding to Group Rights-Based Criticisms

There are several responses available to the criticisms that affirmative action violates fair equality of opportunity by granting rights to groups. In his defense of affirmative action, Wagner (1990) challenges the primacy of individual rights within the liberal framework by adopting the concept of constitutive justice. He maintains that in today's society, we derive the notion of jus-

tice from pre-established rights. Given that the pre-designed system of liberalism emphasizes individualism, only rights that are entitled to individuals are deemed as just. However, Wagner (1990, 96) proposes the constitutive justice lens which demands the derivation of rights from a pre-defined notion of justice. He posits that redressing the effects of racism demands such a constitutive view.

Searching for answers within the institutional framework that created the grand disparities we see today will not get us to a position from which we can meaningfully combat racism. Therefore, while modern liberal society emphasizes the individual and their rights, this does not allow us to realize justice towards under-represented groups that have been discriminated against. Wagner (1990, 97) proposes adopting a notion of justice that embraces the fact that no one has an entitlement to advantages in a social system that never distributes opportunities and chances to individuals in an equal or just manner. From this conception of justice, we can derive and justify group rights that attempt to remedy institutional harms committed to racialized groups.

While some may be convinced by Wagner's alternative conceptualization of justice which defends group rights, others might still take issue with the actual granting of such rights to members of under-represented groups under affirmative action. This is due to two reasons: the belief that today's recipients of affirmative action were not subject to historical racism (and that it was not perpetuated by today's white people), and that there are in-group discrepancies within under-represented groups and their deservingness of preferential treatment. However, I believe that these criticisms fail to appreciate the true functioning of institutional racism. While not all white people today may have directly contributed to historical legacies of racism such as slavery, they are beneficiaries or "passive recipients of group benefits" (Boxill 1972, 120) deriving from institutional racism.

In *The Souls of Black Folk*, Du Bois (1903, 15) claimed that "the problem of the twentieth century is the problem of the color line," referring to the hierarchical, racial, and capitalist division that segregates white and Black folks in America. Even in the twenty-first century, while formal segregation has been abolished in the law, gaps in socioeconomic conditions demonstrate that the color line is still very much in effect. This result is partly attributable to the inheritance of wealth accrued by generations of white people through the exploitative slave trade. Even if not all descendants of white people today owned slaves in the past, the systemic discrimination from that time has transcended to affect how racialized people are viewed and treated today. It is following this line of reasoning that Boxill (1972, 121) replies to critics by positing that racialized folks hold partial rights to the benefits enjoyed by white people today.

Next, in response to the argument that affirmative action unfairly benefits well-off members of under-represented groups while limiting opportunities to worse-off members of the dominant group, Appiah (2011) contends that unique identitarian and probabilistic harms faced by racialized people outweigh this concern. He defines identitarian harms as those faced by Black people due to their race (Appiah 2011, 277). No matter how high up in the echelons of society a racialized person may find themselves, they will often be subject to various stigmas and stereotypes reserved for members of their group. Even if members of racialized groups overcome socioeconomic barriers (that intersect with racism), race-based discrimination alone permeates the experience of racialized people in a myriad of other ways, some that are subconscious such as implicit biases. Money cannot buy one's way out of systemic oppression.

Appiah also argues that probabilistic harms work to disadvantage almost all Black people in the United States, especially in the competition for scarce resources and positions. He writes, "... on average, a black person enters most public contexts with a serious risk of paying higher psychic and material costs than otherwise identical white people" (Appiah 2001, 276). Even if

one might argue that some racialized people may not face any discrimination, the fact is that racialized people face a higher probability of experiencing such harm on any given day by virtue of their identity. Therefore, to claim that affirmative action unfairly improves the chances of a racialized individual in the competition for scarce positions due to their group membership, is to dismiss their everyday lived experiences and constant exposure to harm.

The oppression faced by individuals due to their group membership demands a response that addresses the group. Even if "the proverbial son or daughter of the black neurosurgeon who got into Stanford or Harvard under an affirmative action program" (Delgado 2012, 4) may benefit over a less well-off white student, the landscape of wealth differs drastically among racial groups. Research demonstrates that a Black middle-class family may face more financial insecurity than a white middle-class family (Delgado 2012, 4). Furthermore, Black people in the United States are more susceptible to falling into generational poverty than poor white people (Delgado 2012, 4).

Even in the circumstances where affirmative action occasionally may benefit a well-off-racialized person (which happens rarely as strong affirmative action should, as deemed by the United States Supreme Court, consider race as one among many other factors in a candidate), I do not view significant harm in this as our society routinely benefits well-off members of the dominant group regardless of affirmative action's appeal to historic justice. This criticism is a weak objection to affirmative action considering that many strong affirmative action schemes adopt an intersectional perspective which considers the different ways that oppression tied to a myriad of identities held by a person can interfere with their life chances.[11]

Overall, because critics perceive equality of opportunity to be the equalization of life chances among individuals, they take issue with affirmative action as it grants rights and preferential treatment to groups rather than individuals. This is problematized by those who uphold individualism as the pinnacle of liberalism and posit that racialized people today do not face the same harm that their ancestors did. Furthermore, critics believe that affirmative action unfairly limits the chances of innocent white people while also running the risk of unnecessarily rewarding well-off members of racialized groups.

