

CHAPTER I

Basic Democracy

This book answers some basic questions about a basic form of democracy: What is it? Why does it arise? How is it sustained? What is it good for? For people interested in politics, these are important questions. My answers are based in part on political theorizing, in part on ancient history. Those interested in both politics and history may find democracy's deep past worth considering. But why and how democracy *before liberalism* is relevant to contemporary political theory or practice may be less obvious. Demonstrating that relevance is this book's purpose.

I offer a theory of politics grounded in understanding humans as strategically rational and adapted by nature to living social lives under certain conditions. When those social conditions are most fully met, the potential for human flourishing (in the sense of joint and several material and psychic well-being) is highest. Those social conditions are, so I will try to show, uniquely well supported by democracy. Democracy is distinguishable from familiar forms of liberalism. Political conditions necessary for democracy overlap with fundamental liberal values, so democracy and liberalism are readily conjoined. But the conjunction of democracy with liberalism is not inevitable. Disambiguating democracy as such from the overfamiliar hybrid, liberal democracy clarifies what democracy is good for and how democratic goods are produced.¹

I.1 POLITICAL THEORY

According to a recent World Values Survey, residents of each of the 34 countries surveyed ranked living in a democratic country as very important (from 7+ in Russia to 9+ in Sweden, on a scale of 10). In every country, there is a substantial gap between respondents' views of democracy's importance and their assessments of how democratically their own

¹ On "good for," see Kraut 2007. On "conditions for democracy," see Ober 2003.

country is governed. The gap suggests that democracy remains, in part, aspirational: a hope that is not fully realized.² Moreover, in the contemporary world, democracy is a near-universal aspiration, although it would be foolish to suppose that democracy means the same thing to everyone. In political theory, as in ordinary language, “democracy” is a classic example of an essentially contested political concept. It goes without saying that there are many definitions on offer.³ No one definition is authoritative in the sense of dominating all competitors in every context. My goal in these chapters is to better understand what I call *basic democracy*. Democracy is basic insofar as it is concerned with the legitimate authority of a *demos* – that is, the organized and justified political power of a citizenry or “a people.”⁴

A theory of basic democracy starts with questions of legitimacy and capacity: *Why ought* a *demos* hold public authority – rather than, say, a monarch, a small body of aristocrats, or a technocratic elite? And, because *ought* implies *can*, *How can* a *demos* competently exercise authority in a complex society?⁵ Basic democracy is not, in the first instance, concerned with questions of personal autonomy, inherent human rights, or distributive justice. “Liberalism” is, of course, another essentially contested concept. But I take autonomy, rights, and justice, along with a commitment to neutrality at the level of state authority and religion, to be among the primary commitments of mainstream contemporary liberalism, and I take

² World Values Survey, Wave 6 (2010–2014), Question V140: “How important is it for you to live in a country that is governed democratically? On this scale where 1 means it is ‘not at all important’ and 10 means ‘absolutely important’ what position would you choose?” Question V141: “And [on the same scale] how democratically is this country being governed today?” www.worldvaluessurvey.org/ (accessed July 10, 2016). Results summarized in Achen and Bartels 2016: 4–6, Figure 1.1.

³ Gallie 1955, who coined the phrase “essentially contested concept,” employs democracy among his four “live” examples; see esp. 168–169, 184–186. Such concepts have the following properties, each of which is relevant to the discussion in this book: They are appraisive, internally complex in ways that admit of a variety of descriptions in which different aspects are graded in different orders of importance; they are open in character and used both aggressively and defensively; those who use the concept typically claim the authority of a historical exemplar; the use of the concept gives rise to genuine (productive, if not resolvable) disputes as to its meaning.

⁴ The Greek word *demos* can alternatively mean “citizen assembly,” “majority of a citizen assembly,” “nonelite citizens,” and “the many who are relatively poor.” These other meanings are secondary in that they are historically subsequent to, and derive from, the core meaning as “citizenry/people.” See Chapter 2.

