DEMOCRACY

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Some twenty-four hundred years ago, Plato disparagingly described democracy as “a charming form of government, full of variety and disorder, and dispensing a sort of equality to equals and unequals alike.”* Despite Plato’s warning that democracy would degenerate into tyranny, the last decade of the twentieth century has demonstrated that the opposite is possible. Has democracy been vindicated, both in practice and in theory? Only time will tell, but this “charming form of government” has gained territory in the aftermath of the collapse of communist tyrannies around the world, while interest in democratic theory has enjoyed a corresponding renewal. In recent years, political theorists have reexamined traditional themes in democratic theory and given them novel interpretations. The nature of popular sovereignty, the limits of democratic political authority, and radical forms of democracy that involve greater levels of citizen participation have all been subjects of intense debate.

The twelve essays in this volume—written by prominent philosophers and political theorists—explore these issues and related topics. Some essays discuss the appropriate ends of government or examine the difficulties involved in determining and carrying out the will of the people. Some address questions relating to the kinds of influence citizens can or should have over their representatives, asking, for example, whether individuals have a duty to vote, or whether inequalities in political influence among citizens (measured in terms of campaign contributions) can be morally justified. Other essays analyze democratic institutions, discussing what role deliberation should play in the democratic process, or asking whether it is legitimate to use laws and public policies to express approval or disapproval of various kinds of conduct. Still others examine the relationship between democracy and value pluralism, or consider the suitability of democracy as a form of government in non-Western societies.

In the collection’s opening essay, “The Very Idea of Popular Sovereignty: ‘We the People’ Reconsidered,” Christopher W. Morris observes that the sovereignty of the people is often thought to be the foundation of modern democracy. The truth of this claim depends on whether it is plausible to attribute sovereignty to “the people,” and Morris argues that it is not. He begins by setting out the complex notion of sovereignty, and suggests that appeals to popular sovereignty may be understood in many different ways. The claim that the people should be sovereign might express any one of a number of ideals. It might mean, for example, that

* Plato, The Republic, Book VIII, 558c.
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the ends of a polity should be determined by the interests of its citizens, or that the consent of the governed is necessary for legitimate rule, or that the institutions of government should encourage citizen participation. Morris discusses these and several other interpretations of popular sovereignty, and suggests that greater clarity could be achieved in discussions of political theory if we focused directly on these ideals rather than on the notion of sovereignty. He argues, moreover, that the doctrine that the people are, or ought to be, sovereign is misleading in potentially dangerous ways—ways that are conducive to a misunderstanding of the nature of politics, governance, and social order. He concludes that we would do well to come to grips with the errors of this doctrine, and that our understandings and justifications of democracy should dispense with the notion of popular sovereignty.

Popular rule has been viewed by some theorists as incompatible with the strong protection of individual rights. Josiah Ober challenges the view that democracy fails to foster constitutional liberalism and negative rights in his essay “Quasi-Rights: Participatory Citizenship and Negative Liberties in Democratic Athens.” Ober maintains that democracy in ancient Athens promoted forms of law, social practice, and cultural expression that were relatively liberal. Moreover, he argues that the extension of democratic participation rights in Athens to an economically diverse body of free, adult, native males led to the extension of negative liberties, in the form of specific legal immunities, to slaves, children, non-natives, and women. Greek opponents of democracy, as Ober points out, frequently complained that the Athenians allowed too much freedom and equality to slaves, foreigners, and women, and specifically associated those tendencies with democracy. Nevertheless, the liberties and immunities held by Athenians were not rights in the modern sense. Ober suggests that the Athenian citizen’s access to political institutions and the noncitizen’s legal immunities might best be called “quasi-rights,” because they were not regarded by the Athenians as inherent or inalienable, but as the contingent artifacts of established patterns of social behavior. The law, in and of itself, was recognized as being without force in the absence of the consistent, pragmatic willingness of citizen-volunteers to act (as prosecutors and jurors) according to its provisions and on its behalf. In spite of these qualifications, Ober concludes that the example of ancient Athens offers evidence that democracy can support constitutional liberalism.