However, Wagner's account of constitutive justice offers a fresh perspective that still uses liberal principles to conceive a version of justice that defends group rights given the institutional nature of racism. Furthermore, drawing from Appiah's work on studying racism faced by African Americans, racialized people suffer identitarian and probabilistic harms that can only be addressed by group-based responses. Even in the rare cases in which a rich racialized person obtains a position thanks to affirmative action, this is not a significant harm in a system where white people routinely have more avenues for socioeconomic progression available to them, compared to the overall standing of racialized groups in society due to systemic prejudice against them.

5. Conclusion

In conclusion, I have argued that strong affirmative action can be reconciled with the goals of fair equality of opportunity. This article has focused on strong affirmative action that attempts to redress the effects of systemic racism. I have presented this argument by responding to critics of strong affirmative action who are concerned about its supposed violation of fairness through the neglect of merit and desert in candidates vying for competitive social positions, and through its granting of rights to groups as opposed to individuals.

I have responded to these criticisms by emphasizing theories of institutional and pre-institutional desert presented by Dieterle, and procedural justice as illustrated by Meshelski which

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11. The phrase "intersectionality" was coined by Kimberlé Crenshaw in On Intersectionality.

demands strong affirmative action to rectify racial harms committed over generations. Leveling an uneven playing field is, as Nagel shows, consistent with Rawlsian thinking on justice and equality of opportunity. I have also presented several responses to critics of strong affirmative action that problematize its granting of group rights.

First, Wagner presents an innovative approach to justifying the granting of group rights with constitutive justice, which states that we ought to first define justice in a manner that attempts to rectify racist harm that has occurred under the status quo, and then derive rights from that conception of justice. Furthermore, to the point that strong affirmative action may privilege racialized people unfairly in the competition for scarce positions, I demonstrate that only a group-based response such as affirmative action can adequately address the harms committed to individuals based on their membership in a group, primarily using the works of Appiah, Boxill, and Delgado.

Overall, while the concern for ensuring fair equality of opportunity is important, the concern is at best misguided in the context of opposing strong affirmative action. Different policies that fall under the umbrella of strong affirmative action aim to do the very thing that fairness critics feel so strongly about: level a highly uneven playing field. Fairness critics of strong affirmative action misunderstand the nuances and depths of systemic injustice and how it alters the life chances of racialized groups for generations. While weak affirmative action is helpful, only a stronger form of the policy can help to redress the depths of racial harm if we aspire to build a truly just society one day.

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CRITICAL JUNCTURE THEORY AND THE REPEAL OF THE BRITISH CORN LAWS

David Weatherup

Traditional historical institutionalist explanations for the repeal of the British Corn Laws tend to be somewhat vague. I suggest that Critical Juncture Theory offers a more refined way of providing an explanation, and using the concepts of Permissive and Productive conditions I sketch an account of the Repeal. Critical Juncture theory also suffers from problems, and I endeavor to remedy them using guidelines from Hogan (2006). Using this method, Repeal is found to qualify as a Critical Juncture quite readily. While some ambiguities and theoretical questions remain, overall the suggested approach yields a considerable improvement on the lack of clarity (particularly in temporality) of the conventional accounts.

1. Introduction

The repeal of the 1815 Corn Laws, which imposed an average duty of 28% on imported grain (Irwin and Chepeliev 2021) in 1846 was an extremely controversial political issue in nineteenth-century Britain, fracturing the governing Conservative Party and setting the scene for Britain's adoption of near-complete free trade (Nicholson 1904), which was to last until the Great Depression.

An enduring puzzle is why the Prime Minister, Sir Robert Peel, repealed the Laws against the wishes of much of his own party, and also why Britain remained so committed to free trade thereafter, despite an 'invasion' of cheap foreign grain later in the century. The existing literature tends to emphasize some combination of interests, institutions and ideas in forcing Repeal. However, explanations of how these factors operated and interrelated as causal mechanisms are often left unclear, when they are given at all.

I propose to use Critical Juncture Theory to remedy this explanatory gap, arguing that long-term changes to the British economy as a result of the Industrial Revolution acted as a 'Permissive Condition' for restructuring British politics in favor of workers and manufacturers over farmers and landowners. Only with this consideration in place could 'Productive Conditions,' like financial interests and political ideology, combine to force the Conservative government to embrace the cause of Repeal. The decision to adopt free trade was then 'locked in' and was retained even as British agriculture suffered and other countries adopted protectionist policies later in the 19th century.

I test my account using Hogan's (2006) framework, which aims to set out rigorous conditions to test for the presence of a Critical Juncture. I find that Repeal does indeed qualify as a Critical

Juncture, but that some theoretical problems remain which are arguably inherent to the subject matter. Overall, solving the puzzle of Repeal enables us to situate Repeal in the broader context of changes produced by the Industrial Revolution, and provides insight into how legislatures' decision-making on divisive issues can be studied more effectively.