⁵ Note that, while the justification for the legitimacy of the *demos*’s rule must be offered to each citizen, in order to limit defection and preserve stability (Section 4.4), it is not (as in liberal social contract theories) an explanation for why the compromise of an assumed pristine condition of prepolitical individual freedom is rationally choice-worthy, nor (as in liberal justice theories, e.g., Christiano 2008: 232–240) based on a claim about distributive justice. Rather the justification for democracy contests the claims of rival would-be rulers to the effect that some other system is better able to fulfill the ends for which the state exists.

them to be moral commitments.⁶ As a historical regime, democracy antedates the philosophical enunciation of those liberal moral commitments. As a theory of robustly sustainable and choiceworthy (in the sense of promoting human flourishing) political order, basic democracy is antecedent to them.⁷

I offer two exemplars of basic democracy “before liberalism.” First (Chapter 2) is the historical record of collective self-government by citizens in the ancient Greek world. Greek democracy provides a well-documented test case adequate to refute any claim that “no such order is humanly possible” or that “it would be unsustainable in a complex society” or “uncompetitive when matched against authoritarian regimes.” Those uninterested in historical cases may wish to jump directly to the second exemplar (Chapter 3): collective self-government as a theoretical model, a form of political order arising from the choices that would be made (or so I claim) by a diverse group of ordinary people – moderately rational, self-interested, strategic, social, and communicative individuals – seeking to establish for themselves a secure and prosperous nonautocratic state in a dangerous and mutable world.

The political thought experiment that I will call “Demopolis” is a bare-bones constitutional framework, a set of baseline rules that enables citizens to coordinate actions to their mutual benefit.⁸ I assume, without specifying them, a prior history and elements of civil society. And I assume that after the frame is set, the citizens of Demopolis will adopt further rules concerning normatively weighty matters, potentially including rights and

⁶ Per Section 1.2, later, I take the liberal theory of John Rawls as definitive of the contemporary “mainstream.” Christiano 2008 and Estlund 2008 are examples of explicitly moral theories of democracy that are in some ways critical of Rawls. It is important to keep in mind that some influential strands of contemporary liberal theory are centered on maximization of some socially valued good (e.g., preference satisfaction) rather than defending rights (Singer 1993), and others do not require state-level value neutrality (Raz 1986).

⁷ Basic democracy might be regarded as a variant of what Achen and Bartels 2016: 1 refer to as the “folk theory of democracy,” which holds that “democracy makes the people the rulers, and legitimacy derives from their consent.” Achen and Bartels claim to have invalidated the “folk theory” by demonstrating that it is based on empirically falsifiable and unrealistically optimistic premises about the political knowledge and judgment of ordinary citizens. Achen and Bartel’s deflationary characterization of the “folk theory” is primarily concerned with tracking individual and (especially) group ideological preferences (rather than common interests) and is focused almost entirely on theories and studies of American voting behavior. I leave it to readers to decide whether the theory of basic democracy developed here is invalidated by their empirical challenge.

⁸ On basic agreements, which make coordination possible among many individuals with otherwise diverse preferences, see Hardin 1999. My fictive Demopolis is not to be confused with the real town of Demopolis, Alabama (population ca. 7,500 in 2010), whose nineteenth-century French founders reportedly chose the name to honor their founders’ democratic ideals; https://en.wikipedia.org/wiki/Demopolis,_Alabama (accessed July 19, 2016).

distributive justice. Decision making on normatively weighty matters is likely to produce disagreement; the frame is meant to allow decisions to be made and democratic mechanisms to be designed (Vermeule 2007) without violence or the need for third-party enforcement. While a basic democracy promotes flourishing through certain ethical commitments (discussed in Chapters 4, 5, and 6), I do not suppose that these commitments will, in and of themselves, answer all the normative questions that the citizens of Demopolis will eventually need to confront. The framework is meant to make morally salient collective deliberations and decisions possible, but it is not meant to predetermine their outcome.⁹

Demopolis is an ideal type, in the Weberian sociological (rather than the moral philosophical) sense. That is, it is meant to capture real but hard-to-observe features of a basic democratic political regime by abstracting from readily observed features of real-world polities. Demopolis lacks some aspects of actual political systems in which hard (assuming a pluralistic society) choices about moral questions have been at least contingently decided. Demopolis's imagined Founders limit themselves to establishing the rules necessary to secure the stable, secure, and prosperous political foundation, leaving decisions about difficult moral questions to another day. The rules the Founders do establish are intended to enable Demopolis to be robust to exogenous shocks and to the threat of elite capture, to be capable of further development while sustaining its democratic character.