The importance of democratic participation and the influence citizens may have on the political process are themes that run through the next four essays in this volume. In “Is There a Duty to Vote?” Loren E. Lozansky and Geoffrey Brennan ask whether a case can be made that voting in democratic elections is morally superior to abstaining. Lozansky and Brennan sketch and critique a range of arguments that are commonly thought to support a moral duty to vote. They examine prudential arguments that link voting with one’s own self-interest, and act-consequentialist
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views that take into account the effects on all citizens of one’s decision to vote or to abstain. They also consider generalization arguments, which make a case for voting based on the presumed ill-effects of widespread abstention, and they explore arguments that take voting to be an act of political expression—an act which can have value even if one’s vote has only a tiny chance of affecting the outcome. Lomasky and Brennan believe that the expressivist approach is the most promising, but they argue that, in the end, all four of these approaches fail to support the idea that voting is morally meritorious. They conclude with a discussion of why people typically believe that voting is a praiseworthy act, focusing on three possible explanations: the belief in a duty to vote may hark back to an earlier time, when activist citizens played a larger role than they do today; or the belief may promote the self-esteem of voters; or the belief may be propagated by those who have the greatest stake in the electoral system—political candidates, officeholders, and members of the media.

As Lomasky and Brennan note, political acts such as voting can have an expressive function, and the same is true of the passage of laws. In “Postmodern Liberalism and the Expressive Function of Law,” N. Scott Arnold offers a critique of the practice of using laws and public policies to make statements and to express support for values, ideals, and norms. Arnold notes that many elements of the modern welfare state—such as antidiscrimination laws or social insurance programs—are supported by expressive considerations: they signify a society’s opposition to unfair practices or its commitment to shared values. Nevertheless, he argues that expressive considerations are not good reasons either for or against the passage of a law, policy, or program. Apart from certain special cases, acts of expression are best left to individuals and associations acting voluntarily within the private sector. In order to make his case for this claim, Arnold presents a comparative analysis of law (on the one hand) and nongovernmental organizations (on the other) as expressive vehicles and as vehicles for changing norms and values. He argues that, because of their flexibility and their voluntary nature, nongovernmental organizations are superior to laws and state action in terms of their ability to shape norms and express people’s values. In light of this, he concludes, laws and policies should not be instituted on the basis of expressive considerations, except perhaps in the case of laws that protect fundamental rights by prohibiting certain kinds of action by the state: such laws may be uniquely suited to expressing a society’s commitment to these rights.

Russell Hardin’s essay “Democratic Epistemology and Accountability” explores the kind of knowledge that people can have about political issues and about the actions of their elected representatives, and asks whether it makes sense to hold government officials accountable for serving the interests of the people. Hardin begins by observing that the knowledge that people have about politics is not different in kind from the knowledge they have about anything else: much of it is accepted on the
authorities of others; little of it is verified first-hand, since such verification can be quite costly in terms of time and resources. Thus, the quality of knowledge that people have about politics will depend, as it does in other areas, on the incentives they have to acquire it and on the costs of obtaining it. Given this, Hardin argues that the very notion of holding elected officials accountable is suspect. It might make sense to hold officials responsible if they could reliably know what their constituents’ interests were, and could demonstrate credible commitments to serving those interests, and if citizens could accurately judge whether their representatives were acting responsibly. Yet these conditions generally are not met. Hardin concludes that, given the incentives involved, it will typically be rational for people to forgo the considerable costs associated with gathering the extensive knowledge that they would need to judge the performance of their representatives, and that this is the normal state of affairs in modern democratic polities.