2. The Puzzle of the Shift Towards Repeal

As Schonhardt-Bailey (2006) points out, the decision of the Conservative Prime Minister Sir Robert Peel and his followers to support Repeal in 1845-46 seems a strange one.

First, as representatives of the landed interest, his party was strongly protectionist; voting against a pro-Repeal motion in Parliament by 308-1 as late as 1844 (Irwin 1989), and its members stood most to lose from Repeal, particularly the unelected landowning members of the House of Lords (Schonhardt-Bailey 2006). In this period, the wealthiest 10% of the population drew 23% of its income from land rents, benefiting from the high price of grain enjoyed by farmers due to the Corn Laws (Irwin and Chepeliev 2021).

Second, Repeal split the Conservative Party, with around one-third supporting Repeal, causing the collapse of the government in the summer of 1846 and leaving the Party unable to form a long-lasting administration for decades (Schonhardt-Bailey 2006).

Another puzzle is why, given that Repeal failed to substantially lower food prices (Irwin and Chepeliev 2021), the government did not act to protect the agricultural sector when it became seriously threatened by cheap American grain imports later in the century. Ensor (1936) writes that British agriculture after 1877 lost its position as the most technologically advanced in Europe, and steadily lost workers to the industrial sector and emigration, particularly farmers who worked grain-suboptimal land or were unable to readjust to lower prices post-Repeal (Vugt 1988). This development occurred against a backdrop of increasing protectionism elsewhere in Europe, including for agriculture (Pickering and Tyrrell 2000; Ensor 1936).

3. The Current Literature

Central to the current debate on Repeal are the relative importance of interests, ideas, and institutions. Typical of this is Schonhardt-Bailey (2006), who holds that these three factors combined to make Repeal possible. She believes that a widely popular ideology made the pro-Repeal Anti-Corn Law League effective, while also providing an impetus for Peel's followers to deviate from traditional Conservative doctrine, that the increasing interest of industrialists in Repeal and the decreasing interest of landowners in protectionism encouraged politicians to back Repeal, while institutions, particularly Parliament and public officialdom, were increasingly cognizant of the wide unpopularity of the Corn Laws in public opinion when making policy decisions.

Other accounts single out one of these factors as most important. Irwin (1989) believes that economic ideas were the key factor in Peel's move to Repeal, while Lusztig (1995) explains his decision as springing from a political interest in preserving the institutional status quo of government against greater democratization. Pickering and Tyrell (2000) stress the importance of the Anti-Corn Law League (founded in 1836), which combined opposition to the unpopular policy with sophisticated organization—it was distributing over nine million pieces of literature annually by 1843 and had become, at least in theory, a formidable political force in getting pro-Repeal candidates elected to Parliament. Meanwhile, Lusztig (1995) denigrates the importance of economic ideology, pointing out that Adam Smith's Neoclassical economic theory was well established long before the passage of the Corn Laws, and that Smith himself admitted that national security justified protectionism in some cases.

These historical institutionalist explanations suffer from a lack of clarity over how these

factors relate, especially temporally. For instance, Schonhardt-Bailey (2006) states that industrialization facilitated the Repeal movement, but does not make explicit how this long-term, facilitating factor related causally to the interests, ideas and institutions that actually forced the government to adopt Repeal. There is also the problem of overlap between the factors: Parliament had indeed become institutionally more amenable to Repeal, but this was a result of ideology and interests, according to Schonhardt-Bailey (2006). The influence of these seems to have been indirect and complex in operation, at least with regard to policy-making by civil servants, explored by Brown (1958) in her study of the turn of the government Board of Trade against protectionism.

Hence, this traditional approach renders the three factors chimerical, their precise causal effects are frequently left unclear, and the distinctions between them are blurred and somewhat arbitrary—rendering it difficult to decide what factor, if any, was the ultimate cause of Repeal. This inherent lack of clarity over causal mechanisms can be remedied by Critical Juncture theory (Fiorestos et al. 2016; Skocpol 1979).

4. Critical Juncture Theory

In response to lack of clarity regarding Repeal, I propose to use critical juncture theory as refined by Soifer (2012) and Hogan (2006). Critical juncture theory is invoked to explain periods when institutional development takes a new path, typically over a short period (Capoccia 2016; Hall and Taylor 1996). Institutions are assumed to be normally stable and path-dependent, but in certain periods of flux (called critical junctures) more dramatic changes are possible, and the choices made during these periods set institutions on a given 'trajectory', closing off previously open alternatives (Capoccia and Keleman 2007).

Soifer (2012) distinguishes between the permissive and productive conditions required to cause a critical juncture. permissive conditions produce a "loosening of the constraints of structure" necessary for institutional transformation to occur (1573). Hence, permissive conditions "change the underlying context to increase the causal power of agency", creating the opportunity for productive conditions to cause a change in policy (Soifer 2012, 1574).

Productive conditions (such as interests or ideas) "operate within the possibility space" created by the permissive conditions to produce a certain outcome (1575). The institutional change produced in a critical juncture will persevere over time in a path-dependent fashion (Soifer 2012): the initial alteration will remain even when suboptimal outcomes result, (Fiorestos et al. 2016; North 1991), as was the case with post-Repeal British agriculture.