Real modern polities with good claims to call themselves democracies lack some of Demopolis's institutions. They do not closely resemble classical Athens or any other ancient direct democracy. They have features that ancient Greek polities and Demopolis lack. The goal of limning basic democracy is not to show that any regime that fails to measure up (or down) to the historical case of Athens or the thought experiment of Demopolis is unworthy of the name "democracy." But if things work out as I intend, the historical case and the results of the thought experiment will be mutually supporting (like the timbers of a tipi frame) and mutually enlightening. The goal is regulative rather than prescriptive. By conjoining theory with history, I hope to bring to light certain fundamental competencies to which democratic citizens ought to aspire, and the costs they will need to pay, if they are best to achieve the ends of sustainable security, prosperity, and

⁹ For example, basic democracy facilitates mobilization against external and internal threats to the regime, but it may not, in and of itself, be able to offer citizens reasons adequate to justify their sacrifice in war or a way to grapple with the imagined demands of the war dead. Thanks to Catherine Frost and Ryan Balot for pressing me on these issues. Moreover, it may not solve the problem of religious pluralism that liberalism was designed to address.

nontyranny in a dangerous and mutable world. I also hope to clarify certain positive goods that accrue to citizens from the practice of democracy, goods that remain relatively opaque in mainstream liberal political theory.

1.2 WHY BEFORE LIBERALISM?

Along with the homage to Quentin Skinner's seminal *Liberty before Liberalism* (1998), my subtitle makes two points. The first is historical: Democracy, as a word, a concept, and a practice, long antedates the seventeenth to twentieth centuries, when the family of ethical, political, and economic arguments that run under the banner of liberalism rose to prominence. As we will see, basic democracy historically required certain political conditions that were later embraced as values by liberals: political liberty (of speech and association), political equality, and legal limits on legislative and executive powers. But democracy was practiced long before political thinkers construed freedom as individual autonomy. Before moral philosophers defined rights as "natural" or "human" (inherent and universal, arising from nature or the moral law) rather than "civic" (shared among citizens and preserved by their collective activities). Before distributive justice was predicated on moral assumptions about autonomy and rights. Before the fact of religious pluralism was seen as requiring value neutrality at the level of constitutional law. So there is a history of democracy as it was conceived and administered before the emergence of a coherent account of liberal morality. I have spent the better part of my career trying to sort out one part of that history – democracy in ancient Greece, and especially classical Athens. This book is not about Greek history per se, but it draws upon the classical Greek experience with democracy.

The second point made by my subtitle is conceptual: Basic democracy can be an antecedent condition for liberalism (or for other value systems) in the sense that democracy is a form of politics practiced by a community of citizens, a way of organizing relations of power and interests. Liberalism, as I am using the term here, is a theory of political morality, a way of specifying and justifying ethical social relations by reference to ethical individualism, toleration, moral right, and the requirements of distributive justice in a pluralistic society. The Kantian versions of contemporary liberal political theory that are my primary concern here (exemplified by Rawls 1971, 1996, 2001) share an ethical commitment to freedom understood as individual autonomy and a belief in the moral equality of persons. At the level of society, the dominant forms of contemporary liberal political theory typically commit rulers to seek value neutrality in the public domain and to protect

and promote inherent and inalienable human rights. Each contemporary version of liberalism advocates a specific approach to distributive justice; mainstream approaches range from libertarian to egalitarian.¹⁰

Liberalism, understood as a moral system centered on personal autonomy, rights, distributive justice, and state-level religious neutrality, is neither, historically, prior to basic democracy, nor, conceptually, its basis. As a set of political practices, democracy can be modeled as simple games played by ideal-type rationally self-interested persons. Indeed, I seek to show that basic democracy can be modeled as a dynamic, self-reinforcing equilibrium. In contrast, the contemporary political theory of liberalism, as a set of moral commitments to ideals of right and social justice, has no equilibrium solution in a population of rationally self-interested agents who recognize their own interests and pursue those interests strategically. Nor, I suppose, is it meant to have such a solution.¹¹