The issue of whether citizens should have equal influence in the political process is the subject of David Estlund’s contribution to this volume, “Political Quality.” Estlund challenges normative democratic theories that assume or argue that democracies should strive to equalize the opportunities that their citizens have to influence political outcomes. He contends that an insistence on equality of political input is unwarranted, since it would preclude even modest inequalities that would increase input for everyone. Under favorable conditions, Estlund argues, a greater quantity of input improves the expected quality of political decisions; thus, we need a good reason if we are to stand in the way of increased input. Considering potential objections to his position, Estlund acknowledges that it would be perfectly proper to object to inequality of influence if it were based on invidious comparisons among citizens—for example, on the view that some citizens are more knowledgeable or worthy than others and, therefore, should exercise greater influence. He also acknowledges that high levels of inequality of influence are very likely to harm the expected quality of political outcomes. Nevertheless, Estlund argues that modest inequalities—if they are designed to significantly increase input for all—may be capable of improving the tendency of political decisions to be substantively just and proper in a way that it would be unreasonable to deny. To illustrate his point, he describes a system of “Progressive Vouchers” under which citizens would be free, within limits, to purchase extra political influence (in the form of vouchers that could be used to make campaign contributions). The proceeds from these vouchers would be distributed in a way that would increase (albeit modestly) the ability of all citizens to influence the political process (by allowing them to increase their own level of contribution to political campaigns). Estlund believes that a voucher scheme such as this, while deviating from strict equality of influence, could provide a practical device for increasing the quality of political outcomes and policies overall.
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The next four essays deal with various aspects of radical or deliberative democracy. Amy Gutmann and Dennis Thompson defend a conception of deliberative democracy in their contribution to this volume, “Why Deliberative Democracy Is Different.” They begin by noting that all democratic theorists must confront the fundamental problem of finding a morally justifiable way of making binding collective decisions in the face of continuing disagreement. Most theorists, Gutmann and Thompson contend, propose solutions that make the problem seem more tractable than it is, because they discount much of the disagreement that gives rise to the problem in the first place. Gutmann and Thompson argue that a deliberative theory of democracy provides a different, and more defensible, approach to this problem, because it leaves open the possibility that the moral values expressed by a wide range of theories may be justifiable. The fundamental principle of their deliberative theory is that citizens owe one another justifications for the laws they collectively impose on one another. On this view, citizens or their accountable representatives must offer reasons to one another in an ongoing process of mutual justification. The distinctive feature of this process, Gutmann and Thompson maintain, is that the principles that guide it are morally and politically provisional, and thus allow for the persistence of moral disagreement about laws, policies, and institutions; at the same time, these principles allow for the possibility of moral agreement about those laws, policies, and institutions that are mutually justifiable.

In “The Institutions of Deliberative Democracy,” William Nelson argues that the theory of deliberative democracy has little to tell us about the issue of institutional design. Deliberative theory, Nelson notes, involves two ideas: first, an abstract ideal of social and political life in which people live under rules they would construct if they were to deliberate reasonably; and second, a set of prescriptions concerning the exercise of whatever institutional rights they have. Nelson maintains that neither of these ideas is of much use in resolving disagreements between theorists who defend more thoroughly majoritarian institutions or more “direct” democracy, and those who favor more restrictions on majorities and greater power for the judiciary to overturn policies or programs established through a democratic process. Self-styled democrats, he observes, often defend greater reliance on majoritarianism or heightened democratic participation, and such democrats see liberals as defending judicial oversight and restrictions on majorities. Yet Nelson contends that, in the abstract, the deliberative ideal is hardly distinguishable from liberal contractualism—the idea that institutions must be justifiable to all who are to be bound by them. What’s more, he concludes, liberal contractualism yields a more direct argument for (suitably constrained) majoritarian institutions than does deliberative democratic theory.

Kenneth Minogue offers a critique of deliberative democracy and other forms of radical democratic theory in his essay “Democracy as a Telos.”
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Minogue compares the radical democratic program to other programs aiming at social transformation, such as communitarianism or socialism. Like these movements, radical democracy seeks to realize a certain ideal which involves the pursuit of greater equality in three areas: political life, social and economic life, and family life. While radical democracy arises out of a noble impulse—the desire to move away from power and toward justice in social relations—it results in an increase in government interference in people’s lives. This increased interference, Minogue argues, undermines the private sphere, replaces personal judgment with collective decision-making, and imposes a kind of paternalism that undermines individual initiative. In the course of his essay, Minogue touches upon a range of issues, including the nature of democratic representation, the politics of inclusion and exclusion, and the problem of identifying the will of the people. He concludes that the radical democratic project ultimately fails because it attempts to derive our complex political institutions from a single concept: radical democrats should recognize that democracy, like justice, freedom, and community, is only part of the ideal structure of what we call the modern state.