The second element of my analysis is supplied by Hogan (2006). He sets out a framework of broad standards for classifying events as critical junctures; identifying 'generative cleavage' and the requirement that change be "significant, swift, and encompassing" (Hogan 2006, 664) as criteria. He defines 'generative cleavage' as unanticipated events that provoke change, essentially playing the role we assigned to productive conditions, and the 'encompassing' nature of a critical juncture as affecting "all, or most, of those who have an interest in the institution or institutions it is impacting upon" (666). He also cites the need for relevant and clearly defined measurement of the change to test its significance that is nonetheless relevant to the subject at hand, rejecting the notion of incremental change on the basis that change must be quick to be radical.

In the next section, I apply Soifer's critical juncture theory to construct an account of the repeal of the Corn Laws, and then test the explanation using Hogan's framework. This approach allows us to see the ideas and interests that acted to produce Repeal as 'temporally nested' within broader patterns of change, which makes for greater conceptual clarity and places Repeal into a

wider context of political change induced by the Industrial Revolution, rather than being a mere historical anomaly.

5. Permissive Conditions

The political and economic change caused by the Industrial Revolution created Permissive conditions that favored Repeal in three ways: it created an environment in which the impact of the Corn Laws was felt across the entire country, it increased the wealth and influence of industry at the expense of agriculture, and it increased wage inequality, which caused vulnerability to price fluctuations (Allen 2015).

5.1 Wage Inequality

According to Allen (2009), the Industrial Revolution began in Britain because wages were high and energy (in the form of coal) was cheap, so that there was an incentive to develop energy-intensive labor-saving technology. Allen argues that this ultimately led to unemployment and lower wages as employers attempted to minimize labor costs, particularly in the textile industry.

Although the role of high wages in causing the Industrial Revolution has been challenged by Stephenson (2018), who finds fault with Allen's wage data, Allen seems to be on firmer ground when he argues that the position of workers declined in the late eighteenth and early nineteenth centuries. Studying the subsistence ratios (income divided by the cost of maintaining a family at a minimum level of consumption) of handloom weavers, agricultural workers, and building laborers from 1770-1860, Allen (2015) finds that the income of these groups diverged widely from the 1780s. Handloom weaver's wages fell from being comparatively high in the 1770s to "bare bones subsistence" post-1830, while agricultural workers saw only a moderate increase (but were earning three times as much as the weavers by 1840), and building laborers ultimately doubled their real earnings by 1850 (Allen 2015, 19).

Feinstein (1998) provides a similar picture of economic stagnation for the average working-class family, with living standards improving by only 10-15% during the entire 1780-1850 period. Combined with the high proportion of income spent on food: 42% for the bottom 90% of the populace (Irwin and Chepeliev 2021), this meant that many consumers were vulnerable to fluctuations in food prices (Nicholson 1904).

This was especially true after 1828, when the absolute prohibition of grain imports in times of plenty was replaced by a complex 'sliding-scale' of tariffs, with the tariff calculated using average prices in 148 towns across the country (Vamplew 1980). This made prices more variable, as imported grain was only taxed when it was released for sale, not when it arrived in the country (Vamplew 1980).

As a result, merchants hoarded the grain in warehouses until the duty was as low as possible (Fay, 1921), at a period when transportation costs could double or triple year to year (Sharp 2010). Also, despite this modification, the duties could still be sufficiently high to make imports effectively impossible, as occurred in 1834-36, during which the amount of wheat imported totaled 2,428 quarters, compared to the 166,128 imported in 1832 alone (Sharp 2010).

The resulting high wheat prices in years of domestic scarcity (though the Corn Laws also covered other grains, like barley and oats) were a particular grievance given wheat bread's importance in worker's diets: inability to afford it was a mark of poverty (Pickering and Tyrrell 2000). Hence, these circumstances created an environment in which productive conditions could successfully force Repeal, especially with poor harvests and famine in Ireland in the 1840s (Sharp 2010).

As an aside, it is noteworthy that the only area in Europe with a similar level of industrializa-

tion relative to agriculture, Belgium, was the only other country in Europe to refrain from implementing grain tariffs in the 1870s as a response to the influx of cheap American grain—although it is perhaps more debatable whether the Belgian case can be classed as a critical juncture, of which more later (Van Dijck and Truyts 2014).

5.2 Increased Importance of the Export Industry

At this period, the Industrial Revolution was also making free trade, and by extension, the Corn Laws, a matter of national, rather than regional, interest. This development was partly enabled because of the concentration of Britain's powerful textile export industry in Lancashire (Schonhardt-Bailey 2006). Lancashire was uniquely suited for the industry because of its cheap coal (Balderston 2010) and the resulting industrial concentration made organizing pressure groups easier. The Anti-Corn Law League's staunchest support came from Lancashire towns, especially in its base in Manchester (Schonhardt-Bailey 2006; Pickering and Tyrrell 2000).