Contemporary liberal theory, in the Kantian tradition refounded by John Rawls's epochal *Theory of Justice* (1971), tends to take the security and prosperity typical of a modern liberal/republican/democratic order more or less for granted. It seeks to transcend mere "getting along together" (*modus vivendi*) in a society characterized by value pluralism by providing a moral justification for a just social order. That order is meant to be hypothetically acceptable to people with very different religious beliefs. Rawls's famous "veil of ignorance" thought experiment abstracts moral agents from knowledge of their own individual circumstances and thus enables them to come to an agreement on the "basic structure": the fundamental rules for a just society.¹² The difficulty of sustaining a just social order, once the "veil"

¹⁰ Bell 2014 traces the history of the use of the term "liberalism" in political discourse. Critical overview of moral liberalism: Gaus 2014; in turn critically discussed by Runciman 2017. I do not assume that liberalism is necessarily metaphysical (rather than political) or a comprehensive system of value (Rawls 1996 argued that it is not). My approach here is like that of Williams 2005: Chapter 1 ("Realism and Moralism in Political Theory") in rejecting the necessity for political theory of establishing a prior ground of morality. But, as with Williams on legitimacy, ethical principles do prove to emerge from the practice of democratic politics (Sections 3.6, 5.4, and 6.1). See also Hardin 1999 on coordination theories of mutual advantage and Waldron 2013 on "*political* political theory." For a survey of contemporary versions of political realism, and the contrast with "high liberal" theory, see Galston 2010, with response of Estlund 2014.

¹¹ I do not claim that real people are purely rational, in the sense of being self-interested, strategic, nonaltruistic, or unmoved by ethical emotions or intuitions – i.e., Richard Thaler's (2015) "Econs." Rather, my claim is that (1) some degree of strategic rationality is manifested by most ordinary persons and that (2) it can provide the microfoundations for a *modus vivendi* among people with otherwise diverse moral psychologies who have not (yet) agreed on shared value commitments that would move them beyond that *modus vivendi*.

¹² Early-modern "classical" liberalism, predicated on natural law, on assumptions about inherent freedom and equality of persons, and on the necessity of limiting the power of government, emerged, as a *modus vivendi* for a modern state, in conjunction and in debate with republicanism (Kalyvas

is lifted and knowledge of individual circumstances is regained, is why Rawls defined his original theory of justice as an *ideal* theory. It is a theory that assumes full compliance with agreed-upon rules, rather than providing nonmoralized motivations for strategically rational agents to comply with the rules (Rawls 1971: 8, 89–91; Valentini 2012). The fact that liberal values are not, in and of themselves, self-sustaining as a social order is an issue addressed by Rawls in subsequent work (1996, 1999) and highlighted in Skinner’s *Liberty before Liberalism*. Skinner proposed a “Roman” version of republicanism as his solution to the problem of ensuring compliance to a choiceworthy, if not necessarily liberal, social order. Here I propose an “Athenian” version of democracy.¹³

Ethical and political theories can be tightly intertwined (as they were in Aristotle’s *Nicomachean Ethics* and *Politics*), but they are not necessarily or causally related: Some ethical theories reject politics; some theories of politics avoid taking an ethical stance. My claim is that a secure and prosperous constitutional framework can be stably established without recourse to the ethical assumptions of contemporary liberal theory, and indeed without the central assumptions of early-modern liberalism or republicanism. The political practice of democracy requires conditions that map onto core liberal and republican values of freedom and equality. It promotes certain ethical commitments, although not necessarily those of Kantian liberalism. Insofar as it is compatible with the commitments of contemporary liberal theory, democratic politics can help to provide a behavioral foundation for liberal principles in a population of more or less rational, self-interested, and strategic individuals. But liberalism is not entailed by democracy and questions of distributive justice that arise after a democratic foundation has been laid lie outside the scope of this book.

and Katznelson 2008). This classical form of liberalism was indeed intended and instantiated as a regime type, in Britain and the US. Sorting out the historical priority of democratic (or republican) and classical liberal elements in late-seventeenth- through early-nineteenth-century British and American regimes would take me far beyond my areas of expertise and is not directly germane to my argument. Thanks to Robert Keohane and Stefan Sciaraffa for pressing me on this issue.