Theorists of radical democracy often contend that there is a close connection between participation in political self-government and the enhancement of personal freedom and autonomy; this alleged connection is the subject of Steven Wall’s essay “Radical Democracy, Personal Freedom, and the Transformative Potential of Politics.” Wall begins by examining two important themes that underlie the radical democrats’ claim: the idea that political discussion leads to greater autonomy, as individuals critically reflect upon their own commitments, beliefs, and needs; and the idea that freedom is enhanced when citizens collectively identify with the authorization of political power in their society. He goes on to contrast the radical democrats’ discursive conception of autonomy—which involves the adoption of an inward-looking and self-critical attitude toward one’s interests, commitments, and projects—with the liberal pluralist conception—which holds that individuals are autonomous when they have access to a range of options, are relatively free from coercion, and have the mental capacities necessary for self-directed action. Wall argues that radical democrats fail to make the case that political participation does more to enhance personal freedom and autonomy than do other kinds of social interaction. He concludes that there is only a weak connection, if any, between personal freedom and democratic participation, and that the liberal pluralist view of politics (as a forum for bargaining and the aggregation of individual preferences) offers a more adequate account than the radical democratic view.

Pluralism and its role in political theory is also the subject of William A. Galston’s contribution to this volume, “Democracy and Value Pluralism.” Galston sets out a view of value pluralism which holds that what we value in our lives turns out to be multiple, heterogeneous, not reducible
to a common measure, and not ordered hierarchically. On such a view, there is no single dominant value or set of values binding on all individuals in all circumstances. He then argues that we should bring this view of value to bear on political theory, and that when we do, it has important consequences for our understanding of democracy. If value pluralism is true, Galston contends, then the scope of legitimate democratic political authority is restricted in a number of ways. Democratic processes should not determine the course of scientific inquiry, for example, nor should they override fundamental liberties such as freedom of religion or the right to a fair trial. What’s more, Galston believes, value pluralism implies that there are legitimate alternatives to democracy within the political sphere—for example, within juries, where unanimity is required for a binding decision; or in cases where decisions are best left to experts who are not subject to political pressures; or in cases where appeals to the common good can sometimes justify overriding democratic norms. Galston concludes by arguing that an acceptance of value pluralism can shape our understanding of democratic processes; it can lead us to the belief that democratic deliberation and decision-making should be guided by mutual acceptance and the quest for inclusive rather than exclusive policies.

The final essay, “The Problem of Russian Democracy: Can Russia Rise Again?” by Dmitry Shlapentokh, moves from the realm of theory explored in the earlier essays to the “real world.” Shlapentokh’s concern is with the dim prospects for democracy in post-communist Russia. Shlapentokh notes that Western theorists generally assume that democracy is the best form of government and is universally applicable, yet he argues that in the case of non-Western societies, the demise of a strong leader almost invariably leads not to a democratic society but to a deterioration of society and a degeneration toward anarchy. Shlapentokh illustrates his thesis with an extensive discussion of events in Russia at the end of the czarist regime in 1917 and at the end of the Soviet regime in 1991. He goes on to claim that while non-Western societies can quickly crumble when they lack a strong ruler, they can also be easily reassembled once a strong ruler again takes power. As an example of this phenomenon, he offers the collapse of imperial Russia in 1917, which was followed in a short time by the reestablishment of a powerful state under strong Bolshevik leadership. Shlapentokh suggests that a similar reemergence could take place in today’s Russia, if a strong leader should emerge. Ultimately, however, only time will tell whether Russia reemerges as a global power or continues on a path of economic and political decline.

The form that democratic institutions should take and the limits of democratic rule are central issues in political theory. The essays in this volume offer valuable contributions to ongoing discussions of the nature of popular sovereignty, the place of deliberation in collective decision-making, and the proper relationship between citizens and the state.
ACKNOWLEDGMENTS

The editors wish to acknowledge several individuals at the Social Philosophy and Policy Center, Bowling Green State University, who provided invaluable assistance in the preparation of this volume. They include Mary Dilsaver, Terrie Weaver, and Carrie-Ann Biondi.

The editors would like to extend special thanks to Executive Manager Kory Swanson, for offering invaluable administrative support; to Publication Specialist Tamara Sharp, for attending to innumerable day-to-day details of the book’s preparation; and to Managing Editors Harry Dolan and Matthew Buckley, for providing dedicated assistance throughout the editorial and production process.
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