This was important because the Lancashire exporters had a direct interest in Repeal: they argued that if foreign countries became more prosperous as a result of exporting wheat to Britain, they could purchase more British manufactured goods cheaper than their own, thereby eliminating competitors and selling more goods at the same time (James and Lake 1989). Given Britain's dominance in the world manufacturing and textile trade (with a 29% and 37% market share respectively (Irwin and Chepeliev 2021)), support for Repeal became a rational strategy for the export industry (James and Lake 1989).

Pincus (1975), by contrast, argues that more locationally dispersed industries are more successful at lobbying since they are not associated with a single interest. After 1830, the export industry met this criterion as Britain's exports as a share of industrial output had been steadily increasing (Esteban 1997) with attendant diversification and dispersal of export-oriented trade all over the nation, not just Lancashire, where textiles remained concentrated (Schonhardt-Bailey 2006).

Hence, by 1846 Pro-Repeal interests enjoyed the double advantage of a concentrated and dominant textile export industry while the broader export sector was spreading its activities wider, so that the cause of Repeal could call upon a nationwide pool of support and avoid appearing as a merely self-interested textile export lobby group (Schonhardt-Bailey 1991).

5.3 Increased Influence of Industry

Although the Industrial Revolution was actually a gradual process, it altered the balance of the British economy in favor of industry over agriculture (Hoppit 1987, 215). This meant that the landed aristocracy, who benefited from the Corn Laws, faced competition for political dominance from newly wealthy factory owners, bankers, and merchants, who made up 27% of the House of Commons by 1831 (Jupp 1990). The reasons for this were twofold: first, firms were becoming larger and more capital-intensive with the advent of mechanization (Howe 1984). These barriers to entry for other firms meant that the existing large ones (which employed an average of 400 workers each by the 1830s) had more to gain from Repeal-induced higher profits (Schonhardt-Bailey 2006).

Second, the Industrial Revolution caused legislative institutions to become increasingly corrupt and unrepresentative due to changing demographics. Populous new industrial towns such as Manchester and Birmingham had no parliamentary representation, while formerly populous constituencies with tiny electorates (called 'rotten boroughs') did (Lizzeri and Persico 2004). The Government had given way to pressure to improve this situation with the passage of the Reform Act of 1832, which redrew electoral boundaries and also extended the voting franchise from

400,000 to 650,000 people, by reducing the property qualification required to become a voter (Phillips and Wetherell 1995).

Federico (2012) states that the Act did not directly cause Repeal, pointing out that the 1828 'sliding-scale' modification was introduced by an unreformed Parliament, and that in any case the Corn Laws would not be repealed for another fourteen years. However, it represented a major concession by the aristocracy and raised the possibility that more would follow (Wasson 1980).

This concession created a more favorable environment for institutional change, as the landowning elite's bargaining position became much more vulnerable; they would have to make concessions to the new industrial interest (who had been the main beneficiaries of the franchise extension (Lizzeri and Persico 2004)) or face further Reform (Lusztig 1995).

6. Productive Conditions

The permissive conditions created by the Industrial Revolution did not automatically produce Repeal, they merely created a favorable environment for it. Rather, it required productive conditions to actually produce the outcome that the permissive conditions made possible (Soifer 2012). Following historical institutionalist theory, we shall examine both the conditions of interest groups and ideas as well as the impact of institutions (Hall and Taylor 1996).

6.1 Interest Groups

The most important pro-Repeal interest group, the Anti-Corn Law League, exploited the favorable configuration of Britain's industry with highly effective lobbying. Led by Radical politicians Richard Cobden and John Bright, it had a centralized and sophisticated administrative structure, with district branches subordinate to headquarters in Manchester, and full-time clerical staff and fundraising agents (McCord 1959).

This administrative structure allowed it to raise large sums of money, mainly via subscriptions and collections (over £116,000 in 1845 alone), much of which came from owners of large cotton firms who believed they would benefit from Repeal (Howe 1984; McCord 1959). The money was invested in producing its own newspapers, advertising, and political tracts, as well as paying speakers to hold rallies and other fundraisers (Pickering and Tyrrell 2000; McCord 1959).

This development culminated in the 1845 'bazaar' or industrial exhibition held at Convent Garden Theater in London, where the "profuse forms of Victorian commodity culture" (Gurney 2006, 385) produced by British industry were displayed, including cloth, ironwork, cutlery, and pottery, complete with refreshments, bands, and a raffle. It was extremely effective at drawing publicity and as a fundraiser, raising over £25,000 (Pickering and Tyrrell 2000; McCord 1959). The League also ran voter registration campaigns in the hope of influencing elections, and although this proved to be somewhat inefficient, it forced Members of Parliament to take greater account of their constituents' interests in Repeal (Schonhardt-Bailey 2006; McCord 1959).

This success was complemented by the weakness of the League's opponents, notably the Central Agricultural Protection Society (or 'Anti-League') founded in 1844 by Robert Baker to uphold the Corn Laws (Lawson-Tancred 1960). However, it faced problematic divisions amongst its supporters. These were a heterogeneous mixture of poor tenant farmers and aristocratic landowners who had few interests in common and who found it difficult to cooperate—partly because landowners feared mobilizing the unfranchised electorate, who might later demand democratic reforms (Mosse 1947).