¹³ Dynamic self-reinforcing equilibria in social theory: Greif and Laitin 2004. The lack of an equilibrium solution is, in brief, what divides ideal theory (paradigmatically Plato’s *Republic* and Rawls 1971) from the kind of “nonideal theory” I am engaged in here. Hardin 1999: 6–9 points out that contemporary liberalism, insofar as it focuses on distributive justice, is not an equilibrium theory. Galston 2010: 398–400 makes a similar point in emphasizing that political realism seeks conditions enabling social stability and that what he calls “high liberalism” lacks an answer to how a society of diverse individuals could be stabilized. Although not put in the language of equilibrium theory, the inability of liberalism to secure the conditions of its own existence without a political form that gives citizens reasons to defend the state is one of the central points of Skinner 1998. Note that the lack of an equilibrium solution does not imply that moral liberalism lacks a concern for or an engagement with power; see further Runciman 2017.

Putting democracy “before liberalism” may seem to put the cart before the horse, conceptually, insofar as liberalism is concerned with substantive as well as procedural justice and substantive justice is regarded as the primary concern of political philosophy. It may seem to get things the wrong way around historically, insofar as ideas about fair distribution of goods antedate the practice of democracy in complex societies.¹⁴ Justice will certainly come into any story about democracy. For many democrats (e.g., Christiano 2008), the value of democracy lies in its role in realizing a more just social order. But democracy is, conceptually and historically, an answer to the question “who rules?” rather than to questions about who deserves what share of the goods produced by social cooperation. Both the ancient Greek inventors of democracy, and the founders of the hypothetical nonauthoritarian society in the Demopolis thought experiment, approached the problems of “why and how to create a nonautocratic government?” with some preconceptions about substantive as well as procedural justice.¹⁵ But they did not need to agree about the requirements of substantive justice before they embarked on the project of building a viable nontyrannical political order.

If we want to understand democracy, there are good reasons to choose a “nonautocratic state” rather than a “substantively just society” as the first target we aim at.¹⁶ In sixth-century BCE Athens, as in eighteenth-century America, the revolutionary path to democracy was opened by delegitimation of autocratic public authority, a broad-based preference for nontyranny (rather than merely a hope for a more benevolent ruler), and a clear demonstration that many citizens were capable of acting as a collective political agent. Although the experience of injustice fed the revolutions, the Athenian and American designers of nonautocratic postrevolutionary political orders focused first on institutional mechanisms to prevent the recurrence of tyranny. They left questions of how to create a fully just or otherwise virtuous social order to their successors. The very fact that those

¹⁴ Ancient Near Eastern conceptions of social justice: Westbrook 1995; Early Greek ideas of justice: Lloyd-Jones 1971.

¹⁵ On the ways in which early Greek law employed conceptions of justice as fairness in distribution of goods, see Ober 2005b.

¹⁶ Contrast Pettit 2013, who starts with justice (which he seeks to derive from freedom as nondomination) in building his republican theory of democracy. McCormick 2011 offers a theory of “Machiavellian democracy” that is, like Pettit’s republicanism, centered on nondomination but, like my account of basic democracy, is also concerned with active citizen participation in making and enforcing the law (Chapter 3) and is explicitly democratic rather than republican in its focus on the dangers of elite capture (Chapter 6). McCormick centers his theory on Machiavelli’s depiction of Roman republicanism in the *Discourses on Livy*, while noting (p. 78) that Machiavelli misrepresented some of the institutions of the real Roman republic.

questions are so hard to answer is one reason for deferring them until after a political framework has been established.¹⁷

The history of successful democratic constitution building does not imply a normative claim that democracy in its basic sense outweighs substantive justice in the scale of human values. On the other hand, attention to the *conditions* necessary for establishing democracy draws attention to *values* of political participation and civic dignity that remain beside the point for liberal political theories primarily concerned with distributive justice. It is only when values are made visible, and after they have been disaggregated, that we can pose the question of their relative weights. So one reason for studying democracy before liberalism is to refocus attention on the intrinsic value to individuals of participation in collective self-government, a value that has often remained cryptic, when it has not been denied, within contemporary analytic political theory.¹⁸

Among my goals in these chapters is, first, to determine how much of what a liberal democrat values is, and how much is not, delivered by democracy *eo ipso*, before the admixture of liberalism. I do not suggest that a liberal democrat could get what she would regard as a just social order from democracy alone. As we will see (Chapter 6), there are variants of liberalism that are incompatible with democracy, at least in the form I will be discussing here. But I also show (Chapter 8) that there is reason to think that democracy can in fact provide both a stable foundation for a liberal social order and bring to attention other valuable conditions of human life.