This disunity of purpose was matched by lack of organizational efficiency, as it had little support from Conservative parliamentarians, its central committee was weak and dependent on local branches, and its attempts to convert the urban working class to Protectionism was half-hearted

(Lawson-Tancred 1960; Mosse 1947). Indeed, Mosse (1947, 134) calls it "doomed to failure" owing to its reluctance to match the League's radical tactics. This lack of proactivity from wealthy potential donors and supporters may have been caused by the diversification of the landed elite's income sources. By 1846 profits from land rent were not their only source of income, so that their interest in retaining the Corn Laws was weakening (Schonhardt-Bailey 2006).

6.2 Ideas

Ideology was closely linked to the effectiveness of pro-Repeal interests. The Anti-Corn Law League drew upon the theories of Neoclassical political economists, such as Smith and Ricardo (Pickering and Tyrrell 2000), who argued that the Corn Laws dragged resources into agriculture, so that Britain could not use its comparative advantage in producing manufactured goods, that it caused excessive variability in grain prices, and that it decreased the profits of industry (Irwin 1989).

However, the League was also able to fuse economic ideas to political and even theological imagery to appeal to the religious, particularly the Nonconformist, middle class. Speakers at its rallies regularly denounced the political dominance of the aristocracy and landowners using quotations from the Bible, along with public commemorations of the victims of the 1819 Peterloo Massacre, who had been killed by soldiers while protesting for universal suffrage (Pickering and Tyrrell 2000).

Ideas also played a key role in the landowning elite's acceptance of repeal. The pro-Repeal 'Peelite' Conservatives believed that rather than obstructing change, the Conservative Party should reform governmental institutions as a means of perpetuating them, as outlined in Peel's 1834 Tamworth Manifesto (Hedeen 2015). Moreover, despite their reputation as a Protectionist party, Conservative MPs did not necessarily hold staunch ideologically Protectionist economic views.

Instead, many saw the Corn Laws more as an issue of national security after the Napoleonic Wars (Gambles 1999). This concern was partly drawn from the economist Thomas Malthus (1815), who not only feared the effects of Repeal on farmers, but also foreign countries' interference with imported grain supplies should Britain become dependent on them. It could be argued that the long peace following the Napoleonic Wars and the readier availability of grain from the colonies, particularly from Canada (Jones 1941) diminished such concerns, at least in the arena of public debate.

Also, as Schonhardt-Bailey (2006) remarks, the unelected House of Lords could have chosen to veto Repeal; especially since the Lords regarded themselves as upholding the aristocratic "territorial constitution" against popular demands for greater democratization (228) . However, ideological desire to maintain the British constitution meant that they voted in favor of Repeal, fearing a popular revolution if they refused (Lusztig 1995).

Similar beliefs prompted Peel to move towards Repeal in the first place; he thought that the 1832 Reform Act had set a dangerous precedent of lobby groups influencing Parliament's decisions, and hence decided to launch a "preemptive strike against... agitation for constitutional reform" (Lusztig 1995, 396). Indeed, the organizers of the Anti-Corn Law League encouraged this assessment by openly associating with the radical Chartist movement, which pushed for even more extensive Parliamentary reform (Pickering and Tyrrell 2000).

6.3 Institutions

Of course, the institutional design of Parliament played a major role as the existence of regular elections compelled MPs to take stock of their constituents' views, and indeed Schonhardt-Bailey

(2006) believes this provided the means for constituents to pressurize their MPs into supporting Repeal—the Peelites being particularly susceptible to this as their constituencies tended to contain more pro-free trade interests.

However, pro-Repeal interests were able to take advantage of other institutions as well, particularly the Post Office. Reforms under the previous administration (in 1840) allowing for cheaper postage were welcomed by pro-Repeal lobbyists, as it facilitated the mass mailing campaigns that the Anti-Corn Law League came to depend on (Jordan 1965). Meanwhile, attempts by the government to use the Post Office against known radicals backfired spectacularly; the Home Secretary was lampooned in the 1845 bazaar after the revelation that he had ordered the opening of notable political radicals' letters (Pickering and Tyrell 2000).

Brown (1958) finds that by the 1830s, pro-Repeal ideology had become entrenched in the Civil Service, particularly the Board of Trade, which dealt with foreign commerce and customs, though primarily in advising other departments. She shows that the Board cooperated extensively with pro-Repeal MPs in the 1840 Select Committee on Export Duties, giving its expert opinion that freer trade was desirable, for reasons as diverse as reducing the incentives to smuggle goods, improving general economic growth, and because they believed some industries simply no longer required protection.

These conclusions were lent an air of urgency because Britain had suffered a run of failed commercial negotiations from the 1830s onward both within Europe and elsewhere, particularly in the Americas, which the Board of Trade largely blamed on ill will created by British protectionism (Brown 1958).

It might be thought strange that the extensive array of colonial or colony-related institutions in the Britain of the 1840s did not exert more influence against Repeal. Gambles (1999) has shown that empire formed an integral part of Conservative economic thinking, and in particular, they were key supporters of the monopolistic government of the East India Company (EIC) against the liberalizing objections of the Whigs.

Several factors rendered the weight of colonial institutions in the debate negligible. Although colonial interests found some influential spokesmen in Parliament, they were not directly represented in that body, and secondly, grain tariffs remained predominantly a matter of foreign, not imperial trade (Schuyler 1917)—only Canada was substantially affected (Jones 1941)—so that powerful colonial institutions like the EIC had less reason to partake in the debate.

Moreover, even those domestic industries which were generally strongly protectionist, such as the shipping industry, tended not to extend their lobbying activities outside their immediate interests so that a broad-based protectionist coalition never came into being (Brown 1958).

7. Summary and Further Problems

A critical juncture theory account of Repeal proceeds as follows. The interests and ideas behind Repeal could operate at maximum effectiveness due to the permissive conditions discussed above, while their opponents' were badly disadvantaged. Under the pressure of the productive conditions, the protectionist elites were compelled to compromise to protect the political status quo. Their acceptance of Repeal was only a part of their gradual adaptation to the political changes brought about by the Industrial Revolution (Jupp 1990), such that the House of Commons voted to repeal the Corn Laws by 327 votes to 229 in May 1846, followed by its acceptance in the House of Lords (Schonhardt-Bailey 2006).

The institutional structure had been so changed by the Industrial Revolution that even the Conservatives found it politically impossible to reintroduce Protectionism during the agricultural depression of the 1870s (Blake 1998). The decision of 1846 was 'locked in' by path dependency.

As Ensor (1936, 118) put it: "England, being now the workshop of the world, staked her future upon continuing to be."

Attractive as this story may be, a number of observations are appropriate. First, we have no way of falsifying this account. Once we have decided to view Repeal, or any other event, through a 'critical juncture' lens, there is little or no empirical evidence that could prove that we were wrong to label the event as such.

Second, we have no real way of comparing the 'Repeal critical juncture' with other critical junctures that might have occurred at other times and places, as we lack an objective set of criteria that can determine whether a particular event can be classified as one.

Third, as a result of the previous two points, there is little use for critical juncture theory as an analytical tool for studying Repeal. It comprises at best a convenient set of labels. For these reasons, we must proceed to test our account of Repeal against the criteria set out by Hogan (2006).

8. Testing the Critical Juncture Account

In light of the above problems with the unquestioning labeling of Repeal as a critical juncture, we shall now apply Hogan's (2006) tests of significance, rapidity, and encompassing nature of the resulting change to see whether it qualifies as one.

8.1 Significance of Change

Hogan stresses the need for measurements of change, fitted to the case at hand, to test for significance. There are, of course, many criteria that could be used, particularly if Repeal is considered as part of Britain's wider shift towards free trade, but for brevity, we shall focus exclusively on the direct changes as a result of Repeal.

Hence, perhaps the greatest obstacle to classifying Repeal as a critical juncture is the relatively limited economic impact it seemed to have on society at large, as demonstrated by Irwin and Chepeliev (2021). They find that although Repeal was a progressive policy that benefited the bottom 90% of society, the benefit was not particularly large: a 0.3-0.6% increase in welfare, mostly due to higher real wages (a decrease of 1.4% was found for the top 10%, primarily caused by falling land rents). The central problem was that foreign countries did not produce enough grain for export to drastically lower grain prices, although Vamplew (1980) finds that domestic cereal production did decline post-Repeal at least partially because of cheaper imports.

Moreover, tariff reduction was by no means a panacea guaranteed to improve welfare. Irwin (1988) argues that unilateral removal of protection could well have made Britain worse off, and that only reciprocal reduction of duties by other nations could ensure that Britain benefited. The effect was much more ambiguous than the free trade reformers made out, so much so that by 1850 some economists were advocating a return to protection if international reciprocity was not forthcoming.

That being said, there is little doubt that Repeal represented a seismic shift across the entire political landscape, with important effects on all the major parties of the time. Only a few years before relations between pro-Repeal interests and the Chartist movement had been frosty. The latter group saw the struggle for free trade as a pernicious distraction from the fundamental issue of increasing the franchise (McCord, 1959).

The two causes ended up developing substantial unity, at least in the minds of the nervous governing classes (Schonhardt-Bailey 2006). The 'non-Peelite' protectionist wing of the Conservative party was left largely in the political wilderness, unable to form a majority government until their election victory in 1874 under Disraeli, which was likely made possible by the party's abandonment of protectionism after about 1852 (Gambles 1999). The impact on the agricultural sec-

tor was also very real, although this seems to have been initially obscured by a period of overall improvement in the 1850s, in the form of increased emigration of farmers who worked relatively poorer and undercapitalized land, and who were less able to adapt to Repeal (Vugt 1988).

Repeal also, in the 1870s, encouraged cheap American grain imports which, according to Musson (1959, 225), "destroyed the balance of the British economy" and squeezed the agricultural sector so severely as to cause average farmers' income to fall by 40%. Despite the decreasing importance of agriculture in this period, such distress must have had a depressing effect upon the wider economy.

8.2 Rapidity of Change

Corn Law Repeal readily meets the condition that change must be rapid, not incremental. After 1846, succeedingWhigs or Peelite governments quickly dismantled what remained of the old mercantilist system—the most important being the Navigation Acts in 1849 (Grampp 1987). However, the clearest indication of a Critical Juncture is the rapidity with which Conservatives of all stripes accommodated themselves to free trade. A slow policy shift towards free trade had indeed been in progress since 1820, including among Conservatives (Grampp 1987), but this shift was markedly gradual, with emphasis on reduction and reform of duties rather than outright abolition, as exemplified in the Conservative 1828 modification of the Corn Laws, which reduced the duties levied and introduced the 'sliding scale' mechanism (Federico 2012).

The pressure that forced Peel to abandon protection completely was quite different. His liberalization of the Corn Laws in 1842-43 had its origin in concerns about the British Empire and specifically colonial trade policy, while full Repeal in 1846 (and the somewhat later dissociation of the protectionist Conservatives from the Corn Laws) occurred with the rapid realization that Repeal might be the "thin end of an ever-thickening 'democratic' wedge", as well as an electoral stumbling block (Gambles 1999, 231).

A word here could be inserted on the level of persistence of change alongside rapidity. Once adopted, free trade became a staple of British policy until 1931, when the Great Depression provoked a shift towards a protectionist, inter-colonial 'Imperial Preference' regime (de Bromhead et al. 2019). This meant, as mentioned earlier, Britain's case was unusual among European countries because of its industrialized state, with only Belgium having similarly favorable conditions for early industrial development, as well as a similar propensity towards agricultural free trade.

However, even Belgium, although it rejected grain tariffs at the behest of its industrial workforce, still implemented duties on meat and livestock in 1887, so that British adherence to the free trade 'shift' was far more persistent than that of even comparable European nations (Van Dijck and Truyts 2014). Other, less comparable, European countries, like France, quickly adopted free trade during its heyday in the 1860s with the famous Cobden-Chevalier Treaty, but then abruptly turned back to protectionism in the 1880s and continued to adhere to it until World War I (Federico 2012).

8.3 Encompassing Nature of Change

Hogan argues that a certain minimum proportion of the actors involved must be affected; it could also be argued that they must be affected to a certain minimum extent (though this does dovetail with significance). Given the limited empirical data available, this is difficult to assess. However, the effect of Repeal on the agricultural sector alone could arguably meet the 'encompassing' requirement, given that it employed 23.5% of the labor force in 1851, which was over half of the share of the industrial sector (Broadberry et al. 2013).

Furthermore, wheat growing was particularly bound up with Repeal, and, as shown by Heblich

et al. (2022), farmland suitable for wheat as opposed to grazing covered much of England, in particular the east and south, and rural poverty increased and property value tended to fall across these considerable areas in the aftermath of Repeal. It should be noted that this evidence does not include other important grains that the Corn Laws applied to, such as oats. But on a more intangible note, there was the important symbolic effect of Repeal: both sides of the debate understood the Corn Laws as representative of the political power of the landed gentry, and the ensuing blow to that power affected all social strata (Kemp 1962).

Given Britain's large share of international trade, Repeal should also have affected the trade policies of other nations as well. James and Lake (1989) find this was indeed so in the United States, where Britain's move to free trade shifted the balance of interests in favor of tariff reduction until the Civil War. Free trade also spread to Europe, beginning with the Cobden-Chevalier Treaty between Britain and France negotiated by Anti-Corn Law League organizer Richard Cobden.

An element of path-dependency is introduced by Federico (2012), who speculates that the heyday of general (not just agricultural) free trade in the 1860s encouraged industrialists across Europe who had been deprived of protection to support low grain prices for their workforces so that British industrialists who supported Repeal required a free grain trade more than ever once duties on their manufactured goods were eliminated later. This direct influence of Repeal on the large British agricultural sector, and its more indirect influence on international trade thus appears to meet the criterion of encompassing change.

9. Conclusion

Critical juncture theory enables us to understand Repeal not only as a product of interests, institutions, and ideas, but also to situate it within a broader set of historical developments created by the Industrial Revolution. Moreover, its classification as a critical juncture can be placed on a more objective footing using Hogan's (2006) conditions, under which the classification holds firm.

Of course, some theoretical problems still remain. For instance, it would not be idle to ask whether the highly particular characteristics of a given historical event (and indeed the vantage point from which it is studied) make anything possible other than fairly basic generalization when making comparisons with other events. It could also be debated whether the traditional interests, ideas, and institutions' method of delineating permissive and productive conditions is too rigid, and that the problem of the interconnectedness of these factors persists even when the Permissive-Productive division is in place.

Nonetheless, Critical juncture theory still provides some framework for useful comparison with other cases, at least with reasonably similar ones (a good example might be Belgium's experience with grain tariffs), and yields a substantial improvement on the conventional accounts' unclearness on the temporal situation of the causes of historical change.

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