A second goal is to provide an account of democracy that could be of value to people who are not attracted by the moral claims of liberalism but are attracted to the idea of nontyranny, that is, who hope to rule themselves under a stable, nonautocratic government. Such persons (they are, I think, numerous) may reasonably ask for an account of what democracy *offers* in terms of security and welfare, what it *requires* in terms of rules and behavioral habits, and what it *implies* in terms of values and commitments. While some liberals may regard distinguishing democratic politics from liberal morality as pernicious (the moral equivalent of handing out knives to madmen), I suppose that contemporary political theory ought to have something to say to those who are unwilling to embrace

¹⁷ Contrast the postrevolutionary trajectories of reformers seeking to create a fully just or virtuous society after the French Revolution of 1789, the Russian Revolution of 1917, or the Chinese Revolution of 1949. The substantive injustice of, for example, institutionalizing slavery in the US Constitution is just one example of deferral.

¹⁸ Notable exceptions, in which civic participation (beyond voting) is central to theory, include Paterman 1970; Fung 2004; Macedo et al. 2005; McCormick 2011.

the full “liberal democracy” package but nonetheless aspire to living without a political master. Moreover, a better understanding of the conditions required for democracy before liberalism exposes the fatuousness and falsity of claims made by contemporary illiberal populists on behalf of what they call “democracy.”¹⁹

I concentrate on democracy both because it is something about which I suppose that I have something new to say and because there is a great deal of fine analytic scholarship on liberalism as such already available. There is less work on democracy as such, at least in the contemporary Anglo-American analytic tradition of political theory. That is in part, I suppose, because so much high-quality democratic theory concerns the hybrids “democratic liberalism” or “liberal democracy.”²⁰ There is good reason for such theorizing, insofar as it is those democratic-liberal hybrids that appear to offer the best available solutions for pluralistic societies characterized by deep value pluralism and intensely held religious identities. Moreover, it is those hybrids that many people in the modern world (including myself) have long regarded as normatively most preferable as a framework for social order. Yet, in our haste to fully specify all we need and want from a political order, contemporary liberal democrats may have conflated matters in ways that make it harder to understand just what the relationship between liberalism and democracy actually is – and what it is not.

Many contemporary political theorists regard democracy as integral to liberal theories of justice.²¹ Although I seek to show why certain applications of liberal ideas of justice are incompatible with democracy, moral liberalism can, I believe, be compatible with basic democracy. But in order to decide if and when the relevant conditions and values are compatible, or mutually supportive, or mutually exclusive, we need to pry democracy and liberalism apart. This should be possible. As Duncan Bell has shown, the idea of “liberal democracy,” as we now know it, emerged only in the mid twentieth century.²²

¹⁹ “Populism” is another essentially contested concept; here I follow Müller 2016 in defining populism as an autocratic perversion of democracy as collective self-government.

²⁰ A small sample from a large literature: Gutman 1980; Dahl 1989; Christiano 1996; Brettschneider 2007; Estlund 2008; Stilz 2009. Contrast Rosanvallon 2006: 37 on the “duality . . . between liberalism and democracy.”

²¹ Rawls 1996, 2001; J. Cohen 1996; Habermas 1996. Rawls 2001: 5 seems to accept a “democracy before liberalism” postulate in claiming that his theory of justice as fairness draws its principles from the “public political culture of a democratic society” (cited in Galston 2010: 388). Ellerman 2015 offers a cogent argument to the effect that classical liberalism does in fact imply democracy in the sense that individuals must be principals in their own organizations.

²² Bell 2014: 694–704 traces the association of democracy and liberalism back to the nineteenth century but shows that the hybrid “liberal democracy” emerged only in the mid-twentieth century: