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HAYEK, HABERMAS, AND  
EUROPEAN INTEGRATION

ABSTRACT: Recent conflicts both within Europe and between Europe and the United States suggest that Europe's current political arrangements need to be adjusted. F. A. Hayek and Jürgen Habermas argued, albeit on very different grounds, for European political integration. Their arguments ultimately are not persuasive, but a "United States of Europe" can be justified on the basis of its contribution to European security.

In December 2001, the European Council at Laeken decided that European integration could proceed no further without a constitutional convention to reexamine the European Union's political institutions. This decision was taken in response to two different challenges. First, the EU faced the problem of incorporating as many as thirteen new members, most of them former communist countries. Second, the European Union faced a crisis of popularity. Voters in a number of European countries had expressed their dislike of the post-Maastricht EU in a number of embarrassing referendum defeats. Euroskepticism, in other words, was showing signs of spreading, much like

soccer hooliganism, from England to the Continent. Something had to be done.

The mandate of the constitutional convention, which was chaired by the former French President, Valéry Giscard d'Éstaing, was both broad and narrow. It was broad in that it sought "to propose a new framework and structures for the European Union." Yet it was narrow in that it did not grapple with the fundamental question raised by Euroskepticism: Must there be a European level of government? For Euroskeptics, the answer to that question is an emphatic No. They fear that a "United States of Europe"—the hidden agenda, so they believe, of all supporters of European integration—would be undemocratic, excessively bureaucratic, and destructive of national diversity.

While conceding that the idea of a unitary European polity is not at present politically feasible, I will contend that such a polity is more desirable than is widely recognized. Europe's current divisions, cruelly exposed in the conflict over Iraq, call for greater political integration, not less. This can be seen by taking a critical look at two very different—indeed, two diametrically opposed—normative theories of political integration: F. A. Hayek's classical liberal rationale for an interstate European federation, and Jürgen Habermas's social-democratic argument for a European constitution. While neither theory is adequate to the task of justifying a United States of Europe, the arguments of Hayek and Habermas point the way to a more satisfactory justification.

### Hayek's Defense of European Integration

Hayek took up the question of European integration in his 1939 article "The Economic Conditions of Interstate Federalism" (in Hayek 1948). While his essay predated the current process of European integration, a process initiated by the Schumann plan in 1950, the argument of the essay nonetheless illuminates the current debate on European political and economic integration. Indeed, Hayek's

paper, as we shall see, bears on an issue that still separates pro- and anti-Europeans today: the ability of a multinational polity to secure social justice.

Hayek's 1939 essay is particularly concerned with the economic implications of interstate federation. In a manner that has now become commonplace, he identifies the gains to prosperity that will result from a common economic regime. An economy undivided by barriers to trade, he points out, will realize tremendous economies of scale and of what economists now call unhindered "comparative advantage." The greater prosperity that will result from these economies will, in turn, make Europe more powerful and less vulnerable to external attack.

Hayek also offers, however, a more controversial, classically liberal rationale for an economically unified Europe. Hayek's aim in this part of his paper is to show that the multinational character of an interstate federation will prove conducive to the liberal project. His point of departure is the observation that an economically unified interstate federation will permit "the free movements of men and capital between the states of the federation" (Hayek 1948, 258). In such a federation, there will be a single market, and the prices of goods will vary only by the costs of transport. Labor and capital mobility will furthermore prevent the states in the federation from imposing costs on business or industry that exceed the costs imposed by other states. It will thus be necessary "to avoid all sorts of taxation which would drive capital and labor elsewhere" (ibid., 260). Federation, in short, will impose severe constraints on the federated states' capacity to enact interventionist and protectionist policies.

One obvious way for states to overcome these constraints would be for them to transfer regulatory authority from the state (or national) level to the federal (or supranational) level. A transfer of this sort, however, is, so Hayek argues, unlikely to succeed, because supranational regulation is much more difficult than national regulation. His argument here is important. For Hayek,

the form of solidarity built into the idea of a shared nationality exercises a baleful influence on economic policy. As he puts this point:

In the national state, current ideologies make it comparatively easy to persuade the rest of the community that it is in their interest to protect "their" industry or "their" wheat production. . . . The decisive consideration is that their sacrifice benefits compatriots whose position is familiar to them. (Hayek 1948, 262.)

In an interstate federation, in contrast, feelings of federation-wide solidarity are improbable. "Is it likely," Hayek asks, "that the French peasant will be . . . willing to pay more for his fertilizer to help the British chemical industry?" (Hayek 1948, 263). A supranational federation will not be able to pursue either protectionist or redistributive policies, because the citizens of that federation will lack the international solidarity necessary to sustain such policies.

Hayek's argument in support of an interstate federation can be seen as a mirror image of his argument against the nation-state. Hostility to the nation-state—and a fortiori to nationalism—is a recurrent theme in Hayek's work. In the present context, nationalism and the nation-state are damned for their tendency to sustain state planning, protectionism, and redistributive welfare policies. These harmful policies are easier to enact in a nation-state, because of the "comparative homogeneity, the common convictions and ideals, and the whole common tradition of the people" (Hayek 1948, 264). Because it would lack such a homogeneous culture, Hayek expects an interstate federation in Europe based on a common market to generate an economy governed by classically liberal principles. Hayek's conclusion is that "there would have to be less government all round if federation is to be practicable" (*ibid.*, 266).

Notwithstanding the fact that Hayek wrote his defense of an interstate federation in an intellectual and political context that was very different from that prevailing

today, his arguments are germane to the present debate on European integration. Paradoxically, though, such arguments are more likely to be heard today from social-democratic opponents of European integration than from its libertarian proponents. A number of social-democratic theorists (e.g., Miller 1995) have noted the dependence of the modern welfare state on a shared sense of solidarity anchored in the idea of a nation. These social democrats fear that European political and economic integration will yield a market cut loose from the political policies that have tempered what they perceive as the market's destructive tendencies. European integration, in short, will triumph at the expense of social justice (Miller 1998).

Leaving aside, for the moment, the merits of the very different normative perspectives adopted by Hayek and the social democrats, I want to consider a puzzle that arises if we accept the conclusion that European integration is good for free-market capitalism. The puzzle is this: Why do many pro-market parties and politicians oppose European integration? Margaret Thatcher can serve as an example here. She was a fervent admirer of Hayek's economic writings, yet a vehement critic of European integration.

On one level, the puzzle can be answered easily. The postwar process of European integration created a very different type of interstate federation than that which Hayek had in mind in his prewar essay. Thatcher (1994) feared that her own efforts to destroy social democracy in Britain would be jeopardized by a European project to reconstitute social democracy at the supranational level. But to acknowledge this point is to suggest that Hayek's 1939 essay puts too much weight on the role of national solidarity in sustaining protectionist and interventionist state policies.

Hayek's 1939 essay specifies just one mechanism that might conceivably yield protectionist policies: nationalism. From this perspective, the solidarity felt by members of a common nation encourages them to tolerate a lower level of overall prosperity so that some of their

number can escape the costs of disadvantageous economic competition. But clearly this is not the only mechanism through which protectionist policies emerge. Consider, by way of example, the situation of farmers in both Europe and the United States. On both sides of the Atlantic, farmers are protected against foreign competition and are provided with various governmental subsidies—in the case of Europe, by EU-wide agricultural protectionism. (This is one of the most important respects in which the First World is protected from what would otherwise be a far more laissez-faire version of globalization, which would be far more beneficial to the Third World.) Contrary to Hayek's assumption, national solidarity can hardly explain this state of affairs. While Americans might possess a robust sense of national solidarity, Europeans, at least qua Europeans, do not—just as Hayek predicted. Why, then, do European politicians go on supporting EU agricultural subsidies? Presumably the answer is that farmers constitute an electorally important segment of the vote in many EU countries. Governments appease farmers because they fear the electoral consequences of subjecting them to market competition, not because the electorate of the EU as a whole (or even of each country as a whole) endorses the subsidies.

The organization of producer groups in support of self-serving, market-constraining policies provides an alternative to nationalism as a mechanism through which protectionist policies might emerge. Adam Smith ([1776] 1976, 266-67) warned his readers of precisely this mechanism in *The Wealth of Nations*. For Smith, merchants presented a particular threat in this respect, both because their sectional interest did not coincide with the general interest, and because they were the best equipped to ensure that their sectional interests won out.<sup>1</sup> If this line of argument is correct, then the critical question for classical liberals to ask when confronted with the prospect of interstate federation is this: Are interest groups more likely to succeed in their advocacy of protectionist policies in an interstate federation or in a national

state? Thatcher and other classically liberal critics of European integration maintain that such policies are more likely in an interstate federation. Hayek, so it would seem, thinks that they are more likely to succeed in an unfederated nation-state.

In addition to national solidarity and sectional interests, a third mechanism that might yield protectionist policies is the ideal of social justice. For better or worse—Hayek (1976) clearly thinks for worse—politically significant actors will often favor policies that constrain the market in the interests of that ideal. For many European social democrats, the postwar success of Europe resides in its ability to force the market to submit to politically imposed constraints. The citizens of Europe's postwar democratic nation-states now expect their governments, as Fritz Scharpf (2000, 121) puts it, "to prevent mass unemployment . . . ; to prevent extreme poverty that would force persons to live below socially acceptable levels of income and life chances; and to assure a fair sharing of burdens and tax benefits."

The attempt to force the market to conform to the dictates of social justice has been sharply criticized by classical liberals. Hayek (1976, ch. 9) argues that the desire for social justice represents a misguided attempt to apply the distributive principles that make sense in small face-to-face communities to the impersonal context of a great modern society. This is to suggest that "social justice" is simply another name for national solidarity, which in turn is local solidarity writ large. Hayek's argument here is, I think, mistaken. The members of a great modern society might seek the policies described by Scharpf simply because they wish to insure themselves against the costs of failure in the market order. From this perspective, protectionist policies arise because politically significant actors—whether citizens, political leaders, or administrative officials—believe that they will fare better in a polity that protects against economic distress. As Scharpf (2000, 30) puts it:

The democratic state . . . derives its claim to legitimacy from a commitment to the public interest and to distributive justice, and governments are constrained, through the mechanisms of electoral accountability, to orient their policies toward the interests of the broad majority of its voters. They are therefore under political pressure to protect groups in the electorate against the losses caused by structural change, to prevent mass unemployment, to regulate labor markets and production processes in the interests of the workers affected, and to achieve a normatively defensible distribution of incomes.

Leaving aside for the moment the question of whether governments are justified in their pursuit of social justice, the point to grasp here is that this pursuit need not owe anything to the mechanism of national solidarity. The pursuit of social justice provides a distinctive route to protectionist policies. This being the case, an argument that seeks to defend interstate federation on the grounds that it will thwart national solidarity is unpersuasive, because it fails to consider the alternative mechanisms through which protectionist policies can succeed. Even if we share the classical liberals' animus towards protectionist policies, we thus have no basis for thinking that such policies are less likely to succeed in an interstate federation than in a nation-state. The argument of Hayek's 1939 essay fails, in short, to provide a convincing justification for European political integration.

### Habermas's Defense of the European Project

Most defenders of the project of European integration today tend, unlike Hayek, to be social democrats. Often they believe that social justice can be more securely housed in an integrated Europe than in any of Europe's nation-states. Perhaps the best example of such a belief is to be found in Jürgen Habermas's recent writings (Habermas 1998; 2001a; 2001b). These works provide an illuminating point of contrast to those of Hayek. More

generally, they highlight the pitfalls of pinning the case for European integration on any substantive conception of justice, whether classically liberal or social democratic.

Habermas's recent writings on European integration begin with an acknowledgement that the European project is desperately in need of a compelling justification, if it is to "mobilize political support around . . . political union" (Habermas 2001b, 8). Habermas rightly points out that arguments that worked when Europe was in its formative stage no longer suffice. "Neither of the two original motives for integration"—ending interstate war and controlling German power—now provide "a sufficient justification for pushing the European project any further" (*ibid.*, 7), Habermas writes.

Notwithstanding his recognition of the enormous transformation entailed by the project of constructing a unitary European polity—a Federal Europe, as he terms it—Habermas also emphasizes the conservative dimensions of this project. A Federal Europe is necessary, Habermas argues, in order to defend the achievements of the European nation-state.

To understand Habermas's account of these achievements, it is important to note the sociological and normative standpoints from which his theory proceeds. From a sociological point of view, Habermas assumes that religion and tradition are spent forces that are no longer viable as bases of social integration. And normatively, Habermas (1996 and 1998) is committed to a form of what he terms "Kantian Republicanism," according to which the subjects of any legitimate polity must be able to recognize themselves as the authors of the laws of that polity. The great achievement of the European nation-state, Habermas maintains, is that it secures a form of integration anchored in the laws and practices of constitutional democracy. The European nation-state has been aided here by two further factors, one of which Habermas considers positive, the other negative. The welfare state is the positive factor; it provides the ordinary citizen with a set

of social rights and, more generally, ensures that the capitalist economy operates in accordance with the public interest. Exclusionary nationalism, in contrast, is the negative factor. While a feeling of national solidarity has helped in securing identification with the democratic constitutional state, this feeling of national solidarity has often been bolstered by invidious conceptions of ethnic and cultural superiority. The negative consequences of nationality are apparent, so Habermas believes, both in the wars of the twentieth century and in the present difficulties that Europe's nation-states confront in integrating cultural minorities (Habermas 1998, 116-117).

Habermas wants to conserve the beneficial features of the nation-state-democratic norms and the welfare state-while rejecting the harmful features-invidious versions of nationality. He believes that this aim can be reached by means of a Federal Europe because integration around democratic norms needs only a thin form of constitutional patriotism, not a thick national identity grounded in a shared history, culture, or ethnicity.<sup>2</sup> More importantly, he believes that this aim is necessary, because globalization has rendered the nation-state obsolete.<sup>3</sup>

By globalization-a concept that plays a central role in his argument for European integration-Habermas has in mind a cluster of processes that presents problems and risks that the nation-state, acting either singly or collaboratively, can no longer solve. As he puts it, "the globalization of commerce and communication, of economic production and finance, of the spread of technology and weapons, and above all of ecological and military risks, poses problems that can no longer be solved within the framework of nation-states or by the traditional methods of agreement between sovereign states" (Habermas 1998, 106).

The constraints imposed by globalization, Habermas contends, have produced negative consequences for the social-democratic welfare state. The increase in in-

ternational competition has led to higher unemployment; the increase in capital mobility has diminished the tax base that states use to finance their social policies; and, more generally, globalization has encouraged a shift towards a neoliberal social model. The upshot is that the nation-state is no longer able to sustain the social-democratic rights that are necessary if citizens are to recognize themselves as the authors of their laws. If citizens are to gain political control over global economic forces, they can now do so, Habermas contends, only at the European or transnational level.

In Habermas's earlier writings on Europe, during the 1990s, the claim that globalization has rendered the nation-state obsolete served as his principal justification for the European project. More recently, Habermas (2001b, 8) has offered an additional—perhaps even an alternative—justification. Rather than invoking economic arguments for Europe, Habermas (2001b, 8) now thinks that Europe must appeal to shared values and an "affective attachment to a particular ethos . . . a specific way of life." Fortunately, he argues, Europe already possesses a specific way of life: its commitment to social, political, and cultural inclusion. Europe, in other words, has a distinct identity grounded in its commitment to social justice. This identity sets Europe apart from the United States.

Habermas is not alone in thinking that Europe embodies a unique and morally attractive form of life. This is a common refrain of many European critiques of American-led globalization (e.g., Hutton 2002). In Habermas's altogether more sophisticated version of this argument, a Federal Europe is necessary to protect Europe's solidaristic way of life from the ravages of a neoliberal global economy. No single nation-state can, he contends, achieve this goal.

Critics of Habermas's defense of the European project typically focus on what has come to be known as the "no demos thesis" (Grimm 1996; Weiler 1999). Simply stated, the critics contend that European political inte-

gration is impossible, because Europe lacks a demos—a politically self-conscious and bounded citizenry. In the absence of such a demos, Europe cannot secure the precondition of a Kantian republic: citizens who think of themselves as both the authors and the addressees of the law.

Habermas has responded to this criticism—effectively, I think—by taking note of the growth of a Europe-wide “public sphere.” But even granting that Habermas is right on that point, there remains a more fundamental challenge to his argument. This challenge, which centers on the idea of social justice, brings Habermas’s view into confrontation with Hayek’s.

### Habermas vs. Hayek on Social Justice

Habermas’s claim that European integration can be justified in terms of its contribution to social justice invites at least three different criticisms. The first concerns the very idea of social justice, which, according to Hayek, is both philosophically incoherent and unattainable in a modern society (Hayek 1976). The second concerns the adequacy of Habermas’s argument about the impact of globalization on social democracy. And the third concerns the propriety of appealing to a conception of social justice, however sound in principle, to justify the particular project of European integration. Let me consider each of these criticisms in turn.

For classical liberals such as Hayek, “social” justice is a perversion of the concept of justice, which can apply only to individual conduct (Hayek 1976). If this argument is correct, then Habermas’s view is fatally flawed. So it is worth considering the grounds of Hayek’s objection to social justice in more detail.

At its most general level, Hayek’s objection rests on the claim that a just distribution of benefits and burdens requires a state capable of effecting that distribution. As a classical liberal who believes in a limited government capable of enforcing the rule of law—a *Rechtstaat*, in

other words—Hayek, unlike the anarchist, has no objection to the state as such. It is the state that takes on responsibility for a redistributive social-welfare system—a Sozialstaat—that poses a problem.

Hayek relies upon two different arguments to condemn the Sozialstaat. First, he contends that any state that seeks to redistribute benefits and burdens must, ipso facto, diminish individual liberty. Hayek does not possess a natural-rights theory of liberty. Thus he cannot, like some other classical liberals, claim that a social-democratic welfare system violates individual rights. Instead, he simply maintains that individuals will have less freedom in a Sozialstaat than they would have in a Rechtstaat, and that this is undesirable, albeit not a violation of rights.

The second argument Hayek employs against the Sozialstaat concerns its effects on the free market. Hayek won a Nobel prize for noticing that the market is "the only procedure yet discovered in which information widely dispersed among millions of men can be effectively utilized for the benefit of all" (Hayek 1976, 70-71). The Sozialstaat does not allow this information-providing function of the market to operate unchecked. A free market informs people through the mechanism of prices. A Sozialstaat, in contrast, commands people through the mechanism of coercion. A market order, so Hayek maintains, cannot be preserved while imposing on it a pattern of remuneration defined by social justice. Hayek fears that government intervention in the market to achieve the goals favored by social democrats can only lead to a directed or command economy and thence to mass poverty (Hayek 1976, 68-69).

Hayek's arguments against social justice would, if true, be highly damaging not only to Habermas's case for European political integration, but also to the many intellectuals who claim that Europe embodies a more humane model of society than such countries as the United States. Yet neither of Hayek's arguments against the

Sozialstaat is altogether convincing. The claim that the Rechtstaat is more conducive to liberty than the Sozialstaat is, at best, a provocative suggestion. Judgments about the relative scope of individual freedom in different social systems are notoriously difficult to substantiate. They always seem to founder on the problem noticed by Isaiah Berlin (1968, 130): "there are many incommensurable kinds and degrees of freedom, and . . . they cannot be drawn up on any single scale of magnitude." Hayek's work lacks any convincing solution to this problem (Gray 1998).

Hayek's contention that the pursuit of social justice undermines the market order is similarly problematic. Hayek first advanced this line of argument in *The Road to Serfdom* (1944), which was written during the Second World War. In a sense, Hayek has been refuted by the performance of postwar European economies. During this period, European nation-states have managed to combine a high level of economic growth with a high level of social expenditure. Furthermore, the economies of those advanced industrial states with high levels of social expenditure (e.g. Sweden) have not, contrary to Hayek's expectations, performed substantially worse than those with low levels of social expenditure (e.g. Britain). Finally, there is little truth to Hayek's suggestion that social democracy leads ineluctably to a command or planned economy. Indeed, European countries have, in recent years, managed to sustain their commitment to social-welfare expenditure while concurrently privatizing many of their state-owned industries. These considerations suggest that Hayek's arguments against the Sozialstaat are largely incorrect.

The fact that Hayek's case against social justice is unconvincing does not mean, however, that Habermas is right to base his justification of European political integration on social justice. For Habermas's argument to succeed, there must be some good reason to believe that the social-democratic welfare state is sustainable only at the European supranational level. But Habermas's

arguments in support of this claim are weak. Indeed, he relies here on a number of causal claims concerning the impact of globalization on the welfare state that are hard to square with the facts.

Two of Habermas's claims deserve particular scrutiny. First, he argues that "national governments today are increasingly compelled to accept permanently high unemployment . . . for the sake of international competitiveness" (Habermas 1998, 157). And second, he asserts that "economic globalization obviously has an impact on the shrinking tax base the state uses to finance its social policies" (Habermas 2001a, 77).

The first claim suggests that European countries face progressively higher rates of unemployment because of international competition. This widely shared idea is problematic for a variety of reasons. First, it fails to register the divergence in unemployment rates within Europe: relatively low in Britain and the Netherlands; higher in France and Germany; and very high in Spain. International competition alone cannot explain this divergence, because international competition, if it is a cause of unemployment at all, is obviously not the sole cause. A more plausible candidate for a monocausal theory of European unemployment is inflexible labor markets. Even many German social democrats have come to the conclusion that Germany's highly regulated labor markets are a principal cause of Germany's relatively high unemployment.

A second problem with Habermas's argument concerning unemployment is that even if it were correct, it is difficult to understand how European political integration could provide any solution. Eastern European countries, many of which (such as Poland, Hungary, and the Czech Republic) are about to become full members of the EU, are now a principal source of low-wage competition for West European industry. Further European political integration will not protect, say, German workers from seeing their employers flee to Poland. Even in the case of competition from outside

Europe—the third-world agricultural sector, for instance—it is not obvious that a “United States of Europe” can or ought to protect its domestic producers. Social democrats such as Habermas are committed to improving the material conditions of the least well-off, whatever country they inhabit. It is difficult to see how a policy that protects the welfare of European producers at the expense of Third-World producers, which is essentially what the Commons Agricultural Policy manages to do, can be justified on social-democratic grounds. Insofar as international competition works to the advantage of the globally least well-off, a social democrat would be hard pressed to sustain an objection to international competition, no matter what its impact on the wages and employment figures of European countries.

Habermas’s claim concerning the impact of globalization on the tax base of Europe’s nation-states is also more complicated than he suggests. How much money is available to a state to fund its welfare system is a function of both the overall Gross National Product and the proportion of GNP the state can extract in taxes. A variety of factors affect a state’s capacity to tax, only one of which is the threat of flight by the individual, group, or company that is to be taxed.

On the face of it, globalization does constrain the state’s capacity to tax, if only because it increases the possibilities for flight. It is important to recognize, however, that the state can tax payrolls, consumption, property, and estates, not just individuals and corporations. All of these taxes are not equally vulnerable to flight. Globalization may mean only that the state has to shift its revenue-raising activities onto the less-mobile taxable entities. The state’s ability to employ these options is likely to depend as much on the willingness of electorates to impose, and to bear the cost of, taxation as on the threat of flight. For some reason, voters appear to be much less willing to approve of

high taxation today than in the earlier postwar period; hence the recurrent popularity of populist anti-taxation political parties and candidates (Van Creveld 1999, 336-414). But surely it is unlikely that the voters themselves are motivated by the (erroneous) impression that raising any taxes would doom their countries' international competitiveness.

This brings us to another problem with Habermas's first argument. Even if he were right about the impact of globalization on the European Sozialstaat, the Sozialstaat is itself a topic of considerable controversy within Europe. While most Europeans accept some conception of social justice, the institutional embodiment of social justice in a Sozialstaat (with the tax burdens that entails) remains deeply controversial. Indeed, differences over whether to radically reform the social-welfare system produce some of the key political cleavages in European countries. In light of these differences, it makes little sense to view social-welfare protection as the principal *raison d'être* for a yet-to-be-constructed Europe.

Habermas recognizes the problem here. Thus he questions whether his own argument is not weakened by its partisan commitment to social-democratic values. He sets this concern aside, however, on the grounds that "broad political mobilization [in support of a European constitution] will not happen at all if there is no polarization of opinions" (Habermas 2001b, 13). But this response is, I think, inadequate. The polarization of opinions should not be the route to a Federal Europe. Polarization is not a good road towards unity. If a politically integrated Europe is to be justified at all, it must appeal to values that all Europeans can share.

To appeal to values that can be shared—which is not the same as appealing to values that all Europeans do in fact share—is to follow a line of argument that Habermas's own philosophical writings have done much to make respectable. Like John Rawls, Habermas draws a distinction between an abstract conception of morality

("the right," in Rawls's terminology) and a more concrete conception of ethical life ("the good"). Habermas is critical of those who seek to justify the basic constitutional framework of a polity by appealing to concrete conceptions of ethical life. No single conception of the good can, he argues, legitimately claim authority over the multiplicity of groups and subcultures that inhabit late modern societies. But if Habermas is correct in counseling us against any direct appeal to substantive conceptions of the good, then his own appeal to a distinctively European form of solidarity seems out of place. It is not just that Europeans do not all accept this conception of solidarity; this conception is something that they ought to be free to accept or reject.

The argument for European political integration would be far stronger, then, if it were grounded in those basic values or norms all Europeans must accept as a condition of their status as free and equal citizens who seek mutually acceptable terms of social cooperation.<sup>4</sup>

### Beyond Hayek and Habermas

If we reject Hayek's brand of classical liberalism and Habermas's brand of social democracy as inadequate to the task of justifying a constitutional transformation, is there an alternative?

Most of the values that Europeans today take for granted—liberty, democracy, material prosperity, and so forth—do not offer very promising grounds upon which to construct an argument for European political integration. Europeans can be free, self-governing, and prosperous in a Europe of nation-states, so these values do not seem to support European political integration.

The one exception to this generalization is the value of security. And there are some good reasons to think that European political integration can be justified on that basis.

Security certainly offers a much less controversial

point of departure than social justice. For most people, security is a fundamental value. John Stuart Mill ([1861] 1993, 56) gives one reason:

All other earthly benefits are needed by one person, not needed by another; and many of them can, if necessary, be cheerfully foregone, or replaced by something else; but security no human being can possibly do without; on it we depend for all our immunity from evil, and for the whole value of all and every good, beyond the passing moment.

More to the point, security is one of those values that all Europeans must accept if they are sincere in their commitment to what Habermas and all democrats value as mutually acceptable conditions of social cooperation.

This still leaves open the question of what form of security is necessary in Europe today. In its earliest stages, the project of European integration was often justified on the grounds that it would enhance security by reducing the risk of war between European states. Some commentators (e.g., Mancini 2000) still appeal to this type of security as the rationale for European political integration. But this line of argument does not seem very promising. Not only is war between European states highly unlikely, but Europeans possess—in the form of their current political and economic arrangements—adequate safeguards against intra-European military conflict. If there is to be a security-based justification for European political integration, it will have to focus upon more credible threats of war.

It is not my aim here to provide a catalogue of all the dangers to European security that could conceivably arise in the future. It will be sufficient to focus on two of them.

The first threat comes, of course, from terrorism. Traditionally, terrorism was thought of as politically motivated violence directed by nongovernmental organizations against the state, its infrastructure, or its people. Terrorism, in other words, was the weapon of the

weak. In the wake of September 11, the traditional view of terrorism must change. Given the overwhelming power of the West—and of the United States, in particular—our understanding of “the weak” must expand. In some respects, all the world is now weak in comparison to the West. No state acting rationally will challenge the West in a conventional or nuclear war; such a state would be destroyed. Instead, we can expect the West’s enemies—whether those enemies be states (such as Iraq or North Korea) or nongovernmental agencies (such as Al Qaeda)—to employ terrorism. Terrorist tactics will be aided by the fact that given current technology, dangerous weapons are cheap, small, and easy to employ. If Richard Reid—the “Shoebomber”—had not been stopped by an alert flight attendant, he might well have become the poster-child of this new era of terrorism.

The second threat to European security comes from the United States. This is not to say that the United States has any interest in a military attack on Europe. Nor does the United States have any interest in reducing Europe to a dependent colony. The United States poses a threat to European security for no other reason than that the United States is now the world’s only superpower. While some observers like to describe it as a “benign power” that other states, including those in Europe, have little reason to fear (Kupchan 1998), anyone who takes security seriously must think otherwise. Overwhelming power is always a threat, regardless of who possesses it. Prudence dictates that states facing overwhelming power ought to form a balancing coalition against the overwhelmingly powerful. The alternative strategy is to form a dependent relationship with the overwhelmingly powerful state. But a dependent relationship is hard to justify on security grounds, because it leaves the dependents with few options when the overwhelmingly powerful perceive their interests to be incongruent with those of their dependents.

The two threats described here are structural. They arise out of basic features of the international system,

such as the distribution of power and the level of technological development. For some "realist" scholars of international relations, the tendency of states to balance against the dominant power in the international state system occurs as if in accordance with an iron law (Waltz 1979). From this perspective, it is simply a matter of time before Europe—the only potential superpower rival to the United States—forms a balancing coalition (Waltz 1993, 1998). But this view is overly deterministic. It wrongly assumes that the international system imposes only one option on states. There is no necessary reason why states, being composed of people with values, must take the "realist" course and privilege security above all other values. Nor is there any reason to think that a balance-of-power strategy is the best means of achieving security, even if that value is paramount. Canada, for instance, does not balance against the United States. Europe could conceivably take Canada's path. Indeed, even some realist scholars allow that since the United States lacks "a hegemonic impulse," the Europeans have no reason to form a balancing coalition against it (Mearsheimer 2001, 382).

The absence of a hegemonic impulse on the part of the United States does not, however, mean that European countries should adopt a Canadian strategy. It is sufficient to recognize the presence of fundamental differences of interest between the United States and Europe. Insofar as these differences are merely economic, they might be handled by various international institutions. But when the differences involve matters that affect security, international institutions will prove insufficient.

We are already seeing increasing tension between the United States and Europe on a wide variety of issues, most prominently war against Iraq (also see Walt 1998; Kupchan 2002; Lieven 2002). These tensions have even called into question the role of NATO as the organization that handles Europe's security needs. And there is no obvious reason to think that NATO will sur-

vive the era of American primacy even if it survives the current unpleasantness. The danger for Europe is that NATO is not an alliance of equals, but an organization that masks Europe's total military dependence on the United States (Kagan 2003). There was no more graphic display of this dependence than the Balkan wars of the 1990s, which the Europeans proved powerless to end without American leadership and military involvement (Simms 2001).

There are two particular disadvantages of military dependence. The nondependent (in this case, the United States) may either undervalue or overvalue various security threats to the dependent. In an era in which terrorism has become the major threat, these problems of evaluation will likely become more salient. The French and German governments, for instance, clearly believe that the United States has overvalued the threat that Iraq will employ weapons of mass destruction. And in the future, the United States and Europe will perceive threats differently not simply because of subjective differences in perception, but because of objective differences in exposure to various threats. Here it is important to recognize that the United States remains an offshore power; it has no enemies on its borders. No less importantly, most European countries contain large unassimilated Muslim populations. Europe cannot afford to adopt foreign policies likely to radicalize these populations.

There is nothing terribly controversial in the claim that Europe needs to develop its own foreign and military policy. Romano Prodi recently stated that one of the aims of European integration is to "create a superpower on the European continent that stands equal to the United States." Even Tony Blair, considerably more Euroskeptical than Prodi, has said that Europe needs to become a superpower without becoming a superstate. There is, however, an important fact about the United States that the advocates of a non-nation-state European superpower tend to overlook: the United States itself is a nation-state.

This fact is, in some respects, the reason that the United

States is able to act so much more effectively than Europe in foreign and military affairs. Imagine how nimble U.S. foreign policy would be if it had to be discussed and ratified by all 50 state governors. Imagine the power of a United States dependent for its weapons on procurement bills that had to be approved by all 50 state legislatures. It is worth mentioning these counterfactuals for two reasons. First, something like them would be "factuals" in a European polity that eschewed complete sovereignty. And second, a modified version of these counterfactuals prevailed in the United States before it became a dominant power.

The latter point needs further comment. It is a commonplace in the sociological literature that the modern nation-state owes its origins to its relative superiority as a war-fighting institution (e.g., Tilly 1990). Here it is worth recalling the variety of different political organizations in early-modern Europe: city-states, dynastic kingships, trading leagues, and territorially dispersed empires (Spruyt 1994). It is not self-evident why the nation-state won out over these alternatives. But it did.

Hobbes's political theory helps us understand why. Leviathan describes a territorial state with a single locus of political authority. Hobbes conceptualized this state as an impersonal sovereign that exercised its authority on behalf of the populus. The nation-state, which emerged only in the late eighteenth and the nineteenth centuries in Europe, was, to all intents and purposes, Hobbes's leviathan, but with one important addition: the populus on behalf of which sovereignty was exercised imagined itself as a distinctive natio (Greenfield 1992). This natio (whose etymology signifies "birth") was variously concocted out of cultural, ethnic, and civic elements. But the upshot of this concoction was that the members of the modern nation-state shared a common identity, Hayek's

"homogeneity," which was useful in generating loyalty to the war-fighting projects of the state.

Nationalist loyalties made it possible for a centralized locus of political authority to raise money and make rapid decisions. For Hendryk Spruyt, this feature of the sovereign nation-state explains much of its success over its competitors. Such states, Spruyt (1994, 185) argues,

won because their institutional logic gave them an advantage in mobilizing their societies' resources. Sovereign authority proved to be more effective in reducing economic particularism. . . . Central administration provided for gradual standardization of weights and measures, coinage and jurisprudence. . . . Internationally, sovereign authorities were also better at credibly committing their members. They provided a clear and final decision-making authority which could bind their subjects.

The fact that the nation-state was so much more successful than its competitors encouraged political elites around the world to take it as a model. In the nineteenth century, German political elites sought to restructure their society on the French pattern. And in the twentieth century, the nation-state served as the template for the former colonial territories of Africa and Asia (Davidson 1992).

The story of the rise of the nation-state as the quintessentially modern unit of political sovereignty has a particularly revealing American chapter. For much of its history, the United States lacked the centralized decision-making apparatus that characterizes the nation-state. Indeed, Tocqueville made this observation a central organizing theme of his *Democracy in America*. He thought that America had succeeded in combining democratic equality with individual liberty without being crushed by the "immense tutelary power" of a leviathan-like state (Tocqueville [1840] 1945, 292). The American leviathan was a late bloomer. Only far along in the nineteenth century—initially in response to a developing industrial economy—did we see the emergence of a central-

ized American state. And only after the United States had centralized power could it play an effective international role (Zakaria 1998).

Those who believe, along with Prodi and Blair, that Europe can become a superpower without becoming a superstate must overlook these lessons drawn from the rise of the nation-state. They seem to believe that Europe can project power outside its borders even in the absence of a centralized decision-making authority or a common political identity. But the United States will remain much more powerful than Europe as long as its national identity allows it to marshal resources more effectively and make decisions more rapidly. If Europe is going to become a superpower, it will have to develop a more centralized decision-making sovereign buttressed by a common identity. The alternative is for Europe to remain a weak and dependent power, at most a mere auxiliary to its American guardian.

\* \* \*

If security is the rationale for further European integration, then the project must be carried farther than Hayek envisions. A unitary European polity is a precondition for Europe to develop the capacity for an independent foreign and military policy.

This is a conclusion similar to that of Jürgen Habermas, but one that does not rest upon a controversial conception of social justice. Insofar as the EU remains a decentralized intergovernmental organization, it will remain dependent on the United States. The current discord between the United States and Europe suggests that dependence cannot provide a healthy basis for a relationship.

#### NOTES

1. As Smith (1987, 286) put the point in a letter to la Rochefoucauld in 1785: "In a Country where clamour always intimidates and faction often oppresses the Government, the regula-

tions of Commerce are commonly dictated by those who are most interested to deceive and impose upon the Public."

2. For critiques of Habermas's argument concerning the adequacy of a thin, unemotive constitutional patriotism, compare Larimore 1996, 205-21, and Miller 1995, 163-65.
3. "In view of the subversive forces and imperatives of the world market and of the increasing density of worldwide networks of communication and commerce, the external sovereignty of states . . . is by now . . . an anachronism" (Habermas 1998, 150).
4. For a more detailed defense of this claim, see my forthcoming *Justifying European Integration*, ch. 3.

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Matthew Weinshall

MEANS, ENDS, AND PUBLIC IGNORANCE IN  
HABERMAS'S THEORY OF DEMOCRACY

ABSTRACT: According to the principles derived from his theory of discourse ethics, Habermas's model of deliberative democracy is justified only if the public is capable of making political decisions that advance the common good. Recent public-opinion research demonstrates that the public's overwhelming ignorance of politics precludes it from having such capabilities, even if radical measures were taken to thoroughly educate the public about politics or to increase the salience of politics in their lives.

Habermas's theory of deliberative democracy is intended for times like these. In *Between Facts and Norms* (1996, 2-3), he explains the relevance of his project:

The development of constitutional democracy along the celebrated "North Atlantic" path has certainly provided us with results worth preserving, but once those who do not have the good fortune to be heirs of the Founding Fathers turn to their own traditions, they cannot find criteria and reasons that would allow them to distinguish what is worth preserving from what should be rejected.

When such countries as Afghanistan, Cambodia, and Iraq attempt to rebuild after wars, failed regimes, or coups, they must decide, as Habermas says, which institutions

are "worth preserving and what should be rejected." In light of the success that modern, industrialized democracies have achieved, these "failed states" might look to adopt democratic institutions. However, when states try to establish democratic institutions too quickly, the transitions generally fail, partly because they lack civil societies with a strong commitment to the legitimacy and appropriateness of democratic institutions (Massing 2002). Habermas attempts to create the foundation for such a commitment with his theory, albeit a complex and philosophical foundation.

The relevance of Habermas's theory of democracy also extends to states that already have established democratic institutions. By providing a philosophical justification for democracy, his theory explicates the "normative core" or the underlying ideal of real-world democracy, which can also be used to evaluate the adequacy and legitimacy of extant democratic practices (Habermas 1994, 3). Seyla Benhabib (1994, 41-42) makes a similar point when she discusses her understanding of the purpose of Habermasian democratic theory:

I understand such a theory to be elucidating the already implicit principles and logic of existing democratic practices. Among the practices which such a theory of democracy can elucidate are the significance of deliberative bodies in democracies, the rationale of parliamentary opposition, the need for a free and independent media and sphere of public opinion, and the rationale for employing majority rule as a decision procedure.

Since Habermas's theory explicates what underlies democracy, it can be used to critically assess existing democratic institutions. As Michael Rosen (1994, 4) puts it, Habermas develops a theory of democracy so that he can act as "both defender and critic of democracy."

## I. HABERMAS'S DISCOURSE

## THEORY OF DEMOCRACY

Habermas's theory, which he calls a "discourse theory of democracy," can be broken down into two components: his theory of discourse ethics, and his model of deliberative democracy. Discourse ethics is a theory about the ethical implications of the presuppositions that people must make when they participate in a discourse. Deliberative democracy is a procedural model of politics that favors universal and unconstrained deliberation about issues of public concern, rather than the mere collection of independent opinions through voting. I will examine Habermas's justification for and model of democracy by probing the relationship between these two components.

Distinguishing between discourse ethics and the deliberative model can be difficult and confusing, because they both focus on the importance of discourse or communication. But my central argument is that they do not necessarily fit together. Habermas asserts that his model of deliberative democracy follows from his theory of discourse ethics. I will challenge this assertion by arguing that it is an empirical question whether or not discourse ethics justifies deliberative democracy. Habermas implicitly makes empirical claims about the mass public's ability to become politically knowledgeable, which I will contest by surveying recent empirical research about the mass public's ignorance about politics. If Habermas's model of deliberative democracy does not, in fact, follow from his theory of discourse ethics, then discourse ethics may justify a totally different, nondemocratic form of government, defeating Habermas's goal of producing a universally compelling justification for and model of democracy.

## Why Democratic Deliberation Must Take Place

The general goal of Habermas's project of discourse ethics is to develop a just method of resolving moral

conflicts in a pluralistic society, in which the authority of one set of sacred texts or other authorities does not enjoy universal and politically legitimating support (Rehg 1994, 33).

Habermas's primary target is ethical skepticism, which holds that norms cannot be considered objectively right or wrong in the same way that empirical claims can be true or false. As a self-proclaimed ethical cognitivist, Habermas disagrees with this assessment of reason's futility in the realm of morality. He argues that a skeptical conception of norms is inconsistent with our understanding and experience of the justifiability and non-arbitrariness of norms. He writes:

When employing normative utterances in everyday life, we raise claims to validity that we are prepared to defend against criticism. When we discuss moral-practical questions of the form "What ought I to do?" we presuppose that the answers need not be arbitrary; we trust our ability to distinguish in principle between right and wrong ones. (Habermas 1990, 56.)

Even though Habermas observes that we understand and experience norms as being objectively right or wrong, he does admit that norms cannot be proven to be true or false in the same way that empirical claims can. "Normative statements cannot be verified or falsified; that is, they cannot be tested in the same way as descriptive statements" (1990, 54). From this fact, skeptics conclude that the justifiability of norms is an illusion, and that normative statements are really expressions of subjective experience. Moral or normative statements, according to this thinking, would be more accurately expressed with other types of sentences, which cannot make claims to truth and cannot be defended by rational arguments.

In response, Habermas (1990, 56) maintains that even though normative statements cannot be right or wrong in the same sense that empirical or descriptive statements can be true or false, norms do make claims to

validity that are "analogous to truth claims." Rather than dismiss the intuition that norms are justifiably valid or invalid, which our experience confirms, Habermas attempts to explain the meaning of this experience of moral truth, or more accurately, normative rightness (ibid.). To achieve this goal, he investigates how people develop a belief in a norm's moral rightness. "It is only their claim to general validity that gives an interest, a volition, or a norm the dignity of moral authority" (ibid., 49). According to Habermas, believing in a norm's claim to "general validity" is synonymous with thinking that others will believe that it is valid as well, or in his words, that it holds intersubjectively. He further concludes that such a belief in a norm's intersubjective validity, or moral rightness, rests on the rational arguments that support or justify the norm. The sense of an obligation to follow a norm comes from the belief that other rational people, given our reasons for upholding the norm, would agree that it is justified, or right, and hence would follow it if they were in the same situation. "To say that I ought to do something means that I have good reasons for doing it" (ibid., 49, emphasis original), Habermas writes; and "valid norms must deserve recognition by all concerned" (ibid., emphasis original).

These insights lead Habermas (1990, 66) to posit his Discourse Principle: "Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse." He believes that this principle is implicit in our acceptance of a norm's validity claim. In order to think that something is valid, you must think that it is not simply your perspective that makes it seem convincing, but that other rational people, if given the same supporting reasons, would also think that it is valid; in other words, the source of a norm's motivating power is the sense that its validity lies beyond oneself.

In essence, Habermas is providing a discourse-centered definition of objective validity. While it may seem

like common sense to argue that when we accept a norm, we implicitly believe that the norm is objectively valid or justified, it is novel to define objective validity as the result of an actual discourse. The crucial connection in this view is between the quality of the supporting reasons and their potential to generate universal support for a norm among other people. Of course, one could carry out an independent and isolated thought experiment to test if a reason were strong enough to generate such support, but the only way to determine, for certain, if an argument would convince others to support a norm is to enter into an actual discourse.

Only an intersubjective process of reaching understanding can produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced by something. (Habermas 1990, 67.)

The Discourse principle, which defines validity as the product of an actual discourse, raises an important question: what constitutes such a discourse? Habermas's answer to this question eventually leads him to posit a second principle, the principle of Universalization, which states that a norm is valid if

all affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities). (Habermas 1990, 65.)

Habermas arrives at this principle by analyzing the unavoidable, and hence universal or necessary, presuppositions that people must make about the conditions of a discourse in order to believe that the results of that discourse are valid (1990, 81). He argues that one must presuppose that the following conditions are fulfilled:

1. Every subject with the competence to speak and act is allowed to take part in a discourse.

2a. everyone is allowed to question any assertion whatever;

b. everyone is allowed to introduce any assertion whatever into the discourse;

c. everyone is allowed to express his attitudes, desires, and needs.

3. No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (1) and (2). (Ibid., 89.)

To assemble this list, Habermas relies on the work of Karl-Otto Apel and R. Alexy, who argue that those who participate in a discourse but do not make these presuppositions engage in performative contradictions.

The basic premise of these conditions is that in order to think that a result is accurate, or valid, you must propose that you are taking into account all and not excluding any relevant data, which must be produced by people in some form of discourse. It would be unrealistic to assume that one had considered all relevant data if certain people were excluded from presenting their points of view or were coerced into staying quiet. Habermas (1990, 91-92) calls his three necessary presuppositions "rules of discourse" because even though they do not constitute a discourse in the way that rules of a game constitute the game, these conditions need to be fulfilled, as much as possible, in order to produce a valid result.

Habermas simply claims that the principle of Universalization "follows" from these rules (1990, 93). For the purpose of my essay, though, it is necessary to explore the precise mechanism of this derivation.

The only way, I believe, to derive the principle from these rules is to imagine an ideal discourse including every affected and competent person. The most important condition that must be realized in order to make a discourse ideal is not a complete fulfillment of the three rules, although that still must occur, but rather, that participants must have complete knowledge of the ex-

pected effects of the norm in question upon their interests.

Habermas hints at this ideal requirement in the first rule by restricting discourse to only those "with the competence to speak and act"; similarly, he later refers to the inclusion of only those with "the capacity to take part in argumentation" (Habermas 1990, 89). Although he does not explicitly define "capacity" or "competence" as having complete knowledge of the effects that a norm is expected to have for one's interests, without such knowledge, it would be illogical to assume that a norm will indeed satisfy the interests of each individual.

For instance, if a discourse followed the three rules, but all participants did not have an adequate amount of knowledge of their interests or of whether the general observance of a norm would advance their interests, then a valid norm, according to the principle of Universalization, could be reached only as a result of chance or good fortune, because some participants would not have adequate means to ensure that the outcome of the discourse benefitted them. According to the basic premise of the three rules—that all relevant data must be considered in order to confer validity on a discourse—we would not deem the results of such a discourse valid. If all the conditions of an ideal discourse are fulfilled, then it is logical to claim that the resulting norm satisfies not only the Discourse but the Universalization principle because the only way to secure universal consensus would be to construct a norm that was expected to advance everyone's interests.

Building the demanding requirement that everyone be completely knowledgeable about his interests into the picture of an ideal discourse, and hence into Habermas's explication of the principle of Universalization, is not problematic in itself. At this point, Habermas does not need to consider the public's practical ability to obtain and utilize political information, because discourse ethics is a descriptive moral theory: it describes and

reconstructs the principles that are inherent in basic communication and our common understanding of morality. Through his analysis of an ideal discourse that we must all regard as valid, Habermas aims to show that everyone already accepts the principle of Universalization, which essentially states that valid norms must consider and advance everyone's interests equally. However, to then argue that discourse ethics justifies his model of deliberative democracy does require Habermas to make empirical claims. He must be able to prove that his model of deliberative democracy has the potential to create policies that satisfy his principle of Universalization, since only those policies could be considered valid.

### Democratic Deliberation in Theory and in Practice

Without explicitly referring to them as such, Habermas does indeed make empirical claims of this type so as to justify his model of deliberative democracy. He contends that in properly structured democratic institutions, the only influential force will be the "force of the better argument." In other words, people will be persuaded only by rational arguments and not by factors external to the quality of those arguments, such as threats of violence. I interpret this as a claim about the instrumental rationality or desirability of discursive outcomes: better or more rational results will be produced through discourse that approximates Habermas's ideal democratic model.

Benhabib (1994, 32) interprets the claim in this way too. "According to the deliberative model, procedures of deliberation generate legitimacy as well as assuring some degree of practical rationality." Benhabib argues that deliberation will produce more rational decisions for three reasons. First, deliberation informs its participants of positions and ideas of which they were previously unaware. Second, when people partici-

pate in a deliberation, their preferences become more clear to them and they become more capable of weighing their preferences against those of others. And third, when people need to articulate reasons in support of their preferences, they begin to appreciate what counts as a better argument and to adopt "the standpoint of all involved" (ibid., 32-33). It is important to recognize that all three of Benhabib's claims are empirical, so that if they can be disproved by empirical data, her justification of actual democratic discourse loses its cogency.

Habermas's discussion of the tension between facts and norms, or between facticity and validity, provides more support for Benhabib's attribution of practical or instrumental rationality to the deliberative model. "Between facts and norms," the title of Habermas's recent book, refers to the tension between the social force of norms or laws and the actual reasons why they are implemented (Rehg 1996, xi). When rules are formed through communicative action or discourse, they achieve their social force or enforceability through the solidarity or understanding that the communication creates; in other words, people follow the law because they know why it is in place and agree with the normative rationale for its existence. In reality, though, most people follow laws because of their sheer social facticity; if they don't follow the law, they might suffer some penalty.

Moreover, other forces of social integration, namely the market and bureaucracy, have become more powerful than communicative action, which means that people have less understanding and control over the forces that influence them. Habermas's goal, through his deliberative model, is to alter the balance of power between these forces of social integration. He writes:

A radical-democratic change in the process of legitimation aims at a new balance between the forces of social integration so that the social-integrative power of solidarity—the "communicative force of production"—can prevail over the powers of the other two control re-

sources, i.e., money and administrative power, and therewith successfully assert the practically oriented demands of the lifeworld. (Habermas 1992, 444.)

If this were where Habermas's analysis ended, his advocacy of communicative action would seem to rest on a belief that people should have more control over their lives because such control is an intrinsically good thing. A closer reading of Habermas's work, though, reveals that his desire to resolve the tension between facticity and validity is grounded in a belief that doing so will advance the common good by producing rational norms and laws—in that they will advance the common good.

### Habermasian Democracy as Instrumentally Valuable

This interpretation, that Habermas bases his advocacy of the deliberative model on a belief that it will produce rational outcomes that are instrumental to the common good, may be controversial, but it is well supported by his writings.

First, Habermas establishes the connection between communicative action, or discourse, and rationality. He writes, "The theory of communicative action intends to bring into the open the rational potential intrinsic in everyday communicative practices" (1992, 442). Next, he makes it clear that rationality refers not just to the rationality of the procedure, but of the outcomes as well. He writes that "the burden of proof shifts from the morality of citizens to the conduciveness of specific processes of the democratic formation of opinion and will, presumed to have the potential for generating rational outcomes, of actually leading to such results" (*ibid.*, 446). Finally, he explicitly defines these "rational outcomes" as outcomes that advance the common good:

The discourse-centered concept of democracy places its faith in the political mobilization and utilization of the communicative force of production. Yet, consequently, it has to be shown that social issues liable to generate conflicts are open to rational regulation, that is, regulation in the common interest of all parties involved. (Ibid., 447.)

Thus, the success and justification of Habermas's model of deliberative democracy depends on its ability to produce instrumentally rational results, in the sense of results that advance the common good.

In order to claim that the model does indeed achieve this goal, Habermas must assume that people have the ability to make instrumentally rational arguments that actually advance their interests. This assumption is less questionable in the realm of discourse ethics, where the information required to make such decisions is not very complex and is, by its nature, accessible to everyone. In the realm of politics, however, information and decisions can be far more complex; intricate and controversial theories and a great deal of complicated information must be used to determine whether a tax policy will have a particular economic effect or whether it is worthwhile to spend more money on national defense. To claim that an instrumentally rational outcome will be produced by democratic deliberation or discourse requires one to assume that the public is either very well informed or that it is capable of becoming adequately informed.

## II. POLITICAL IGNORANCE

While thinkers as far back as Plato have considered the implications for democratic theory of the public's limited knowledge of politically relevant information, the contemporary discussion of this issue originates with Walter Lippmann's *Public Opinion* (1922). The amazing insight and influence of this work, which contemporary political scientists such as John Zaller also recognize (1992, 6), become obvious in light of subsequent public-opinion re-

search. Eighty years ago, however, without the assistance of modern research techniques, Lippmann anticipated most of today's important findings and theories.

Lippmann investigated the public's understanding of politics because he recognized that a democracy can serve the interests of its citizens effectively only when those citizens have adequate and accurate knowledge of the world beyond their personal experiences (Lippman 1922, 314). The level and accuracy of the public's knowledge had not been previously investigated, Lippmann believes, because earlier defenders of democracy were concerned that revealing the public's inability to make informed decisions would undermine belief in the equal dignity of people (*ibid.*, 313). Lippmann argues that likewise, defenders of democracy tend to neglect many of the important interests that a government should advance because they excessively emphasize people's interest in self-government and self-determination as ends in themselves.

But as a matter of plain experience, self-determination is only one of many interests of a human personality. The desire to be the master of one's own destiny is a strong desire, but it has to adjust itself to other equally strong desires, such as a desire for a good life, for peace, for relief from burdens. (*Ibid.*, 310-11.)

Lippmann believes that due to the public's lack of knowledge about politics, these other strong and common interests may well be sacrificed by proponents of democracy who act as if collective self-determination were the only good that there is.

According to Lippmann, if we are to determine whether other important interests are being sacrificed, we must investigate the nature and content of the source of democratic political decisions, namely, public opinion. Of course, it is an empirical and controversial claim, which many scholars have challenged, that public opinion does indeed control modern democratic governments. To assess Habermas's discourse theory of democracy empirically, though, I am more interested in the general ability of the

public to become informed and to make informed decisions, rather than in whether their opinions do affect policy, as democratic theory holds that they should.

The epistemic general ability of the public is also the focus of Lippmann's work. He concludes first that the common understanding of public opinion as a unified and coherent will or consensus is incorrect; it is merely an illusion or simplification that politicians and political commentators utilize (1922, 194). What these political analysts commonly describe as "Public Opinion," which they derive from election results and surveys, is, in fact, a collection of many different and sometimes contradictory opinions, which Lippmann calls "the pictures inside the heads" of people regarding public affairs (*ibid.*, 29).

Then, like Habermas, Lippmann investigates the methods of effective speakers and politicians so as to understand how people's distinct opinions are thought in the aggregate to form the consensus that, to Lippman, is largely an illusion. By analyzing a speech by Charles Evans Hughes, in which Hughes attempts to minimize divisions among Republicans, Lippmann concludes that in order to avoid overt conflict and create the semblance of unity, effective politicians employ general statements and ideas that are vague enough to apply to a variety of people or correspond to many different types of internal pictures. To form these different pictures in the first place, however, Lippmann argues that people filter already incomplete reports of events mediated by sources like the press or friends, who convey this incomplete information by using simplistic stereotypes (1922, 79).

People must use stereotypes, Lippmann believes, in order to imagine complex events and integrate new information into their established imaginings of the world. Describing the source and function of these stereotypes, Lippmann writes:

For the most part we do not first see and then define, we define first and then see. In the great blooming confusion of the outer world we pick out what our culture has already defined for us, and we tend to perceive that

which we have picked out in the form stereotyped for us by our culture. (Ibid., 81.)

This practice of defining situations before actually experiencing them troubles Lippmann because it causes people to develop pictures in their heads or opinions about the world that do not correspond to reality.

Still, Lippmann (1922, 88) understands that it is "economical," and hence inevitable, for people to rely on stereotypes to understand the world; it requires too much time and effort to develop a detailed and unique understanding of each event. Such an individualized understanding is desirable when it is attainable, and Lippmann recognizes that people do indeed attain this deeper and more accurate understanding of events and other people in their immediate personal relationships (ibid., 88-89). Thus, although eliminating stereotypes about the wider world is not practicable or necessarily desirable, since they can be, on occasion, both economical and useful (ibid., 90), Lippmann believes that it is possible to make our understandings and opinions about what he calls the "invisible world"—the world beyond our immediate personal experiences—more realistic and accurate (ibid., 314).

Lippmann argues that there are two complementary ways to maintain the accuracy of our opinions. First, people may rely on experts, who have more complete and realistic understandings of the invisible world (1922, 31). Second, the performance of public officials may be objectively measured and recorded, so that people can receive the feedback necessary to decide whether an official is successful or not at advancing their interests (ibid., 314).

Most of Lippmann's insights into the formation and nature of public opinion have been confirmed by contemporary empirical research. As early as 1964, Phillip Converse, in "The Nature of Belief Systems in Mass Publics," supported Lippmann's claim that a unified and coherent public opinion does not exist. Anthony Downs developed Lippmann's argument about the rational motivations for relying on stereotypes in *An Economic Theory of*

Democracy (1957). Samuel Popkin, and Arthur Lupia and Matthew McCubbins, further investigated (and celebrated) the use of stereotypes in *The Reasoning Voter* (1991) and *The Democratic Dilemma* (1998), respectively. Michael Delli Carpini and Scott Keeter advanced Lippmann's argument about the importance of educating the public in *What Americans Know about Politics and Why It Matters* (1996). In the rest of Part II, I will investigate these and other approaches to and explanations of the public's understanding of politics.

### Converse on the Uninformed Public

Confirming many of Lippmann's observations, Converse produces a general description of how members of the mass public think about politics. A crucial premise of his theory is that the distribution of politically relevant information in a modern society resembles a pyramid, with an information scale on the x axis and a percentage of the population on the y axis (Converse 1964, 256). A small group of people at the top of the pyramid is relatively well informed, while a much larger percentage of the population, represented by the wide base, is relatively ignorant.

Like Lippmann, Converse realizes that elite political actors, the group at the very top, and the mass public, which composes the rest of the pyramid, have fundamentally different understandings of politics. To Converse, this is because of "differences in the nature of [their] belief systems" (*ibid.*, 206). The crucial difference between their belief systems, or their collections of beliefs, is that elites organize their beliefs with a certain arguable consistency around abstract, complex ideas or principles, while the mass public organizes its beliefs around perceptions of group interests or of simple and concrete objects (*ibid.*, 213). For instance, a member of the cognitive elite's belief in education reform might be influenced by his position on free-market economics or federalism, which are abstract principles, while a less

informed citizen's belief on the same issue is more likely to be influenced by his experiences as a student or his observations of his child's school.

By surveying a cross-sectional sample of the electorate, Converse concluded that nearly 85 percent of the public did not (as of 1956) have an accurate understanding of the standard belief systems that American political elites use, such as liberal and conservative ideologies (1964, 218). He argues that the cause of this ignorance is the way that belief systems are transmitted through society. According to Converse (*ibid.*, 211), a small group of "creative synthesizers"—presumably theorists such as Karl Marx and Adam Smith—combine beliefs and principles into "packages," the components of which are then presented as logically belonging together in "natural wholes." The two aspects of these packages or belief systems, "what goes with what" and why they go together, must then be transmitted to others (*ibid.*, 212). The second, logical component is more difficult to transmit or communicate than the first because it involves abstract and complex principles that are hard to understand and explain (*ibid.*). Converse argues that those people who receive the most politically relevant information, the cognitive elites, are more apt to accept wide-ranging, "standard" belief systems or ideologies because the complex and abstract principles that organize and underlie those systems are most likely to reach them (*ibid.*, 213). The mass public, on the other hand, which receives much less information, will develop "narrower" and more individually eccentric belief systems, because unlike the elites, they do not have knowledge of the abstract principles that connect and "constrain" the beliefs of people who are more politically sophisticated (*ibid.*). Thus, for Converse, the correlation between politically relevant knowledge and belief system complexity is explained by information transmission: standard belief systems are composed of complex principles that are hard to transmit, so only those who pay enough attention to politics are likely to understand and employ them.

Perhaps another plausible explanation for this correlation between information awareness and belief-system complexity is that having a complex and wide-ranging belief system allows people to integrate and digest more information. Still, this explanation begs the question of why such a small proportion of the population accepts complex belief systems. Converse shows that "the ordering of individuals on this vertical information scale is largely due to education" (1964, 212). If indeed education affects the amount of ideological training that people receive, then high levels of education may explain the correlation between high information awareness and complex belief systems (ideologies). On the other hand, there may be another factor, such as intelligence, that explains the correlation between education, information awareness, and belief-system complexity. Regardless, Converse's finding that there are extreme differences between how elites and the mass public understand politics has been consistently confirmed (Somin 1998, 417).

Converse (1964, 213) recognizes that most well-informed political analysts and journalists are not aware of how politically unsophisticated the general public is because political elites usually interact with other people who, as members of the cognitive elite, have similarly complex belief systems. Like Lippmann, Converse argues that this overestimation of the mass public's knowledge of politics causes elites and analysts to routinely misinterpret mass political events. The most common misinterpretation occurs when elites attribute actual voter support, in the form of an election or a poll, to their own complex policy positions. "Here it is difficult to keep in mind that the true motivations and comprehensions of the supporters may have little or nothing to do with the distinctive beliefs of the endorsed elite" (*ibid.*, 249). More modern research confirms this tendency to misinterpret election results; for instance, while many Republicans and political analysts believed that Ronald Reagan's 1980 election victory represented the mass public's acceptance of his conservative agenda, exit polling indicated that vot-

ers simply did not like President Carter, and that they blamed him for the country's poor economic performance and for the Iran hostage-crisis (Friedman 1998, 398; Popkin 1991, 4). A similar and more recent instance of misinterpretation occurred when the new Republican majority, led by Newt Gingrich, attributed their 1994 landslide victory to the mass public's acceptance of their platform, the "Contract with America"; in fact, the majority of voters did not know what the "Contract" contained (Friedman 1998, 398).

If Converse is right and the mass public is overwhelmingly ignorant of the opinions and policy preferences of elite political actors, how does it make decisions in the voting booth? Converse's answer is that most people use heuristics to simplify their decisions and form opinions about particular issues that have more immediate relevance to them. Heuristics, like Lippmann's stereotypes, are information shortcuts or decision-making tools that are intended to allow people to make rational decisions without taking the time to consider all of the relevant information. Converse (1964, 217) discovered that (as of 1956) people most commonly relied on the "nature of the times" heuristic; a person who uses this shortcut bases his voting decision on a candidate's "temporal association in the past with broad societal states of war or peace, prosperity or depression." Thus if the economy is performing well or the country has been successful in a war, then this type of voter will typically support the incumbent.

The other prevalent technique that people use to make political decisions is to focus on a single issue. Even though it is economical to describe the mass public's political opinions as either liberal or conservative, Converse (1964, 245) argues that it is more accurate to describe the "fragmentation of the mass public into a plethora of narrower issue publics." "Issue publics" are composed of small groups of people who form an opinion on a particular issue that immediately concerns them (*ibid.*, 246). For instance, people who have strong opin-

ions about abortion but do not locate those opinions within a broader belief system constitute an abortion issue public. While elites or ideologically "sophisticated" people would recognize the putative relationship between this issue and others, Converse believes that most people do not possess such a "global" perspective on politics (*ibid.*, 246-247).

The many people who have simple and narrow belief systems may align themselves with a particular party due to the party's position on their primary issue of concern. Alternatively, Converse recognizes that many people align themselves with a particular party because of the groups that the party tends to support. For instance, people who support unions would join whichever party also tended to support unions. While it may be accurate to attach a party label to such people since they will be more likely to vote for a candidate of that party, Converse (1964, 216) argues that their belief systems are still very different from those of the elites of their party. The crucial differences are an understanding of the conceptual and principled foundations of the party's positions, and, in turn, a grasp of the party's actual positions on particular issues. For instance, while what Converse calls a "group interest" voter may know that Democrats tend to support her group, she will likely not know what the Democratic party position is on issues that do not directly concern her group, or even on issues that directly affect her group.

To further establish the mass public's ignorance of substantive policy matters, Converse examines the stability of survey respondents' opinions over time. Underlying this approach is the theory that high response instability, which he measures by asking people the same question at different times, indicates the absence of real and informed opinions. Unless an important intervening event occurs that causes people to reconsider their stances, we would expect those people who have strong and informed opinions on an issue to provide consistent and stable responses (Converse 1964, 241). He writes that

"the evidence seemed clear that extreme instability is associated with absence of information, or at least interest" (ibid., 245). Converse's data show that party affiliations were stably aligned with opinions about issues that directly affect a group, such as school desegregation during the 1950s, but that opinions on policies that have an indirect effect or are more complex, such as federal housing or federal control over utilities, exhibited a large amount of instability (ibid., 240).

Converse explains this finding by theorizing that people do indeed have real opinions about particular groups, but that in most instances, they do not have enough information to relate those preferences to particular issues and thus cannot form meaningful opinions about them (ibid., 241). Incorporating his group-interest explanation of party affiliation, Converse argues that people are usually more attached to a party than to the positions the party supports. "The party and the affect toward it are more central within the political belief systems of the mass public than are the policy ends that the parties are designed to pursue" (ibid., 241). This finding is paradoxical, because the sole purpose of a political party is to advance its policy preferences, which he refers to as "policy ends" (ibid., 240).

Converse (1964, 242) argues that the attitude instability data provide convincing support for a more general bifurcation of the public into two groups: well-informed elites who have stable opinions over time, and the uninformed public that does not have opinions on most issues and thus provides meaningless responses to surveys. In perhaps his most famous passage, he writes that "large portions of an electorate do not have meaningful beliefs, even on issues that have formed the basis for intense political controversy among elites for substantial periods of time" (ibid., 245).

Converse does admit that this two-group model is occasionally an oversimplification. Response instability can sometimes be produced by a third group that thoughtfully reconsiders its stance on an issue. Still, he contends that

this third potential group constitutes a small proportion of the population. Without an understanding of the "contextual information" regarding an issue, or of the underlying principles that constrain a standard belief system, it is impossible for most voters to predict a party's stance on particular issues. Thus while it is likely that many people will claim to belong to a political party and may even vote consistently for candidates from that party, they will likely be unable to deliberate rationally about the candidates' stances on particular issues, which is what Habermas's deliberative model of democracy requires.

I have examined Converse's essay in such extensive detail because almost all modern public-opinion research can be understood as responding to or building upon it. Most researchers have focused on Converse's claim that the mass public lacks meaningful opinions on most issues, which is commonly referred to as his "nonattitudes" theory. Others have attempted either to explain away, excuse, or provide solutions for the shocking amount of ignorance that his and subsequent studies have revealed.

### The Uninformed Public

Regardless of the direction or approach that they eventually take, almost all modern treatments of the public's understanding of politics start with Converse-like findings of widespread ignorance. Most scholars begin by defining the requisite amount of knowledge that citizens must possess in order to govern themselves effectively. W. Russell Neuman (1986, 197) argues that political knowledge consists of "political figures, issues, structures, and groups." Michael Delli Carpini and Scott Keeter (1996, 65) similarly hold that adequately informed citizens should know the "rules of the game, the substance of politics, and the people and parties." Still, some researchers, who advocate the "constructionist" approach, argue that establishing such an ideal standard

of rational citizenship unnecessarily sets most voters up for failure, leads to a pessimistic view of the public, and does not create meaningful insights about the political behavior of most citizens. Instead, according to the constructionist school, it is more valuable to ask "how do people become informed about the political world around them, and how do they use information they have acquired?" (Neuman quoted in Delli Carpini and Keeter 1996, 18).

In order to assess Habermas's justification of the deliberative model empirically, though, it is important to consider traditional measures of the public's knowledge in addition to constructionist questions, because if a majority of the public has shown a consistent inability to retain minimal amounts of politically relevant information, we may be able to conclude that in the absence of a miraculous solution to the problem of public ignorance, Habermas's discourse theory does not justify deliberative democracy. I will therefore discuss the common and consistent findings of widespread ignorance before exploring theories that dismiss the importance of these findings and others that attempt to rebut Converse's nonattitudes thesis.

According to data that Delli Carpini and Keeter collected from the Roper Center archives, the National Election Studies, and the authors' own 1989 Survey of Political Knowledge, the public's knowledge of political issues and "people and players" resembles the Conversean pyramid; however, the public's knowledge of general institutions and processes, or what they call the "rules of the game," resembles a diamond, where small groups of people at the tips of the diamond know very much about very little, and the majority in the middle of the diamond have some knowledge about many things (Delli Carpini and Keeter 1996, 68). Still, a look at the actual numbers reveals that large proportions of the American public are ignorant of absolutely fundamental rules, issues, and people. In 1986, for example, only 55 percent of the survey sample knew the substance of

the *Brown v. Board of Education* decision; in 1983, only 50 percent knew that accused people are presumed innocent; in 1986, only 41 percent could define the Bill of Rights; in 1952, only 36 percent could define a primary election; in 1986, only 30 percent understood the substance of *Roe v. Wade*; in 1952, a mere 27 percent could name two branches of government; in 1989, only 20 percent could name two First Amendment rights, and only 2 percent could name two Fifth Amendment rights (*ibid.*, 70-71).

Some scholars argue that such survey findings are insignificant because they test only the public's knowledge of political trivia, which does not reveal the public's ability to make rational decisions (Popkin 1991). In response, survey researchers such as Delli Carpini and Keeter argue that information is a necessary prerequisite for rational political decision-making. "For the vote to serve as a reasonable first approximation of the public will, as a useful mechanism for selecting public leaders, and as a credible check on the behavior of those leaders, voters need to have at least some minimal information regarding all three" (Delli Carpini and Keeter 1996, 50)

Delli Carpini and Keeter appear to be concerned with a limited form of democracy where the public simply "selects leaders" and "checks" their performance. Habermas's model of deliberative democracy, however, requires that citizens deliberate about particular policies that affect their interests, or at least about how elected state personnel should determine policies that will affect particular interests. Thus, to assess the feasibility of Habermas's ideal, it is important to determine whether the public can become knowledgeable about particular policy issues in addition to the institutions and processes of government.

Delli Carpini and Keeter present some striking statistics that directly reveal the public's lack of knowledge of substantive issues: in 1964, only 61 percent of the survey sample knew that the United States was a mem-

ber of NATO, and only 41 percent knew that Russia was not; in 1965, only 60 percent knew that excise-tax legislation had passed that year; in 1987, only 58 percent could locate the Persian Gulf; in 1984, only 48 percent knew the unemployment rate; in 1980, only 45 percent knew a major cause of air pollution; in 1985, only 42 percent knew the inflation rate; in 1985, only 31 percent could define affirmative action; in 1979, only 30 percent could identify the two countries in the SALT treaty; in 1981, only 19 percent could define supply-side economics; in 1989, a mere 18 percent knew what proportion of the population lived below the poverty line; and in 1984, only 8 percent knew what proportion of the federal budget was spent on Social Security (Delli Carpini and Keeter 1996, 80-81, 84). Similarly, using data from the 1980 National Election Survey, Neuman found that only 4 percent of the population could associate at least one specific "actionable policy position" with each candidate in the Reagan-Carter election (1986, 26).

Some observers may discount these discouraging statistics by instead pointing to Delli Carpini and Keeter's more optimistic findings: 99 percent of the population could identify the president in 1986, 96 percent knew that the U.S. is a member of the U.N. in 1985, 88 percent knew that the United States is a democracy in 1988, 86 percent knew the level of the minimum wage in 1984, and 78 percent knew that the Soviet Union was a communist country in 1948 (Delli Carpini and Keeter 1996, 70-71, 74-75, 80-81, 83). While these statistics prove that the public is not absolutely ignorant of politics—or more precisely, ignorant of the most obvious and general political facts—the amount of knowledge revealed is still far below the minimal level that Habermas's model requires. For deliberations to produce valid policies, the participants must possess a familiarity with and understanding of the issues being discussed, so that they can make decisions that protect and advance their interests; being able to identify the

President of the United States does not tell you if a particular tax policy is good or bad for the economy. The conclusion that the public lacks necessary knowledge is borne out consistently by an examination of Delli Carpini and Keeter's and Page and Shapiro's exhaustive statistical tables.

### The Myth of Issue Publics

In response to such discouraging measures of the public's overall knowledge of politics, one may be tempted to find solace in Converse's theory of issue publics. According to this theory, people do not need to be informed about every aspect of politics as long as they are informed about the issues that affect them the most. Recent research by Neuman and Delli Carpini and Keeter, though, challenges the existence and desirability of such groups.

To test whether people who are affiliated with a particular demographic group pay more attention to or know more about an issue that has special significance for that group, Neuman investigates unemployed people's opinions about the government's unemployment and redistributive welfare policies, using measures of opinion stability and responsiveness as proxies for political knowledge. In both instances, he finds that, counterintuitively, "those who have not experienced unemployment are more likely to express opinions and are slightly more likely to have stable opinions" (Neuman 1986, 69). As he mentions, this finding may result from other factors that contribute to unemployment, such as education (*ibid.*). Similarly, when Neuman investigates the effect of age on opinions about Social Security, he again finds that the demographic factor in question, which the theory of issue publics predicts should influence opinions and knowledge, did not have any effect (*ibid.*, 70).

Still, some researchers have produced studies that appear to affirm the existence of issue publics. For instance, using data from a telephone survey of 143 peo-

ple in Suffolk County, New York, Shanto Iyengar (1990, 164) concludes that blacks know more about civil rights than whites and thus constitute an issue public; or that, in his words, they selectively focus on the "domain" that affects them. However, Ilya Somin undercuts the strength of this conclusion by pointing out that Iyengar tests only whether people can identify Thurgood Marshall, the NAACP, and the term "affirmative action" (ibid., 183; Somin 1998, 428). As Somin argues, "It is not at all clear that a voter whose knowledge is limited to elementary facts of this sort can cast an informed vote on complex issues."

While Somin concedes that being affiliated with a demographic group may cause someone to learn more about that group's history or culture, Iyengar's data do not indicate that it causes people to become more informed about particular issues. This failure to find demographically based issue publics is surprising, especially if one accepts the assumption that voters are at least partly motivated by self-interest, because a concern for self-interest should motivate people to become more informed about issues that disproportionately affect them. A plausible explanation for these data, one that remains consistent with the self-interest assumption and the political ignorance data, is that most people are simply unaware of the issues that disproportionately affect them.

Neuman also analyzed respondents' opinions over time on issues that they had identified when answering the open-ended question "which issues are of special concern to you?" This was the same method that Converse (1964, 246) used to develop his theory of issue publics. Although an initial analysis of the data, like Converse's, appears to endorse the existence of issue publics, Neuman discovers a flaw in this method. People who are likely to have opinions about an issue of special concern are also likely to have opinions on many unrelated issues (Neuman 1996, 72). After controlling for the total number of issues mentioned by each person

surveyed, Neuman does not find any evidence to endorse the existence of issue publics.

Delli Carpini and Keeter also thoroughly investigate the possibility of issue publics and come to the same conclusion as Neuman. Using the 1989 Survey of Political Knowledge, which was expressly designed to test for domain-specific knowledge, they find that even though traces of support for issue publics exist, most of the data support a "unidimensional" conception of political knowledge (1996, 142). They discover "that, for example, while knowledge about the United Nations is a good predictor of knowledge about other aspects of international relations, it is almost as good a predictor of knowledge about racial issues, economic issues, and, ultimately, of general knowledge about national politics itself" (ibid., 147).

Even though the bulk of the survey data refutes the issue-public theory, Neuman (1986, 73), one of its leading critics, argues that it is possible that current research methods are responsible for failing to detect their existence. One possibility, he contends, is that issue publics are so small that mass sample surveys cannot meaningfully analyze them.

But even if issue publics do exist, in order to qualify as engaging in a Habermasian political process, the public would need to possess a much larger range of knowledge than issue publics would allow, because only if everyone is informed enough about their interests that they can bring them into the discourse can the best argument—i.e., the best policy or candidate—be chosen.

Somin's general discussion of the issue-public theory adumbrates the point. First, he points out that because many political issues affect specific groups in obscure or indirect ways, the relevant issue publics may not become adequately informed (Somin 1998, 428). This echoes Converse's conclusion about "group-interest" voters: people tend to have strong and stable opinions about issues that affect specific groups in obvious ways, such as segregation, but not on complex issues that af-

fect groups in indirect ways. Somin advances as one example Peter Ferrara and John Goodman's research on Social Security. They find that since African Americans have a lower life expectancy than whites, while the Social Security payroll tax rate is the same for both groups, the program constitutes a "major hidden redistribution from black workers to white retirees" (ibid., 429). According to the issue-public theory, those who care most about or are most affected by this inequality should learn the most about it and lead the less informed in efforts to reform the system, but without access to the Ferrara/Goodman study, it is unlikely that the most affected people will recognize that they are, in effect, members of an issue public in the first place.

Somin (1998, 429) also points out that the general interest will not be advanced if separate, small groups control specific issues. "If each specific issue area is controlled by a subset of the electorate with a special interest, while these same subsets remain ignorant of generally applicable issues, the outcome may well be a process of mutually destructive rent-seeking that leaves each group worse off than it would have been had there been no issue publics in the first place." "Rent-seeking," a term that Somin borrows from economics, occurs when a group attempts to secure unique benefits for itself at others' expense. If small groups control the areas in which they have a special interest but do not care about or are unaware of how their actions affect others' interests, it is unlikely that policies will be produced that satisfy the principle of Universalization.

### Shortcuts to Irrationality

Most of the initial reaction to Converse contended that many voters do indeed think about political issues and come to firm conclusions about them. One of the most popular challenges to Converse, that of Samuel Popkin (1991), celebrates the insights of Anthony Downs's *An Economic Theory of Democracy* (1957), which, at first,

appear to support Converse by offering a rational-choice theory of why people are so ignorant of politics. Downs's theory, in brief, is that it is rational for voters to be ignorant of politics because the cost of becoming informed (which he defines as spending one's limited resource of time on gaining information) outweighs the benefit of casting an informed vote, since each person's vote has such a statistically small effect on the outcome in any decent-sized electorate. Notably, this analysis does not rely on the assumption that voters are selfish. Even a member of the electorate who is completely altruistic would have more of a positive impact on another person's life by using his limited time to directly help her than by using it to become informed enough about political issues to know which way to vote.

While Downs may be correct that it is instrumentally irrational to become informed and, by extension, even to vote, Jeffrey Friedman (1998, 407) argues that this coherent reasoning cannot explain the public's ignorance of politics, because millions of people do indeed vote in elections with very large electorates. If people were to think in the instrumentally rational way that Downs's theory describes, and thus consciously choose to remain ignorant because they recognize the insignificance of their vote, they would "necessarily have [had] to recognize their ignorance, and this would [have] deprive[d] them of the 'attitudes' necessary to motivate them to vote." If people were aware that their vote would not make much of a difference and/or that it would not serve their ends (whether selfish or altruistic) to become politically well informed, then they probably would not vote. However, since so many people do indeed vote and consider their action meaningful, we can conclude that most people do not think about voting—or about acquiring political information—as Downs suggests that they do.

Instead, Friedman argues that many people must overestimate the importance of their vote if, as we observe is the case, they are motivated to vote (1998,

407). Cognitive psychologists have confirmed the human tendency to misinterpret probabilities (Tversky and Kahneman 1974). While such findings may partly explain why many people overestimate the practical impact of their vote, probably another significant source of people's exaggerated evaluation of the weight of their vote is the popular dogma that each vote counts and is important—a message that almost everyone learns early in school and one that is constantly reinforced over the course of their lives in mass democracies.

Still, Friedman (1998, 407) maintains that overestimating the importance of one's vote cannot, by itself, generate the motivation to vote: people must also believe that they are well informed. However, researchers such as Popkin and Lupia and McCubbins, who have been influenced by Downs's theory, argue that the public does possess an adequate amount of knowledge to motivate their votes. They agree that it is instrumentally irrational to invest large amounts of time in gathering political information, but they contend that by relying on information shortcuts or heuristics, most people can and do make instrumentally rational political decisions. Converse also realizes that many people use heuristics to make political decisions—he even identifies the prominent "nature of the times" and "group identification" heuristics—but he does not endorse the public's reliance on them, as Popkin and Lupia and McCubbins do.

In *The Reasoning Voter*, Popkin (1991, 21) seeks to "redeem the voter from some of the blame heaped upon him or her by contemporary criticism of the electoral process." The criticism that Popkin attempts to rebut is that voters cannot make rational decisions due to their political ignorance. However, while he provides a description of how voters in America tend to make their decisions that is insightful enough to be useful to a political strategist (he is himself a Democratic Party con-

sultant), he fails to accomplish his goal of defending the quality of voter reasoning. Instead, he raises even more questions about the public's ability to make instrumentally rational decisions, questions that, in turn, further undermine Habermas's justification of deliberative democracy.

Popkin (1991, 16) acknowledges that Downs's theory, cognitive-psychology research, and data from Columbia University's first studies on presidential campaigns, which were performed during the 1940s, prove that voters do not retain much of the information that the media and politicians present to them, and that they only selectively use the information that they do possess. But he argues that to compensate for their lack of information, voters essentially use two types of shortcuts: they draw generalizations from cues or images, and they rely on the opinions of other people who appear to be better informed (*ibid.*, 16-17).

A large body of cognitive-psychology research supports Popkin's claim that almost everyone, regardless of education level, uses heuristics to make political and nonpolitical decisions alike (Popkin 1991, 70). Just as much research, though, demonstrates the dangers and biases that certain shortcuts can consciously and unconsciously cause, such as racial and gender stereotyping (Henderson-King & Nisbett 1996; Banaji & Greenwald 1994; Bem 1981). Thus the important question is: do the shortcuts that the majority of people use cause them to make instrumentally rational decisions? If Popkin's account of voter reasoning is accurate, the answer is that they do not.

Popkin (1991, 72) argues that one common decision-making technique is to connect a small amount of information with preconceived stereotypes or "scripts." Cognitive psychologists refer to this shortcut as deciding by "representativeness," because people who use this technique base their decisions on how well a person or policy represents or resembles their preconceived ideas about what a competent person or effective policy is

(ibid., 74). For instance, we commonly develop opinions about somebody's competence or intelligence based on the college she attended. People infer a significant factual claim regarding the person's intelligence or competence from a single piece of information, because they use the script that intelligent, capable people attend certain colleges. Popkin argues that people assemble "causal narratives" by combining different scripts activated by small pieces of information, or what cognitive psychologists call "cues" (ibid., 72).

Popkin discusses two instances—President Gerald Ford's failure to shuck a tamale, and the aborted attempt to rescue American hostages in Iran—in which voters apparently used this technique. In the first case, during his 1976 campaign, Ford attempted to gain support from Mexican-American voters in Texas by attending a rally in San Antonio where he was served a tamale (Popkin 1991, 1). Because this was his first time eating a tamale, he mistakenly took a bite into it without removing the corn husk, or "shucking" it. Popkin argues that voters who were concerned about how Ford's policies would affect Hispanics correctly inferred from this event that Ford would not be a good president (ibid., 111). The second event that Popkin discusses is the 1980 military mission that failed to rescue 55 hostages in Iran, because defective helicopters crashed in the desert (ibid., 4). Popkin argues that Jimmy Carter lost the 1980 election partly because voters blamed him for this foreign-policy failure and interpreted it as a symbol of America's broader weakness and Carter's incompetence (ibid., 111).

The striking thing about Popkin's "scripts" is that they are indistinguishable from Lippmann's "stereotypes," which he used to suggest how badly informed voters are about matters with which they have no direct experience. A candidate's familiarity with an ethnic group's food is a poor substitute for information about that candidate's policies toward that group, and a single

mechanical failure is not an accurate measure of a president's competence or a country's military power.

Popkin (1991, 78) admits that people ignore relevant factual information when they rely on inferences and narratives, which are created by scripts and cues, to make decisions.

The information about votes, offices held, and policy positions taken in the past does not generate a full story and may not even be joined with the personal data. Narratives are more easily compiled and are retained longer than facts. Narratives, further, require more negative information before they change.

Popkin is describing a cognitive technique that encourages irrational decision making, in that people focus on personal data instead of relevant factual data, and in that their opinions, which are based on personal data, are difficult to change, especially with factual data. Popkin believes that the shortcut of retaining personal data and ignoring relevant political data is so prevalent that it should be called "Gresham's law of political information" (*ibid.*, 79). Notably, Gresham's law holds that bad money drives out good.

Popkin admits that this "law" of information reception is potentially discouraging, because "personally uninspiring politicians with a career of solid accomplishments get bypassed in primaries for fresh new faces with lots of one-liners but no record of accomplishment" (*ibid.*). However, he thinks that people can still make rational political decisions because they also use another type of information shortcut, which he believes is a better "proxy for political records" (*ibid.*).

This second type of shortcut involves relying on a better-informed person's understanding and evaluation of important information (47). People use this shortcut when they follow the advice of opinion leaders, such as television experts, newspaper editorial boards, and political parties. According to Popkin, this shortcut works because voters have real opinions about general issues

and group interests but lack detailed information about how particular policies relate to those opinions. Thus they adopt the positions of those leaders or parties that share their basic views on general issues and group interests. Lupia and McCubbins (1998, 5) similarly celebrate this shortcut because they believe that it allows people to make the same "reasoned choices" that they would have made if they had complete knowledge of the consequences of their actions or policies.

This process of delegating decision-making authority to those with more information, according to Lupia and McCubbins, solves the "democratic dilemma," which is that "the people who may be called upon to make reasoned choices may not be capable of doing so" (ibid., 1). If Popkin and Lupia and McCubbins are right to think that following the advice of experts allows people who do not possess sufficient amounts of information to make instrumentally rational decisions, then it is plausible that policies satisfying the principle of Universalization could be produced by society-wide deliberations.

However, while this heuristic works in theory, it is incompatible with reality because the necessary conditions for its success do not obtain. Popkin and Lupia and McCubbins seem to be on firm ground in suggesting that people do have real opinions about the general interests that they would like the government to advance, and that many people do in fact rely on this shortcut to make their political decisions—Converse offered both of these conclusions in 1964. Still, as both Somin and Friedman maintain, unless people invest large amounts of time and effort into researching different opinion leaders (defeating the whole purpose of blindly following the cues those leaders send out), it is much more difficult than Popkin (1991, 425) and Lupia and McCubbins (1998, 409) assume to choose which opinion leaders to follow.

To make the decision between competing opinion leaders more efficient and less time consuming, Popkin and Lupia and McCubbins suggest that people should follow leaders who have similar interests to theirs, which is a

form of the first type of heuristic: a significant claim about the quality of someone's opinions is inferred from a small cue, her visible interests. If political debates were only about choosing one group's interests over another group's, this heuristic might be effective—assuming that voters could identify the leaders who shared their interests, which, unfortunately, they probably lack the information to do (Somin 1998, 425). That problem aside, however, most political debates are about choosing the means to achieve widely supported ends. For instance, the education policy debate is about how to improve education, not about whether improving it is desirable—some people think that vouchers will work, and others believe that schools need more funding. The crime control debate is about how to reduce crime, not about whether reducing crime is desirable—some people think that prevention works, and others believe that deterrence works better. The economic-policy debate is about how to improve the economy, not whether a healthy economy is desirable—some people think that government intervention is necessary, and others believe that free markets are more effective. And even debates about the government's budget priorities generally involve agreed-upon ends—for instance, those who advocate redirecting money from the military budget to education do not argue that national security is an undesirable end, but instead make the empirical claim that the nation can be secured more efficiently and with less money. There are differences in opinion about the means to achieve these and other ends, but for the most part, almost everyone already agrees on the ends, so it is generally not possible to distinguish between opinion leaders by virtue of their possession of different interests.

Of course, some political debates are indeed contests over ends, such as the importance of individual rights and the proper role of the government, but these principles become important only at the elite level; Converse's research shows that the vast majority of the public is unaware of these ideologically driven debates.

Most people care mainly about how government affects their welfare and the welfare of others, and most political debates that achieve public salience are about how to improve the welfare of the country and achieve the common good. The interests that should be served are taken for granted; the question is usually about the best means to those ends, and wise choice of opinion leaders on such questions requires substantive knowledge of the accuracy of their views about the best means—but if voters had that kind of knowledge, they wouldn't need opinion leaders in the first place.

Beyond relying on opinion leaders, such as media talking heads, Popkin argues that it is rational for people to align themselves with a particular party and then unquestioningly follow that party's positions. But it is just as difficult for people to choose a party wisely as to choose an opinion leader. Almost every party attempts to appeal to a majority of voters by making similar claims about advancing the common good. This is not to say that real differences do not exist between political parties; rather, Converse's research suggests that most voters do not understand these differences. Popkin claims that "both parties and voters have found ideology valuable as a shortcut or cost-saving device" (51). However, he does not present any evidence to prove that voters understand different ideologies, and he completely ignores the overwhelming data that proves that most people are not even aware of ideology. While many people do affiliate themselves and vote with particular parties, Converse's research suggests that most people's party affiliations are unrelated to the positions that their parties support, of which the voters are blissfully unaware. Further, Somin (1998, 422) raises the objection that unless parties have strict enforcement mechanisms that force their members to vote a certain way, there will be differences even within parties over many issues. President Clinton's support of welfare reform is a recent example. This flexibility reduces the rationality of voting for a party's candidate, because that candi-

date may not share the party's opinions on certain important issues. But most importantly, Somin also points out that simply knowing what a party's stance on a particular issue is does not help one understand the likely consequences of that stance. Without knowing the consequences of a particular policy position, people cannot make an instrumentally rational decision about whether it advances their interests.

Still, Lupia and McCubbins (1998, 55-58) argue that certain institutional features can make rational choices more likely: namely, mechanisms that expose the incentives and interests of politicians or speakers and verify their statements and proposals. Because Lupia and McCubbins analyze this issue almost exclusively at a theoretical level by focussing on models, they ignore much of the political ignorance data and make many simplifying assumptions that do not correspond with reality. They assume that revealing the incentives and interests of elites will prevent corruption or the intentional deception of the public. But they overlook the possibility that speakers may sincerely advocate ineffective policies not because they are corrupt or liars, but because they themselves are ignorant of the policies' effects.

All defenses of heuristics rely on people's ability to verify the reliability of the heuristic—in this case, the statements and proposals of speakers. If an easily grasped measure of success and failure existed, such that all experts agreed that someone's proposals could be labeled "Right" and someone else's could be labeled "Wrong," then people would be more likely to make rational decisions, assuming of course that they paid attention to these labels. However, in reality, political issues, being complicated, are contested even among—indeed especially among—relatively knowledgeable elites.

Beyond the empirical objections to the claim that information shortcuts allow the public to make instrumentally rational decisions, perhaps the most impor-

tant reason why they fail to support Habermas's justification for deliberative democracy comes from Habermas himself. When the public reasons with shortcuts and relies on the opinions of elites, its decisions are merely reflexive and uncritical reactions, the type of behavior that Habermas seeks to overcome. He might claim that deliberation will make people less reflexive and uncritical, but unless people deliberate with experts who do not use heuristics and are able to communicate the necessary information, "deliberation" will merely be discussions of alternative oversimplifications of the world—a phenomenon with which any observer of real-world politics should be thoroughly familiar. People already have the opportunity to deliberate with experts, by reading news magazines and newspaper editorials and watching in-depth television reports, but the political ignorance data reveal that most people neither take advantage of these opportunities nor retain the information when they do. Deliberative democracy is justified by Habermas's discourse theory only if having the public participate in the deliberative political process is the best way to produce policies that satisfy the principle of Universalization. If the public does not have the necessary information to make instrumentally rational decisions that advance the common good, and if it, at best, follows the opinions of elites, then allowing it to participate does not make rational policies more likely. Thus, unless the public's political knowledge levels can be improved, Habermas cannot justify deliberative democracy.

### III. IS DEMOCRACY AN "OPEN" SOCIETY?

While the mass public's political ignorance has been well established and confirmed by many studies, its cause is still a matter of intense debate. Once the possibility of doing without information, for instance by using shortcuts, has been found wanting, the debate about causation becomes critical because its answer de-

termines whether or not political ignorance can be remedied, and thus whether Habermas's model of deliberative democracy can be revived. Some scholars maintain that ignorance is caused by adjustable institutional and social factors, while others believe that it is inevitable, because of immutable characteristics such as the limits of human intelligence or the complex nature of political information. In this final section, I will focus on Delli Carpini and Keeter's optimistic view and John Zaller's less sanguine findings.

Delli Carpini and Keeter (1996, 179) argue that three factors—motivation, ability, and opportunity—determine how little people learn about politics. While motivation and ability might appear to depend on the individual, Delli Carpini and Keeter argue that these factors, in addition to the availability of and opportunity to obtain information, depend primarily on social and structural conditions, such as education, socioeconomic status, gender, and race (*ibid.*, 188-211). The most informed American voters are 71 percent male, 93 percent white; 31 percent high income, 53 percent middle income, and 16 percent low income (*ibid.*, 173-74). On the other hand, the least informed group is 31 percent male, 56 percent white, 33 percent black, 60 percent low income. The vastly different compositions of these two groups clearly demonstrate that social factors, such as race, gender and income, are tied in some way to political knowledge, just as they are tied to other important social resources (*ibid.*, 271).

Delli Carpini and Keeter (1996, 271) maintain that underlying the effects of income, race and gender, is education, which is "the strongest single predictor of political knowledge." They argue that education remedies all three sources of ignorance. It enhances cognitive ability, which makes people more likely to understand political information. It motivates people to obtain information by exposing them to, and cultivating an interest in, politics. And it directly explains politics and provides people with political and contextual informa-

tion (ibid., 190-93). Thus, one of their central recommendations is to make higher education more available to everyone by making it more affordable. "Greater government support for students could be the most significant single step toward greater civic literacy—and civic equality" (ibid., 278). They also argue that primary and secondary schools should focus more on politics and provide students with a more realistic view of the "conflictual nature of politics" (ibid., 279).

The goal of these solutions is to make the majority of the public resemble the cognitive elite in their awareness and understanding of politics. Converse's findings about the rigidity of elite belief systems and Zaller's more recent research, however, raise important questions about the desirability of this goal. While members of the cognitive elite possess more knowledge about political issues than the rest of the public, Converse finds that their beliefs are also more "constrained" by the ideologies they use to organize this knowledge—belief systems that "creative synthesizers" have presented as "natural" packages (1964, 248). Paradoxically, then, with political knowledge comes dogmatism; with political ignorance comes relative open-mindedness, as "ideological constraints in belief systems decline with decreasing political information."

Ideology constrains beliefs by limiting the ideologue's opinions about particular substantive issues to only those that his education has taught him fit with his general ideological orientation. A conservative ideologue will tend to be constrained to support a tax cut, while a liberal ideologue will be constrained to oppose it. By requiring opinions to remain consistent with fundamental principles or convictions, ideologies help people order their beliefs about many complex issues around simple, central themes. Thus, ideology functions like any other heuristic: it (over-) simplifies the otherwise complex world. While the simplification that a reliance on ideology produces helps members of the cognitive elite form opinions and organize information about many unrelated

issues, it also eliminates the need to independently analyze the merits of competing positions, because it provides a prepared set of beliefs. The success of Habermas's model of deliberative democracy, however, requires citizens to identify the best argument by performing the type of analysis that a reliance on ideology preempts.

This raises a critical question: Is the formation of a constraining ideological perspective the necessary result of increased political attentiveness? Zaller (1992, 45) suggests that it is. "If citizens are well informed, they react mechanically to political ideas on the basis of external cues about their partisan implications, and if they are too poorly informed to be aware of these cues, they tend to uncritically accept whatever ideas they encounter." A central insight of Zaller's research is that politically inattentive or unaware people tend to uncritically (albeit open-mindedly) accept most of the information that is presented to them, while people who possess more political knowledge are capable of perceiving the relationships between the information and their established opinions, and tend to close their minds to information and arguments that conflict with their predispositions (*ibid.*, 36; 44).

These findings suggest that even if ways were found to make the public become more politically informed, such as improving education—or radically restructuring society to give politics a more prominent place in people's daily lives, commanding more of their attention—Habermas's goal of deliberative democracy would still not be justified, because the mass public would remain incapable of making decisions that advanced the common good. While they would be relatively better informed, Zaller's and Converse's research imply that they would also be more ideological, and thus more resistant to opposing viewpoints, precluding the possibility of forming a universal consensus around the best argument.

Democratic models that derive political legitimacy from public deliberation tend to oversimplify the

process of assembling people's interests. The significant cognitive obstacle of figuring out how to connect one's interests with particular policies is rarely discussed. Perhaps this oversight occurs because supporters of these models are themselves ideologues who believe that most political debates have obvious and simple answers. Nonetheless, future research should examine the troubling relationship between ideology and political knowledge. If this relationship is inescapable, due either to the limits of human intelligence or to the complex nature of political information, then political theories that rely on the mass public to make collective decisions that advance the common good are probably hopeless as rationales for any democracy that can exist in the real world.

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Reihan Salam

## HABERMAS VS. WEBER ON DEMOCRACY

ABSTRACT: Habermas endorses democracy as a way to rescue modern life from the economic and bureaucratic compulsion that Weber saw as an inescapable condition of modernity. This rescue mission requires that Habermas subordinate democracy to people's true interests, by liberating their political deliberations from incursions of money or power that could interfere with the formation of policy preferences that clearly reflect those interests. But Habermas overlooks the opaque nature of our interests under complex modern conditions, and the difficulty of even knowing what the modern state is doing—let alone judging whether what it is doing serves our interests well. These overlooked sources of public ignorance buttress Weber's more pessimistic understanding of democracy, and like the theatrics surrounding popular sovereignty, public ignorance both enables and masks the autonomy that allows state officials and non-state opinion leaders to shape public policy undemocratically.

The classical view of democracy as rule by the people leaves little room for state autonomy. If democratic politics involves nothing but the collection and translation of public preferences into public policy, the state is little more than a passive device that facilitates the process, a vast playing field on which extant, fully formed social actors vie for privileges and immunities. If, however, as

Theda Skocpol (1985, 9) maintains, states "formulate and pursue goals that are not simply reflective of the demands or interests of social groups, classes, or society," then if we are to gain a realistic understanding of democratic states, we must first find sound alternatives to the classical view-alternatives that take into account both the malleability of public opinion and the possibility that state personnel can operate "behind the backs" of an ignorant public, and behind the facade of public control over state actions.

Following the work of Murray Edelman and others in the tradition of "postmodern political science," I maintain that modern democracy is less a form of self-legislation, i.e., an instrument that secures voter control of public policy, than it is an elaborate series of public rituals that legitimate bureaucratic rule. My approach, designed to interrogate settled understandings of political democracy, reflects an attempt to appreciate the limits placed on self-rule by public incomprehension of political matters, and public ignorance of the theories needed to understand and effectively govern complex societies.

I begin with a consideration of Jürgen Habermas's notions of "communicative action" and "communicative power," the foundational premises of his discourse theory of democracy. Offered as a normative ideal that avoids the pitfalls of liberalism and republicanism, the discourse theory derives its appeal from its direct challenge to the "colonization of the lifeworld"—the imperialism of money and power that, Habermas believes, threaten to undermine communicative sources of social solidarity. Habermas affirms a democratic politics that harnesses communicative power in the form of law for purposes of regulatory countersteering against commercial power (without succumbing to bureaucratic power). In a sense, Habermas's theory is an attempt to redeem the democratic faith embedded in the classical view, a faith undermined by the realist critiques of Pareto, Mosca, Michels,

and most pertinently, Max Weber (Habermas 1975, 123).

I will examine each of the three normative alternatives Habermas describes—liberal, republican, and discourse-theoretic—in light of public-opinion research. The brief survey of literature concerning public ignorance and incomprehension that follows suggests that Habermas's cure may be worse than the disease, because "the colonization of the lifeworld" is unavoidable, irrepressible, and irreversible. Ignorance is not incidental to modern democratic states; rather, it is endemic, an effect of hierarchizing processes that are essential to state efficacy. Under these conditions, democratic politics can only serve a primarily symbolic function.

If we try to take up Habermas's insights but leave behind his inchoate optimism, we are left with a modified version of Weber's theory of democracy as bureaucratic rule, to which popular allegiance is achieved by hook or by crook.

## Habermas and Weber

As the promise of the Enlightenment was realized in industrial capitalism and the dramatic material progress it made possible, a profound sense of alienation emerged (at least among intellectuals). Faced with the specter of Marx, a generation of social thinkers, led by Max Weber, turned a critical eye toward the foundations of modern society.

Weber sought to comprehend the underlying dynamic of modernity, "rationalization." He held that human freedom is gravely threatened by the inescapable logic of rationalization. The classical view of democracy as self-government is among the first casualties. Decades later, Habermas was faced with the comparable challenge of considering the contradictions that define life under late modernity. In many respects, he sought to contend with the same issues, including alienation in the face of ma-

terial progress, that faced Weber at the dawn of the twentieth century.

During the postwar period, however, industrial capitalism and bureaucratic governance had been irrevocably transformed by the advent of the welfare state and mass democracy. In terms of sheer detail and complexity, the governing institutions of the metropolitan West had progressed from the baroque to the rococo, as (it was thought) the management of class conflict had moved to the center of political life. Moreover, social differentiation, including the pluralization of forms of life as well as a highly articulated division of labor, had increased so much that the realm of deep cultural consensus had contracted, just when the welfare state's need for political coordination expanded. At the same time, the realm of deliberation divorced from material concerns, which Habermas (among others) considered an essential means of effecting both consensus and coordination, seemed to be under assault.

To address the origins of these phenomena, Habermas takes Weber's model of rationalization as his point of departure. At the same time, he transforms it. For Habermas, modern society is essentially Janus faced: it is an organic whole composed of system (the economy and the state) and lifeworld (personal life and the non-state public sphere). Moreover, he contends, rationalization itself is a dual phenomenon, one that affects system and lifeworld in distinct and even contradictory ways. From these premises, Habermas derives a subtle theory of social evolution that recognizes the contributions of modernity while appreciating the dangers it poses.

Despite his often profound sociological pessimism, Habermas's normative optimism ultimately offers hope for democracy, however frail, against Weber's dark premonitions. For Habermas, robust "communicative action" can redeem the classical view.

## Weber vs. Habermas on Modernity

Weber (1946, 51) identified rationalization with the "disenchantment of the world"—that is, the extent to which nonrational assumptions have been displaced and traditional forms of moral consciousness eroded. In the premodern world, actions tend to be sanctioned either by tradition or as ends in themselves. But the "non-coercive, unifying power of collectively shared convictions" (Habermas 1985, 301), embodied in the certainties of religion and metaphysics, are fatally undermined when actions come to be seen as instrumental to the agent's ends; instrumental rationality is placed "at the service of a merely subjective self-assertion" (ibid.). Weber's vivid description of bureaucratic procedures suggests a systemic rationality governed by its own strategic imperatives rather than by external legitimation through—as Habermas would prefer—democratic dialogue (ibid., 307). Likewise, the capitalist deployment of science achieves boundless material advancement, yet it cannot answer the question of value.

Quoting Tolstoy, Weber writes that "science is meaningless because it gives no answer to our question, the only question that is important to us: 'What shall we do and how shall we live?'" (Weber 1946, 143). In Weber's rationalized world, there is no way to adjudicate among the contending values toward which instrumentally rational bureaucratic and economic behavior might be directed. The background consensus that does exist in the wake of rationalization is, for Weber, so thin as to be powerless against the claims of purposive strategic action.

Eventually, technical superiority establishes itself as the ultimate value—the logical conclusion of Weber's portrayal of societal rationalization. At that point, the "iron cage" of modernity is complete: individuals are captive to the prerogatives of the animate machine, a kind of norm-free sociality that calculates to no end. In the economic realm, the accumulation of wealth ("the

spirit of capitalism"), which initially had the purpose of alleviating theologically induced anxiety about one's salvation ("the Protestant ethic"), is rendered pointless by the decline of religious conviction—but we are powerless to drop out of the relentless rationalization of our lives first spawned by religious anxiety, since that would be a prescription for personal poverty. In politics, similarly, instrumentally rational bureaucratic imperatives trump "the popular will," which, under conditions of specialization, is more myth than reality.

While Weber's model suggests that cultural rationalization ineluctably leads to societal (institutional) rationalization, paradigmatically represented by the rise of capitalism, Habermas holds that cultural rationalization is a distinct phenomenon that offers a cognitive gain. This cognitive gain manifests itself in the "bourgeois public sphere," an autonomous realm in which rational debate is, as it were, the medium of exchange—and a realm that, in theory, might be mobilized against institutions of domination. Where Weber sees cultural rationalization merely as part of a broader process of disenchantment leading to more elaborate forms of social integration, Habermas sees the rationalization of worldviews as an essential step forward, toward a more reflexive and self-critical approach to values and presuppositions. While Weber believed that disenchantment would lead to a loss of meaning and (even merely instrumental) morality, Habermas maintains that meaning and morality can now be arrived at through "communicative action." Although cultural rationalization results in the differentiation of value spheres (aesthetic, erotic, intellectual, political, economic), this disunity does not represent confusion; rather, it means that people have learned to distinguish among different validity claims.

As a result, Habermas, in marked contrast to Weber, is quite sanguine about the emancipatory potential of rationalization in the lifeworld: while it does erode traditional authority, it allows communicative rationality

to recreate a freely arrived-upon moral consensus. This contention is rooted in Habermas's understanding of society as both "system" and "lifeworld." For Habermas, the failure to recognize the distinction between system and lifeworld is the source of countless flaws in the work of other social theorists, including Weber. Rationalization can, in fact, enhance human freedom, provided that the integrity of the lifeworld is respected.

### The Colonization of the Lifeworld

The lifeworld is the background of shared meaning that provides the basis for ordinary symbolic interaction. All communicative actors function within the lifeworld, and as communicative actors they cannot step outside of it. It is "the transcendental site where speaker and hearer meet, where they reciprocally raise claims that their utterances fit the world (objective, social, or subjective), and where they can criticize and confirm those validity claims, settle their disagreements, and arrive at agreements" (Habermas 1985, 126).

The lifeworld is predicated on a specific form of action-rationality, communicative action. In communicative action, people seek mutual understanding through a cooperative process of interpretation aimed at arriving at an intersubjectively determined agreement. People engage in truly communicative (as opposed to strategic) action only when their intent is to achieve such an intersubjective consensus.

For Habermas, the motivation to engage in communicative action derives from the nature of language itself: internal to the use of language (by definition a symbolic phenomenon) is the need to have validity claims redeemed. For language to be intelligible, it must be predicated on an intersubjective consensus. The lifeworld serves as the realm in which communicative action produces "culture, society, person" (Habermas 1985, 138). Culture concerns itself with the transmission of meaning; society manufactures norms and

social solidarity, thus constructing "the legitimate orders through which participants regulate their memberships in social groups" (ibid., 138); and personality is the articulation of one's identity through the mastery of language and norms.

As the sphere of speech and language, the lifeworld precedes all others. The integration of society, however, needn't be predicated solely on communicative action. System, the other element of modernity, "bursts out of the horizon of the lifeworld" (Habermas 1985, 173). Exemplified by bureaucracy and by the market in capitalist societies, system may be defined as the "norm-free regulation of cooperative contexts" (ibid., 150). Its results derive not from the process or orientation of action, as does the intersubjective consensus of communicative action, but from the consequences of action. Consequently, Habermas distinguishes between social integration and system integration:

The former attaches to action orientations, while the latter reaches right around them. In one case the action system is integrated through consensus, whether normatively guaranteed or communicatively achieved; in the other case it is integrated through the nonnormative steering of individual decisions not subjectively coordinated. (Ibid.)

Habermas argues that only by understanding both system and lifeworld can the integration of a modern society be grasped. Social evolution manifests itself differently for system and lifeworld: the development of system is measured by its increasing complexity and "steering capacity," while that of lifeworld is measured by its increasing rationality. In the early stages of a society, according to Habermas, there is only lifeworld; gradually, system and lifeworld are differentiated from one another as "system mechanisms get further and further detached from the social structures through which social integration takes place" (ibid., 154).

In modern societies, this detachment and differentia-

tion are manifest in the "delinguistified media of communication" employed in systemic mechanisms: money and power. Within the system, action is oriented toward achieving maximum possible success in terms of money and power. The distinctive aspect of this type of success is that it is delinguistified. As such, it does not generate the same validity claims as does "success" in lifeworld interactions.

There are correspondingly two ways to integrate a society or, to use Habermas's terminology, two modes of sociation: strategic (or systemic) consensus, and intersubjective consensus. Intersubjective consensus is historically prior to its systemic counterpart, and Habermas fears that it may be undermined by the growth of the system. This fear parallels Weber's fear of relentless societal rationalization, and yet it is not the same. In Habermas's view, the system does not directly threaten the individual's freedom; rather, it does so through the "colonization" of the lifeworld.

Habermas's most valuable contribution to our understanding of contemporary social realities may be to focus attention on how the exercise of power shapes human perception and behavior. In looking upon the colonization of the lifeworld as a perversion of modernity's emancipatory potential, however, he fails to confront the extent to which such colonization is inextricably bound up with modernity and the management of social complexity.

As societies grow more complex, so does the pressure for an achieved consensus. As a result, the members of modern societies may choose—indeed (as Weber would argue) must choose—to avoid the risk of dissensus by hierarchizing the process of agreement: that is, either by employing specialists and privileging specialized forms of knowledge—an outcome alluded to by Weber in his reflections on bureaucracy and science—or by transferring action coordination from "consensus formation in language . . . over to [delinguistified] steering media." Both

choices undermine the process of democratic will formation and the lifeworld from which it derives.

According to Habermas, specialization and the use of money and power "do not merely simplify linguistic communication, but replace it with a symbolic generalization of rewards and punishments," such that "the lifeworld contexts in which processes of reaching understanding are always embedded are devalued in favor of media-steered interactions; the lifeworld is no longer needed for the coordination of action" (ibid.). This transfer of action coordination represents the "technicization of the lifeworld" (Habermas 1985, 183), an integral element of the colonization of the lifeworld. It results in the creation of "norm-free social structures jutting out from the lifeworld" (ibid., 185). Although these structures remain linked to communicative practice through the law,

the institutions that anchor steering mechanisms such as power and money in the lifeworld could serve as a channel . . . for the influence of the system on communicatively structured contexts of action. . . . They function as a base that subordinates the lifeworld to the systemic constraints of material reproduction and therefore 'mediatizes' it. (Ibid.)

Increases in systemic complexity lead to imperialistic pressures on the lifeworld; these pressures, in turn, create lifeworld subsystems that act destructively upon the lifeworld and its logic.

In theory, the lifeworld can impinge upon the system, but in practice this does not happen. Systemic organizations are able to disconnect themselves from the realm of culture and personality; consequently, these organizations are "neutralized against the lifeworld" (Habermas 1985, 309). Systemic organizations are not communicatively structured; to the extent that language is used within them, it is constrained through the use of steering media and hierarchy. In short, they are immune to penetration by the lifeworld, while the far

more malleable structures of communicative life are not immune to being undermined by money and power.

Habermas accepts many of Weber's assumptions regarding bureaucracy, including (at least implicitly) his characterization of bureaucracies as aimless machines. The colonization of the lifeworld can occur only when cultural rationalization has progressed to the point where traditional authorities are weak and culture, society, and personality have been differentiated; where relationships between system and lifeworld are regulated through differentiated individual roles; and where political and economic life are defined by the rewards and punishments of delinguistified steering media (Habermas 1985, 356).

### The Welfare State as Functional for Capitalism

According to Habermas, one example of the colonization of the lifeworld is the welfare state. As imbalances in the capitalist system emerge, the logic of system integration—or system survival—demands the management of conflicts. Alongside mass democracy, the welfare state emerges in an effort to mollify protest against perceived economic injustices: the norms of consumerism are internalized by those who would otherwise resist the regime.

Ultimately, the welfare state derives from a strategic orientation for, in essence, it represents the intrusion of money into communicatively structured social life. Habermas believes that

this is even the model case for the colonization of the lifeworld that is behind the reification phenomena in advanced capitalist societies. . . . The functional ties of money and power media become noticeable only to the degree that elements of a private way of life and a cultural-political form of life get split off from symbolic structures of the lifeworld through the monetary redefinition of goals, relations and services, life-spaces and

life-times, and through the bureaucratization of duties and rights, responsibilities and dependencies.

The welfare state is bureaucratic as well as capitalistic because it requires a class of experts whose authority is necessarily antagonistic to the free decisions of individuals.

Weber comes to a very different conclusion regarding the welfare state. In discussing the aims of the propertyless masses in the realm of political action, he contends that they desire not "calculable" adjudication and administration; rather, the "Kadi-justice" they demand is informal-communicative, as it were. For Weber (1946, 221), the logic of the welfare state, embryonic in his own time, is antithetical to the fundamental precepts of bureaucracy, for it is based on "irrational 'sentiments.'" Habermas and Weber agree, however, that mass democracy and the bureaucratic state are allied to one another; moreover, both are disturbed by the "bureaucratic desiccation of the political public sphere" (Habermas 1985, 323). Weber worried that bureaucratic-legal domination would lead to a catastrophic collapse in legitimacy: without religious-metaphysical worldviews to legitimate it, a regime would struggle to justify its rule to no avail. Habermas recognizes this possibility but attributes it to the colonization of the lifeworld by system imperatives that drain communicative rationality from the private and political public spheres of life, replacing it with delinquentified steering media.

Unlike Weber, Habermas refuses to look upon these systemic imperatives as anything other than an imposition. Yet Habermas believes they can be overcome by communicative action rather than the machinations of power: this is the source of Habermasian optimism.

### Democracy as a Solution, Not a Problem

By problematizing Weber's progression from cultural

to societal rationalization, Habermas suggests that there is an alternative to the iron cage of end-less instrumental rationality. At the same time, particularly when discussing the prospects for meaningful political discourse under late modernity, Habermas betrays a sociological pessimism not entirely dissimilar to that of Weber. Habermas's path to pessimism, however, is more indirect, for it passes through the "colonization of the lifeworld" by capitalist and bureaucratic systems, an outcome that could have been avoided and can still be resisted:

The transposition of communicative action to media-steered interactions and the deformation of the structures of a damaged inter-subjectivity are by no means predecided processes that might be distilled from a few global concepts. . . . The fact that in welfare-state mass democracies class conflict has been institutionalized and thereby pacified does not mean that protest potential has been laid to rest. (Habermas 1985, 392.)

Habermas's optimism is grounded in emerging conflicts in the metropolitan West that transcend class conflicts over material distribution; these conflicts, by contrast, take place in the lifeworld. The post-1950s protest movements that exemplify these conflicts are struggles over "the grammar of forms of life" (Habermas 1985, 392). He sees in them a promising attempt to correct the colonization of the lifeworld. Unlike Weber's moderns, prostrate before the ineluctable wave of bureaucratization, Habermas thinks that we can resist and that resistance is not futile. With the aid of communicative reason, we can turn the tide. For this to occur, however, communicative reason, and its exercise, must flow from a communicative power that can animate or, at the very least, coherently endorse systemic change.

As in the classical view of democracy, meaningful self-government is Habermas's aim. For Weber, the object of democratic politics is not democratic will-

formation, nor is that a realistic goal. In contrast to bureaucratic elites, the mass public is always susceptible to emotional and irrational influences, and is thus the enemy of sound policy making (Weber 1994, 230). Responsible leadership, not "popular sovereignty," is Weber's political goal (Ciepley 1999, 191-227). Responsible leadership derives not from the politically passive mass public, but from a politician who "recruits his following and wins over the mass by 'demagoguery'" (ibid., 228)—a perspective later found in the work of Joseph Schumpeter (1950). Constituencies, like consent, are manufactured. Rationally organized parties, which is to say bureaucratized parties, are the most effective bulwark against the "democracy of the street" (Weber 1994, 231), perhaps Weber's greatest fear. Weber asks only that bureaucratic rule be subject to a "minimal right of co-determination" (Ciepley 1999, 207), so as to secure willing sacrifices from the public.

While Weber's view lacks the romance of "popular sovereignty," it does reflect key insights concerning the mass public's political competence under modern conditions. An ever-more intricate societal division of labor, and the concomitant increase in demand for narrow expertise, suggests that the mass public is profoundly ignorant of the matters with which experts are familiar (see, e.g., Converse 1964; Page and Shapiro 1992; and Somin 1998).

With its "mechanistic" understanding of democracy, Weber's approach is, according to Habermas (1975, 97), inadequate because it is relentlessly instrumental: if legitimacy claims are conceived "as . . . empirical phenomenon[a] without an immanent relation to [normative] truth," they cannot be tested on the basis of

their morality. Rather than sacrifice the possibility of a substantive normative critique of legitimation claims, Habermas abandons Weber's empiricism and instead offers the discourse-theoretic normative ideal predicated in part on an understanding of "communicative power." For our purposes, the importance of Habermas's work lies in the idealization of democratic possibilities to which this normative approach leads. By sidestepping the question of public ignorance of means (effective policies) in favor of the question of the legitimacy of the (normative) ends toward which they should be directed, Habermas overlooks the issue of whether his ideal is realizable in a world of imperfectly informed individuals.

### Three Models of Democracy

In lieu of embracing either a liberal or a republican normative ideal, Habermas builds a model situated between the two that eschews both the nostalgia of the latter and the atomistic individualism of the former. Each of the three models offers a different perspective on the role of politics, a perspective that in turn informs its assumptions concerning the appropriate scope of politics in collective life (Habermas 1998, 240).

The liberal view maintains that the democratic process allows society, "a system of market-structured interactions of persons and their labor" (Habermas 1998, 239), to exercise some control over the state, that is, over a set of institutions designed to secure collective goals. As in Weber's theory, the liberal view characterizes politics as elite contestation over the levers of administrative power; citizens, informed by public struggles between self-interested groups, express preferences through their votes, as in the marketplace (*ibid.*, 243). For liberals, politics is strategic action oriented toward victory, not communicative action oriented toward mutual understanding; to the victors go access to administrative power (at least until the

next election in which voters, like consumers, can punish an underperforming "brand" retrospectively). The liberal view is less demanding in this respect than the republican alternative. The outcomes of the democratic process are not paramount for liberals as long as transpolitical rights-liberties that exist prior to and independent of state imperatives are protected, securing a domain free of external compulsion. This makes the state a double-edged sword that protects against private violence and yet threatens to gather illegitimate public force against legitimate private purposes (*ibid.*, 241). Administrative power is, at root, seen as a source of disruption that must be controlled lest it undermine the settled rules that govern society; the democratic process is but one of several instruments designed to minimize this disruption (*ibid.*, 247)—albeit a very important one.

Under the liberal view, "society" is not lifeworld and system; rather, it is a marketplace that is entirely a creature of systemic imperatives. The state, according to the logic of this schema, is nothing more than the guardian of society (*ibid.*, 246), a role that leaves little if any room for "communicative power." In looking upon voting as a market-like process, an arena of strategic action designed to express personal distributive preferences, liberalism reflects the "imperialism of the system" Habermas rejects.

Habermas's discourse-theoretic view is far closer to the republican normative model. Rather than look upon society solely as system and the democratic process as a means of surveillance designed to keep the state from impinging on that system, the republican view embraces democracy as "an ethical discourse of [collective] self-understanding" (*ibid.*, 246) that, through communicative means, literally constitutes society. As such, the role of politics is far broader than under the liberal interpretation, and is far more crucial: participation in public life, understood as the practice of self-legislation, generates solidarity, a horizontal phenomenon dif-

ferent from hierarchizing administrative power and from the delinguistified, individualistic pursuit of economic or political self-interest (*ibid.*, 240).

Political opinion- and will-formation are at the heart of the republican view. Consequently, rights of political participation are paramount; unlike liberal rights against coercion, republican participation rights establish "the possibility of participating in a common practice, through which the citizens can first make themselves what they want to be" (*ibid.*, 241). Whereas the liberal view looks upon politics as a series of deals made among competing societal interests, the republican view "preserves the radical democratic meaning of a society that organizes itself through communicatively united citizens" (*ibid.*, 244).

For the republican, deliberation relies on a "culturally established background consensus, which is rejuvenated through the ritualistic reenactment of the founding act" (*ibid.*, 246). In a very real sense, for example, the American, Canadian, and British constitutions are a kind of "organic law," instruments of government that, over time and to varying degrees, have acquired an almost mythological aspect. Like Durkheim's totem god, constitutions and other state symbols have served as a kind of sacred center for patriotic ritual and a foundation for quasireligiously constructed identities in many post-traditional societies (see Marvin and Ingle 1999). In a sense, the constitutional order creates a space in which identities relative to the state are articulated (or, of course, left unarticulated).

With the rise of "the politics of recognition," however, the assertion of collective identities in democratic constitutional states has fatally undermined the republican vision of a comprehensive "culturally established background consensus" (see Habermas 1994). Though Habermas is sympathetic to the republican view, he concludes that it is too idealistic, since its effect is to construct society as an agent, "a social

whole centered in the state and conceived as a goal-oriented subject writ large" (Habermas 1998, 248). Moreover, republicanism is predicated on a virtuous, disinterested citizenry and a mistaken belief that politics is primarily concerned with self-understanding (ibid., 244). While Habermas acknowledges that collective self-understandings concerning nationality and tradition are important, conditions of pluralism see to it that subcultural and subsocietal interests and value-orientations cannot always be resolved in a unified way. With the advent of cultural pluralism, compromises based on relative calculations of power take precedence over achieving genuine, substantive consensus (ibid., 245). In building compromise in a diverse society, procedural fairness comes before ethical or cultural authenticity, lest the interests of cultural minorities be completely subsumed. For Habermas, therefore, the realism concerning the balancing of interests that is integral to the liberal view must leaven the republican view.

However, Habermas's discourse-theoretic model does not look upon politics as a collection of dependent variables in systemic processes, as do liberals (Habermas 1998, 248). Rather, Habermas focuses on the "higher-level intersubjectivity of communication processes that unfold in the institutionalized deliberations in parliamentary bodies . . . and in the informal networks of the public sphere" (ibid.). These processes are to be intrinsically rational as the products of popular will, but also instrumental to the diverse interests of people in pluralistic societies. Habermas deemphasizes the subject, be it the republican-national macrosubject or the liberal subject animated by private interests, in favor of communicative procedures. Habermas's model preserves the state-society distinction that is part of the liberal view, but it also looks upon "civil society" as a noneconomic or nonsystemic space that is as distinct from the market as it is from the state (ibid.). The state/society dichotomy is replaced by a "normative de-

mand for a new balance between the three resources of money, administrative power, and solidarity from which modern societies meet their need for integration" (ibid.). Collective decisions are not to be made through the democratic process so as to advance economic interests, to legitimate bureaucratic rule, or to secure social solidarity; rather, the process is meant to "guarantee a rational treatment of political questions" (Habermas 1996, 170). It is to be "rational" in that it produces answers that are acceptable to all parties (ibid., 38), but unlike in the liberal view, it requires deliberative procedures that allow all salient questions to be raised; without such procedures, a fair balance of interests may not be achieved (ibid., 170).

Habermas uses the discourse-theoretic view to affirm an antisystem politics that seeks to expand autonomous public spheres, the crucial source of social solidarity, through legislative and other means. This means repudiating the neoliberal argument that the only alternative to unbridled administrative power is economic liberalization, defined as the expansion of the market process at the expense of state control. Popular sovereignty is understood as placing legislative power in the hands of all citizens; parliamentary representation is a prudential concession to the need for face-to-face deliberation on matters of public concern, a concession that must not sacrifice broad participation—which is sacrificed by economic liberalization, i.e., depoliticization.

For Habermas's approach to be viable, however, informal opinion-formation among members of a democratic majority must be "transformed into administratively utilizable power" (Habermas 1998, 249). Law is the medium through which this transformation of communication into power is to be achieved: rights of political participation, essential to both the republican and discourse-theoretic idealizations, "refer to the legal institutionalization of a public opinion- and will-formation terminating in decisions about policies and laws" (Habermas 1996, 151). The exercise of political

participation rights allows communicatively generated normative premises, products of the lifeworld, to become comprehensible in the money-steered economy and the power-steered administration: law serves "as a hinge between system and lifeworld" (*ibid.*, 55-56), a true language of power.

And so we are led to the question: under modern conditions, to what extent can the genesis of law derive from nonhierarchical/nonpaternalistic communicative procedures?

As Ricardo Blaug (1999) argues, Habermas fails to offer a realistic account of how a domination-free discourse is to occur, choosing instead in his more recent work to explore the normative basis of law and of the constitutional state—a lacuna that leaves difficult, and perhaps intractable, questions unresolved. It is true that while identifying the capacities that politics must have if it is to limit the independence of systemic power—in particular, the ability to "ferret out, identify, and effectively thematize latent problems of social integration (which require political solutions)" (Habermas 1996, 358)—Habermas acknowledges that the achievement of such capacities faces barriers that are nigh impossible to overcome (*ibid.*, 358-59).

This realism is also reflected in his wariness of democratic control, as opposed to bureaucratic-regulatory countersteering, of the market. This is because Habermas 'can imagine the attempt to arrange a society democratically only as a self-controlled learning process' (quoted in Blaug 1999, 156). Such a process would call upon participants to understand and make difficult tradeoffs of fairness for efficiency and vice versa, and Habermas leaves little doubt that the conditions for a domination-free discourse about such issues are not being fulfilled at present. Thus, after characterizing the social consequences of the neoliberal turn in the metropolitan West as an unbridled disaster, Habermas (1998, 123). concludes that contemporary political realities may "undermine the legitimacy of the proce-

dures and institutions of the democratic constitutional state."

Whether this is as far as one's doubts about the practicability of Habermas's view should go, however, depends on a set of falsifiable claims (Habermas 1996, 373), perhaps the most important being that the public sphere, as a "warning system with sensors that . . . are sensitive throughout society" (ibid., 359), can meaningfully curb the exercise of administrative power; and that democratic constraints on administrative paternalism are, on both normative and empirical grounds, desirable. Which is to say, in part, that what the democratic warning system senses are violations of true social interests, and that the solutions endorsed by the demos really address those violations. Otherwise, the communicative will-formation Habermas so prizes would be much ado about nothing—or worse, as Weber hinted.

The heart of the matter is that Habermas is not a republican who values democratic will formation solely as an end in itself, and who thus equates equal participation in will formation with rationality. Other ends are served by an egalitarian process of will-formation: the resulting policies are, Habermas thinks, instrumentally as well as intrinsically rational, because the concerns brought to the communicative table by various participants are real concerns about their real interests (see Weinshall 2003).

### Public Ignorance and Habermasian Politics

When power is delegated to political representatives and administrative bodies, public awareness and pressure are needed to secure a government that is responsive to the evaluative preferences of the mass public. An unresponsive state threatens to become a tyranny of experts, the machine-like regime dominated by systemic imperatives against which Habermas warns. As Ilya Somin has argued in these pages (1998, 413-58), a Habermasian model of deliberative politics would have to go beyond

the "naked preferences" of the mass public; instead, citizens would have to actively engage in a dialogue predicated on mutual recognition and the assumption of impartiality, requirements that demand a great deal of knowledge.

Somin demonstrates, however, that even the level of knowledge required for a far less robust form of democracy (the form suggested by the liberal ideal), including knowledge of "which policies will promote their preferences and how candidates stand in relation to them" (*ibid.*, 440), appears to be far beyond the grasp of most modern voters, including the most highly educated. This suggests that the prospects for any substantive realization of collective self-rule are grim. As Shanto Iyengar summarizes recent literature on voter competence, "the low level of political knowledge and the absence of ideological reasoning has lent credence to the charges that popular control of government is illusory" (quoted in Lupia and McCubbins 1998, 3). Others, including Weber, have made similar arguments concerning the ability of even elected officials to monitor and control bureaucratic authorities.

Not all analysts, however, are quite so pessimistic. In *The Democratic Dilemma*, Arthur Lupia and Matthew McCubbins (1998) argue that "limited information need not prevent people from making reasoned choices" (*ibid.*, 4). Lupia and McCubbins maintain that voters can use simple cues as substitutes for encyclopedic knowledge. However, Lupia and McCubbins offer a very limited criterion for the success of the democratic delegation of power: namely, that the voter's "personal experience allows her to distinguish beneficial from detrimental agent actions [or that the voter] can obtain this knowledge from others" (*ibid.*, 12).

This model can be no defense of deliberative politics, even if "informational shortcuts" do suffice for liberal politics, and not only because it is predicated on the scarcity of cognitive resources that can be devoted by an individual deliberator to public affairs. Even worse,

Lupia and McCubbins must appeal to individuals' reliance for their shortcuts on "others," establishing a cognitive hierarchy that is the *bête noire* of Habermas's discourse-theoretic ideal. In Lupia and McCubbins's model, action coordination and consensus are effected by informational elites who transmit cues to the general public.

To put it mildly, this approach requires a great deal of trust in the opinion leaders, be they public ideologues or ostensibly knowledgeable acquaintances; and, particularly in light of the ever-present possibility of preference falsification (see Kuran 1995), this trust may well be misplaced. If the "asymmetry of information between leaders and followers" (Somin 1998, 424), accepted by the partisans of informational shortcuts as an effective vehicle for self-rule, is as predominant as the empirical evidence suggests, then there is likely to be a divergence of interests between the opinion leaders and the led.

Since followers are often unable to monitor their leaders, this state of affairs is ripe for abuse. For example, opinion leaders may have an incentive to "exacerbate intergroup hostilities" (Somin 1998, 425), an outcome that simultaneously harms followers and reinforces the prestige and authority of leaders. Conversely, ideological heuristics, including partisan affiliation, can be undermined by collusion among political parties. As Somin argues (*ibid.*, 423), such efforts to reduce the flow of information spare ideological presuppositions challenge from inconvenient facts—something instantly recognizable to any observer of mass politics. As a real-world example, Somin cites the manner in which the first modern-style party system in the United States removed slavery from the political agenda (*ibid.*). In a similar vein, one can point to the broad consensus concerning the virtues of a mixed economy in the postwar metropolitan West. Efforts to undermine the consensus from the margins have proven to be prohibitively expensive, both in money and in time.

Even non-hierarchical voting shortcuts take advantage of whatever information seems to be at hand, however irrelevant it may be. An electorate may vote retrospectively (Fiorina 1981), basing decisions not on information about a candidate's actual policy views or performance in office, but on general perceptions of, for example, the state of the economy that may, in fact, bear little relation to the policies that were pursued by the officials being retrospectively blamed or credited. (Indeed, determining the causality of various economic phenomena proves challenging even to those who specialize in the discipline [Somin 1998, 426]).

Some scholars, including Benjamin I. Page and Robert Y. Shapiro (1992), have argued that uninformed votes, randomly distributed across candidates, "cancel each other out" (Somin 1998, 429), thus allowing the informed votes to determine the outcome. But precisely because most voters seem to use informational shortcuts, a truly random distribution is precluded (*ibid.*, 430); consequently, uninformed voters can easily carry the day. Even to achieve the Weberian goal of instrumentally rational policies, "there is no real substitute for voters who are adequately informed at the individual level" (*ibid.*, 431)—a condition that also must be fulfilled if the communicative fora are to be free of domination. Given the scope of government in contemporary modern democratic states, however, even the most sophisticated voter will face enormous obstacles in seeking to be truly well informed about the uses and abuses of administrative power so as to subordinate "system" to "lifeworld."

Assuming that the obstacles to becoming well-informed can be overcome (a questionable assumption, to be sure), Somin identifies an even more fundamental barrier to votes that reflect people's true interests (*ibid.*, 435-6): though all might benefit from an informed electorate, individual voters have little incentive to become informed because no single vote is likely to prove decisive (*ibid.*, 436). But the collective-action

explanation of public ignorance faces its own Waterloo if its reasoning is applied, beyond incentives to become well informed, to incentives to vote. Why do some citizens vote at all, despite the fact that an individual's vote is highly unlikely to alter an outcome?

Somin (1998, 433) hypothesizes that people overestimate the likelihood that their vote will make a difference. However, acquiring the political information necessary to be well informed is far costlier than voting. So people rationally remain ignorant, even though they irrationally vote.

Somin contends that there is a simple corrective for high informational burdens that preclude meaningful public participation and sound decision-making: reduce "the number of issues to be decided by government to a level voters would find more manageable" (*ibid.*); that is, minimize informational burdens by limiting the scope of democratic decision making. Suffice it to say, this solution is politically impracticable and, as Jeffrey Friedman (1998) maintains, would quite possibly be futile anyway. To make sense of the "paradox of voting," Friedman argues that the premise of voter rationality must be abandoned: a rational voter who remains ignorant because she is aware of the costliness of acquiring adequate information would, by virtue of this awareness, be deprived "of the 'attitudes' necessary to motivate her to vote" (*ibid.*, 407). Yet millions of people do vote, and many of them make efforts to inform themselves politically.

To explain mass participation in the face of the collective-action problem that would confront any individual voter, if, as Somin assumes, voters realized the insignificance of their votes, Friedman turns to Schumpeter. Instead of focusing solely on the motivation to acquire information, Schumpeter points out that the information that is the coin of the political realm usually is not "clearly interpretable feedback from public decisions" (Brainard 1967, 411-25). In the absence of the direct feedback that derives from private decisions, unmediated by second-hand reports and theoretical constructs, "informed political decisions would require

unattainable levels of theoretical and empirical knowledge" concerning the consequences of various public policy choices (Friedman 1998, 409)—even when democratic decision making is limited in scope, as per Somin's proposal. But voters need not be aware that when making political decisions, they lack the feedback necessary to be well informed. They can falsely believe that they are well informed, and this false belief could adequately motivate them to vote—if one of the things about which they are blissfully ignorant is that simple mathematics shows that in any large electorate, their vote almost certainly won't matter.

While they disagree, then, over whether voters' ignorance is motivated by their awareness of the depth of their ignorance, and their consequent recognition of how costly it would be to inform themselves adequately, both Somin and Friedman implicitly maintain that a Habermasian public sphere, a "warning system with sensors that . . . are sensitive throughout society" (Habermas 1996, 359), is utopian. Somin's hypothesis suggests that the sensors are motivated to absorb very little information, preventing them from being sufficiently sensitive. Friedman (1998), in turn, denies that the sensors could detect the relevant phenomena at all, even if motivated to do so, with the possible exception of a particularly egregious phenomenon such as an economic crisis. Indeed, he attributes what sensitivity to negative outcomes there is primarily to systemic elements, including the cognizable feedback of the private marketplace, rather than to democratic processes (Friedman 2000, 121ff.). Both he and Somin conclude, however, that in politics, hierarchies of knowledge are unavoidable, as does David Ciepley (1999, 198–99).

### The Obsolescence of Discourse-Theoretic Democracy

Like Friedman, Ciepley rejects Somin's contention that a smaller government would in itself secure adequate

popular control of the state by reducing the need for knowledge hierarchies. In doing so, he introduces a premise left unexplored by Somin. Informational burdens for voters will not be reduced by limited government, he argues, because all issues affecting collective life remain, if only implicitly, "on the table"; any decision to privatize decision making can potentially be reversed, provided that willful majorities remain sovereign. Consequently, informational burdens can be reduced only if society itself is simplified. The New England town meeting, viewed as an ideal by democrats of such different political orientations as Robert Putnam and Charles Murray, is effective only when concerned with a few simple issues, primarily because it governs relatively simple communities. One might add that the homogeneity of these towns precludes class conflict and deep cultural differences, short-circuiting the need for conflict management by means of state power in the first place.

The "restoration" of this Edenic state is, as should be obvious, for all intents and purposes impossible in modern democratic societies. Without a baptism of revolutionary violence that would create a nonmarket society that could sustain only a fraction of the world's current population (Mises [1920] 1935)—or some other global catastrophe—societal complexity is essentially irreversible. As a result, modernity, with its pluralization of forms of life and elaborate division of labor, permanently forecloses the possibility of meaningful self-government. The Habermasian question of whether complex societies are still capable of democratic rule has to be answered resoundingly in the negative.

And yet increasing social complexity is not an autochthonous phenomenon to which the state simply responds. As exemplified by the legal structuring of the capitalist marketplace, social complexity is driven in large part by state imperatives. Whether by design or as an unintended consequence of countless strategic calculations, the state confounds comprehension. As a result,

democratic politics in practice bears little resemblance, even incipiently, to the normative ideals described by Habermas.

### Democratic Politics as Theater

If self-rule is beyond our grasp, how should we look upon democratic politics? Benedict Anderson (1996, 2) defines the nation as "an imagined political community . . . because the members of even the smallest nation will never know most of their fellow members, or even meet them, or even hear of them, yet in the minds of each lives the image of their communion." Beyond the New England town meeting, not just the nation but modern democratic politics in general can best be described as a product of our collective imagination. The project of the deliberative democrats might be understood as an attempt to imagine a meaningful and broad-ranging conversation among ordinary men and women much like the vigorous disagreements that characterize scholarly endeavors at their best. The democratic communion, understood in these terms, requires a social space that is effectively isolated from administrative power and selfish bargaining.

In the absence of the epistemic and other conditions necessary for such a communion, however, modern democratic politics cannot be such a conversation in anything but the theorist's imagination; instead, it is a kind of theater in which the roles, if not the outcomes, are assigned.

Like the theater, democratic politics is a pageant of animating mythologies that give the process gravity and reinforce its legitimacy. As Edelman (1964, 190) puts it, "The settings of formal political acts help 'prove' the integrity and legitimacy of the acts they frame, creating a semblance of reality from which counterevidence is excluded." Conflict in stable metropolitan societies, as intense as it often seems, is contained through ritualization. Sounding a Weberian note, Edelman (1971, 9) con-

tends that public policies in a modern democratic society "derive their salience and meaning less from their instrumental effects than from the cues they generate"—by which he means the ways in which different social groups, often created as clients of state privilege or objects of state surveillance, are notified of changes in their status. The confounding state is not, as in the liberal normative idealization Habermas describes, simply a means of translating public preferences into public policy. Instead, the successful democratic state, in its myriad manifestations, is enabled by the theatrical form taken by democratic politics to manage conflict and achieve its personnel's various goals—even when those goals are not congruent with those of the people they are supposed to represent. Behind the curtain of the voting booth, the state can largely do what its personnel want it to do. The public's ignorance of what the state is actually doing affords the state its autonomy, and the public's ignorance is facilitated by theatrical democratic pageantry.

As for the notion of domination-free politics, Edelman (1988, 10) describes it as

an optimistic view . . . of how discourse might become emancipatory in a society without capitalism or governmental or corporate or military hierarchies; but it provides little hope that political language in the world we inhabit can become something more than a sequence of strategies and rationalizations.

Edelman, in looking upon modern democratic politics as a kind of ritualized conflict structured by the state, offers a bridge between Weber's view of how democracy should be managed by crafty demagogues—and the realities of the democratic present.

As if to confirm Edelman's dark portrayal of democracy, Lawrence Jacobs and Robert Shapiro (2000), after presenting a detailed analysis of President Clinton's health-care reform efforts and the dissolution of Newt Gingrich's Republican "revolution," conclude that U.S. politicians across the political spectrum employ

techniques designed to stifle public criticism without being responsive to public opinion. In contrast to the critical publicity sought by partisans of deliberative democracy, designed to stimulate a rational and critical debate among citizens, Jacobs and Shapiro believe that manipulative publicity has instead come to the fore, although in their view this trend is relatively recent in its origins and reversible (*ibid.*, 309-10). Jacobs and Shapiro therefore call upon public officials to be more responsive to the public's preferences and demands (*ibid.*, 323-24).

However, relying on an apparent allegiance to the classical principle of popular sovereignty and a pragmatic desire to secure the stable operation of government, Jacobs and Shapiro spend relatively little time justifying their proposal. After all, if manipulation is avoidable in contemporary political contexts, surely it is to be avoided; indeed, if members of the public are capable of exercising their critical faculties in the absence of government manipulation, perhaps the discourse-theoretic ideal can be achieved. The authors aim to "challenge the long-standing bias among elites against government responsiveness to public opinion" (*ibid.*, 295) (a bias that is hard to find outside the pages of long-dead theorists such as Weber and Schumpeter). Jacobs and Shapiro therefore dismiss the disquieting evidence that while citizens may have coherent preferences (Zaller 1992, 310-32), they very rarely have preferences that are well informed. In doing so, the authors reinforce what is in fact the widely held and uncontroversial belief that democracy, as conventionally understood, can work, if only we "threw the bums out." This is, to say the very least, a comforting suggestion—but it largely ignores the state as an autonomous actor.

Whether or not one believes that "the public reacts sensibly to events and available information" (Jacobs and Shapiro 2000, 307), Jacobs and Shapiro fail to adequately address the possibility of a state that can ignore public opinion because the public, distracted by democ-

ratic theater, is unaware of the divergence between its preferences and actual state policies. Nor do Jacobs and Shapiro adequately consider the even more radically statist possibility that public preferences themselves are not "rational reflections of their interests and their moral upbringing and therefore . . . stable and continuing" (ibid., 3), but rather that

individuals' positions on public issues are mobilizable rather than fixed. . . . Governmental activities are themselves potent influences upon change and mobilization of public attitudes; and . . . the significant "outputs" of political activities are not particular public policies labeled as political goals, but rather the creation of political followings and supports: i.e., the evocation of arousal or quiescence in mass publics. (Edelman 1988, 4)

In a classic recent study, John Zaller (1992) buttresses Edelman's claim by demonstrating that political elites play a crucial role in the process of opinion- and will-formation by providing cues in ambiguous circumstances. But Zaller expands the scope of Edelman's entirely state-centric theory of opinion manipulation by including among those who send decisive cues to the electorate non-state political figures, such as candidates who have not yet won public office but who convey signals about the opinions their party's followers should hold. In this way (despite his own protestations—see the Epilogue to Zaller 1992), Zaller brings us back to Weber's demagogue-centric theory of opinion shaping.

### Weber's Theory of Democracy Revisited

Habermas's objection to Weber's theory of democracy is based in large part on its failure to transcend contemporary realities. Weber's is a theory utterly bereft of a democratic ideal beyond that of "a pluralism of elites, replacing the self-determination of the people"

(Habermas 1975, 124) with the elites' own determination of public policy.

Characterizing this "theory of domination" as reflective of "cynicism and self-pity" (ibid., 123), Habermas fails to give Weber his due. Habermas might have learned from Weber to appreciate the possibility of an inherent tension between social complexity and the democratic rule that complexity ensures will not be adequately informed. His own appreciation of this tension undergirds Weber's support for universal suffrage along lines that would be familiar to Edelman: instead of securing voter control of public policy, universal suffrage, along with the ritual of voting itself, cements the allegiance of the mass public to the program of the political leadership (Weber 1994, 125-26).

For Weber, political systems are called upon to provide responsible leadership for the long-term stewardship of modern societies (Ciepley 1999, 208). To achieve this end, bureaucracy is essential, but bureaucrats cannot face the political consequences of their actions, in large part because this would paralyze them and keep them from performing their crucial tasks. Instead, responsible political leaders, demagogic stewards of the bureaucracy, accept responsibility, minimizing administrative recklessness (at least in theory) (ibid., 212). Weber does not embrace elite-led democracy simply because the alternatives are presumptively unjustifiable; instead, he believes that it is the best method of securing political leadership that is "responsible" to the people's objective interests (ibid.)—which Habermas himself believes can be achieved merely by means of a democratic conversation free of systemic barriers to the equal expression of individuals' (apparently self-evident) interests. Habermas simply takes no account of the prospect, already underscored by Weber, of a gap between people's subjective political preferences and their objective interests—a void created by public ignorance and filled by demagogues who, ideally (in Weber's view), will let the bureaucratic experts

come up with the best means for achieving the public interest.

Though Weber's interpretation of democracy is far narrower than Habermas's, and far less ambitious, it remains salient in an imperfect world in which citizens are necessarily incapable of making sound judgments concerning policy questions because of the lack of interpretable feedback from public policy. Using Edelman's conception of democratic politics as the creation of political followings, as modified by Zaller, we return to Weber's far less starry-eyed view of the nature of democracy, given modern conditions that require a grasp of such complex phenomena as capitalist economies.

In such a world, the prospects for authentic self-government are grim. In his attempt to redeem the classical democratic faith in the rule of the people, Habermas identifies social conditions for a domination-free discourse characterized by substantive cognition and cognitive equality that cannot, under the informational burdens introduced by modernity, be fulfilled. Weber's view, in contrast, accepts that modern political democracy bears little resemblance to the classical democratic faith. Instead, he recognizes that at its best, it is nothing more than the most palatable and sound version of elite rule.

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Tom Hoffman

THE QUIET DESPERATION OF  
ROBERT DAHL'S (QUIET) RADICALISM

ABSTRACT: Robert Dahl's democratic theory has been remarkably consistent over the course of his long career. While Dahl has maintained a markedly unromantic view of modern democracy, and can best be read as an immanent critic of its liberal variant, he has steadily clung to certain radical aspirations, even as their prospects have waned. Dahl's often-unnoticed radicalism lies in his desire to see democracy break out of the institutional bonds of the liberal state. Reviewing his career forces one to consider the ultimately utopian character of his quiet radicalism and the significance of its apparent failure. Paradoxically, Dahl's call for the extension of democracy into the economic sphere would be less utopian if it were more radical at its foundation—that is, if his basic premises would lead him to seriously question citizens' existing preferences.

Robert Dahl—the great analyst of democracy in twentieth-century political science—has occasionally dissented from the priorities of his discipline as well as those of the broader liberal-democratic political culture in which it is embedded. In the main, however, his oeuvre is rightly seen as an authoritatively representative voice of both American political science and American political culture. In *Toward Democracy: A Journey* (Berkeley: Institute for Governmental Studies, 1997), the remarkable stability

of his commitments and interests over time is the only aspect of his career displayed more clearly than this fundamentally representative quality. Thus, while the collection's subtitle ("Reflections 1940-1997") surely intends "reflection" to denote serious thought or consideration, it might be taken as well in the word's other sense: as an image cast from, or mirrored back to, its original source.

Here, I will only tangentially discuss Dahl's relationship to the academic discipline he so profoundly influenced in the last half of the century.<sup>1</sup> The matter of Dahl's relationship to the liberal-democratic culture of his native United States during the same period, however, turns out to be at least as interesting and complicated. Contrary to the still-common view that Dahl's thought was radicalized at some time in the 1970s—when he finally acknowledged the political inequality implicit in the pluralist conception of democracy he had pioneered two decades previously—Dahl was deeply concerned with political inequality and was a genuinely radical<sup>2</sup> thinker from the start. The essays that make up *Toward Democracy*<sup>3</sup> reveal an analyst steeped in the values of American political culture, but Dahl derives from those values a uniquely radical perspective that is a consistent presence throughout his career.<sup>4</sup>

In this essay, I inquire more closely into the nature of this often-unrecognized radicalism to show how it coexists with an affirmation of widely shared American political values. In fact, Dahl's work taken as a whole provides clear support for Michael Walzer's claim that "radical detachment [is] . . . not a prerequisite of social criticism, not even of radical social criticism" (1987, 37). Instead of relying on detachment or an appeal to transcendent or transcultural values, Dahl generates his radicalism more quietly, by giving priority to some values implicit in American political culture rather than others. It is Dahl's willingness to push his notion of democracy to its logical limits that provides him with critical distance from the realities of contemporary liberal capitalism.

While Dahl's radicalism displays itself most clearly in his advocacy of workplace democracy, the same values are at work in his support for other institutional extensions of democracy: namely, his argument—presented in various forms over many years—for the creation of multiple levels of democratic authority within the state (i.e., autonomous democratic units below the level of the national state); and his long-expressed concern that international organizations somehow be reconciled with the ideal of democratic control. In each case, Dahl's radicalism expresses his desire to extend the normative principles of democratic decision making beyond the bounds of the state as traditionally conceived by liberal theory—into the economy, as well as to institutions above and below the nation-state level.

Dahl has termed his hoped-for extension of democracy's reach its potential "third transformation." In this schema, a "first transformation" led to the achievement of democracy in the form of the ancient city-state, while a second—two thousand years later—"broke through the limits of all previous structures and beliefs by deliberately applying the idea of democracy to the large domain of the national state" (Dahl 1989, 312).<sup>5</sup>

A striking thing about Dahl's vision of a radicalized liberal democracy is its desperate predicament as the new century dawns. Two years after producing his most up-to-date argument for the third transformation in *A Preface to Economic Democracy*,<sup>6</sup> Dahl admitted that hopes for such a transformation are, in fact, utopian. "Utopian," he explained, not in the sense that "I would expect these structures to inaugurate a perfect democracy, whatever that might be, nor because they are beyond human reach," but "only because I am not able to point with confidence to the historical forces that are likely to bring them about" (TD, 657). Significantly, Dahl has been silent on the matter of historical forces ever since. In his recent work he has had nothing further to say about how his vision might be realized under current conditions.

It has only been in Dahl's very latest writings, how-

ever, that he has seemed to signal a loss of confidence in the radical vision itself. At the same time, the broader movement for workplace democracy has faded in significance since the early 1980s as the Left's attention has shifted elsewhere. These developments make Dahl's aspirations appear even more hopeless. Despite himself, then, Dahl remains essentially a radical democratic theorist of the liberal nation-state.

The confessed utopianism of Dahl's prescriptions immediately raises an important question. Is Dahl's radicalism really utopian merely because of the (in his view unfortunate, but perhaps correctible) nature of contemporary liberal democracy—or because of a failure of his theoretical imagination? Is there in fact no desirable route toward the "third transformation" of democracy from its contemporary form in the liberal nation-state, or is Dahl simply unable to discern such a route? It seems to me that Dahl's basic justificatory assumptions seriously hinder his ability to theorize a transition to the kind of radical democracy he wants. On the other hand, as the more general waning of the movement for workplace democracy indicates, the problem does not lie solely with Dahl or his theories. Therefore, after describing Dahl's commonly overlooked radicalism and its limits, I will consider more generally the dimmed prospects in today's world for workplace democracy and the other practical elements of Dahl's radicalism, and whether these prospects are to be regretted.

### Schumpeterianism, Hayekianism, and Dahl's Critics

My understanding of Dahl as a consistently radical thinker runs counter to his reputation in several ways. Since the appearance of *A Preface to Democratic Theory* (1956)—and particularly since *Who Governs?* (1961)—Dahl has been a favorite target of the Marxian and participatory democratic Left, who see in his work a surreptitious ideological justification of the status quo. In a classic assess-

ment of such criticisms, Quentin Skinner (1973, 288) calls it a "commonplace" that pluralist theories of democracy such as Dahl's have "the status and character of a conservative political ideology."

Dahl's scholarship is suspect in the eyes of many radicals primarily because of a number of theoretical positions he has held over the course of his career. These positions populate essays from each of the six decades of work represented in *Toward Democracy*, and are expressed as well in his many book-length works, including, most recently, *How Democratic is the American Constitution?* (2001).

First of all, Dahl accepts a Schumpeterian view of minimal citizen participation in large democracies. This view expects less civic engagement from the average citizen as the size of the demos increases, and consequently judges the participatory ideal of classical city-state democracy to be unrealistic and inappropriate in the operation of the modern nation-state. This view is stated directly in a 1955 essay:

I think we must conclude that the classic assumptions about the need for total citizen participation in democracy were, at the very least, inadequate . . . . It would be more reasonable simply to insist that some minimal participation is required, even though we cannot specify with any precision what this minimum must be. (TD, 818.)

Over the years Dahl repeatedly and adamantly presses this point. Unlike Schumpeter ([1942] 1976, ch. 21), Dahl bases his criticism of the classical participatory ideal almost exclusively on one simple consideration: time. Any large population's attempt to democratically deliberate very quickly runs up against the 24-hour day. As Dahl notes in a 1984 essay,

even if spatial barriers to communication can in principle be eliminated by electronic means, the limits set by time are inexorable. You can easily see how drastic these limits are by a simple arithmetic exercise. You need only to

multiply the number of messages a highly participatory process could reasonably be expected to produce, by the average time you assume a meaningful political message requires. (TD, 109.)

In *On Democracy* (1989, 109), Dahl presents these calculations to demonstrate a "law of time and numbers" according to which "the more citizens a democratic unit contains, the less that citizens can participate directly in government decisions and the more that they must delegate authority to others." In *After the Revolution?* (1970), he uses the same considerations as a basis for his argument against the New Left's call for the creation of genuine participatory democracy in the United States. Democracy in the modern nation-state is not, and cannot be, inclusive, deliberative democracy.

The second factor that produced the impression that Dahl was, at first, a conservative is that, in the context of the Cold War, he pursued a long-term project that heightened the distinction between the Western liberal states and Eastern-bloc authoritarian regimes, and did so in terms of a state's proximity to a normative ideal that was originally derived from an interpretation of the Western bloc's democratic principles.<sup>7</sup> Dahl himself seems not, however, to have considered his project in ideological terms; he was merely engaged in an effort to distinguish systems that were approximations of democracy (in his term, "polyarchies")<sup>8</sup> from non-democratic states. Still, many critics experienced such distinction-drawing as self-congratulatory and inherently ideological. Many leftist social theorists of the period—most vocally, the early Frankfurt School thinkers—sought to blur the differences between the West's liberal orders and Eastern-bloc totalitarianism, for argumentative effect. In analyses of this sort, mass consumer society, for example, could be painted as merely totalitarianism of a different variety, where the depersonalizing imperatives of instrumental rationality, supported by a ubiquitous "culture industry" (Horkheimer and Adorno [1944] 1972), produce a "one-dimensional" mind incapable of

critical reflection, let alone resistance (Marcuse 1964).<sup>9</sup>

But Dahl asserts that the Western liberal states—imperfect as they are—represent a real advance down the road toward the democratic ideal, fundamentally distinguishing them from other regimes, including those of the former East bloc. He insists upon this, in part, by developing over the years a definition of democracy that does not require direct citizen participation in governing, but only that there be institutionally adequate opportunities and protections for forming and expressing individual preferences regarding collective decisions, and that each individual's expressed preferences be taken equally into account. True to its liberal roots, this definition of ideal democracy is realized in a set of procedural rights, not in a substantive state of affairs. In Isaiah Berlin's (1969) terms, democracy, for Dahl, is the achievement of a set of negative, rather than positive, freedoms. Beginning already in the opening chapter of his dissertation, Dahl embarked on this project (TD, 21), and 58 years later, his *On Democracy* begins with a similar presentation of defining criteria. The same intellectual project figures heavily in *Polyarchy* (1971) and plays a significant argumentative role in *A Preface to Democratic Theory* (1956), as well as in *Democracy and Its Critics* (1989) (which largely reproduces the definitive account arrived at in his 1984 essay, "Procedural Democracy").

While his critics did not always notice, Dahl avoided any claim that Western liberal states had actually achieved the status of "democracy" (according to his criteria). But, in a roundabout fashion, he made something akin to such a claim. Alongside his ideal notion of democracy, he posited a set of less demanding institutional criteria, describing something much closer in conception to a Schumpeterian model of rule by competing elites. Dahl linked this "polyarchy" model to the more stringent ideal of democracy by contending that polyarchy represented the best approximation of the democratic ideal, given the serious practical limitations presented by the scale of the

large, modern nation-state. The practices and constitutions of the Western liberal states qualified them as polyarchies—and thus as actual achievements of democracy in its second transformation, the nation-state form.

A third important reason for Dahl's reputation as anything-but-radical stems from his association with the behavioralist movement in political science, and with a positivist orientation toward social phenomena generally. Dahl held to certain positivist tenets, including, at times, a tone of scientific detachment and an observationalist epistemology. This provoked the most heated criticisms of his career, in the so-called "community power" debate that swirled around his study of New Haven in *Who Governs?*<sup>10</sup> Critics of behavioralism worried about serious limitations implicit in the positivist orientation that would, in turn, give any analysis generated from it an ideological bias. For example, in the community power debate, Dahl and other behavioralists insisted that such concepts as "power" be conceptualized in terms capable of empirical operationalization. His critics wondered how, if power were understood solely in terms of observable actions, "non-decisions," or the unobservable limitations of the policy menu, could be properly recognized as (indirect) exercises of political power (Bachrach and Baratz 1962; Lukes 1974). Fueling the rancor of this debate was the larger, still ongoing, controversy within academic political science concerning the adequacy, and the precise meaning, of a scientific approach to the study of politics.

Finally, Dahl has consistently expressed a suspicion of centralized state power as a threat to democracy, and he aired this suspicion even during the welfare state's post-war expansionary phase (which he supported nonetheless). Polyarchy required at least a condition of interest-group pluralism and some type of market economy, so as to adequately decentralize power and decision making. Dahl's theoretical views on this point were thus at odds with prevailing opinion on the left during at least some important moments in his career.

Dahl took seriously—at a time when many socialists did not—the arguments of F. A. Hayek and Ludwig von Mises concerning both the problem of economic calculation under socialism and the central state's threat to the survival of an open society. Dahl's first published article appeared in *Plan Age*, a journal produced by the National Economic and Social Planning Association, whose mission—"the design of methods and formulation of policies for the more effective organization of our society" (TD, xi)—gives some sense of the technocratic, statist orientation that prevailed in the American Left (and in the social sciences) of the 1940s. Dahl's essay rejecting the model of a command economy was at odds with this technocratic-progressivist orthodoxy, endorsing instead the then-novel and lesser-known decentralized market socialism of Oskar Lange and others.

Singly, any of these positions might have served to cast Dahl as antiradical, but his critics have often gone on to draw connections that portray these positions as all of a piece, comprising a broad ideological defense of the liberal-capitalist order. Skinner's argument is an example of this type of critique. It is couched in terms of speech-act philosophy, specifically the insight that ostensibly descriptive labels (e.g., "democracy") in truth perform a normative-evaluative function. In the case of democracy, one might say the word legitimates as well as demarcates.<sup>11</sup> Skinner uses this insight to condemn Dahl's positivism, referring to him as an "empirical theorist of democracy" and charging that the "pivot" on which Dahl's theory "swings inescapably in a conservative direction" is his (positivist) commitment "to construct an 'operational' definition of democracy," which leads him, in turn, "to abstract a definition of democracy from the political experience of existing 'polyarchies'" (1973, 300). In other words, according to Skinner, Dahl's positivism dictates that his distinction between democracy and nondemocracy is drawn on the basis of an ideal inspired by the practices of Western-bloc states.<sup>12</sup> Then Skinner connects the Schumpeterian elitist view of democratic

possibilities to Dahl's positivism, noting that the conception of democracy that Dahl abstracts from existing liberal systems is, in fact, overly pessimistic in accepting "the sufficiency of only two criteria for applying the term: that free and regular elections should be held; and that there should be continuous political competition for the people's vote" (*ibid.*) This

guarantees that the existing arrangements of a number of political systems cannot fail to be treated as commendable. For the idea of an operational definition that entails a number of existing polyarchies, notably the United States, cannot fail to embody . . . [Dahl's] minimum version of the democratic ideal. The speech act potential of the term democracy then means that, when it is applied to describe such existing polyarchies, the act of commending their arrangements is thereby performed. (Skinner 1973, 300.)

I offer Skinner's argument here not because it provides a particularly acute ideological characterization of Dahl, but because it shows how critics could plausibly paint him as a (liberal) conservative by linking various of his positions. More important, it illuminates how Dahl's democratic ideal emerges as a kind of immanent construction from his early work taken as a whole.

### Dahl as a Consistent Radical

Skinner, and critics like him, are correct in pointing out that many of Dahl's views make his theory hostile to important radical approaches. There are, however, many ways to be a radical. While Dahl's thought may be at odds with prominent modes of left-wing criticism, this does not mean that it is incapable of ultimately generating its own radical-left critique. It is capable of doing so and does, but—as a look at four of Dahl's views may indicate—the starting point for his radicalism lies in a closer-than-usual sympathy with the American political culture of his time.

First, Dahl's rejection of the participatory democrat's ideal as inappropriate in the large nation-state, and (second) his procedural, rights-based definition of democracy, cohere with a liberal and consumerist conception of politics that some have identified as a distinguishing feature of America's public philosophy (Sandel 1996; Hanson 1985, ch. 8). Third, Dahl's positivism resonates with the broader twentieth-century American celebration of technical achievement and scientific reason. And finally, his suspicion of planning and of centralized power has had an even more distinguished pedigree in American political culture, even if somewhat diminished in the immediate postwar period.

In comparison to many other critics of liberal democracy, Dahl, then, is an apologist. At the same time, he offers a vision of his own that implies a deep concern about inequality and an implicit call for a radical restructuring of society in the service of that end. So while Dahl articulates and defends (many of) his culture's political values, he is also a radical critic of its political realities.

The notion that Dahl could at once hold to the basic values of his time and place while still being a radical critic appears paradoxical only, I think, when we have already assumed away the very possibility that immanent critique—or what Charles Taylor (1989) has called "the rhetoric of understanding"—might be radical. Although it may appear at first blush to be of merely semantic importance, the issue of whether Dahl truly deserves to be called radical may reveal a common predisposition toward one mode of social criticism. That is, the tendency to deny Dahl this appellation may stem not only from his stands on a handful of normative and methodological matters, but more deeply on an implicit rejection of Walzer's claim (mentioned earlier) that "radical detachment [is] . . . not a prerequisite of social criticism, not even of radical social criticism" (1987, 37).

Even many of Dahl's critics have been willing to reappraise his ideological credentials based on his work of the past 20 to 30 years. David Held (1987, 201ff) and John

F. Manley (1983), for example, have helped propagate the view that Dahl's thought has progressed through two distinct phases—that there were essentially two Dahls: an early, complacent pluralist theorist, and a later "neo-pluralist" who finally came to appreciate the force of the Marxian-left critique of his earlier views. According to Manley (1983, 369), Dahl's radicalism first expressed itself in his essays from the late 1970s and in *Dilemmas of Pluralist Democracy*: "The persistence of inflation and unemployment," Manley writes, "the forced retrenchment of the so-called welfare state, and the deepening of gross inequalities . . . have moved such leading pluralists as Dahl . . . far to the left." Carole Pateman similarly characterizes Dahl's intellectual trajectory, but instead points to his *After the Revolution?* (1970) as the moment in which he effected a "radical modification" of his theory, in a "significant concession" to his critics (1973, 216; see also Schwartz 1991, 314). Such "two Dahls theses" have become the conventional wisdom.

But Dahl is not a late-blooming radical. Neither has he moved decisively away from any of the four positions that contributed to his reputation as a straightforward liberal-democratic apologist.

Dahl, for one, resists the idea that he underwent a mid-career shift to the left. Denying that he regards "intellectual consistency over a long life as necessarily a virtue," he nonetheless attests to seeing "more consistency in my work, taken as a whole, than some of my readers evidently do" (TD, 7-8).

Indeed, at times I feel almost embarrassed when I consider how many of the major themes and orientations in my later work were already present in my completed Ph.D. dissertation! . . . I find it both fascinating and puzzling that even some friendly critics see *A Preface to Democratic Theory and Who Governs?* as somehow at odds with my other work. I do not. (Ibid.)

Where many have perceived an ideological shift, the Dahl of the 1970s—building on the same positions, and thus

continuing to reflect prominent values of his political culture—was simply elaborating a vision of political radicalism toward which he had long been predisposed. But at about that time (the 1970s), Dahl's authorial voice became markedly more straightforward in advancing his normative aims in programmatic terms.

It is undeniable that such books as *A Preface to Democratic Theory* (1956) and *Who Governs?* (1961)—along with the essays he wrote through much of the 1960s—are colored by a substantive normative perspective. Still, those writings were offered primarily as works of analysis and description. By contrast, *After the Revolution?* (1971), along with *Dilemmas of Pluralist Democracy* (1982), *A Preface to Economic Democracy* (1985), much of *Democracy and Its Critics* (1989), and the bulk of his essays of the same period, unmistakably articulate full-throated normative prescriptions. It is most accurate to see this not as an ideological shift at all, but as a natural progression on Dahl's part from using a radical orientation as a basis for description toward using a radical vision as the basis for prescription. Specifically, one is left with the impression that a clear, confident assertion of Dahl's radical values awaited the maturity of his analysis of modern conditions, particularly the refinement of his understanding of modern "polyarchy." Ultimately, the form that Dahl's radicalism takes is dictated by his sense of the possibilities and limitations inherent in large-scale modern democracies. A deepening of democracy could be achieved either by exploiting more fully the potentialities of polyarchy, or by supplementing polyarchal democracy with sites for collective decision making that are not subject to its inherent limitations.

### The Content of Dahl's Radicalism

By including many important early essays, *Towards Democracy* reveals that the ideal of economic democracy—far from originating in a post-pluralist "turn" in the 1970s or 1980s—was a consistent, if somewhat inchoate,

presence in Dahl's thought from the start. The three early publications that are drawn from Dahl's 1940 Yale dissertation—"On the Theory of Democratic Socialism," "Marxism and Free Parties," and "Workers' Control of Industry and the British Labor Party"—present the main features of a political radicalism that would fully blossom only after he had sized up the democratic possibilities and limitations of polyarchy.

The first of these essays (TD, ch. 29) offers an extended criticism of central-state socialism and an argument for the superiority—primarily due to its greater compatibility with democracy—of a decentralized, market socialism. Better than either "authoritarian socialism" or capitalism, Dahl concludes, market socialism "can satisfy a number of aspirations: the desire for worker-control in management, the collective supervision of the economy by the democratic state, an expanding economy, full employment"—and what is more, it can do these things while permitting "the extensive decentralization of power and control that is a necessity of democratic practices" (TD, 583).

The second essay, originally published on the centenary of *The Communist Manifesto*, faults Marx and Engels for producing an antidemocratic form of socialism. According to Dahl, Marxism fails as an adequate theory of democratic socialism by presuming to have solved the riddle of political conflict. By assuming "that group conflict stems from a class structure, which by definition is eliminated when social ownership is completely substituted for private ownership," Marxism neglects to provide any philosophical support for—among other things—majority rule, tolerance of pluralism, or political parties (TD, 273).<sup>13</sup>

The third essay drawn from Dahl's dissertation identifies the British Labour party's fateful rejection of

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worker self-management in favor of Fabian elitism in the late 1930s and early 1940s as another significant anti-democratic moment in socialist history (TD, ch. 30). The intraparty debate preceding this move illustrates a larger fact about socialist thought: it has "long contained two potentially contradictory doctrines concerning the control or management of productive enterprises under a socialist regime." One doctrine was "the idea of worker's control, the concept that under socialism workers will no longer be merely passive victims of the productive process, but direct participants in the control of productive enterprises." The other was "the idea of central control on behalf of the entire community" (TD, 585, *emph. original*). As between these two socialist ideals, it is clear where Dahl's loyalties lay.

Each of these early works show Dahl engaged in a searching criticism of socialism motivated by a concern that it be achieved in a decentralized way consistent with democracy.<sup>14</sup> If his very first essays are explorations of problems within socialism, subsequent writings adopt a more detached, often functionalist<sup>15</sup> tone (e.g., TD, chs. 31, 40, 42). Still these early essays, too, show a Dahl who—contrary to critics' charges—was sensitive to the dilemma of unequal political resources and to the presence of privileged groups within the pluralist system. In an essay from 1955, for instance, he identifies the business corporation as the prime example of the kind of hierarchical structure—resistant to democratic control—that marks American society.

Here, as elsewhere in writings of this period (e.g., TD, ch. 55), Dahl relies on the analyses of radical economists Adolf Berle and Gardiner Means. Beginning in the 1930s, they had warned against the dangers of accelerating economic concentration in America, accompanied by the emergence of a corporate-managerial class that was increasingly exhibiting its autonomy from both owner-shareholders and the broader public. Thus, in an essay published the year before his ostensibly complacent plu-

ralist classic, *A Preface to Democratic Theory*, Dahl writes:

The fact is, I think, that at the moment we do not quite know our way out of this dilemma. It is perfectly clear that business corporations will exercise decisive influence on the second half of the twentieth century, at least within the United States, and therefore indirectly on the whole world. It is not at all clear how this influence will be controlled by the American society and used more or less within the limits set by the dominant values of the greater number of adults in the society. (TD, 819.)

Along the same lines, Dahl in 1959 (TD, ch. 55) urges political scientists to initiate a serious scrutiny of business corporations (both their internal structure of governance and their influence on the external political system), while another essay of the same year shows him still concerned with the problems of achieving "collective decisions about economic matters" in the context of complex, modern societies (TD, 616).

### Dahl's Socialism

The advocacy of worker-managed market socialism in Dahl's earliest essays (those drawn from his dissertation), along with his subsequent critique of the business corporation as an obstacle to American democracy, crystallize into a full-blown radical vision by the late 1960s and early 1970s. In *After the Revolution?* Dahl—adopting a fatherly second-person voice—addresses the New Left and the "somewhat worrisome" fact "that during the course of the last few years, revolution has swiftly become an in-word in the United States" (1970, 3).<sup>16</sup> Careless talk of an American participatory democracy is hopelessly and unhelpfully romantic, given the inherent limitations of polyarchal democracy. As if to establish his radical credentials with youthful readers, however, he offers an alternative vision, which includes calls for greater wealth and income redistribution; the establish-

ment of a worker-managed corporate economy; and the empowerment of local governments, especially at the neighborhood and medium-sized city levels, to serve as venues where a more fully participatory form of democracy might realistically be practiced (1970, ch. 3).

Dahl had already articulated the last of these three elements<sup>17</sup> in his 1967 American Political Science Association presidential address, "The City in the Future of Democracy" (TD, ch. 21)—a work every bit as radical, in its own quiet way, as *After the Revolution?* In the presidential address he urges his colleagues to take up the idea of recreating city democracy, "only consistent this time with the imperatives of modern technology, the existence of representative governments ruling over huge populations and territories, and the extension of constitutionalism and the rule of law to vast areas of the earth—ultimately, perhaps, to the globe itself" (TD, 414). In these modern "democratic cities," citizens—while not likely to achieve the Aristotelian ideal of ruling and being ruled in turn—might exhibit "a degree of participation so great and so fairly spread about that no one feels neglected and everyone feels, with justice, that his viewpoint has been pretty fairly attended to" (ibid., 414).

It is wrong to think that the A.P.S.A. address is concerned only with reinvigorating city-sized democracy, however. This speech represents Dahl's first effort to think beyond the scale of the nation-state, and thus to speculate about how the operation of polyarchal democracy might be deepened and supplemented through the creation of institutions that are both smaller and larger. Dahl urges that political scientists "begin to think about appropriate units of democracy as an ascending series, a set of Chinese boxes, each larger and more inclusive than the other, each in some sense democratic, though not always in quite the same sense, and each not inherently less nor inherently more legitimate than the other" (TD, 393). If more participatory subnational democratic sites are needed, so is the extension of democracy to interna-

tional decision-making processes. "In any case," according to Dahl,

it would surely be a sign of hubris to assert that the ideals and institutions of democracy have reached or will reach their final destination, and their fulfillment, in the nation-state. (Ibid., 387.)

Hence, every day it becomes "more reasonable to see the nation-state as a transitory historic form, to foresee that the nation-state will some day cease to exist as an autonomous unit, just as the city-state did" (ibid.) when democracy underwent its second transformation.

A comprehensive radical vision—shaped by dissatisfaction with nation-state democracy—emerges out of both *After the Revolution?* and Dahl's A.P.S.A. address. It is radical because of the deep structural and cultural changes it would require in pursuit of a more perfect democracy—including a rejection of the traditional American liberal distinction between public and private spheres. At the same time, Dahl's ultimate justification for democracy remains recognizably liberal in character; democracy is called for because of our commitment to the principle of equality of interests, conjoined with an acceptance of the antipaternalist proviso that "in the absence of a compelling showing to the contrary an adult is assumed to understand his or her interest better than another" (TD, 426-27; cf. TD, 84).<sup>18</sup> The presumption against paternalistically second-guessing an adult's perception of her interests helps Dahl fend off the meritocratic or guardianship alternative to democracy, which he considers "the greatest challenge to democracy, both historically and in the present world" (ibid., 69). This presumption also, I believe, contributes to a general reluctance on Dahl's part to question existing preferences, even when those preferences work against the enactment of his vision and democracy's perfection.

Dahl's radicalism may be rooted in values immanent in his political culture, but he has chosen to emphasize some of his culture's values rather than others. This is what

provides him with the critical distance from the status quo that makes his vision truly radical. Dahl ultimately places greater stress on the ideal of collective decision making, and less on other values—particularly those implicated in wealth creation, higher living standards, and material consumption. His guiding ideal, the notion of "procedural democracy," is, he acknowledges, founded on a view that gives "priority to political ends over economic ends, to liberty equality and justice over efficiency, prosperity and growth" (TD, 740).

In the modern world, Dahl believes, polyarchy is necessary but not sufficient for a genuinely democratic society—one that more perfectly instantiates this equality of interest-bearing individuals. Increasingly, problems will present themselves at the supranational level, while other issues would best be addressed in smaller-scale democratic units that offer citizens greater opportunities for effective and roughly equal participation. Supranational governance is called for because technological development increasingly generates problems (e.g., pollution and arms control) that are beyond the reach or concern of any one nation-state. But again, a thoroughgoing commitment to the equality of interest-bearing individuals, according to Dahl, means that policies addressing such problems should be arrived at democratically; the same logic that justifies democratic processes in the nation-state applies to the processes of international organizations.

Besides justifying this institutional set of democratic "Chinese boxes," the logic of democracy also applies to the economic structures within any given nation-state. The largest economic structures, at least, should be opened to direct, collective direction, thereby reducing the material and political inequalities that mark the social context of polyarchy, and extending the activity of self-government to the workaday world, closer to most citizens.

The call for economic or workplace democracy is the central element in Dahl's prescription. Workplace

democracy, like the empowerment of subnational democratic fora, would serve to enrich polyarchy by providing new participatory opportunities to the average citizen. Even more than participation in local government, it would "extend democracy to a crucial sphere of life where a great many persons are subject to hierarchic controls" and would "help to distribute the gains from property ownership more widely" (TD, 550). In doing so it would "come closer than any other feasible system . . . to the Jeffersonian ideal of a democracy in which a wide distribution of property and economic independence would help to create a body of substantially equal citizens" (ibid.). The cause of equality would also be advanced, since it is to be expected that worker-managers would radically flatten the huge wage differentials that mark corporate capitalism (Dahl 1985, 106).

Not only can the workplace-democracy element of his vision be traced back to the very beginning of Dahl's career, but it is in its support that he develops his most sustained arguments in later years, culminating in a book-length treatment in *A Preface to Economic Democracy*. He provides no similarly extended treatment of either sub-national or international democracy, even if he does take up these themes again and again in his essays. His advocacy of workplace democracy is also the most recognizably radical feature of his vision, accounting for his reputation as a late-blooming, radicalized pluralist democrat, or "neo-pluralist" (Held 1987, ch. 6). With his (renewed) call for economic democracy, Dahl's voice joined a chorus of left democratic theorists who were alive to such schemes in the 1970s and early 1980s<sup>19</sup>

Dahl's plan for workplace democracy, like his vision more generally, is both radical and immanent. By asserting his vision, Dahl is, in effect, asking the (polyarchal) citizenry of the United States to use its currently unexploited political resources to assume a much greater—and more direct—role in collective self-rule. He is asking Americans to become more political, and to claim for themselves more of the political responsibilities that are

routinely delegated to elites under a strictly polyarchal system. Although he does not dwell on it, the realization of worker democracy would entail a breathtaking restructuring of American government and society, regardless of which of the various incarnations of his argument is considered—his advocacy of Oskar Lange's "factor market" socialism in his first publication, the brief argument presented in *After the Revolution?*, or the more elaborate account in *A Preface to Economic Democracy*.

Most basically, the reigning conception of property rights would be drastically revised; private ownership rights would be abridged so as to fully accommodate the needs of the larger public. Dahl's view of property rights as inferior to the political rights of collective self-government (TD, 744-46) is consistent with the view expressed in the famous footnote 4 of the U.S. Supreme Court's *Carolene Products Co. v. United States* decision (1938), but his view goes beyond any subordination of the status of property rights that the Court, or the broader American political culture, has yet accepted.

The Supreme Court was merely arguing that the judiciary has less warrant to protect property rights than to protect the integrity of electoral-democratic processes, and that the definition and protection of property rights should instead be left up to legislatures created by those democratic processes. Dahl (TD, 746), on the other hand, argues for the American polyarchy to positively assert its right of self-government at the expense of traditionally conceived private-property rights. By recognizing the "absurdities in extending Locke on private property to ownership or control of the modern business corporation" (*ibid.*), the American public should accept the view that

any large economic enterprise is in principle a public enterprise. It exists not by private right but only to meet social goals. Questions about these social goals, and the comparative advantages and disadvantages of different forms, are properly in the public domain, matters for public discussion, choice and decision, to be

determined collectively by processes that satisfy the criteria of procedural democracy. (Ibid., 746-747.)

In other words, a regime of strict property rights may be appropriate for small-scale capitalism, but not for modern, corporate capitalism. Large organizations, especially corporations in which ownership rights have effectively been detached from actual managerial control, should no longer be treated as private at all.

A leitmotif in Dahl's work is his insistence on the importance of size or scale. Modern nation-state democracy—polyarchy—is democracy practiced on a new, grander scale. It requires different principles, because it offers different possibilities and labors under different limitations than smaller-scale democracy. Size is decisive in the matter of property rights as well. Once again, this view has a distant analog in American constitutional jurisprudence—particularly in *Munn v. Illinois*'s (1877) notion that state regulation is justified when a business activity is prominent enough that it becomes "affected with a public interest." But Dahl, in providing the legal/moral basis for his vision of workplace democracy, would use that basis to justify more than regulation when it comes to large business. In his hands, it would justify a major alteration in the assignment of property rights and effective control.

Though workplace democracy is central, all three elements of Dahl's vision are connected by his desire to move both the theory and the practice of modern democracy radically beyond its polyarchal form. Unlike nationalist, conservative, or communitarian arguments for federalism, an embrace of participatory ideals and a search for their proper outlet fuels Dahl's call for subnational democracy. His arguments for supranational democracy are likewise motivated not by a neoliberal desire to facilitate world markets, but by a concern to maintain justice and collective political control in the face of a seemingly inexorable process of international, and even global, integration. Given these close connections, it is instructive to look briefly at some significant problems that beset

these affiliated elements of his vision before considering the fate of his call for workplace democracy.

### The Failure of Dahl's Radical Vision

Since Dahl's theory of polyarchy itself was founded on a clear-eyed recognition of the ways in which size constrains democracy, it is not surprising that his initial hopes for a "third transformation" of democracy (from the nation-state to the international level) soon cooled. Contrary to the spirit of his A.P.S.A. address, in 1982 the focus of Dahl's theorizing returned squarely to the nation-state. In *Dilemmas of Pluralist Democracy* (1982, 16), he observed that "no unit larger than a country is likely to be as democratically governed as a modern polyarchy." The following year, however, he signaled that this situation may merely be a contingent one, since as a matter of "purely theoretical reasoning from democratic principles, it appears to be impossible to establish that the city-state, the country, a transnational system, or any other unit is inherently more democratic or otherwise more desirable than others" (TD, 427.).

A dozen years later, Dahl allowed that "a sort of transnational polyarchy might gradually come into existence" in the European Union, even if elsewhere the requisite "political structures and consciousness are likely to remain weak in the foreseeable future" (TD, 438). Later still, he deemed it "highly unlikely" that international political parties, a sense of broader civic membership, and other "crucial requirements for the democratization of international organizations" (1998, 117) will develop, so that while "democratic processes may occasionally set the outside limits within which the elites strike their bargains, to call the political practices of international systems 'democratic' would be to rob the term of all its meaning" (*ibid.*).

In these passages, spanning the early 1980s through the late 1990s, Dahl hesitantly retreats from a positive vision for democracy at the supranational level, as his

principles—hemmed in by his acceptance of the “law of time and numbers” (1998, 109)—continue to inform his negative attitude toward these unfortunately necessary international institutions. At one time Dahl’s critics may have felt that he risked overlegitimizing the West’s liberal regimes by using his concept of polyarchy to distinguish them from their rivals. Such a move seemingly amounted to a kind of complacency about regimes that the critics felt were far from authentically democratic. Dahl, in his very latest writings, has come to express a strictly analogous concern about international organizations, which—he now states quite definitively—“we should openly recognize . . . will not be democratic” (1999, 23). Given this view, associating the practices and institutions of international organizations too closely with the ideals of democracy is not only mistaken but dangerous. There is “no reason to clothe international organizations in the mantle of democracy simply in order to provide them with greater legitimacy” (*ibid.*, 32), since doing so would diminish the odds that national leaders and citizens will maintain a proper wariness toward them.

If the processes that Dahl initially envisioned as ushering in a “third transformation” of democracy instead appear increasingly likely to “lead not to an extension of the democratic idea beyond the nation-state but to the victory in that domain of de facto guardianship” (1989, 320), the strengthening of subnational democracy forms part of the solution. The failure of democracy at the supranational level “need not lead inevitably to a widening sense of powerlessness provided citizens can exercise significant control over decisions on the smaller scale of matters” surrounding local policy (e.g., streets, parks, schools, and city planning). The existing American system of federalism cannot work in these terms, however, because its primary subnational units “are too big to allow for much in the way of civic participation” and are “infinitely less important to citizens of that state than any democratic nation-state to its citizens” (TD, 411). The city is the appropriate arena for participatory democracy—not the

province or the nation-state. So democratic theorists need to reconsider and reformulate federalism as a legitimate and increasingly relevant mechanism for furthering democracy (TD, ch. 22).

### The Failure of the People to Be Politicized

It is ironic that Dahl would turn so hopefully to the modern city only six years after publishing an empirical analysis of a contemporary medium-sized city in *Who Governs?* There, he had found that New Haven—with a 1950 population of 164,443 (1961, 329)—exhibited a pluralist, elite-led politics that, in its relatively low levels of citizen engagement and participation, was a microcosm of polyarchal democracy. The typical citizen of New Haven, Dahl had noted, was a largely apolitical *Homo civicus*; only an exceptional few could be counted among the active or attentive *Homo politicus* (*ibid.*, ch. 19). With this characterization of the citizenry, Dahl moves beyond his standard argument that time inexorably limits participation in large-scale democracy and embraces the Schumpeterian view that most people simply do not prefer political participation, even if time for their deliberative contributions were available. "It would clear the air of a good deal of cant," according to Dahl (*ibid.*, 279),

if instead of assuming that politics is a normal and natural concern of human beings, one were to make the contrary assumption that whatever lip service citizens may pay to conventional attitudes, politics is a remote, alien, and unrewarding activity. Instead of seeking to explain why citizens are not interested, concerned, and active, the task is to explain why a few citizens are.

To be sure, New Haven's political system, like that of the United States generally, was not dominated by any "power elite"; the competition of interest-group pluralism helped assure this, as did the fact that "even *Homo civicus* (under the prodding of rival political leaders) can be counted on to rise briefly out of his preoccupation with

apolitical goals and employ some of his resources to smite down the political man who begins to deviate noticeably" from the legal-democratic norms of the political culture (1961, 226). Still, such a system of "minorities rule" (1956, 132) is hardly ideal (democratically) and is a far cry from the vision of the "democratic city" Dahl invokes in his A.P.S.A. address. The fact that New Haven falls so neatly within the population range of "somewhere between 50,000 and 200,000" that he estimates as optimal for the realization of the great democratic city (TD, 406) only underlines the distance standing between participatory reality and his aspirations. It also suggests that—above and beyond the effects of what might be called the "natural" limitations of size and time—it is the typical citizen's "preoccupation with apolitical goals" that prevents the deepening of polyarchy into a richer form of democracy. This failure—resulting from citizens' value choices rather than any inherent structural limitations—resembles the failure of international-level democracy in that both outcomes are contingent states of affairs; neither are dictated by anything in the logic of Dahl's theory.

Dahl does not so much as mention New Haven when extolling the democratic possibilities of the medium-sized city in his A.P.S.A. address—or in any of his subsequent presentations of this theme. Although the incompatibility of New Haven's reality with his vision calls out for explanation, Dahl has surprisingly little to say about it. What he does say seems strangely ambivalent, since he is typically reluctant to criticize citizens' apolitical preferences, even implying a certain sympathy with them. If his vision of extending democratic practice to the workplace and to participatory subnational venues is to be more than merely utopian speculation, however, it would seem incumbent upon him to uncover the causes of this pervasive apoliticism and explain how, and on what basis, liberal citizens can be expected to abandon it so as to create and embrace the kinds of richly democratic institutions he proposes.

Lest it be thought that the characterization Dahl pro-

vides in *Who Governs?* is either an aberration or a reflection of the younger Dahl's greater skepticism or conservatism, it should be noted that a 1992 essay presents the very same image of "occasional, intermittent, or part-time citizens," for whom "politics is not the center of their daily lives" and of whom "one might wonder why it should be" (TD, 215). In fact, though, Dahl's own vision would require that citizens make politics, if not exactly the center of their daily lives, certainly a much more significant part of them than they now prefer. If he cannot see why politics should be so important to the typical citizen—or at least how it could be made to seem important—then he will not be able to discern a political path to his radicalized democracy, and in any case it becomes unclear why that should be our goal.

### The Democrat's Dilemma

The theoretical bind Dahl seems to be in is this: his radicalism consists of a desire for democracy and its associated values to be a substantially heightened presence in the lives of modern citizens. Opportunities for democratic activity should be manifold and ready at hand for all. Yet the very argument that Dahl relies upon to justify democracy, particularly as against guardianship, pivots on an antipaternalist deference to existing preferences, expressed in his claim that "in the absence of a compelling showing to the contrary an adult is assumed to understand his or her interest better than another" (TD, 426-27). Americans, at least, currently show no great likelihood of preferring—in any great number—institutions, such as workplace democracy, that would radically deepen and enrich polyarchy, particularly if it would entail the sacrifice of some significant level of the material wealth, economic growth, and military security that people do value. A motivational deficit, then, looms over Dahl's hopes for the perfection of collective self-government. Unless prompted by some economic or military crisis, or by an acute sense of injustice, most Americans—and probably

most citizens of liberal consumer societies elsewhere are not likely to want to exert their energies in completing the journey to which TD's subtitle refers—nor, according to Dahl's antipaternalist premises, should they.

While by no means giving an adequate exploration of it, Dahl at least acknowledges the problem presented by existing preferences in *After the Revolution?*, where he again underscores citizens' limited political interest (1970, 42-48). Dahl reminds his readers that in choosing political participation, the citizen necessarily forgoes other values. An individual's participation in politics is thus costly; their "time might be used in doing something else—often, in fact, something a great deal more interesting and important" (1970, 44). Those interested in deepening democracy tend to forget this simple truth because, "like other performers (including teachers, ministers, and actors), politicians and political activists are prone to overestimate the interest of the audience in their performance" (ibid.). It follows that any serious call for participatory democracy must take into account the likely preference ordering of citizens. More often than democratic idealists would like to admit, citizens will find the opportunity costs of direct participation simply too high and will prefer apolitical pursuits instead.

### The Myth of Homo Politicus

Some brief remarks in *After the Revolution?* are about as close as Dahl ever comes to an examination of the political situation presented by the relative scarcity of Homo politicus. The American working class cannot be expected to lead the call for a democratic restructuring, because "along with the officialdom of the trade union movement," the worker is "deeply ingrained with the old private property view of economic enterprise" (1970, 134). Furthermore, "affluent American workers, like affluent workers in many advanced countries and the middle class everywhere, tend to be consumption-oriented, acquisitive, privatistic, and family-centered," leaving "little

place for a passionate aspiration toward effective citizenship in the enterprise (or perhaps even in the state!)" (ibid., 134-35).<sup>20</sup>

With this in mind, Dahl (ibid., 110) colorfully concludes that the "greatest obstacle to democratization" in the United States

is not that bugbear with which the Left, old and new, is invariably so obsessed, an elite of wealthy men, or even that military-industrial complex so much referred to these days, but rather the military-industrial-financial-labor-farming-educational-professional-consumer-over and under thirty-lower/middle/upper class complex, that, for want of a more appropriate name, might be called the American people.

Dahl makes this claim while acknowledging that genuine and persistent inequalities can, and do, discourage "the American people" from assuming a greater role and pushing their democracy beyond polyarchy. He does not deny that forces counter to further democratization exist. Still, "in advanced industrial or postindustrial societies, particularly if they are governed by polyarchies," political resources are available to citizens of all means (ibid., 109). These resources are great compared with those available at other historical moments, when people achieved spectacular democratic transformations. The resources available to the majority are certainly adequate to construct participatory democracy in the workplace and in cities; so responsibility for democracy's incompleteness must lie with the people. There are no insurmountable objective barriers. The truly significant barriers are subjective ones.

Dahl returns to this point in the opening lines of his important essay, "On Removing Certain Impediments to Democracy in the United States" (1977). It is, he says, "our consciousness, both individual and collective" (TD, 729), that is deficient and that should be blamed for the democratic shortcomings of the United States. "With a people, as with a person," he avers, "it is a sign of wis-

dom and maturity to understand and accept limits that are imposed by nature's laws and the scarcity of resources . . . . But to accept as real, limits that are imposed only by our minds, is not wisdom but self-inflicted blindness" (ibid., *emph. added*).

Certainly many democratic theorists would part company with Dahl's view that the major impediments to further democratization lie only in the minds of polyarchy's citizens.<sup>21</sup> This difference of opinion can probably be related, in part, to the decades-old debate over the status of polyarchy and to Dahl's long-standing insistence that it represents a legitimate-if incomplete-democratic achievement.

To hold that polyarchy is self-limiting, that substantial structural impediments or elite resistance can effectively bar the further democratic progress of the citizens of polyarchies, would be to signal not only the utopianism of Dahl's hopes for a third transformation, but also perhaps the fundamental hollowness of the second transformation's realization (in the form of polyarchy).

At some moments, Dahl himself seems to imply such a view, such as when he refers to an "extraordinary ideological sleight of hand" by which America's nineteenth-century regime of strong private property rights, "which in the agrarian order made good sense morally and politically, was shifted over intact to corporate enterprise" (TD, 737). If this "transfer of the Lockean view to the corporation" (ibid., 738) really was effected by sleight of hand, then it does seem that something other than the people's own minds is at work in limiting democracy's reach.

But elsewhere in the same essay Dahl provides a more benign image of a late nineteenth-century America in which a number of alternatives to the new order-agrarianism, anarchism, socialism, individually owned consumers' and producers' cooperatives, selective government ownership, economic regulation, limits on corporate size, monetary schemes, enforced competition, and many others—were put forward, fairly debated, and finally

pretty much defeated (TD, 731). At the end of this process, in the twentieth century, the United States was left with a political culture distinguished by its "ideological narrowness" (1970, 119) and a citizenry operating "with a patch over one eye and myopia in the other," unable to "see the whole range of possibilities" (ibid., 118) for a modern economy, including options such as worker control.

But if ideological sleight-of-hand didn't prevent the vigorous consideration of the alternatives that were put forward in the last decades of the nineteenth century, then Dahl has no account of why they were rejected and the new corporate order was embraced. Even more problematic is the fact that Dahl discusses America's inability to move beyond polyarchal democracy solely in ideational terms, as the product of a clash of philosophies from which an eventually hegemonic "historical commitment" (ibid., 730) emerged. This is surely an excessively rationalistic picture. It leaves out serious consideration of the "c o n s u m p t i o n - oriented, acquisitive, privatistic and family-centered" passions that were at least noted in *After The Revolution*? All of Dahl's discussions of the failure of citizens to embrace economic democracy after 1970 approach the problem as an ideational one, distinct from the issue of desire.

By and large, Dahl seems to assume that if American citizens were only made aware of the possibility of worker self-management, they would embrace it. But at least as important as the presentation of ideals—and of ideologies—are the passions, emotions, customs, and habits through which an individual adopts one manner of life, with its attendant value-orientation, rather than another. Political theorists may construct arguments demonstrating the seeming coherence or consistency of a life that includes political participation in the workplace and the local community, but unless citizens palpably detect something satisfying about such participation, they are likely to remain unmoved, and the theory is likely to

remain utopian (as well as incoherent, if it rests ultimately on the people's right to choose whatever they desire).

The relationship between ideology and motivating passions is a complex one, to be sure. Certainly citizens' desires are shaped or formed by the reigning ideology of their native political culture. On the other hand, their desires just as surely determine the attractiveness any given ideology will hold for them, and the likelihood of its acceptance by an individual or collectivity. At the very least, Dahl's theory should explore how existing social and political structures might predispose individuals either to value or to discount political participation. While Dahl has doggedly asserted—against romantic democrats—the limitations that time and numbers (of citizens) exert on potential participation, and has even remarked on the common predisposition of polyarchal citizens to apoliticism, he has never really addressed the effects of structural differentiation—especially as generated by the complex division of labor that characterizes modern society—on a citizen's tendency to participate, or even to obtain political knowledge and understanding.<sup>22</sup> Certainly, he has not pursued this issue as it pertains to his radical aspirations. Thus, Philip Green (1979, 354) is right to charge that Dahl “has not perceived the necessity for a structural account of why some people voluntarily become *Homo politicus* and others do not.”

That is not to say that the Marxist-inspired approach that Green (1985) adopts for his own structural account is correct. Green blames the capitalist class structure for inducing differential political motivation in polyarchies, but it seems likely that the problem is a deeper one, not just a matter of capitalism versus socialism. Any economy attempting to take advantage of efficiencies of specialization and social differentiation would likely generate differentials of political power and motivation, to some degree. Niklas Luhmann (1982) even suggests that the public/private ownership distinctions that economic democracy would try to transcend are in fact required for

the maintenance of some degree of freedom in the context of modern social differentiation. Unfortunately, Dahl engages none of these problems.

A related lacuna in Dahl's theory lies in its failure to confront what Benjamin Constant ([1819] 1988) recognized as a distinctive "liberty of the moderns"—the "enjoyment of security in private pleasures" (ibid., 317). The appeal of this enjoyment may not conflict with the achievement of polyarchy, if, as Constant indicates, moderns achieve their liberty in "the guarantees accorded by institutions to these pleasures" (ibid.). However, modern liberty and the perfection of democratic practices may be perceived as mutually exclusive rival goods once citizens have become comfortable with their achievement of guarantees, or protections, under polyarchy. Unfortunately, as Dahl refines his call for a radicalization of democratic practices in *A Preface to Economic Democracy*, he reframes his argument in a way that only further obscures the problem that apolitical preferences pose. The argument in *After the Revolution?* for workplace democracy (along with the other elements of Dahl's radical vision) proceeds along broadly consequentialist lines. Workers' control and a socialist market are justified because the society that incorporates them has, arguably, made the best tradeoffs—e.g., between the desire for efficiency, self-government, and the claims of competence (1970, 104). A few years later, when Dahl revisits his plan for workplace democracy in *A Preface to Economic Democracy* (see also TD, ch. 33), he offers "a stronger justification, with a more Kantian flavor," according to which "if democracy is justified in governing the state, it must also be justified in governing economic enterprises; and to say that it is not justified in governing economic enterprises is to imply that it is not justified in governing the state" (TD, 643). But exactly how is this argument a "stronger" one? It is logically more systematic, perhaps, and certainly more dogmatic, but its rigid structure serves only to cloud the issue of existing preferences and of any potential political transition to a deepened democ-

racy. The "Kantian" argument is more forceful, but also more hermetic and utopian. In fact, the later approach is not so much a new argument as it is a narrowing of the old one. Dahl here excludes consideration of the principles he saw as competing with the tenet of autonomous self-rule in *After the Revolution*? No real tradeoffs are admitted since a near-value monism is asserted. Philosophers may indulge in such arguments, but citizens typically lead their lives in pursuit of many values and goods. An individual life, like the politics of a community, involves a constant process of comparison and mutual adjustment between competing values, and if individuals, as citizens, are entitled to indulge their preferences, regardless of the consequences, then why should they follow Dahl in "preferring" autonomy to everything else?

### Participatory Democracy vs. Reality

The two volumes of *Toward Democracy* are most valuable in tracing the genealogy of Dahl's fundamental concepts and commitments, and in providing some clues as to why his often-unnoticed radicalism takes on an increasingly utopian character over time. But the fate of Dahl's vision—its failure to connect with the politics of recent decades and, hence, its moribund and internally inconsistent condition—is not a unique one. The high hopes expressed by many in the 1970s and early 1980s for a blossoming of democracy beyond the boundaries of the traditional liberal state, particularly in the workplace, have largely been disappointed.

The problems I have identified as internal to Dahl's theory are clearly not the whole story. The ideal of worker-managed market socialism has suffered broader setbacks attributable to political and intellectual trends in both the former Eastern bloc and in the West. In trying to understand this broader failure, I believe there are some important lessons to be learned from Dahl's case. Conversely, recent developments in the wider world of market socialism provide additional considerations useful

to anyone wishing to assess the viability and attractiveness of Dahl's theory. The lessons, so to speak, can be drawn in both directions.

Recent trends related to worker-managed market socialism provide reasons for pessimism about the economic and political efficacy of Dahl's vision. While sympathetic theorists continue to hold up worker management as a democratic ideal, and some even continue to provide new arguments for it (e.g., Howard 2000; Ellerman 1990; Bardhan and Roemer 1994), the enthusiasm of the literature of the 1970s and early 1980s, to which Dahl contributed, has significantly moderated since that time as a number of analysts have expressed second thoughts. In his study of the political effects of plywood cooperatives in the United States—especially the effects of participation in co-ops on workers' political attitudes—Edward Greenberg (1986, 169) somewhat reluctantly concludes that his findings "must surely disappoint the hopes and expectations of democratic Left advocates of workplace democracy." A study of urban cooperatives in Israel (Russell 1995) reaches similarly negative conclusions. More significant, perhaps, is an examination of the widely touted Mondragón cooperatives of Spain that portrays the Basque region's enterprises as virtual Potemkin villages (Kasimir 1996). Like Greenberg and Russell, Sharryn Kasimir comes to the subject from an initially sympathetic left-wing orientation, but while Dahl had held up Mondragón along with the plywood cooperatives as "stunning successes" (1985, 131), a decade later Kasimir finds a largely apathetic workforce that fails to identify with the cooperative, and that is subject to manipulation by a self-generated "managerial" class.

Dahl (1985, ch. 4) also looked hopefully to the Meidner Plan, a proposal advanced in the 1970s to provide financing to individual worker-governed firms through Swedish national tax receipts. The plan was intended, in part, to help counter the often-recognized tendency of worker-managed firms to favor wage increases and job retention over needed capital reinvestment and workforce expan-

sion—the so-called “self-extinction forces” (Gunn 1984, 47) to which such firms are prone. Unfortunately, the Swedish Social Democrats failed to endorse the Meidner plan and it never became part of the Swedish model (Silverman 1998, 70).

Events in the former Eastern bloc may have had an even greater impact than any of these developments on democratic theorists’ enthusiasm for worker management. Hungarian economist János Kornai—the “one living economist who could claim to have influenced the minds of a whole generation living under communism,” according to Daniel Yergin and Joseph Stanislaw (1998, 281)—describes his own intellectual journey away from the market-socialist third way as resulting not from any purely economic or abstract argumentation: instead, “what changed many of our minds was a series of political traumas and disillusionments” (Kornai 1995, 29). According to Kornai, the ultimately fatal problems of market socialism are problems of political economy, rather than economic vision; they become apparent largely in the “realization” stage, as political incentives and tendencies show themselves, playing havoc with normative and economic theory. Dahl’s endorsement of market socialism is predicated on his belief that it would decentralize power in a way that is consistent with democratic freedom. Kornai, in contrast, claims that his experience as an erstwhile market-socialist reformer convinced him that “a simple conclusion can be drawn: there is no real decentralization without private ownership” (1995, 14, *emph. original*).

This is true, according to Kornai, not because of any wrinkle in economic theory, but because of practical political realities and pressures, such as those felt by government officials in the face of worker-owned firms’ unique problems (e.g., the self-extinguishing tendency). Managers, too, operate differently than those in a privately owned context: “A General Motors manager has an exit: he or she can quit . . . . There is no real exit for a company manager under market socialism, since ultimately there is just one employer, the state” (Kornai

1995, 14). Most importantly, though, are the political pressures on government officials, who, under market-socialist reforms, had in principle agreed to let market signals guide firms' behavior. In fact, though, Kornai writes, "profitability fail[ed] to become a matter of life and death or a central target of the firm because the budget constraint [was] still fairly soft" (Kornai 1992, 489).<sup>23</sup> The market's signals can only become hard constraints "if the firm is really separate from the bureaucracy, that is, if it is self-evidently left to itself in times of trouble. The only way of ensuring this separation automatically and spontaneously is by private ownership" (ibid., 494-95).

While these experiences suggest some of the serious problems confronting the worker self-management ideal as a guide to real-world reforms, the most significant problem, I believe, is the one highlighted by the trajectory of Dahl's own career. The fact is that citizens in both East and West have increasingly asserted the values of higher standards of living, material consumption, and defense, and have seemed to signal their willingness to forgo the perfection of democratic ideals in exchange for these things. This fact must give pause to any honestly self-reflective democratic theorist whose support for an ever-deepened democracy is founded on an antipaternalist support for popular self-determination, wherever the people may want to go.

The fate of Dahl's radicalism thus might inspire democratic theorists to focus less on spinning out arguments for the superiority of democratic self-rule, and to turn more attention to the emotions, passions, and desires that motivate actual citizens.

Since the 1980s, many democratic theorists—particularly on the Left—have already begun to focus on the passionate wellsprings of political value-formation by shifting their emphasis onto issues of nationalism, identity politics, and the politics of new social movements. The more pervasive desires at the root of consumerism and modern liberty, in contrast, have not been so carefully

examined. At best, the tendency has been merely to note the antagonism between these desires, on the one hand, and the values of genuine democratic theory, on the other; or to dismiss such desires as unambiguously negative. The fate of Dahl's radical aspirations may stand as a testament to democratic as to need for a more nuanced approach.

#### NOTES

1. See Ware 1998 for a review of *Toward Democracy* that focuses on what the collection reveals about Dahl's place in the discipline of political science. It is worth noting here, however, that Dahl can best be taken as an immanent critic of his academic discipline (as well as of his society). The clearest illustration of this comes in his 1961 essay, "The Behavioral Approach to Political Science: Epitaph for a Monument to a Successful Protest"—reprinted in the final section of *Toward Democracy*—where he critically appraises the "behavioral revolution" (of which he was an important part) from the standpoint of its own empirical-scientific orientation.
2. Michael Howard (2000, xi), pondering the appropriateness of various labels applied to the political left today, deems radical a "sort of weasel word, because one can be radical in any direction, and it leaves open the question of what one stands for when one has grasped things by the root." I apply the term to Dahl despite such problems. The more common association of radicalism with the Left is not misleading in this case, and the fact that the designation leaves much open to question is a virtue in Dahl's case. The important thing is that Dahl's theory contains a call for far-reaching leftward reform.
3. *Toward Democracy* (hereafter referred to as TD) reprints 57 essays by Dahl in ten topically organized sections. Each section—with the exception of the last one, "Political Science Scope and Method"—is prefaced by brief introductory remarks newly written by the author.
4. Although I believe Dahl will best be remembered as having offered a distinctly American social-democratic voice, that is not to ignore that many of his most important sources of

inspiration are, of course, outside the Anglo-American mainstream. In this way, Dahl can be compared with someone like Thorstein Veblen, whose indigenous radicalism drew from his Northern European heritage. Dahl himself was a third-generation Norwegian (on his father's side), and has collaborated extensively with many Northern European political scientists. "Earlier than most others in American political science," Dahl has said of himself, he "became interested in the smaller European democracies" (TD, 3). Not coincidentally, an original contribution of his *On Democracy* (1998, ch. 2) is the sympathetic inclusion of Viking assemblies, along with more typical mentions of ancient Greece, Rome, and the Renaissance Italian city-state, in its history of democratic institutional innovations.

5. On the three transformations, see also "A Democratic Dilemma: System Effectiveness versus Citizen Participation" (TD, 429-43).
6. The final chapter of his later *Democracy and Its Critics* (1989) includes an argument for workplace democracy, but this is essentially an abbreviated restatement of the argument presented in *A Preface to Economic Democracy*. In what may amount to a telling abandonment of his workplace democracy ideal—or perhaps merely an implicit re-acknowledgment of its utopianism—Dahl does not even bother to present such an argument in *On Democracy* (1998), instead flatly noting that "market-capitalism is unlikely to be displaced in democratic countries" by either central state socialism or workplace democracy, so that "the tension between democratic goals" and the economies in those countries "will almost certainly continue indefinitely" (1998, 182).
7. Dahl was certainly not alone in making this move. David Ciepley (2000, 167-71) discusses the development of this type of analytical distinction by a broad range of American social scientists after the 1930s.
8. Dahl uses the neologism polyarchy to denote a nation-state that approaches the democratic ideal, but which must remain at a distance from it due to the inherent limitations presented by its size.
9. "Not only a specific form of government or party rule makes for totalitarianism," according to Marcuse (1964, 3), "but also a specific system of production and distribution which may well be compatible with a 'pluralism' of parties, newspapers, 'countervailing powers', etc." Against this, Dahl (1971, 17) writes:

I have the impression that this view is most often espoused by intellectuals who are, at heart, liberal or radical democrats disappointed by the transparent failures of polyarchies or near-polyarchies; and that, conversely, intellectuals who have actually experienced life under severely hegemonic regimes rarely argue that differences in regime are trivial.

10. Dahl defends *Who Governs?* in each of TD's first two selections: an autobiographical sketch and a 1991 interview with Nelson Polsby. He concedes that if he "were writing the book today . . . it would be a very different book"—less optimistic and more attentive to the "limits" set by national political-economic structures on local policy making (TD, 12). Dahl, however, also calls *Who Governs?* "extremely well-written" and an advance beyond "simpleminded power theories" of the day. More significantly, he makes no apologies for the observationalist epistemology that has drawn so much criticism (e.g., Bachrach and Baratz 1962; Skinner 1973; Lukes 1974).
11. Or as Skinner (1973, 299) puts it: "To describe a political system as democratic is to perform a speech act within the range of endorsing, commending, or approving of it."
12. It is not my purpose here to determine the validity of this characterization of Dahl's theory on every point. However, it is worth noting that this crucial step in Skinner's argument seems mistaken. One might ask of Skinner why he believes that a commitment to definitions of democracy that are empirically operationalizable requires that a theorist look to his own national-level political association for material out of which to generate such a definition. There are empirically identifiable practices in many other types of association and in many other places from which conceptions of democracy might be abstracted. My point here is that—contra Skinner—Dahl's immanent orientation need not be driven by his positivism.
13. Contrast this with the view of the many Marxists, who would agree with Michael Harrington's portrayal of a Marx who "regarded democracy as the essence of socialism" and who, along with Engels, was "distinguished from all the other radical theorists of their time precisely by their insistence upon the democratic character of socialism" (1972, 37). Bernard Crick (1962, ch. 2) offers a compelling critique of Marx in sympathy with Dahl's position. Marxologists have—in subsequent decades—conceded many of the points

made by Dahl and Crick, while also defending Marx on this count by emphasizing his early works.

14. These three early essays were previously republished, with seven others, as *Democracy, Liberty, and Equality* (1986). At that time their significance in demonstrating the longevity of Dahl's commitments was not lost on Jeffrey Isaac, who in a subsequent Dahl Festschrift noted that both "mainstream political scientists and their radical critics" had "pervasively misunderstood" Dahl's work, overlooking the "critical and socialist leanings" that had been among "the guiding threads of his entire corpus" (1988, 132). Isaac argues against the idea of there having been "two Dahls' sequentially present during his career" (Shapiro and Reeher 1988, 2), but still perceives two simultaneous (rather than successive) Dahls. Thus, he points to an "unresolved dilemma" in Dahl's democratic theory, a tension between liberal and socialist ideals (Isaac 1988, 132-33). Isaac, too, is ultimately reluctant to call Dahl's thought radical, applying the label only once in a carefully qualified manner (*ibid.*, 142). Isaac's judgment is that the radicalism of Dahl's thought must remain "crucially underdetermined" as long as he values socialism only instrumentally (for its contribution to democracy) without taking up "an equally serious commitment to socialism" for its own sake (1988, 144).
15. Avigail Eisenberg (1995) emphasizes the functionalist aspects (and, in my view, overemphasizes this functionalist "period") of Dahl's work in her analysis. Her overall perception of Dahl is as a conservative, although she also hews to the two-Dahls thesis (*ibid.*, 164-65).
16. Revealingly, such rhetoric is worrisome for Dahl not because it heralds radical change, but "because I fear it means we are in for a period of putting rococo decorations on existing structures" (1970, 3).
17. Dahl (TD, 398-400) also tentatively considers the possibilities of workplace democracy in his A.P.S.A. address. He notes the significance of the Yugoslavian model of worker management, predicting that if worker management in the Tito regime proves "to be relatively efficient, surely the whole question of internal democracy will come alive in other countries" (*ibid.*, 400).
18. More succinctly, Dahl calls the liberal axiom at the foundation of his democratic theory "the principle of the equality of interest-bearing individuals" (Dahl et al. 1989, 159).
19. The enthusiasm of the times is reflected in the subtitle of Martin Carnoy and Derek Shearer's 1980 study, which

proclaimed worker democracy to be The Challenge of the 1980s. Other hopeful book-length studies of this period include Pateman 1970, Vanek 1970, Bellas 1972, Oakeshott 1978, Jones and Svenjnar 1982, Thomas and Logan 1982, Estrin 1983, Ellerman 1985, and Sik 1985.

20. His introduction to the second volume of TD essentially repeats this analysis, only with added pessimism: "Whatever and whoever has brought about revolutionary changes that have marked this passing century, it has not been the working class. Nor, I think, is it likely to be so in the century ahead. . . . I confess I see no likely group or coalition that will possess the influence and the desire to bring about the structural changes" necessary for economic democracy (TD, 550-51).
21. Philip Green (1985) notably does so while adopting Dahl's concept of "pseudo-democracy." But while Dahl (TD, ch. 38) uses that term to condemn certain plebiscitary aspects of the American presidency, Green expands it into a general indictment of the American polyarchy.
22. Dahl briefly raises the issue of differential motivation and differences in knowledge, information, and understanding (see TD, chs. 16 and 40, for example), but does not consider the degree to which this might be an unavoidable adjunct of modern social and economic development, nor does he pursue its implications for his call to move beyond polyarchy.
23. Kornai (1995) cites as an example bankruptcy laws, which were enacted everywhere that market-socialist reforms were tried in the Eastern bloc, but were "almost never applied" (ibid., 490). Market-socialist governments felt similarly strong pressures to soften market signals though subsidization, tax policy, and credit provision. One might add that governments operating in private-property regimes also feel such pressure (e.g., calls for corporate bailouts). Kornai's point is that the absence of private-ownership norms and expectations makes it that much harder for governments resist these pressures.

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THE DEMAGOGUERY OF  
DEMOCRATIC THEORY

ABSTRACT: For all of its blessings, democracy in America displays weaknesses. Democratic theorists both disguise and exacerbate these weaknesses by urging us, as imperatives of democratic justice, to extend the claims of equality to all practices and throughout all spheres of life; and to discount what people actually want in favor of what democratic theorists think that reason tells us people ought to want. Such theorizing encourages the evisceration of virtue, the trivialization of truth, the subjugation of chance, the fear of freedom, and the routinization of romantic love. To combat the dogmatism and despotism to which democracy is prone, it is necessary to preserve the distinction between democracy and justice.

To understand democracy in America—a form of government grounded in the democratic principle of the sovereignty of the people, and limited by the liberal principle of individual rights—requires more than grasping the principles that undergird it and the virtues that sustain it. It is also necessary to take account of the unwise tendencies that threaten democracy's well-being. Unfortunately, this task has been sorely neglected by democratic theory. Indeed, spurred on by the common democratic faith that causally equates democracy with justice—and equates justice with equality in an ever expanding array

of respects and with freedom from a constantly increasing range of external authorities—scholars have unwisely encouraged the neglect of democracy's weaknesses and unwise tendencies. Particularly disadvantageous in this regard have been efforts, sophisticated as well as routine and thoughtless, to collapse the distinction between democracy and justice.

In the 1990s, political theorists published a spate of treatises on democratic theory. These works included Michael Sandel's *Democracy's Discontent* (1996), Amy Gutmann and Dennis Thompson's *Democracy and Disagreement* (1996), Seyla Benhabib's *Democracy and Difference* (1996), and Ian Shapiro's *Democratic Justice* (1999). The similarity of the book titles should make one suspicious. To be sure, the professors laid claim to various inspirations and flew under different flags: Sandel championed classical republicanism; Gutmann and Thompson developed an applied form of Rawlsian liberalism; Benhabib wrote from the perspective of Habermasian discourse ethics; and Shapiro sought to apply Deweyan pragmatism to contemporary moral and political life. In classrooms, professional journals, and conferences around the globe, they, their acolytes, and their critics parsed the fine points that divided them.

Yet when it came to the relationship between democracy and justice, the democratic theorists speak as with one voice in defense of a common position. In the last analysis, each wants to argue that democracy and justice are one and the same thing. Alas, each faces the problem of being more democratic than the last—the authoritative voice of popular sovereignty; but each also favors policies and programs—concerning affirmative action, welfare, marriage—at odds with the preferences of the majority of his or her fellow citizens. How to present as democratic a minority position? How to defend the demonstrably unpopular, or at least less popular, as a true expression of the popular will? How to square the circle? That is the dilemma.

The solution, seized upon in one way or another by

each theorist, is ingenious. It is also as old as the hills, certainly at least as old as Rousseau, or Rousseau's doctrine of the general will, and it was later manifested in the Marxist notion of false consciousness. The great allure and abiding danger of the solution was brilliantly exposed by Isaiah Berlin at the height of the Cold War in his famous 1958 lecture, "Two Concepts of Liberty." The solution consists in distinguishing, on the one hand, between citizens' apparent, or professed, or expressed desires; and, on the other hand, their unstated or imperfectly expressed but real, or authentic, or genuine desires. True democracy cannot be governed by the former, because people's apparent or professed or expressed desires are typically unenlightened and distorted. Instead, the real meaning of democracy consists in what people really and truly desire or prefer—that is, what people would say and do and will if their hearts and minds had not been twisted and degraded by oppressive social hierarchies, unjust economic arrangements, or false and contingent ideas masquerading as universal and commanding truths.

Now the distinction between apparent interests and true interests is not in itself ridiculous, or even objectionable. To the contrary, some such distinction is the presupposition of philosophical speculation and lies at the heart of critical thinking. We may desire a piece of candy, a life as a rogue and a scoundrel, or a political realignment; but then, and with the benefit of experience and upon reflection, taking all the relevant factors into account and giving each its due, we may think again, reach different conclusions about what is desirable, and reorient our aspirations accordingly. What is peculiar in the approach championed by contemporary political theorists is the compulsion they betray to equate what they contend are our true or rational interests with the imperatives of democracy. Similarly peculiar is their tendency to deny the name of democratic politics to political institutions and partisan positions that do not issue in, or fail to assure, laws and policies that reflect

their vision of our true interests—or, what amounts to the same thing, laws and policies that correspond to their vision of what is right and just and good.

To be sure, today's democratic theorists balk at using the words right and just and good. Such terms suggest judgments, but today's democratic theorists are loath to appear judgmental, because that smacks of superiority, which is undemocratic. Inconveniently, however, they are champing at the bit to make judgments, to condemn existing arrangements, and to demand substantial reforms. So they use democracy or democratic to express moral approval and disapproval, as a synonym for right and just and good. The purpose of this illicit maneuver, which is a hallmark of recent democratic theory, is to pass a moral judgment or express a political preference without seeming to do so. For while what is right or just or good is open to debate, especially in a democracy, the goodness of democracy is not. Unfortunately, this conflation of democracy and justice obscures the claims of both. In the process, it also obscures the just cause of democracy.

### A Case Study in the Misuse of "Democracy"

An illustration of the reckless use of the term "democratic" to legitimate, or as it happens delegitimate, was provided by the barrage of criticism directed by leading professors of Constitutional law against the Supreme Court's December 2000 decision in *Bush v. Gore* (121 S. Ct. 525), the decision holding that the recount ordered by the Florida Supreme Court was inconsistent with the demands of the Equal Protection Clause of the 14th Amendment. In early January of 2001, University of Chicago law professor Cass Sunstein (2001) opined in *The Chronicle of Higher Education* that 50 years from now, fair-minded historians would conclude that the court had "discredited itself" by rendering an "illegitimate, undemocratic, and unprincipled decision" (emph. added). Shortly thereafter, New York University law professor Ronald Dworkin (2001), writing in *The New*

York Review of Books, declared *Bush v. Gore* "one of the least persuasive Supreme Court opinions" that he had ever read, and charged that by means of it, "the conservatives [on the Court] stopped the democratic process in its tracks" (emph. added). Then Bruce Ackerman (2001a), Sterling Professor of Law and Political Science at Yale University, argued in *The American Prospect* that the court's opinion was "a blatantly partisan act, without any legal basis whatsoever," and added in an article published almost simultaneously in *The London Review of Books* (2001b) that "the more democratic solution would have been not to stop the Florida courts from counting the votes, but to stop the Bush brothers from creating Constitutional chaos by submitting a second slate of legislatively selected electors. The court could have taken care of all the serious difficulties by enjoining [Florida Governor] Jeb Bush not to send this slate to Congress" (emph. added).

In criticizing the U.S. Supreme Court on the grounds that its intervention was undemocratic, the professors embraced the Florida Supreme Court's contention that its interventions were democratic. But whatever one thinks of the legality of the Florida Supreme Court's decisions, it is absurd to see them as essentially democratic, or somehow as more democratic than the Supreme Court decisions invalidating them. The Florida Supreme Court twice overruled lower Florida courts. In its first decision, on November 21, 2000, the Florida Supreme Court ruled on the rather expansive grounds that "the will of the people, not a hyper-technical reliance on statutory provisions, should be our guiding principle in election cases" (*Palm Beach County Canvassing Board v. Harris*, 772 So. 2d 1220 [Fla. 2000] at 1227). What the Florida court did not explain was why it is reasonable to suppose that judges are competent, or why courts have the institutional responsibility, to discern the will of the people—as opposed, say, to declaring what the law is. Or why it was an expression of the people's will for the Florida Supreme Court in its November 21 decision to extinguish the dis-

cretion invested in the Secretary of State (as the chief election official) by the Florida election code. Or why, in its second intervention, on December 8—again citing the doctrine of popular sovereignty—it was an expression of the people’s will for the Florida Supreme Court to extinguish the authority vested in local canvassing boards by the Florida election code (*Gore v. Harris*, 772 So. 2d 1243 [Fla. 2000] at 1253–125).<sup>1</sup>

In fact, the Florida court’s repudiation of “hypertech- nical reliance on statutory provisions” also entailed grossly misapplying its own case law in the name of the will of the people. The decisions the Florida court cited actually cut against its determination to override the de- cisions of local and elected officials (*Beckstrom v. Volu- sia County Canvassing Board*, 707 So. 2d 720 [Fla. 1998], and *Boardman v. Esteva*, 323 So. 2d 259 [Fla. 1975]). According to the plain meaning of these prece- dents, in election disputes Florida courts should, except in the case of fraud or gross negligence or substantial vi- olations of law, refrain from second-guessing the deci- sions of the officials to whom the Florida election code had assigned responsibility for administering elections. (No case for fraud, etc., was made as part of the legal challenges Vice President Gore and his team brought to overturn the decisions of Florida’s elected officials.)

Despite the fact that the questions before the Florida Supreme Court and the United States Supreme Court re- volved around the interpretation of statutes and cases, our most influential academic commentators advanced the no- tion that somehow the Florida Court’s judgments (which involved second-guessing and overruling local and elected officials) upheld the democratic process, while those of the U.S. Supreme Court (which involved overruling the judgments of a lower court) subverted it. The alacrity with which the professors did so suggests how democracy has become for academic theorists an all-purpose term for conveying moral judgment and partisan preferences. The episode also illustrates how collapsing the distinction between “democracy” and “justice” abuses both terms

and obscures the moral and political challenges we confront.<sup>2</sup>

### Democratic Justice

Among the most sustained attempts in recent years to vindicate the equation of democracy with justice is Yale University political scientist Ian Shapiro's *Democratic Justice* (New Haven: Yale University Press, 1999). Although he begins his book by suggesting that unglimped tensions roil the relation between our commitments to democracy and our convictions about social justice, Shapiro aims to vindicate "the popular identification" (18) according to which democracy and justice go hand in hand. Following in the footsteps of John Dewey (quotations from whom, in the form of sage offerings, are scattered throughout the book), Shapiro embraces the core Deweyan idea that the answer to the problems of democracy is more democracy. In response to the common charge that Dewey made the mistake of treating democracy as the comprehensive human good, an end in itself—indeed, the highest end in itself—Shapiro emphasizes that in his view democracy is not the whole good or the highest good, but is rather a "subordinate foundational good" (21).

Shapiro calls his new approach "democratic justice" and advances it as "a third way between liberal and communitarian views" (16). Presupposing with liberals that disagreement over morals and matters of faith is fundamental, and agreeing with communitarian critics of liberalism that the struggle over power permeates human relations, the theory of democratic justice claims that the chief concern of politics should be "democratizing the multiple domains that structure social life while retaining democracy in a subordinate or conditioning role" (24). Yet for Shapiro democracy turns out to be more foundational than subordinate. To be sure, individual rights must be protected and shared values must be cultivated, but both the protection of rights and the cultivation of shared values, Shapiro argues, must be placed in the

service of the progressive democratization of all spheres of public and private existence.

In what does such democratization consist? Oddly, in a book marked by sharp conceptual analysis, Shapiro nowhere provides a succinct working definition of democracy, whose primary meaning is usually taken to be, in the words of the Florida Supreme Court, rule according to "the will of the people." Nevertheless, Shapiro's definition of democracy can be constructed from various theses and themes to which he repeatedly returns. As Shapiro understands it, democracy is not only a formal principle specifying that the people rule, but is also a substantive ideal loaded with moral and political content.

The basic institutional expression of democratic rule is representative government based on the universal franchise. To promote universal inclusion in a collective decision-making process, however, democratic justice seeks to eliminate domination in public and private life. It depends on the presence of a loyal opposition whose determined but respectful challenge to the persons or party in power keeps government and the majority honest and on their toes. And it imposes constraints that prohibit the enactment of laws that foster inequality and reduce opportunities for individuals to develop their powers and capacities as they think best.

Shapiro believes that these elements, which may have a familiar ring to them, constitute a view of democracy that is, in a phrase he borrows from the liberalism of John Rawls, "political, not metaphysical" (21). Shapiro's comparison is apt, though not for the reason he supposes. For what Shapiro has done is import into democratic theory a confusion in Rawls's liberal theory. Just like Rawls's theory of liberalism, so too Shapiro's theory of democratic justice, contrary to its boasts, is grounded in moral principles and metaphysical notions. Misleadingly, Shapiro suggests that his embrace of democracy is premised on a skepticism that is merely political, one that only rejects grounding politics in any comprehensive moral view because it would not be "wise to let any of

them achieve hegemony in a world populated by a plurality of contending views of the good life" (22). There is a world of evasion, though, in Shapiro's use of the word "wise." For surely what makes it wise, in Shapiro's view, to refrain from imposing a single comprehensive conception is not that it would be unfeasible—tanks and troops and systematic terror have proven effective—but that it would be cruel, vicious, a violation of something essential in our nature as human beings. In fact democracy, as Shapiro expounds it, is premised on the natural freedom and equality of all human beings. It is this premise, at once metaphysical and moral, that suggests to Shapiro, as it does to Rawls, that respecting persons requires respect (within limits) for their competing views about morals and faith—one major political expression of which is refusal to condition citizenship on shared beliefs about the human good or ultimate salvation.

Shapiro might demur, arguing that in his theory the demand for universal inclusion, the imperative to eliminate oppressive hierarchy, the need for voices that oppose the majority, and the importance of placing constraints on the range of permissible decisions people can make about how to govern themselves, all alike flow from the democratic principle that "people should always be free to decide for themselves, within an evolving framework of democratic constraints, on the conduct of their activities" (14). Put aside that this principle represents a version of the liberal interpretation of freedom as autonomy, or living under laws one has given to oneself. The question is why democracy grants or require a universal privilege of self-government. Is it not because most democrats assume, as Shapiro himself acknowledges casually and quickly, "the basic moral equality of persons" (13)? But in that case, for democrats the moral principle is more fundamental than—and is the foundation for—the commitment to various political institutions reflecting the popular will, including the practice of majority rule itself, which actually reflects an effort to give institutional expression to uni-

versal human equality. Indeed, for democrats such as Shapiro—contrary to his official position—“democracy” is more accurately described as an effort to determine the political consequences of the moral and metaphysical claim that all human beings are, by nature, free and equal.

The natural freedom and equality of all human beings is indeed one of the assumptions on which constitutional democracy is and should be grounded, but it is only because the assumption is widely shared and largely uncontested today that one could doubt, or get away with denying, that it implicates puzzling metaphysical issues. Recognizing this does not undermine Shapiro’s theory of democratic justice. However, it does suggest that the theory is both more conventional—belonging to the family of academic liberalisms to which Shapiro sees himself as offering an alternative—and more philosophically ambitious than Shapiro lets on: bound up, like many other members of the clan, with vulnerable first principles. An appreciation of the metaphysics involved also helps one to discern the real relationship between democracy and justice in Shapiro’s argument, which differs significantly from the account he provides. Far from mediating the conflicting claims of democracy and social justice, as the opening lines of his book suggest is his aim, Shapiro builds a robust egalitarian conception of justice into his theory of democracy. In practice democracy and justice cannot really clash, because Shapiro’s definition makes them one and the same thing.

Eliding by definitional fiat the disjunction between democracy and justice disguises many difficulties, but it does not dissolve them. It does not, for instance, erase the clash between the ideals that inform “democratic justice” and the stubborn realities of political life. Here Shapiro’s practice is better than his theory, for his examination of concrete cases brings into view obstacles both predictable and surprising that the real world places in the way of efforts to bring life in a free society into line with egalitarian ideals. Shapiro is at his most

instructive when he shows that when it comes to controversies in which we are likely to have a big stake—Who should control the education of children? What counts as a marriage? What is government's role in regulating the relationships between employers and employees? Is there a right to take one's own life?—concerning such problems, the theory of democratic justice can define limits, highlight relevant factors, and identify presumptions about preferred courses, although it cannot generate solutions themselves, for that requires immersion in the messy details of political life.

Shapiro's democratic theory also recognizes the gap between theory and practice through its acknowledgment of a "Burkean dimension" to politics (36), through its embrace of the principle of "subsidiarity" (35), and through the deference it gives to "insider's wisdom" (12, 80, 92). His theory is Burkean in that it presumes that practices of long standing are bound to embody a coherence and wisdom that escapes the cold categories of abstract reason; but its Burkeanism is qualified (so was Burke's, as Shapiro seems not to realize) because it holds that tradition is never the last word, that the presumption in its favor is always rebuttable, and that it must give way, wherever feasible, before the imperative to democratization. The principle of subsidiarity declares that, when other things are equal, the local is to be preferred to the large, because people tend to know their interests and their good better than others—especially others who are at a distance. But the theory of democratic justice cautions that often other things are not equal, so a larger collectivity must frequently be called upon to correct the local. And deference to "insider's wisdom," though never the last word, is warranted on the supposition that members of a community, participants in a practice, and masters of a craft will, as they pursue their purposes, tend to acquire a grasp of their undertaking, of their associates, and of themselves that is unobtainable by detached observation

(however sophisticated) and by logical inference (however rigorous).

These pragmatic considerations concerning the relationship between political theory and political life are points well taken, though Shapiro's qualifications make clear that when it comes to a showdown between the claims of tradition and those of democracy, democracy wins. And Shapiro's insistence on ascribing a democratic lineage to wise maxims of politics betrays within the theory of democratic justice a certain imperial tendency, a partisan predilection to give democracy more than its due.

The analysis of concrete issues that occupies the bulk of Shapiro's book is supple and informative, though the policy prescriptions that flow from the theory of democratic justice do not depart often or interestingly from conventional left-liberal positions, and Shapiro's sniping at conservatives is tedious and a tad vulgar, especially from one who declares the expression of disagreement vital to the well-being of democracy. In regard to education, for example, Shapiro argues that the state must ultimately assume responsibility for ensuring that children receive the basic goods that enable them to develop into normal adults, while parents have primary responsibility for developing the human potential of their children to the maximum. The state should therefore direct substantial funds to children, including high-quality day care for the children of working mothers. And public schools should be protected from private-sector competition because they have an urgent and probably indispensable role in forming good democratic citizens. Concerning marriage, Shapiro defends a universal right to unilateral divorce; maintains that divorce laws should be reformed to take account of the precarious economic position in which the ending of marriage places women; and argues that benefits enjoyed by married couples should be extended to cohabiting couples, gay and lesbian as well as heterosexual. And as to work, Shapiro favors mechanisms that strengthen the position of employees against unjust discharge and civil-rights violations; schemes that increase employee

control over firms; and redistributive taxation to fund effective government worker-retraining programs, and public-works projects to refurbish decaying urban infrastructure. And he supports universal health insurance, as well as the right of people to take their own lives qualified by the individual's right to be protected from coercion to do so.

### Democratic Despotism

Notwithstanding the conventionality of the political agenda it sustains, the theory of democratic justice embodies a tyrannical tendency. This tendency is thrown into sharp relief by Shapiro's discussion of education, which revolves around the distribution of responsibility between parents and the state for equipping children to live in a democracy and care for themselves.

To sort out the responsibilities, Shapiro distinguishes between children's "basic interests" and their "best interests." Basic interests "concern the security, nutrition, health, and education required for children to develop into normal adults" (85). To avoid controversial assumptions and metaphysical entanglements, the theory of democratic justice, Shapiro emphasizes, defines these basics in a manner that is "comparatively minimal" (86). In contrast, best interests are maxima that "have to do with the full development of one's human potential" (90-91). They entail conceptions of happiness or human flourishing, and so directly implicate controversial assumptions and give rise to metaphysical entanglements.

The theory of democratic justice teaches that the state should shoulder ultimate responsibility for the protection of children's basic interests, since it has a considerable stake in forming citizens capable of sustaining democratic political orders, and since it possesses the means and institutional competence needed to provide the relatively uncontroversial minimums. But parents should have primary responsibility for promoting the best interests of their own children because parents have the strongest at-

tachment to their children and the most intimate knowledge of their special gifts and unique personalities.

This account of basic interests and best interests is reminiscent of the distinction, central to academic liberalism, between rights that are fundamental and prior to conceptions of the good, and which are therefore enforceable by the state; and conceptions of the good life, which differ fundamentally among each other, and are therefore ineligible for state enforcement or support. This distinction may seem unexceptional. But officially, at least, Shapiro does not want to be a liberal. He wants to be a democrat. So he must get the invaluable protections that liberalism offers on the sly. Conversely, because he is anxious that parents may fail to imbue their children with properly democratic sensibilities, he must also find a way to get around the invaluable protections—including the protection of personal choices parents make about how to educate their children—that liberalism confers.

This is where Shapiro's Rousseauianism, the hallmark of the contemporary democratic theorist, comes into play. Just as he surreptitiously frontloads a large part of justice into his definition of democracy, so too Shapiro (86, *emph. added*), as if it were a slight and insignificant matter, packs a great deal of the same into his "relatively minimal" definition of basic interests:

Children's basic interests are not limited, on this account, to the realm of their physiological needs. In addition to meeting these, children may also be said to have a basic interest in developing the capacities required to function adequately and responsibly in the prevailing economic, technological and institutional system, governed as a democracy, over the course of their lives. Adequately here refers to a person's ability to comprehend, shape, and pursue his or her individual interests. Adequate pursuit of interests depends on being able to evaluate different lifetime aspirations critically, and being able to understand—at least as well as others generally do—the costs and benefits of different courses of action. By contrast, the idea of responsible pursuit of interest is other-regarding; it has to do with the expectations that

people may reasonably entertain about the ways in which others pursue their interests.

Not merely "adequately" but "responsibly" is the kind of individual functioning—in all spheres of public life!—that Shapiro wants to invest the state, under the guise of "basic interests," with the authority to underwrite and enforce. And this at a time in which the public schools are stumbling badly even in the attempt to teach reading, writing, and arithmetic.

With the doctrine of responsible functioning, Shapiro seems to have left behind his professed concern with actual democracy: his commitment to the principles and policies to which people, in their collective capacity, actually agree. Instead he seems to have embraced, or at least created a large opening for, idealized democracy, or the subordination of the people's choices to those laws and practices that democratic theorists determine are prescribed by rational standards

For Shapiro defines responsible functioning in terms of "the expectations that people may reasonably entertain about the ways in which others pursue their interests" (emphasis added). This standard, in effect, transforms the notion of basic interests into a regulative ideal for politics, an ideal to which the state is obliged to compel majorities and parents to submit—and a relatively non-minimal one at that. For instance, parental or popular preferences about curriculum must be subordinated to the dictates of satisfying children's "basic interests." So it is hard to see how even the qualified Burkeanism, the principle of subsidiarity, and the deference to insider's wisdom that democratic justice affirm retain any force, in the face of the abstract rationalism—of the sort Shapiro finds disagreeable in academic liberalism—that he embeds in the notion of basic interests.

Although the distinction between basic interests and best interests is, in principle, defensible and even necessary, Shapiro draws the line between them in a dubious manner and applies the resulting concepts in a suspect way. Armed with a notion of basic interests that is

defined in such far-reaching terms, democratic justice, as Shapiro interprets it, vests the state with the power to disarm parents, the people as a whole, tradition, and local authorities and associations. Their authority is transferred by the theory of democratic justice to judges authorized to look beyond the expectations people actually entertain and, in the people's name, deduce and enforce as a mandatory part of the public-school curriculum the conception of responsible democratic citizenship that people "may reasonably entertain."

Notwithstanding his anxieties about the limits of theory and his protests of the modesty of his own theory's aims, Shapiro's theory of democratic justice is extremely ambitious. Although the theory seems to grant existing beliefs, practices, and institutions a legitimacy that many of Shapiro's fellow democratic theorists are reluctant to recognize, in practice that grant serves as an important step toward bringing the given world of custom and convention under the authority of the state for the purpose of effectively democratizing it. Shapiro is candid about his transformative wish: democratic justice aims to "refashion aspirations" (232-33). Furthermore, because the theory of democratic justice focuses on reforming "power relations" (233), which are everywhere, rather than on protecting rights, which set limits on when and where the state may enter, all spheres of life are in principle fair game for the refashioning and reforming that democratic justice commands.

Shapiro formally registers the menace of such an aspiration, but he sees little cause for alarm. He wishes to "resist every suggestion that just because democracy is a foundational good, it is the only good for human beings, it is the highest human good, or it should dominate the activities we engage in" (21). And he repeatedly assures the reader that democratic justice teaches that the ambition to democratize beliefs and actions must be tempered both by the claims of efficiency and by appreciation of the threat of tyrannical intrusion into citizens' lives posed by

government and society. But these salutary wishes and reassurances receive scant expression in the development and application of his principles.

### Overlooking Democratic Virtues

Had Shapiro taken his own warnings with greater seriousness, he would have been moved to give more thought to the kinds of individuals capable of keeping government and society and themselves in bounds as they pursue their in-principle-sweeping project of democratization. Like so many contemporary theorists, Shapiro views democratic theory as primarily concerned with issues of process and the logic of justification. True, he wants to form character; but only to make individuals more egalitarian and participatory. His commanding theoretical concern is how this transformation can be justified, not what its effect might be on the passions and the interests of those who are to be transformed. Accordingly, the questions that Shapiro addresses deal for the most part with what the principles of democratic justice require, permit, and forbid. But there are issues fundamental to democracy and justice that lie beyond the justification of the progressive democratization of private and public life.

Democracy has not only material but also moral preconditions. And the function of some of these preconditions is to contain or correct democracy's desultory and destructive tendencies. Without them, the deeds a democracy requires of its citizens it may be unable to summon; the actions it permits of them may prove incapable of being controlled; and the conduct it forbids on their part, it may lack the means or will to enforce. Democracy is an ethos or way of life. Notwithstanding its justice, it encourages a variety of forms of behavior, some of which are inimical to its well being. And it discourages other species of behavior, some of which are vital to its preservation.

Shapiro sometimes acknowledges these complexities, but he shows scarcely more interest in allowing them to intrude on his theorizing than his rivals in the democ-

ratio theory business. Understanding the spirit of democracy, however, involves attending to the sentiments that democracy fosters, as well as to those to which it gives a bad name. It requires a recognition of the passions that democracy excites and nourishes and flatters, as well as to those it frustrates and stigmatizes and enfeebles. And it means considering the dubious ideas that democracy makes look more solid than they actually are, as well as the solid ideas that democracy has an interest in portraying as optional and insubstantial.

Shapiro's lack of interest in such factors is unpragmatic, because it gives little thought—and suggests that little thought is worth giving—to the impact, for good and bad, of the spirit of democracy on its citizens' character. Yet democracies cannot afford to overlook the question of character—or to truncate it by assuming that the only interesting question to be asked is how to justify the fostering of ever-more-egalitarian sentiments and participatory practices. This is in part because democracies require citizens who can not only justify the law, but who can abide by it, make it, implement it, and adjudicate the controversies that arise under it. Contrary to an important but often misleading distinction, the rule of law is only as strong and sure as the men and women who live under it and uphold it.

Perhaps it is because of concerns about his neglect of issues such as these that Shapiro concludes by both paying tribute, and registering an objection, to Tocqueville, who is still the seminal student of how modern democracy shapes citizens' souls. "Part of what has been attempted here," Shapiro (240) writes on the last page of his book,

has been an enterprise of educating democracy in Tocqueville's sense. The goal has been to find ways for democracy to coexist with other values, to structure

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them without stifling them. But there is an additional piece to our enterprise, overlooked in the Tocquevillian worry about democracy's potential to undermine good things. That is its potential to undermine bad things. Important as it is to control democracy's wild instincts by insisting that it operate as a subordinate good, we should not forget that it is a good. Its value derives from the hope it holds out of making the world a more just place.

The sentiment is stirring, but both the tribute and the critique mislead.

For starters, it is mistaken to charge Tocqueville with overlooking democracy's "potential to undermine bad things." In fact, Tocqueville explains at length in volume 1, part 2, chapter 6 of *Democracy in America*, entitled "The Real Advantages Derived by American Society from Democratic Government," that democracy is a blessing because it promotes "the well-being of the greatest number" (2000, vol. 1, 220-34). And in the conclusion of his masterwork, Tocqueville summarizes a judgment that pervades his book: modern democracy is a genuine good that makes the world more just; "in its justice lies its greatness and beauty" (*ibid.*, vol. 2, part 4, ch. 8, 673-77).

More troubling than the unfair jab at Tocqueville for failing to take account of democracy's advantages is the unwarranted credit Shapiro gives to his own theory for incorporating Tocqueville's lessons about democracy's disadvantages. In reality, prior to his concluding paragraph, Shapiro's theory says scarcely anything of note about democracy's disadvantages (or about Tocqueville). In this too Shapiro follows in the footsteps of both academic liberals and his fellow democratic theorists—certainly those he most respects and finds worth engaging in his book. This silence is disadvantageous, particularly for those who wish to take democracy's well-being to heart, since understanding the disadvantages or partiality of democratic justice is critical to democracy's defense.

## The Unanticipated Effects of Democratic Justice

Democracy's injustice grows out of the nature of democratic justice. Democratic justice is a part of justice. But it is only a part. And in practice democratic justice betrays a tendency to subsume the whole of justice, to be embraced as justice pure and simple. To see its partiality, and the danger in mistaking it for the whole of justice, it is useful to reconsider the ordinary experiences and enduring claims out of which democratic justice arises.

The justice of democratic justice is grounded in the conviction of the demos that what we share deserves respect and should receive political expression. What we share begins with the realities of our bodies, which are vulnerable to extremes of heat and cold, which require food and drink for their maintenance, which bleed when they are pricked, and which sometimes delight in the touch of each other. But we also share a range of desires not limited to the satisfaction of bodily need and physical pleasure. We want to be recognized by others as fellow human beings. We wish to be honored for our achievements and comforted for our shortcomings and misfortunes. We seek friendship. We yearn for love. In addition, a portion of reason seems to be universally distributed, for part of what it is to be a functioning human being is to speak and listen, to voice satisfaction and discontent, to calculate the most effective means for the satisfaction of desires, to hesitate and puzzle over the matter of which desires will best satisfy us. These common features of our humanity lend substance to the idea that democracy, which demands equality among citizens, is just.

But our equalities are not the final and full truth about us. Some of us are weaker and needier, some are stronger and sturdier. Some are meaner, some are gentler. Some are more beautiful, braver, wiser. Each of us moves through the world in a particular body that is a unique site of pleasures and pains that others can infer or imagine but never feel. Each of us has memories, fears, and

longings all his own. Given such differences, how can happiness not be a function, in part, of the gifts, the experiences, and the accidents of fortune that set us apart? Why shouldn't more than our commonalities count in the determination of how wealth, honor, political power, and satisfaction are distributed? Equality may be fundamental, but so too is inequality. Just as we want the most skilled surgeons operating on our bodies, and the most suitable mates for ourselves and our children, isn't it reasonable to hope that the best rulers will govern? Yet doesn't that reasonable hope flagrantly contradict the relentlessly egalitarian aspirations of democratic justice?

Because he grasps the outlines of these tensions, Shapiro emphasizes repeatedly that democracy, though foundational, is not the whole good, that differential excellences and merit should be admired, that the contingent should be respected, and distinctions should be honored. But here exhortation is not enough. Overlooking the diverse effects that democratic aspirations have on sentiments, passions, and hopes, Shapiro does not reckon with the propensity of democratic justice, severed from the rest of justice, to set individuals against the very ideas of human distinction and human excellence. Yet these ideas are necessary to the defense of democracy. And they have their just claims.

Shapiro's inattention to democracy's propensity to promote the resentment of distinction and excellence can be seen in his approving observation that "democratic ideals are forged out of reactive struggles" (2). He makes this observation without apparent irony or awareness that in so doing, he is affirming an ancient critique of democracy, subsequently restated in distinctive registers in the nineteenth century by Tocqueville, Mill, and Nietzsche. Of course Shapiro is right, and right to emphasize, that democracy, in the last 250 years, has arisen—in America, in France, most recently in Eastern Europe—as a rallying cry to combat arbitrary privilege and oppressive hierarchy. Yet the grand and just achievements of democracy are not inconsistent with the warning elaborated in

the writings of Plato and Aristotle and later developed in the pages of the Catholic French aristocrat, the Victorian English progressive, and the free-spirited German immoralist: democracy bears within itself an animus against not merely arbitrary privilege and oppressive hierarchy, but against privilege and hierarchy as such. That is, it is the tendency of the democratic spirit to regard privilege as by definition arbitrary, and hierarchy as in essence oppressive. When left to its own devices, the democratic spirit wages a foolish and destructive war against claims to distinction that deserve to have a hearing, and against features of our condition that are inseparable from our humanity. The logic of Shapiro's theory, which calls for the democratization of all it touches and which aspires to touch all aspects of public and private life, bears out this insight.

This is not for a moment to deny or disparage the goods that democracy nourishes. They are many, and they are cause for wonder and celebration. Under democracy's rule, gentler virtues such as benevolence come to life; curiosity and an experimental attitude toward the truth take root; individuals acquire unprecedented opportunities to take chances and defy the accidents of birth and fortune; the love of freedom topples pompous old authorities; and romantic love bursts forth as a source of this-worldly redemption available to all.

Yet democracy does have its dark side. Indeed, its dark side is the other side of its happy one. For democratic egalitarianism also tends to eviscerate virtue, trivialize truth, subjugate chance, foment a fear of freedom, and routinize romantic love. In the process, democracy's despotic tendencies damage democracy itself. The virtues of mind and character whose exercise is essential to flourishing as a citizen and a human being offend democratic egalitarianism, because they confer privilege and imply a hierarchy of human goods. So democratic egalitarianism issues the imperative to democratize virtue, making it equally available to all. One way to do this is by turning virtues into values. While virtues must be

achieved, values need only be affirmed. While virtue sets a standard for the individual, each individual can, through his choice of values, set his own standard.

When virtue is democratized into value, striving for excellence comes to be seen as suspect because it implies that the striver after excellence is guilty of the impertinence of believing that one's values reflect standards binding on others. So democratic egalitarianism—and Shapiro's democratic justice—have the effect of eviscerating virtue by excising the aspiration to excellence that lies at virtue's heart. This is bad for democracy, because democracy is always in need of individuals who wish, and who have the wherewithal, to stand out, excel, and prevail.

Truth rankles the spirit of democratic justice because it looms as a touchstone against which personal opinions and collective decisions can be evaluated and found wanting. Chafing at all forms of authority, democratic egalitarianism—and Shapiro's theory—have the effect of neutralizing the authority of truth by reducing it to personal preference or the consensus of the community. But the underlying purpose of that reduction, whether to personal or collective will, is the same: to transform truth into a good that is always present, evenly distributed, and in abundant supply. The most vehement proponents of the egalitarian transformation of truth believe that their efforts will bring about an expansion of personal freedom for everybody. In order to insure each an equal share, however, they must trivialize truth, for a truth that is always present, evenly distributed, and in abundant supply cannot serve as a touchstone against which to measure one's opinions or one's collective decisions. It also cannot function as a spur to further inquiry and exploration and self-examination. Ironically, those who rebel against what they regard as the repressive character of truth sell themselves and their credulous followers into slavery to accident, ignorance, and illusion.

Chance is an affront to democratic justice because it appears to distribute talents and gifts, good fortune and bad,

arbitrarily and unequally. In response, democratic justice aims to tame chance by democratizing it, compensating for its failure to fall on each with equal bounty or equal severity. This aim has a progressive thrust that is greatly aided by science and modern technology, but it does not know when or where to stop. The democratization of chance underwrites the just claims of the welfare state, which seeks to ensure that citizens do not lack a certain minimum level of basic goods. It can also be seen in the more extreme socialist commitment to state control of the economy for the purpose of guaranteeing every citizen's economic interests. It inspired Marx to imagine the prospect of a central (and democratic) authority of such refined sensibility and exquisite judgment that it would be capable of taking from each individual according to his abilities and giving to each in accordance with his needs. The nightmare lurking within the ambition to overcome chance through the imposition of absolute equality is brilliantly exposed in Harrison Bergeron, Kurt Vonnegut's gem of a short story. In eight chilling pages Vonnegut dramatizes the destruction of our humanity that results from the project, made possible by the totalitarian union of radical egalitarian hopes and modern technology, to distribute handicaps in such a manner as to make us each absolutely equal in every way.

Freedom frightens the democratic spirit because of the diversity of achievement that it unleashes. On the one hand, democracy serves freedom, leveling every authority in sight in order that no individual must bend the knee or bow the head. On the other hand, democracy recoils from freedom, because it provides a fertile ground on which certain forms of inequality can flourish, as differences in individual talent and initiative, gumption and charm, rude animal spirit and refined intelligence, bring about differences in prosperity and honor and happiness. Locked in a love-hate relationship with freedom, the democratic spirit lurches this way and that, subverting authority in the name of freedom and subverting freedom in the name of equality.

Romantic love, liberated by democracy, remains the most undemocratic of passions, flouting the spirit of democratic justice by putting a single one before all others and seeking in the accidental and passing a taste of permanence and perfection. Bridling at love's arrogance, democratic justice seeks to break it down into its supposed component parts: commitment, sex, and partnership. But unlike devotion—the offspring of passion and duty—commitment, which is subjective and voluntary, reflects the cold spirit of legalism. Under the auspices of democratization, sex is stripped of its status as a mysterious part of the soul's quest for wholeness and increasingly comes to be thought of as the satisfaction of a particularly pronounced physical need. And the idea of partnership, borrowed from the realm of commerce, denotes a bond defined in terms of mutual advantage, a bond that is dissolvable at will by either party to the bargain. Thus does democratic justice, in the process of routinizing romantic love, insinuate a lesson of impermanence just where secular democrats might hope to preserve a sense of splendor and an intimation of commanding goods.

### Democracy and Justice

An insinuation is not an imperative. Tendencies are not necessities. Democracy does not require the evisceration of virtue, the trivialization of truth, the subjugation of chance, the fomenting of the fear of freedom, and the routinization of romantic love. But it unleashes a logic within the soul and nourishes sentiments and passions that incline democrats in these dismal directions. There is a large and abiding good in democratic egalitarianism and thus in Shapiro's justice: by dissolving arbitrary privilege and by dismantling oppressive hierarchy, both of which like to wear the soothing mask of necessity, democratic justice makes the world we know other and better than it is. But democratic justice also encourages resentment of the world as we know it. Wanting equality and absence of constraint in all spheres, it fights to eradicate

inequality and the claims of authority in every shape and form.

The total victory that the democratic drive for equality craves would leave the world a dreary, less-than-human place. For virtue or excellence is an advantage, an attraction, that is its own reward. Truth, though many-sided and elusive, emancipates us from ignorance and gives eyes and intelligence to our striving. Chance, which often seems to reward and punish without rhyme or reason, cannot be subjugated without in the process condemning humanity to bondage. While it threatens democratic stability by inspiring envy at high fliers and solitary walkers, freedom gives us dignity and lets us reach for the peaks and discover the extent of our powers. And romantic love, sought by many, found by the fortunate, bestows inestimable privilege and engenders inviolable hierarchy.

Democracy is the last, best hope of man. It is rooted in and reflects the claims of our common humanity. It is a raucous carnival pulsating with beautiful possibilities and cheap thrills; bright paths and dark alleys; clowns and cops and crowds of kings and queens for a night; and everywhere scheming and striving, hustling and bustling, shirking and time-serving, and the appalling, awe-inspiring mingling of high and low. Democracy is, when all is said and done, most emphatically in accordance with justice. In many ways democracy and justice are mutually reinforcing. But not in all ways. And they are not the same. Democracy is also an imperfect regime whose imperfections must be considered by those who wish to defend its good name.

The cause of democracy can be better advanced and the imperatives of justice can be more fully heeded by remaining mindful of democracy's multifarious nature. Contrary to the dogmatism and despotism to which democracy is prone, not every tendency of democracy is just, and what is just is not in every respect democratic.

## NOTES

1. "We are dealing with the essence of the structure of our democratic society; with the interrelationship, within that framework, between the United States Constitution and the statutory scheme established pursuant to that authority by the Florida Legislature. Pursuant to the authority extended by the United States Constitution, in section 103.011, Florida Statutes (2000), the Legislature has expressly vested in the citizens of the State of Florida the right to select the electors for President and Vice President of the United States:

Electors of President and Vice President, known as presidential electors, shall be elected on the first Tuesday after the first Monday in November of each year the number of which is a multiple of 4. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State shall certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes.

"In so doing, the Legislature has placed the election of presidential electors squarely in the hands of Florida's voters under the general election laws of Florida. Hence, the Legislature has expressly recognized the will of the people of Florida as the guiding principle for the selection of all elected officials in the State of Florida, whether they be county commissioners or presidential electors. When an election contest is filed under section 102.168, Florida Statutes (2000), the contest statute charges trial courts to:

fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked, to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.

"Id. (emphasis added). Through this statute, the Legislature has granted trial courts broad authority to resolve election disputes and fashion appropriate relief. In turn, this Court, consistent with legislative policy, has pointed to 'the will of the voters' as the primary guiding principle to be utilized by trial courts in resolving election contests:

The real parties in interest here, not in the legal sense but in realistic terms, are the voters. They are possessed

of the ultimate interest and it is they whom we must give primary consideration. The contestants have direct interests certainly, but the office they seek is one of high public service and of utmost importance to the people, thus subordinating their interests to that of the people. Ours is a government of, by and for the people. Our federal and state constitutions guarantee the right of the people to take an active part in the process of that government, which for most of our citizens means participation via the election process. The right to vote is the right to participate; it is also the right to speak, but more importantly the right to be heard. *Boardman v. Esteve*, 323 So. 2d 259, 263 (Fla. 1975) (emphasis added)."

2. For a more detailed discussion of the flaws in the scholarly condemnation of *Bush v. Gore*, and of the importance to democracy of scholars who put truth before politics, see Berkowitz and Wittes 2001.

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Gus diZerega

SCALE AND MAGNANIMITY IN  
CIVIC LIBERALISM

ABSTRACT: Thomas Spragens attempts to rebuild liberal theory by arguing that realist, libertarian, egalitarian, and identity liberals all have valid insights, but develop them one-sidedly. Re-examining the work of sixteenth- and seventeenth-century liberals leads, he contends, to a more balanced liberalism. Spragens's often-impressive effort to reconstruct liberalism is undermined by insufficient appreciation of the role of the scale of the polity and by confusions about civic friendship. Appreciation of Hayekian insights about spontaneous order, and of the limits of citizen knowledge in large polities, would help him solve the first problem. Distinguishing between friendship, friendliness, and social capital would help resolve the second.

Liberalism today is far more contested than the institutions to which it gave birth. Internally it continues to fragment, while externally communitarian, postmodern, and other contemporary schools of thought seek to undermine its legitimacy. Thomas Spragens's *Civic Liberalism: Reflections on Our Democratic Ideals* (Lanham, Md.: Rowan and Littlefield, 1999) seeks to establish a strong foundation for an invigorated liberalism able to prevail against its intellectual critics and offer wise counsel on complex issues of public policy.

In seeking to place liberal political thought on a

stronger foundation, Spragens divides contemporary liberal perspectives into libertarian, egalitarian, realist, and identity liberalisms. The first two arise when the key liberal themes of freedom and equality take on independent lives of their own and battle for ideological supremacy. Spragens contrasts them to a pragmatic "democratic realist" liberalism, intent on the simple preservation of liberal democracy against the many forces that buffet and challenge it, internally and externally. These perspectives are familiar contestants in liberal debate.

The postmodern politics of difference adds a fourth variant to the traditional types of liberalism. "Identity liberalism" adapts the common liberal commitment to some kind of equality to analyses shaped by the views of Michel Foucault and Jacques Derrida, among others. Difference liberals challenge more familiar liberalisms as covertly importing inegalitarian principles of hegemonic domination by some groups over others.

Civic Liberalism seeks to perform two tasks. First it argues that while these contending approaches each grasp portions of an adequate liberal perspective, all ultimately fail. It then makes the case for a more adequate framework for liberalism today, which Sprague terms "civic liberalism."

### What's Wrong with Realism

Liberal democratic realism emphasizes the difficulties and dangers in creating viable democratic polities. Realists remind us that liberal principles fly in the face of most human history, warning that the durability of liberal institutions should not be taken for granted. A misguided liberal utopianism can be as destructive as explicitly antiliberal views. In the realist tradition Spragens includes Hobbes, Hume, Montesquieu, Montaigne, and Madison. More recent democratic realists include Arthur Bentley, David Truman, and Robert Dahl (in his early work).

According to Spragens, democratic realists portray the

political prerequisites of liberalism accurately, but they set their sights too low. Invaluable as a foundation, realist perspectives provide a poor roof and walls for the liberal edifice. By emphasizing the complexities and dangers facing liberal regimes, too often democratic realists become apologists for the failure to pursue liberal values vigorously.

### What's Wrong with Libertarianism

By contrast, libertarian liberals emphasize individual freedom from coercion as the ultimate human value. The contemporary theorists Spragens puts under this heading include Milton Friedman, Ludwig von Mises, Murray Rothbard, Ayn Rand, Robert Nozick, Charles Murray, Jan Narveson, and F. A. Hayek.

Spragens argues that the many libertarian perspectives generally coalesce around two propositions: self-ownership, and the efficacy of the market for ordering virtually all human affairs. Both principles make individual freedom the highest and ultimate value in society. While superficially appealing, Spragens argues that this absolute privileging of freedom is ultimately not persuasive.

First, Spragens contends that it is hard to know just what libertarians mean by claiming that we "own" ourselves. Most property arises directly or indirectly from our creative efforts, and this provides a vital part of the ethical case for private property. But none of us is our own creation. Equating "self-ownership" with property ownership is thus fallacious. "By the same logic libertarians use to make their claims about the sanctity of private property, we are disqualified from claiming to own ourselves. Instead, we would by that logic . . . have to recognize that we are . . . God's property, nature's property, our parents' property, our society's property, or some mixture thereof" (37).

Libertarians also tend to subsume civil society into market relations. However, much of civil society relies on motives opposed to those rewarded by the market.

Spragens opposes the commodification of civil society, which he sees as implicit in most libertarian thinking. Even libertarians who stop short of equating the market with civil society seem unaware of how a dynamic market can ultimately subordinate other social institutions to the logic and processes of economics.

### What's Wrong with Egalitarianism

Spragens criticizes egalitarian liberalism more narrowly, focusing on a single exemplar. Himself once an advocate of John Rawls's form of egalitarian liberalism, Spragens's careful attention to Rawls's justification for egalitarianism makes for an effective and powerful critique.

In evaluating Rawls's conception of justice, Spragens targets Rawls's claim that we are responsible for our desires, but not for our actions. We can choose our life goals, but our ability to achieve them relies on qualities that are not really attributable to ourselves. Rawls contends that while we can freely choose, our capacity to act on our choices depends in part on traits such as perseverance that we possess or lack through no merit of our own.

Rawls's view is the opposite of our common-sense experience that we are sometimes at the mercy of our desires, but can still be held responsible for how we act in response to them (63). Spragens points out that Rawls himself is inconsistent in holding such a thesis. He abandons his argument when he considers retributive justice, holding people responsible for their actions so as to make them fit objects of retribution (62). But Rawls must maintain his odd thesis in order to remove any legitimate individual claim to unequal results from differing talents and attitudes.

Rawls concludes that the distribution of resources should be left in the hands of society as a whole. But where, Spragens asks (following Nozick), does the community get the right to control distribution? Rawls's position is "the functional equivalent but substantive oppo-

site of the standard libertarian doctrine of self-ownership" (68).

As a theory of justice, Rawls's efforts fail because he "respects the inviolability of persons but not their wholeness." Rawls's persons are (again following Nozick) inhumanly abstract. Ultimately, for Rawls, "no one deserves to have more than anyone else because no one really deserves anything" (69). Such a conception is not logically persuasive.

Perhaps because of the unreal characteristics of Rawlsian individuals—individuals without individuality—there is also no affective element in Rawls's vision of the good society. This is a particularly serious shortcoming, in Spragens's view. He holds with Hume (and Sandel) that, far from being a society's highest good, justice is a remedial good, making up for a lack of higher virtues that are preferable (60). For Rawls, however, there are no higher virtues.

### What's Wrong with Identity Politics

"Identity liberalism" is Spragens's final target. Growing from the work of Foucault, Derrida, Nietzsche, and Heidegger, identity liberals argue that everything human is a social construct. No "essential" human nature exists. Individuals are ultimately constituted by social groups, rather than the other way around. Foucault's genealogical method and Derrida's deconstruction enable their advocates to uncover what they claim are oppressive ideological discourses privileging some groups over others. The resulting inequality in basic identities, identity liberals argue, is a deeper and more pervasive inequality than that focused upon by egalitarians. The result is that liberal societies remain oppressive.

Spragens examines in particular the work of Iris Marion Young and William Connolly, who have moved beyond identitarian critique to outline affirmative identity-liberal approaches to democratic values and practices. Young receives the bulk of Spragens's attention, largely because

she makes very strong demands for transforming society. In Spragens's view, however, her postmodern theoretical framework does not support her proposals. For example, if, as she claims, merit cannot be objectively measured, how can she support the concept of comparable worth (87)?

Furthermore, Young's conception of how law should promote equality among groups is extremely coercive, leaving no room for private thought. She even targets unconscious and unintended actions as suitable targets of political action (86-87). While anything can potentially be the subject of political concern, a liberal society must, Spragens argues, recognize a private realm. A protected private sphere accords freedom and dignity to different ways of life and keeps unnecessarily divisive issues out of politics.

Spragens grants that we are the expression of our social relationships, but he maintains that we are not passively imprinted by them. He regards Young's claim that a person is the sum of socially recognized differences centering on race, gender, and sexual orientation as unconvincing and arbitrary (88). Referring to Roberto Alejandro's critique of Young, Spragens holds that "the practical effects of the politics of identity are actually to suppress rather than encourage human diversity" (89). Liberal toleration, even with its implied disapproval of what is merely tolerated, is a better safeguard for human diversity. To demand more, "that you 'affirm' my identity, when that identity inextricably incorporates behavior that the premises underlying your identity construe as immoral, is to demand that you effectively renounce your own identity" (90). There "can be no hope of eliminating oppression as defined by Young; it is only a question of who shall be oppressed" (92).

Since Young argues for special powers to be given to hitherto marginalized groups, she sets the stage for a society tearing itself apart as different groups seek the status of most oppressed. She privileges the politics of divisiveness over amity. In Spragens's view, this is a pity,

for there is no need to rely on Foucault, Derrida, and similar thinkers who lead to Young's conclusions in order to recognize the importance of cultural diversity in a liberal society. "When it comes to envisioning the way diversity enriches democracy, Whitman and Mill are better prophets" (95).

William Connolly's work is free from Young's utopianism, as well as its coerciveness. But he retains a radical denial of individual responsibility and of any ethical foundation beyond a universal "thrownness" into an ultimately tragic world. Connolly favors an "agonistic" politics in which different individuals are able sympathetically to appreciate the circumstances of even those they oppose, and respectfully contend with one another out of a universal reverence for life. In many ways Spragens finds this vision attractive. But because Connolly denies both individual responsibility and deeper commonalities between people, Spragens doubts whether his ethical vision is up to the work he expects it to perform. Connolly is both "too optimistic and too pessimistic at the same time" (101).

Spragens concludes that all four branches of liberal thought contribute important insights, but place far too much weight on their own insights at the expense of others equally important. Democratic realism teaches a respect for the genuine achievement of creating any democratic society, and cautions that it should not be taken for granted. Libertarians teach respect for individuals and a suspicion of coercion in the name of a greater good. Egalitarians teach that human equality is central to liberalism. Finally, identity liberalism teaches how easily a particular culture and its underlying assumptions can become hegemonic and therefore oppressive to others. But because each perspective isolates its insights from wider contexts, they are, ultimately, neither politically nor ethically appealing.

## The Case for Civic Liberalism

Spragens's ultimate goal is constructive and, as he says, the second, constructive half of his book can be read independently from his earlier criticisms of the four prevalent forms of liberalism.

Spragens's strategy for rebuilding liberal thought is to take us back to its early advocates. The weaknesses he criticizes in modern liberal traditions are not endemic to liberalism as such, but often reflect one-sided developments of insights present in a more diverse and viable ensemble in sixteenth- and seventeenth-century liberal thought. With the political triumph of liberalism, the contexts in which the animating principles of liberty, equality, and fraternity were emphasized gradually became invisible. In their absence, later liberals attached a kind of free-floating existence to these values. For some, "freedom" became the essence of liberal thought. Others gave the laurel to "equality." Fraternity tended to disappear altogether.

The resulting problems were many. As abstract values, neither freedom nor equality possesses the ethical weight or internal coherence to sustain the burdens that so much later liberal thought placed upon them. Even as liberal democracy enjoys unprecedented and undisputed political triumph, as a system of coherent political thought liberalism spins its wheels.

Spragens's route to recovering the original vitality and unity of liberalism leads us back to the world in which liberalism first rose to prominence. What, he asks, did terms like freedom and equality mean for early liberals?

In one of the strongest sections of his book, Spragens dissects Isaiah Berlin's famous distinction between positive and negative freedom, demonstrating that Berlin's analysis leads to some very strange classifications indeed. For example, Locke becomes an ally of politically dangerous positive freedom and Hobbes a defender of the supposedly politically safer negative freedom. Spragens reminds us that Berlin also wrote that some forms of "autocracy"

were compatible with negative freedom. Hobbes would agree. But what other political liberal would?

Spragens argues that the early liberals cannot really be understood in these terms. Freedom was important to them, but what they meant by the word was neither negative nor positive liberty. Instead, they emphasized "autonomy."

Autonomy meant self-governance. The means and the opportunity for genuine self-governance require "positive" freedom. But self-governance can be meaningful only if there is a substantial realm of significant choice, or negative freedom. Autonomy was the objective of early liberals, who therefore tried to overturn laws and governments based on prescribed status and aristocratic privilege. Berlin's distinction between positive and negative freedom "slices apart the idea of autonomy" (117).

According to Spragens, autonomy is not an intrinsic good, because autonomous people can be evil. Nor is autonomy an instrumental good, because it is not external to our well-being. Instead, it is a "constitutive" good, central to a good life but not definitive of it. Autonomy is also a "threshold good." While a minimum of autonomy is necessary, it is impossible to be wholly autonomous because we are social beings.

In the process of making this argument Spragens offers an insightful critique of Michael Sandel's attack on Rawlsian liberal proceduralism as entailing an "unencumbered self." Sandel unjustifiably links the metaphysically free abstract self with Rawls's politically autonomous concrete individual, who is simply free to exercise his or her own political judgment. It is to make that freedom—the freedom of self-governance—possible that liberal political procedures, and not the individuals to whom they apply, are abstract. Indeed, it is the very concreteness of politically free individuals that makes it so desirable for abstract procedures to structure their political relationships.

Nor is autonomy a purely individualistic concept, for

social enterprises such as schools, corporations, and families can be self-governing. In fact, it is primarily within such frameworks that individuals' autonomy can be realized. Spragens argues that "an embodied liberty . . . is to a greater extent than generally realized a function of flourishing, well institutionalized and broadly autonomous civic enterprises" (140). A liberal government's primary task is "supporting, coordinating, and regulating" these enterprises (137).

Like individuals, however, collective enterprises can seek domination over others. Bureaucracies and corporations, churches and families can all pursue aggrandizement at the expense of other groups and of society as a whole, as Madison well knew. Thus, while egalitarians worry about the market and libertarians worry about the state, "civic liberals worry about both" (142).

Like autonomy, equality became a liberal value within a particular context. It originally represented "a moral protest against historically distinct political distinctions and privileges" (147). The liberal emphasis on equality is rooted in a sense of specific injustice rather than an overarching theory of justice.

Equality is important because "human lives are valuable and what makes them valuable in the last reckoning is something they have in common" (150). What they have in common, Spragens argues, is that all competent people have a conscience and are potentially rationally self-governing. This emphasis upon responsibility as central to self-governance gives civic liberalism a very different flavor from either Rawlsian liberalism or Benthamite utilitarianism, let alone identity politics. Indeed, for Spragens

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"equal concern without equal respect . . . is positively dangerous" (157), and respect depends on responsibility.

Equality serves purely instrumental purposes. It is not an independent value. Some degree of equality is necessary if autonomy is to apply to all, but equality is not central to our being, as is autonomy. Even so, for Spragens, equality is "on a par" with autonomy, although only as a moral postulate and an instrumental goal—not, as Rawls would have it, a maximizing good or all-embracing principle of distributive justice (163).

Spragens's perspective on equality recognizes that there are valid ethical grounds for recognizing some people's rights to having more than others. No simple rule can determine the tradeoffs between these values, and so their specification must always be the outcome of the democratic process. Even so, Spragens privileges equality as the default value (158).

### Bringing Friendship Back In

Civic liberalism is also dependent on the values of civic friendship and civic virtue, which, while not themselves distinctively liberal, are necessary for a society of self-governing autonomous people. Rooting his analysis in Aristotle, Spragens argues that civic friendship is a vital liberal value. However, in a liberal order civic friendship is not what it meant for the ancient Greeks. Liberal friendship will not be as strong as that existing among intimates. Even so, Spragens argues that such friendship is possible in "a somewhat attenuated fashion" in a larger group than the Greek polis. It is a kind of neighborly virtue (186).

The friendship of civic liberalism is rooted in an active but limited conception of community. The problem, Spragens holds, is that most modern liberals deny the value of community. They argue that society is fundamentally a collection of self-interested members who need no sense of constituting a larger whole. But, he argues, such a so-

ciety cannot be relied upon to preserve either social tolerance or a commitment to civic liberty.

A liberal society cannot take friendship for granted, and needs to encourage its growth and development among citizens. Here Spragens finds an interesting connection with the value of equality. Just as friendship is difficult, if not impossible, between people who are very unequal, so also does a certain degree of equality encourage wider friendship, which will in turn act to keep inequality within bounds.

Spragens grants that friendships can develop into "collective egoisms of partial association"—Madisonian factions, ready to sacrifice the larger community for their advantage (187). At the same time, he argues, civic friendship nurtures capacities for trust, goodwill, cooperation, and concern. A liberal polity needs civic friendship, even if it can be abused.

A sharper contract between liberal friendship and the Aristotelian ideal is needed, and Spragens recognizes this need. So he compares his analysis to Robert Dahl's distinction between the "polyarchy" actually possible in human society and the utopian "democracy" that in its full sense is not (188).

Aristotelian friendship is analogous to Dahl's democracy—an unattainable ideal. Civic friendship is similarly related to polyarchy: it is the practical expression of that ideal in the human world. Spragens also equates civic friendship with Francis Fukuyama's and Robert Putnam's concept of "social capital," the emotional affiliation needed to create and sustain social institutions, especially among those who do not know one another well.

Because of its role in sustaining civil society and democratic politics, Spragens contends, civic friendship is necessary to preserve genuine autonomy. We can only be autonomous within networks of social relationships, and the possibilities open to us for self-governance grow as we find it easier to cooperate with one another. "The real opposite of state power," Spragens argues, "turns out to be not individual liberty negatively defined, but self-gov-

ernance" (194). With a nod to liberal realists, Spragens points out that friendship not only strengthens liberal values of toleration and compromise, it makes "it easier for the perpetually somewhat disappointed citizenry who never get exactly what they want to swallow the bitter pill of partial concession" (199).

Although Spragens does not use the phrase, it is a venerable pluralist observation that "cross-cutting cleavages" make civic friendship possible even within the most diverse societies. As such, civic friendship need not rely on common agreement about a single "moral creed" so long as citizens' interlinking spheres of connection are sufficiently numerous.

Such observations lead Spragens to reconsider civic virtue, so often slighted by modern liberals as well as some earlier ones. While key liberal institutions are not value-neutral (as some have argued), in that they depend on the value of "reasonableness," where this reasonableness might lead is an open question. Liberals should not presume to know what is reasonable, which would mean succumbing to the "Platonic temptation" (227).

Civic virtue, Spragens reminds us, consists of those virtues that promote and maintain a particular society. All societies benefit from their inhabitants having virtues congruent with their fundamental institutions. Even an individualistic, libertarian society depends on mutual respect and forbearance. But civic liberalism asks more of us than this. Its goals are more complex than seeking to enter consumer heaven. Civic liberalism values "responsible self-reliance, respect for the human dignity of all fellow citizens, law-abiding self-restraint, democratic humility, reasonableness and good judgment, neighborly eunoia, and the public spirited willingness to participate in civic service" (229). In making this argument, Spragens challenges the dominant decisionistic ethos of twentieth-century liberals, who endorse such values as freedom and even equality because they are allegedly neutral as to citizens' purposes. Spragens insists instead that liberty and equality are themselves "contestable moral goods

requiring endorsement and defense on that basis" (219). Civic friendship and civic virtue provide vital support for that defense.

The final section of Spragens's book explores some policy implications of civic liberalism for issues currently facing American government. Social services, abortion, education, and affirmative action all take on new dimensions when viewed from a liberal perspective that is neither traditionally Left nor traditionally Right. Spragens brings to this section both a sensitivity to the strengths of different liberal perspectives and a solid good sense that makes his views worth considering, although I shall deal only tangentially with specific policies in the following discussion.

There is much to admire in Spragens's argument. His defense of autonomy as the central liberal value is compelling. Setting the freedom-versus-equality debate within this larger context is very helpful. His emphasis on the centrality of civil society as comprising more than market institutions and as the principle expression of autonomy is also powerful. His argument that liberalism is not and cannot be ethically neutral in any very strong sense is compelling. His critiques of alternative liberal perspectives raise important objections to them without denying the positive insights they offer. Many of these arguments have been made by others, and Spragens is generous in his citations. However, his is a new synthesis.

But there are also weaknesses that, in my opinion, prevent Spragens's effort from being a fully adequate defense of liberalism. These problems can be reduced to two. First, and most fundamentally, he does not pay adequate attention to issues of scale and their implications for democratic values. Second, Spragens's concept of civic friendship carries too many internal tensions, leading to confusing prescriptions and doomed expectations.

### The Problem of Scale

Spragens is certainly aware of the importance of scale in

politics. Yet he often writes as if the difference between a liberal Aristotelian polis and a liberal democracy is purely quantitative. The way he sees it, as citizens increase in number, the impact of any particular citizen ideally will remain equal to that of all others, but as a smaller fraction of the whole.

This is not quite right. In an Aristotelian polis or New England town democracy, attentive citizens confronted relatively few and usually well known issues. Such matters could be discussed and evaluated continually in the daily encounters characteristic of small communities. Citizens could be expected to have more than trivial knowledge of political affairs simply by paying attention to their immediate surroundings.

The Federalist suggests that the American Founders imagined Congress as a kind of town meeting writ large, presumably with similar dynamics. Discussions would take place first among representatives and their constituents, and later among the representatives themselves as issues were, in Madison's words, "refined and enlarged." Whatever may have been the case earlier, however, such a vision is misleading today.

In 1978 Hugh Heclo estimated that on average, members of Congress each enjoyed about eleven minutes a day to study public issues. They had another twelve minutes daily to write speeches and prepare legislation. Since then the task has gotten no easier. Political issues at the level of the modern state are unimaginably complex, overwhelming in number, and far beyond the capacity of even the most dedicated legislator—let alone citizen—to understand.

The modern liberal polity is called upon to devise and implement public policies that neither citizen nor representative can be expected to be aware of in much detail or understand in any depth. Furthermore, the number of proposed public measures far exceeds the capacity of any legislative body to consider. In short, the modern liberal polity is a framework for policy discovery and implementation serving a community so complex that no mem-

ber can grasp it or its problems adequately. "Deliberation" in such a context cannot resemble a town meeting, nor can "self-governance" mean the same thing as it does in a more intimate context.

By failing to take account of any of this, Spragens remains only an incompletely disillusioned egalitarian democrat (158). He argues "not only that everybody should count for one in any decision-making calculus, but also that everybody should *prima facie* have equal say in the making of these decisions. That is what self-governance in a community of equals means" (163). Spragens's views here seem almost indistinguishable from another major democratic theorist, Robert Dahl (Dahl 1956, 71; 1982, 6).<sup>1</sup> Like Dahl, Spragens grants that his ideal is unachievable, but he overestimates how close we can come to attaining even a less-ambitious form of democracy as long as we insulate the political process "from the distortions that unequal power, social standing, and wealth will create absent some defenses against their colonization of the political domain" (164).

Spragens's analysis misses crucial problems. Do we really want everyone, even in an ideal polity, to have, say, 1/250,000,000 influence on political decision making over a great multitude of issues? And would anyone in her right mind want to exert herself to become well informed about such issues—even were that possible—given her insignificant influence on the whole?

Spragens himself demonstrates the insurmountable problems with this ideal, although in a different context. In criticizing proposals for enforcing absolute income equality, Spragens observes that

these disinterestedly toiling citizens would have to be not only altruistic but irrational. That is, they could not only not govern their actions by self-interest: they could not even be allowed to be disinterested utilitarian welfare maximizers. . . . Assume that I can control only my own work habits. . . . In that case, even adhering disinterestedly (i.e., unselfishly) to the utilitarian maxim would tell me to be a shirker rather than a

worker. . . . Shirking my chores would produce a clearly discernable gain in pleasure/loss of pain for me, while the effect on everyone else would be spread out over 250,000,000 others—literally unnoticeable. . . . In short, to work utterly without regard to incentives, people must go beyond public spiritedness to being irrationally (i.e., for no noticeable benefit to anyone) self-sacrificing. (166.)

I think Spragens is correct, but his point also holds regarding his argument for substantive political equality as a democratic ideal in modern polities. Under modern circumstances, it makes little sense to argue that equality is "on a par" with autonomy (163). Policies arise and are evaluated through processes relying on unequal influence. Political elites and Hecló's "policy networks" play a vital role in the political process. Such networks link a wide variety of people concerned with particular policy issues, but without assigning those people any equality or stability of influence (Kingdon 1995).

A weakness in Dahl's similarly egalitarian view of democracy is relevant here. Democratic political liberties—freedom of speech, of organization, and of the press—are politically valuable because citizens possess unequal knowledge and influence. These liberties allow some to tell others what they do not already know, thereby exercising unequal influence (diZerega 1988 and 1991). Self-governance depends on a degree of inequality.

In a complex polity, the political discovery and evaluation process is, and must be, divorced from the ideal of substantive equality among citizens, while remaining dependent on preserving procedural equality. A small community can, to some significant degree, adopt the ideal of substantive equality and maintain its capacity for self-governance. A large community cannot. This is not to reject substantive equality as unimportant. Spragens's criticism of great inequality and of the disturbing role of money in politics are well taken. But equality must always be subordinated to requirements for effective autonomy.

I believe that Spragens's mistake stems from applying democratic ideals suitable for small face-to-face polities to large, complex political orders. Equality is, in principle, inapplicable to large polities, even as an ideal. Something more is needed.

## Misunderstanding Hayek

That "something more" might have been grasped if Spragens had taken the time carefully to explore the work of F. A. Hayek, whom he includes among the libertarian liberals.<sup>2</sup> In my view, Spragens's critique of Hayek is the weakest in his book. And nowhere is it weaker than in its dismissive reference to Hayek's concept of "spontaneous order" as a "myth" akin to "phlogiston in physics" (43). According to Spragens, Hayek meant by the term more than the absence of state action; he also meant "automaticity" and

an outright absence of external causes or at least the absence of any need to inquire into them. But no social events, much less complicated institutions and patterns of behavior, are automatic and self-generated. The institutions of civil society . . . are the product of a complex panoply of cultural, psychological, sociological, and technological forces at work within a given society. (43-44.)

Spragens suggests that the kernel of truth in the notion of spontaneous order can be found in our "natural" inclinations for security, companionship, and the like which lead to our "spontaneously" forming society.

Unfortunately Spragens get all this about 100 percent wrong.

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Hayek devised the term spontaneous order to describe processes that lead to orderly outcomes that are unforeseen and unintended by participants in those processes. Hayek applied the concept to cultural evolution, market economies, the order of science as a whole, and the common law. Arguably, liberal democracy itself is a "spontaneous order" (diZerega 2000, 165-208).

Because civil society is not an artifact, to the extent that it possesses order it is also spontaneous in Hayek's sense (Hayek 1960, 159-60; *idem* 1973, 121-22). As Spragens recognizes, civil society arises from a "complex panoply of cultural, psychological, sociological, and technological forces" which is controlled by no one and whose specific interrelations cannot be foreseen. This is precisely why Hayek terms civil society a spontaneous order. The alternatives to Hayek's view are that civil society is either the outcome of deliberate control and planning, which I think Spragens would deny, or that it is a jumble of ultimately incoherent relationships, which he also would deny.

Spragens refers approvingly to the work of Michael Polanyi in his discussion of civic virtue. It is a pity he did not consider Polanyi's essay "The Republic of Science: Its Political and Economic Theory" (Polanyi 1969, 49-72). In that essay Polanyi applies the same kind of analysis as Hayek employs—even using the phrase "spontaneous order"—to the question of how coherence arises in the context of self-chosen research by largely independent scientists.

Spragens's perceptive observation that the early liberal attack on injustice lacked any comprehensive theory of justice could also have benefited from a better understanding of Hayek. As Hayek observed in describing how justice evolves without a universal theory, "a test of injustice may be sufficient to tell us in what direction we must develop an established system of law, though it would be insufficient to enable us to construct a wholly new system of law" (Hayek 1976, 42). (Hayek maintained that the "direction" in question manifested itself

over time in common law—another example of spontaneous order.)

I agree that the term spontaneous order can be misleading, and I prefer "self-organizing system" to express the same concept, as ultimately Hayek did himself (1979, xii). But Hayek chose the original term to make a sharp contrast with deliberately constructed orders, such as businesses, bureaucracies, armies, and the ideal of central economic planning. Hayek's concept enables us to distinguish between orders that are the product of deliberate intent, and those arising largely independent of intent.

Two additional observations follow. First, the rules that generate a spontaneous order can be deliberately selected. They are not mysterious or beyond our capacity to grasp. For example, rules of property right and contract generate a market. The rules can be deliberately selected and improved upon, but the patterns of relationships generated by people following these rules cannot be predicted. That pattern is a spontaneous order.

Second, because coherence arises from patterns of relationships rather than deliberate intentions, there is no limit to the complexity of the relationships that can be coordinated within a spontaneous order. The procedural rules can in fact be quite simple, but the relationships they help support are unimaginably complex.

Equality and autonomy both take on different meanings when not only scale, but the spontaneous ordering of democracy, enters our purview. Ways of thinking about equality and democracy based on small-scale organizations no longer suffice. Conceptions of personal responsibility and virtue that come to bear when we individually discuss, evaluate, and vote on a political proposal should not apply when citizens cannot help but be unaware of most proposals, let alone the reasons for and against them. It is even a stretch to try to apply such conceptions of responsibility to elected representatives. To a more than trivial extent, however, liberal democracy can exist independent of deliberate human control.

Hayek's own attack on egalitarianism is a telling cri-

tique of applying standards recognizing deliberate human responsibility for outcomes to processes where this is not the case. While Hayek's argument is aimed at defending the market from claims that its distribution of resources is "unjust," it applies to liberal democracy as well. The language of justice as equal or as a matter of fair outcomes cannot be applied to decision making in complex orders (Hayek 1976).

### Magnanimity, Fairness, and Justice

Borrowing from Amy Guttmann and Dennis Thompson, Spragens uses an ideal term for describing how liberal democracies can serve humane values, increase equality, and promote human well-being. The term is civic magnanimity (230). Civic magnanimity is not the same as justice, which deals with desert; it is a demonstration of generosity by citizens seeking the best for all. It is a matter of greatness of soul, rather than of deliberate attention to what is required. Civic magnanimity is a capacity absent from Rawls's strange ciphers, but it is potentially present in all genuine human beings.

A deeper exploration of how civil magnanimity differs from justice would have enabled Spragens to consider far more than he does the very real tensions and dilemmas within liberal society, especially those between personal and small-group autonomy in a complex society of strangers. Over and over again the two forms of autonomy collide, but Spragens pays too little attention to them. Yet it is here, and not in the old conflict between freedom and equality (which Spragens does such a good job of laying to rest), that the deepest problems of contemporary liberalism may be located.

Spragens does not totally ignore this issue. He accurately observes that the boundaries between citizen autonomy and the polity can best be determined through politics, because no rule can be found for adjudicating these tensions. But under contemporary conditions, this means that local communities will tend always to come out second

best—especially given Spragens’s egalitarianism. If all citizens ideally have equal influence, under what warrant can a smaller community preserve autonomy when a larger majority, or a majority’s representatives, decide otherwise?

Spragens does argue that friendship and respect among citizens will help preserve important areas of local autonomy and choice. A liberal realist impressed with the human power to rationalize almost anything will find in this hope inadequate protection. Institutions and procedures are needed.

Ideals imply institutions for their expression. For example, Habermas’s principles of communicative competence imply democratic procedures and institutions, not technocratic dictatorship. Ideals of procedural fairness imply institutions that cannot be held responsible for the details of substantive outcomes. Therefore, liberal ideals focusing on substantive outcomes, such as Rawls’s model, cannot be squared with procedural freedom and the institutions it allows. I suspect that Spragens would agree with this view when applied to Rawls. It also has implications for his own discussion of equality.

Spragens observes that “no rules of distribution are entirely fair” (154). But this is true only for deciding outcomes—that is, only if we try to work within a Rawlsian-type framework and seek just end-states. Otherwise, we can coherently think of fair procedures by which autonomous parties are able to interact with one another only because the procedures are silent as to specific outcomes. Rules of contract are one example. Constitutional procedures are another. Of course, rules such as the date of an election will favor one candidate over another when an election is close. But if the election date is determined long before the campaigns, and with no awareness of who would be campaigning or what the issues would be, it can be described as fair, even though it is not neutral. Its bias is as unpredictable as it is inevitable.

Distributive outcomes that arise from following pro-

cedures that are fair in this sense are in themselves neither fair nor unfair. They simply are. Therefore the language that Rawls, and even Spragens, use to determine whether distributions of talent or income or opportunity are just or unjust, fair or unfair, apply a standard that is inappropriate.

Libertarians usually stop here. Like Rawls, they are concerned with justice, and in their view, no injustice is involved in unequal outcomes when those outcomes are the unforeseeable results of people acting under fair rules. However, there are liberal grounds of magnanimity that impel us to go beyond libertarian minimalism. Just because the problems in the distribution of resources that Spragens describes are part of the human condition does not mean that they should simply be accepted. Addressing them is a part of civic magnanimity.

A liberal society should be praised for the magnanimity it does show, and it should be encouraged to show more of it, rather than being criticized for "unfairly" falling short of some substantive goal that it is systemically incapable of attaining. Spragens writes, correctly I believe, that "a society complacent about deep and persistent inequalities in its midst is also a society that fails to acknowledge and to compensate for the profound contingency of human life and fortune" (161). Such a society is not unjust. It can be stonily just. But it is a society without magnanimity, comprised of citizens without heart.

### Civic Friendship

Until recently, liberals have largely avoided discussing the affective dimension of social life, perhaps because liberal thought came to prominence, in part, as a reaction against strife flowing from the animosity that can arise between groups whose members are internally linked by affect. And when liberals have addressed affective ties, often they have criticized them as potentially oppressive. Spragens deserves credit for arguing that affective social

ties are essential to liberal societies. However, his effort, suggestive and laudable as it is, leads him into unnecessary difficulties.

Spragens defines friendship as "a condition of mutual enjoyment, affection, and good will among people who have some degree of mutual understanding" (179). Civic friendships "are partial and constrained subsets of friendship and virtue" (178). However, he acknowledges that friendship not only widens our sphere of care and concern, but that it is exclusive (187). Friends distinguish themselves from those who are not their friends, and nobody can in any meaningful way be friends with everybody. This is a tension Spragens never adequately resolves.

Liberalism as an ideal applies to all human beings equally. This is its greatest strength. But friendship is selective, excluding as well as including. The political virtues and attitudes we treasure in a complex liberal society are not exclusive (229). By valuing autonomy for all people, liberalism requires that we all need to have less substantively in common than can be the case in smaller, more homogeneous communities. This observation is one of Spragens's most telling points against Iris Young. What liberal citizens do need to share are procedural rules and the virtues required to strengthen adherence to those rules.

Spragens largely equates civic friendship with Fukuyama's and Putnam's descriptions of social capital (192-93). Ultimately this does not work. In *Bowling Alone* (which, however, appeared after *Civic Liberalism*), Putnam (2000, 22-23) distinguishes between two forms of social capital: that which "bridges," and that which "bonds." The most uniquely liberal social capital consists of customs and attitudes that make it possible for relative strangers to cooperate without fear, bridging rather than bonding. The differences between these two forms of social capital are important for evaluating Spragens's argument.

"Bridging" is too little appreciated, especially by com-

munitarians. Friendship is widespread in every society, except perhaps for the most pathological ones, such as Pol Pot's Cambodia. But bonding can include violent cults, criminal gangs, and racist organizations. The kinds of customs and attitudes that create "bridging" practices have the vital effect of integrating bonding relations back into society. Bridging capital enables these bonds to exist harmoniously within wider societal relationships, increasing the likelihood that bonding will benefit those who are not bonded.

There is a tension between Spragens's excellent defense of liberal toleration and his expansion of friendship so as to encompass all of society. Spragens points out that toleration is the most that can be reasonably asked of people with very different values in a liberal society. I may deeply disapprove of your actions, but nevertheless recognize that you should be free to continue living as you choose. Such toleration, however, does not much resemble "a condition of mutual enjoyment, affection, and good will among people who have some degree of mutual understanding" (179).

Spragens is right to point out that in a pluralistic society, the fact that people can have friends in different groups encourages toleration. Such friendships make it harder for groups to become too polarized. But this can be the outcome even though many members of all the groups concerned cannot know one another, let alone be mutually affectionate. To use Spragens's terminology, a minimal threshold of interpersonal connection is probably needed, although it can be far from an optimal one. This minimal threshold is the context in which people from different groups meet one another and become friends. It is not itself friendship. We need to distinguish between the personal knowledge of and affection for one another inherent in friendship, and in "bonding"; and the more general kinds of trust that can prevail among relative strangers. As a first step, I suggest that we distinguish between friendliness and friendship. I can be friendly without

being a friend. Conversely, I can be a friend without being friendly.

Friendliness reaches out. In principle I can be friendly to everyone, although I cannot be everyone's friend. Friendliness need not result in bonding, yet it remains a most desirable quality. "Bridging" social capital makes it easier for relative strangers to become friends over time. Friendly relationships can turn into friendships, as friendship can turn into love, but just as friendship is not love, so friendliness is not friendship. There is a continuum here, but despite fuzzy boundaries between key terms, the distinctions are quite real, as they are for colors along a spectrum.

In attempting to equate social capital with a kind of friendship, Spragens finds himself changing his definition of the latter. He describes civic friendship as being fully attained when good will and like-mindedness are "coterminous with the boundaries of society as a whole" (187). Gone is any reference to "mutual enjoyment," with its implication that we actually know and enjoy something about one another as individuals. Yet civic friendship has other dimensions that, to some extent, bring it into potential conflict with social capital.

We can distinguish between the two by imagining a national crisis that united citizens in the face of a perceived threat. It is at such times that good will and like-mindedness are most likely to be coterminous with society as a whole. Up to a point, a sense of sharing is highly desirable because it provides a kind of unifying glue, helping us to recognize that a public good exists to which we are all committed. This sense of civic connectedness is a vital underpinning of civic magnanimity. But a still stronger sense of civic connectedness can override the bridging social capital that eases mutual cooperation in independently chosen projects, and can subordinate them all to a national project. A kind of bonding in relation to a common threat (or other project) can replace bridging.

While liberals often recognize the importance of social

capital, they generally deny that a genuine sense of civic connectedness exists. When they do recognize it, they emphasize its dangers. Even Aristotle believed that whenever a polity was united in a single purpose, that purpose was always conquest (Politics VII. ii. 9).

Yet the weaker version of civic connectedness is quite beneficial. I will never forget arguing, with two of my urbanite relatives, against a proposed dam. I emphasized that their taxes would benefit California agricultural interests, not theirs. They granted the truth of my point, but in their view it was a good thing to help farmers, and they did not mind paying taxes to do so.

What my cousins evidenced was a concern for the well-being of the society in which they lived. They did not define that well-being in opposition to that of other communities of interest (nor in opposition to other polities). Theirs was a generalized benevolence—a civic magnanimity—that is vital to a good society. But such magnanimity depends on an institutional framework that does not tend to identify either its overall interests against those of other polities, or against the interests of some of those who have bonded within it against those with whom civic ties are weaker.

Civic connectedness is present in a great many societies, and in its strongest sense can become an aggressive nationalism. Liberalism may weaken this tendency through complex mechanisms, the best evidence being the lack of warfare between liberal democracies (diZerega 1995, 279-308). Surely one such mechanism is that the liberal traditions and values we term "bridging social capital" dilute and soften civic connectedness by encouraging more varied, immediate, and concrete kinds of interpersonal connections. Civic connectedness, then, is not equivalent to social capital. One facilitates a wide variety of individually chosen forms of cooperation; the other encourages a common identity.

## Politics and Friendship

If we return now to friendship, we can see that these other forms of cooperation that Spragens tends to blend together are in fact quite distinct.

Spragens approvingly quotes Thomas Jefferson's First Inaugural on the subject of "civic friendship." There Jefferson urged the restoration of "that harmony and affection without which liberty and even life are dreary things" (189). Jefferson was hearkening back to the republican ideal of unity, which he distinguished from friendship. He was concerned with civic connectedness. This republican element in the Founders' thought was also demonstrated by their distaste for political parties, even as circumstances forced them to create them. Their unease about forming parties underscores the tension between civic connectedness and liberal principles.

In the final analysis, Jefferson thought friendship and politics antithetical. The story of his and John Adams's sundered relationship is a powerful example from Jefferson's own life. Their friendship was renewed only when both were largely free from political involvement. Throughout their subsequent correspondence, they avoided discussing political affairs, particularly the issues that had separated them.

When people seek to create organizations within civil society, for the most part these organizations pursue some goal that does not face or provoke organized opposition. Not only are they usually internally consensual, as with the Boy Scouts, a church, or a corporation; they also are not usually created in the teeth of vocal and energetic opponents. (There can be exceptions. Labor unions come to mind.) While, as with business associations, there may be competition, it is generally the impersonal and anonymous competition of the marketplace. Opposition does not, as a rule, manifest itself in the form of interpersonal confrontation.

Political organizations are different. They pursue goals that usually face internal opponents. Therefore the quick

and easy transmission of friendship of any sort to the political sphere is far more problematic than Spragens appears to acknowledge.

Politics is primarily a place for allies, not friends. Friendship can grow out of friendly alliances, but so long as the alliance is primary, the friendship is basically instrumental. Disagreement among friends can be handled by choosing "not to go there," as Jefferson and Adams did in their later years. But politics requires going there. Political friendships are usually exclusive, reserved for allies. It is unwise to expect most citizens active in politics to be more magnanimous, as citizens, than that.

Writing to George Washington, Jefferson noted that "the way to make friends quarrel is to pit them in political disputation under the public eye. An experience of near twenty years has taught me that few friendships stand this test; and that public assemblies where everyone is free to speak and to act, are the most powerful looseners of the bonds of private friendship" (Jefferson 1975, 368-9). Jefferson's distancing of friendship from politics preserved and honored friendship. As he asked when writing of his former friendship with John Adams, "with a man possessing so many other estimable qualities, why should we be dissocialized by mere differences of opinion in politics, religion, in philosophy, or anything else? His opinions are as honestly formed as my own" (Jefferson 1905, 174-75).

Spragens is on solid ground in arguing that public policy should seek to make it easier for cooperation and friendship to arise between people in various sectors of society. But this social capital is not civic connectedness; it is the realm of the Nature Conservancy, the Red Cross, and the PTA. Because it focuses on myriad independently chosen projects, social capital is not the same thing as civic connectedness, even when it serves public values.

Liberalism need not try to don the mantle of Aristotelian friendship to address communitarian or postmodernist complaints. Liberalism enlarges the number of people with whom a person might become friends. Liberalism

encourages the maximum enrichment of each individual by expanding the potential relationships into which she might enter. And liberalism provides the most favorable institutional environment within which friendships will be most likely to serve the needs of others, as well as of friends. It is not accidental, as Spragens himself reminds us, that liberal northern Italy possesses greater social capital than the "traditional" south (211n; Putnam 1993, 114).

Liberalism provides a framework of autonomy, equality, and respect that is extraordinarily conducive to friendship. But friendship itself remains inextricably scale dependent, and cannot exist at the broader societal level. While bonding friendship is enabled by liberal social capital, which can exist among perfect strangers, the two are distinct. Liberals can and should seek to increase social capital, but should avoid confusing it with friendship or civic connectedness.

Spragens's "civic friendship" includes too much. It must be disaggregated. First comes genuine friendship, which is a purely private value and depends upon personal and unique knowledge of another. Second comes social capital, which facilitates independent cooperation for mutually acceptable goals, be they private (a business) or public (the PTA, the Nature Conservancy). Finally, social capital fosters civic magnanimity, a benevolence towards the political community as a whole. All are valuable, and the liberal order facilitates them all.<sup>3</sup>

#### NOTES

1. Spragens misinterprets Dahl as a democratic realist, when he is in fact a strong liberal egalitarian. There is no change in basic normative views from the early to the late Dahl; there is only a change in his assessment of the likelihood that "polyarchy" will approach his egalitarian ideal. Dahl can be termed a "realist" only by failing to appreciate the distinction between his normative and empirical work (Dahl 1966, 298, 302n; diZerega 1988).
2. Actually, Hayek is not a libertarian. He did not regard him-

self as one (1960, 397-411), nor, as a rule, do those who call themselves libertarians regard him as one. He did not regard freedom as the ultimate value, and he explicitly allowed for substantial interventionist policies in a free polity, including some degree of income redistribution. His requirement was only that such policies avoid disturbing the market process as much as possible, to minimize any distortions they might cause the economy (Hayek 1960; 1976: 87; and 129).

3. I find myself wondering whether our different interpretations of liberal thought arise because Spragens's intellectual evolution carries traces of his egalitarian past, whereas my own carries traces of my libertarian past. While my critique of his work depends partly on my argument that autonomy is the most central liberal value, Spragens has made a powerful case that many who focus on autonomy need to take equality more seriously than we have. Fair enough. I hope he will in turn see that equality must be subordinated to the requirements of autonomy that he so well lays out.

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Robert B. Talisse

## RAWLS ON PLURALISM AND STABILITY

ABSTRACT: Rawls's political liberalism abandons the traditional political-theory objective of providing a philosophical account of liberal democracy. However, Rawls also aims for a liberal political order endorsed by citizens on grounds deeper than what he calls a "modus vivendi" compromise; he contends that a liberal political order based upon a modus vivendi is unstable. The aspiration for a pluralist and "freestanding" liberalism is at odds with the goal of a liberalism endorsed as something deeper than a modus vivendi compromise among competing comprehensive doctrines. A liberalism that is supported "for its own sake" rather than as a compromise must necessarily be based on some conception of the good, of the sort that political liberalism eschews.

It is by now a commonplace that political philosophy was single-handedly revived by John Rawls in 1971.<sup>1</sup> Rawls's *A Theory of Justice* provided a refreshing alternative to the reductionist social science that had come to dominate social theory; it is no surprise, then, that the Rawlsian paradigm has come to occupy a central place in subsequent political theorizing. Robert Nozick's remark of nearly three decades ago that "political philosophers now must either work within Rawls's theory or explain why not" (Nozick 1974, 183) stands even today as an accurate description of the field.

While Rawls's impact on political philosophy is difficult to overstate, it is important to note that much of the early work stimulated by *A Theory of Justice* was critical.<sup>2</sup> Those generally sympathetic with Rawls's rights-based welfare liberalism worried that the contractarian devices he employed were insufficiently robust to establish his two principles of justice. These commentators thus sought a "deeper political theory" (Dworkin 1973, 37) lying underneath the Rawlsian edifice, attempting to supplement Rawls's contractarianism with "direct moral arguments" (Nagel 1973, 15) for liberal justice.

In addition to the controversy incited among liberal political philosophers, *A Theory of Justice* also mobilized the critical efforts of antiliberal theorists of various stripes. The most important of these criticisms were corralled under the clumsy title, "the communitarian critique of liberalism."<sup>3</sup> Antiliberal critics challenged the metaphysical and metaethical underpinnings of Rawls's liberalism. Michael Sandel, perhaps the most trenchant of these critics, argued that the Rawlsian device of the original position presupposed a defective metaphysics of the self, one that could not countenance the constitutive nature of familial, religious, and other communal obligations. According to Sandel (1982, 180), Rawls's image of autonomous and "unencumbered" agents freely choosing principles of justice from behind a veil of ignorance "fails to capture those loyalties and responsibilities whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are" (ibid., 179). As such loyalties and responsibilities are, in Sandel's view, "indispensable aspects of our moral and political experience" (Sandel 1996, 14), any political theory that fails to capture them must be seriously flawed.<sup>4</sup>

### From Liberalism to "Political" Liberalism

These varied critical maneuvers prompted an intriguing

response from Rawls in the years after the publication of *A Theory of Justice*. Instead of supplying "direct moral arguments" for his "deeper theory," or defending the unencumbered self against the communitarian critique, Rawls elected to launch a second-order or metaphilosophical thesis concerning the aspirations of liberal political philosophy. Whereas traditional varieties of liberal theory, which Rawls calls "comprehensive liberalisms," sought to establish the standard liberal principles by means of substantive philosophical conceptions of, for example, human nature, God, or natural rights, Rawls argued that liberal political philosophy must begin instead with the tradition of liberal-democratic practice and the principles implicit therein.

In this way, Rawls abandoned the project of searching for an appropriate theoretical foundation for a liberal political order. He instead promoted a "political" liberalism. Unlike comprehensive liberal theories, political liberalism attempts to avoid philosophical claims altogether and instead endeavors to articulate and organize the intuitions and commitments already implicit within the tradition of liberal politics. A liberalism justified in this way is "freestanding" (Rawls 1996, 10); it "deliberately stays on the surface, philosophically speaking" (Rawls 1985, 395), and remains "independent of controversial philosophical and religious doctrines" (*ibid.*, 388). The task of organizing the intuitions and principles implicit in the liberal-democratic tradition is "the most we can expect" from a liberal political philosophy, "nor do we need more" (*ibid.*, 410).<sup>5</sup>

Rawls's rejection of comprehensive liberalism is bound up with his recognition of what he calls the "fact of reasonable pluralism" (1996, 4), which he characterizes thus:

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Under political and social conditions secured by the basic rights and liberties of free institutions, a diversity of conflicting and irreconcilable—and what's more, reasonable—comprehensive doctrines will come about and persist if such diversity does not already obtain. (Ibid., 36.)

An implication of the fact of reasonable pluralism is what Rawls (1996) calls the "fact of oppression": a "continuing shared understanding on one comprehensive religious, moral, or philosophical doctrine can be maintained only by the oppressive use of state power" (ibid., 37). Hence we see that, according to Rawls's view, "the fact of free institutions is the fact of pluralism" (Rawls 1989, 474); "free institutions themselves lead to pluralism" (ibid., 491).

Next consider the "liberal principle of legitimacy" (Rawls 1996, 136):

Our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. (Ibid., 217.)

When coupled with the liberal principle of legitimacy, the facts of reasonable pluralism and oppression entail rejecting the project of comprehensive liberalism. Comprehensive theories of liberalism attempt to identify specific philosophical, moral, or religious premises from which a liberal political order may be justified. However, if reasonable pluralism is indeed a fact, then there are no philosophical, moral, or religious premises that can command the assent of all reasonable and rational persons. As it is a basic liberal principle that the legitimacy of political power arises only from the free consent of those against whom it is exercised, it follows that the justification of liberal political power and institutions cannot lie within philosophical, moral, or religious claims. Any political order that presupposes and relies upon any partic-

ular doctrine—even a decidedly liberal doctrine—will, *ipso facto*, be illiberal.

Thus we may say that, according to Rawls, insofar as comprehensive liberal theories attempt to ground liberal political commitments in more basic philosophical claims, they are self-refuting. In Rawls's words, "the question the dominant tradition has tried to answer has no answer" (1996, 135); that is, due to the fact of reasonable pluralism, liberal politics cannot be grounded in substantive philosophical claims. A consistent liberalism, Rawls maintains, must be thoroughly liberal. It must be liberal not only in its conception of justice, but also in its conception of political justification.<sup>6</sup>

Rawls explains that "political liberalism applies the principle of toleration to philosophy itself" (1996, 10); like a liberal society, a truly liberal political philosophy must recognize and tolerate the plurality of incompatible comprehensive doctrines that citizens may adopt. The conception of justice in a liberal society must therefore not rely for its justification upon any particular philosophical, moral, or religious premises.

It is my aim to engage Rawlsian political liberalism critically, especially with regard to the idea of pluralism. It is important to emphasize at the start that, as political liberalism is in part a metaphilosophical thesis about the aims of political philosophy and the nature of philosophical justification, one cannot hope to undermine it with criticisms that presuppose the metaphilosophical conceptions Rawls has abandoned. To claim that Rawls has failed to provide sufficient justification or philosophical support for his liberal principles is to beg the question. Thus, Jean Hampton's charge that Rawls's move to a political liberalism "undermine[s] the effectiveness of his defense of his theory of justice" (1993, 300) entirely fails to engage Rawls, since it presupposes that the mission of the political theorist is to "defend" a theory of justice.<sup>7</sup>

Cogent criticism must engage Rawls's metaphilosophical conceptions. Since Rawls (1996, 10) insists that liberal

political theory must "stay on the surface" of philosophy, I shall be arguing that Rawls does not follow his own metaphilosophical prescription: he does not "stay on the surface" and "avoid philosophy's longstanding problems," but in fact employs a series of contestable philosophical concepts. I shall then argue that should Rawls have revised his position to truly "stay on the surface," he would have wound up endorsing a politics that is, by his own admission, "political in the wrong way" (ibid., 142) and hence insufficiently liberal.

I thus offer an "internal"<sup>8</sup> refutation of political liberalism; I shall argue that Rawlsian political liberalism is committed to incompatible desiderata. Of course, the question of whether comprehensive liberalism must be abandoned still stands. But if it is true, as Rawls contends, that the project of comprehensive liberalism is bankrupt, then we shall have to look somewhere other than political liberalism for a viable alternative.

### The Status of Pluralism

The "fact of reasonable pluralism" motivates Rawls's move from the comprehensive theory of liberal justice promoted in *A Theory of Justice* to the "political, not metaphysical" conception developed in subsequent work that culminated in *Political Liberalism*. Rawls (1996, xlvii) claims that "it is the fact of reasonable pluralism that leads . . . to the idea of political liberalism," and that reasonable pluralism is among the "general facts of political sociology and human psychology" (1989, 474) that any cogent theory must account for. Thus it is with Rawls's conception of pluralism that I begin.<sup>9</sup>

Rawls's term "the fact of reasonable pluralism" is misleading. It is clear that Rawls is actually proposing a normative theory regarding the empirical fact of disagreement about comprehensive views. More specifically, Rawls begins with two observations: (1) there is philosophical, moral, and religious disagreement among sincere and cooperative persons, and (2) this disagreement

is relevant to politics. He then proposes a theory according to which this disagreement is permanent and reasonable (in the senses to be explicated below) in a free society.

While it is obvious that there is disagreement over comprehensive views and that this disagreement is relevant to politics, nothing is immediately clear regarding how we should view such disagreement. That disagreement at the level of comprehensive views is both reasonable and permanent is a philosophical claim by Rawls and, as such, is not some theory-neutral datum of which political philosophy must simply take account. That disagreement is reasonable and permanent is, in reality, the central claim of Rawls's theory.

There are at least two related, though distinct, epistemological assertions woven together in this claim. The first of these is what I shall call the Nonconvergence Thesis. This is the claim that the full and free exercise of each person's reason will not result in the general convergence of all persons upon one particular comprehensive doctrine.

Although Rawls accepts the principle, often associated with Charles Peirce, that inquiry in the natural sciences will lead to a convergence of opinion "at least in the long run" (1996, 55),<sup>10</sup> he explicitly denies the possibility of such convergence on questions of philosophical, religious, and moral essentials. Consequently, he denies that rational and free citizens will eventually come to agree upon a single comprehensive doctrine, even in the long run. Although disagreement with regard to scientific theories may be temporary, disagreement with regard to comprehensive views can be overcome only by oppression (Rawls 1996, 37); disagreement is therefore a "permanent" feature of a free society.

The Nonconvergence Thesis entails a second claim, which I shall call the Equal Reasonableness Thesis. This is the assertion that there are several distinct comprehensive doctrines which, though incompatible with each

other, are each equally consistent with the full exercise of human reason.

Whereas the Nonconvergence Thesis asserts that disagreement regarding comprehensive views is permanent, the Equal Reasonableness Thesis affirms the possibility that this disagreement is not a matter of dogmatism or other kinds of irrationality. Since the full exercise of free human reason will not converge upon a single comprehensive doctrine, disagreements concerning philosophical, moral, and religious essentials need not involve unreasonableness, lack of integrity, or other failures of reason on the part of one or all of the parties to the disagreement.<sup>11</sup> There is a plurality of fully reasonable comprehensive doctrines, such that doctrines that are logically incompatible may each be fully reasonable. In this sense, there is not simply widespread and permanent disagreement among people, but widespread and permanent pluralism with regard to philosophical, moral, and religious essentials about which people might disagree.

The Equal Reasonableness Thesis does not entail the view that all comprehensive views are equally reasonable; Rawls maintains that certain comprehensive views are decidedly unreasonable. Rawls's ideas concerning unreasonable comprehensive views will be taken up later. Here I am, in effect, simply noting the force of the qualifier "reasonable" in Rawls's theory about the "fact of reasonable pluralism"; free institutions not only generate a plurality of comprehensive views, but a plurality of irreconcilable comprehensive doctrines that are nonetheless each fully supported by human reason (1996, 36).<sup>12</sup>

### Staying on the Surface?

As the theory of reasonable pluralism comprises two epistemological theses, the entire enterprise of political liberalism, as Rawls has articulated it, rests upon an epistemological doctrine. Why should we accept Rawls's pluralistic theory of moral epistemology? Why should we believe that disagreement over philosophical, moral, and

religious essentials is permanent and, at least in some cases, reasonable?

Rawls proposes what has come to be known as the "burdens of judgment" argument in support of his theory of reasonable pluralism.<sup>13</sup> This argument is offered to explain why "our conscientious attempt to reason with one another" does not result in "reasonable agreement" on a single comprehensive view (Rawls 1996, 55).

The burdens of judgment consist of the "many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life" (1996, 56, *emph. added*). Paraphrasing a cumbersome passage in Rawls,<sup>14</sup> Stephen Mulhall and Adam Swift (1996, 177) explain the burdens of judgment as including such factors as these:

the evidence bearing on the case is complex and conflicting; the weight to be attached to any given piece of evidence is contestable; our concepts are vague and subject to hard cases; and our judgements are imponderably but decisively and differently influenced by the whole course of our individual moral experience.

These "hazards" or "burdens" of judgment certainly account for the existence of disagreement at fundamental levels, but are they sufficient to establish the Nonconvergence and Equal Reasonableness Theses? That is, do the burdens of judgment commit us to the view that continued and cooperative reason among persons cannot converge upon a single comprehensive view, and thus that there are many such views that are equally consistent with reason, although they are inconsistent with each other?

The fact is that one can acknowledge the burdens of judgment without accepting the Nonconvergence Thesis. The burdens of judgment establish only that there is a plausible explanation for the fact that conscientious, cooperative, and well-intentioned persons fundamentally disagree. The explanation is simply that human judgment is fallible. But certainly one can agree that humans are fallible and nevertheless maintain that should reasoned

discourse and cooperative inquiry persist, persons initially holding different and irreconcilable comprehensive views may, ideally (perhaps, in the very long run) converge upon a single view, since they will (ideally) be able to determine their errors—the mistakes in reasoning that have led to incorrect conclusions.<sup>15</sup> Therefore, if Rawls is to establish his theory of reasonable pluralism, he needs an additional argument. Specifically, he needs an argument showing not only that there is a plausible explanation of the (genuine) fact that people disagree, but that this disagreement is ineradicable in principle, in the sense of being, in certain cases, reasonable: that is, that contradictory comprehensive doctrines can be correct.

Drawing upon familiar metaethical positions, one could pose an argument according to which disagreement concerning philosophical, moral, and religious essentials is ineradicable even when fully rational because philosophical, moral, and religious propositions are subjective, noncognitively prescriptive, or meaningless. Hence, while convergence may be possible in scientific inquiry, where claims can be tested against the brute facts in nature and gradually corrected, there are no such facts upon which philosophical, theological, or moral inquiry can converge. Therefore, one might continue, the burdens of judgment are decisive, and philosophical, moral, and religious disagreement is incorrigible and, in some cases, fully reasonable.

Although such a line of argument may help to explain why Rawls does not assert a "fact of reasonable pluralism" with regard to scientific disputes, it is not open to someone who wants, as Rawls does, to "leave aside philosophical controversies" (1985, 395). Philosophical disputes concerning the nature of moral and religious language are as old as Plato's *Euthyphro*; a political theory premised upon a particular conception of that nature—a conception of the language in which we articulate our respective comprehensive doctrines—fails to "stay on the surface" of philosophy.

A defender of Rawls may elect to respond that I have

misconstrued the character of his appeal to the fact of reasonable pluralism. The claim that persons will of necessity (except fortuitously) disagree on fundamental matters is not in need of philosophical demonstration and is not the product of a philosophical theory, but rather is among the "basic intuitive ideas" (Rawls 1985, 390) found in the "public culture" of liberal democracies (Rawls 1996, 8). Consequently, the burdens of judgment do not provide an argument for reasonable pluralism, but an intuitive explanation of disagreement that liberal democrats are likely to endorse. In this way, the fact of reasonable pluralism is itself a postulate of political liberalism; not, as I have supposed, the product of some background theory of moral epistemology and evaluative language.

This response renders Rawls's account circular. Rawls often writes as if the fact of reasonable pluralism provides the motivation for rejecting comprehensive liberal theories, and for instead embracing a political liberalism.<sup>16</sup> But clearly, the fact of reasonable pluralism cannot be both a postulate of political liberalism and that which drives one to adopt political liberalism. Either reasonable pluralism is a fact that is external to political liberalism, or it is not. If it is external, then Rawls must provide some philosophical explanation of why there is reasonable pluralism (or, more precisely, an explanation of how pluralism can be reasonable). If, alternatively, reasonable pluralism is internal to political liberalism, if it is just another claim to which political liberalism happens to be committed, then Rawls has not made a case for being a political liberal in the first place.

I suspect that Rawls would have been likely to endorse the second option; he would have accepted that reasonable pluralism is itself a postulate of his view, and that he therefore had not made a case for political liberalism. Rawls could then have claimed that the idea that one must make a case for one's liberal theory presumes the kind of metaphilosophical conceptions he has rejected. A political

liberal forgoes any attempt to "prove" his view; he rather endeavors to articulate and organize the intuitions of liberal democrats. Political liberalism derives its justification, then, not from how well it corresponds to the facts about politics and morality, but rather from how well it comports with actual, real-world liberals' intuitive sense of justice. Consequently, Rawls begins with the fact of reasonable pluralism not because it is true that disagreement at the level of comprehensive doctrines is permanent and sometimes reasonable (which I have claimed he fails to establish), but rather because liberals believe that it is true. To questions regarding the truth of philosophical conceptions, political liberalism "does not speak" (Rawls 1996, 128); to insist that it must is to beg the metaphilosophical question against Rawls.

This kind of reply, however, only postpones the difficulty. With such a response, Rawls would commit himself to the claim that among the "basic intuitive ideas" embedded in the minds of actual, real-world liberals is the idea that reasonable pluralism is a fact. However, it is not immediately clear that this is so. Rawls must therefore establish this, and the required demonstration will certainly require some appeal to findings in the social sciences. However, as with any collection of scientific data, the relevant social-scientific data require interpretation. Questions of the interpretation of social-scientific data are notoriously thorny, and every interpretation presumes some hermeneutic scheme that presumes various philosophical claims. Thus, if Rawls were to attempt to produce the needed demonstration, he would, again, find that philosophical commitment and controversy are inescapable.

Should Rawls insist that the "basic intuitive ideas" to which he is appealing are not necessarily the ideas popular among today's liberal democratic citizens, but are those principles which are "embedded" in the "political institutions" and "public traditions" of liberal democracy (Rawls 1985, 390), he will have certainly escaped the need to invoke the findings of political poll-

sters. However, it is unclear that there is a single and consistent set of principles that can be extracted from the historical tradition of modern democracy. It is odd that Rawls (1996, xxvi) should on the one hand recognize the "absolute depth" of disagreements over comprehensive doctrines, yet nonetheless maintain that the tradition of modern democracy features a "shared fund of implicitly recognized basic ideas and principles" (1996, 8) that can serve as the basis for a political conception of justice.<sup>17</sup> Why should there be a stable and unified "shared fund" of "public traditions" in a society that is deeply divided at the most basic levels?<sup>18</sup> If disagreement does have "absolute depth," any attempt to extract shared "basic ideas and principles" from the history of the democratic tradition will involve selection and interpretation. Consequently, Rawls will have to provide a philosophical argument to show that his conception of these implicit principles is not arbitrary.

Yet even if we suppose that there is a unified shared public tradition that can be extracted from our history, it is not clear that this tradition is liberal. Antiliberal theorists such as Michael Sandel (1996, 5) have argued that a rival intellectual tradition—namely, civic republicanism—dominates the political history of the United States, and that "the version of liberalism that informs our present debates is a recent arrival, a development of the last forty or fifty years."<sup>19</sup> The accuracy of Sandel's reading of American political history is not at issue; the point is that there are competing and conflicting interpretations of the "political culture" and "public traditions" of (at least one) modern democracy. Therefore Rawls must provide some argument in support of his particular interpretation of those traditions; that is, he must propose some account according to which the proper understanding of the political tradition of modern democracy sanctions his own variety of liberalism. That is to say, Rawls must give some philosophical account of "our" shared political tradition.

The argument thus far has demonstrated that Rawls is

not able to abstain completely from philosophy; at some point, he must draw upon philosophical ideas, commit to philosophical conceptions, and enter into the arena of philosophical debate. Accordingly, political liberalism cannot entirely stay on the surface of philosophy. But perhaps this is not so devastating a conclusion after all. A Rawlsian may opt to respond that the point of political liberalism is not to completely eschew philosophical claims, but rather to avoid philosophical controversy. The political liberal tries to get along with as little philosophy as possible by committing to as few philosophical premises as he can. That political liberalism employs and draws upon philosophical ideas is obvious; every coherent political theory will inevitably invoke philosophical conceptions at some level. The aim of political liberalism is, however, to keep one's philosophical claims as shallow as possible. Avoiding deep philosophical commitment presumably means avoiding especially contentious philosophical ideas; the political liberal may thus employ the kinds of philosophical claim about which there is not widespread disagreement.

Let us thus therefore permit the political liberal to help himself to whatever philosophical claims are necessary for the articulation of his view. Can one formulate political liberalism in a way that is both identifiably liberal and free from the kind of deep philosophical controversy Rawls believes a liberal theory must avoid? To see that one cannot, I shall have to explore the conception of political legitimacy that Rawls derives from the fact of reasonable pluralism.

### Reasonable Pluralism, Reasonable People, and Legitimacy

Rawls's "liberal principle of legitimacy" is that

our exercise of political power is proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may

reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational. (Rawls 1996, 217; cf. 1996, 136.)

According to this principle, coercion is legitimate when it is justifiable by basic political principles that can win the consent of "reasonable and rational" people.

The terms reasonable and rational are here being used in a technical sense that must be explained. A person is rational, on Rawls's view, to the extent that she is able to coordinate means and ends; more specifically, the rational agent is one who is able to employ her powers of judgment and deliberation in ways that help her to reach her ends and satisfy her interests (Rawls 1996, 50). By contrast, a person is reasonable insofar as she (1) "is willing to propose and honor fair terms of cooperation," and (2) is willing "to accept the burdens of judgment and accept their consequences" (ibid, 49n1).

As we have seen, Rawls thinks that the burdens of judgment establish the Nonconvergence and Equal Reasonableness theses. Therefore, among the consequences of the burdens of judgment is the recognition that one's own comprehensive doctrine is not the only view that is consistent with the full exercise of the human intellect. It is therefore unreasonable to insist that terms of social cooperation conform to one's own comprehensive doctrine. Likewise, it is unreasonable to demand that state power be used to enforce the principles of one's own comprehensive view (Rawls 1996, 61); "where there is a plurality of reasonable doctrines, it is unreasonable or worse to want to use the sanctions of state power to correct, or to punish, those who disagree with us" (ibid., 138).

The "reasonable" person must acknowledge that at least some of the people holding comprehensive views that are incompatible with her own have reasons for believing as they do that are as good as her own reasons for holding her view, and so she seeks to establish and maintain terms of social cooperation with those people that are independent of any comprehensive view. Insofar as these other people are themselves reasonable, they too accept reasonable

pluralism and seek terms of political association that are "fair" in that special sense. Fair terms of agreement must be couched in a vocabulary that is neutral among comprehensive conceptions of the good if it is to be mutually agreeable to all reasonable people.

All of this is to say that reasonable people are, necessarily, political liberals.<sup>20</sup> Stronger still, it is to say that only political liberals are reasonable persons, and that the consent of political liberals alone is sufficient for political legitimacy.

Rawls would object to this account of his views, since the comprehensive doctrines associated with, for example, such "metaphysical" liberals as Kant and Mill have "their proper place in the background culture" and can play a "supporting role" in political liberalism (1996, 211n42). But consider the case of the utilitarian, such as Mill.

According to Mill, state action and political policy are just only insofar as they maximize the general happiness. Furthermore, the utilitarian agrees with all liberals that a state is legitimate only if it abides by the dictates of justice.<sup>21</sup> Therefore, insofar as the utilitarian believes that the state must be legitimate, he believes that the state must endeavor to maximize the general happiness. Should the state decide policy on grounds other than the Greatest Happiness Principle, it will be, according to the utilitarian, unjust and hence illegitimate. Yet according to political liberalism, it is unreasonable to expect the state to endorse one's own comprehensive view. Therefore, because he expects state action and policy to satisfy the Greatest Happiness Principle, the utilitarian is unreasonable, according to the political liberal.

Rawls might have responded that although in a liberal society citizens are free to endorse and follow any reasonable comprehensive view in their private lives, they are unreasonable if they expect state policy always to reflect their own doctrine. This means that while the utilitarian is reasonable in his belief that right actions are those which maximize the general good, he is unreasonable if he

believes that his conception should be adopted in the political realm. That is, in order to be reasonable, one must recognize the political as a "special domain" separate from nonpolitical realms, one that has its own distinct values, which "normally will have sufficient weight to override all other values that may come into conflict with them" (Rawls 1989, 483).

So while the utilitarian may believe that people should seek to maximize the general happiness, he must not insist that the state adopt this view. Moreover, while the utilitarian may believe that his conceptions of morality and political justice are true, he must not insist that they be given any institutional and political force. How is this possible? Rawls (1996, 138) writes that "it is vital to the idea of political liberalism that we may with perfect consistency hold that it would be unreasonable to use political power to enforce our own comprehensive view, which we must, of course, affirm as either reasonable or true."

On Rawls's view, then, to qualify as a reasonable person, the utilitarian must subordinate the specific values associated with utilitarianism to the "political" values associated with the political domain. So even though the utilitarian maintains that (1) actions and policies are just only if they maximize general happiness, he is reasonable if and only if he also accepts that (2) in deciding action and policy, the state must not try to maximize the general happiness. Thus, on Rawls's view, the reasonable utilitarian believes that (3) a state may be legitimate even though it does not (except perhaps by happenstance) do what is just.

This seems utterly incoherent.<sup>22</sup> While it is possible for one to believe both (1) and (2), it is not possible for a utilitarian to do so. If he accepts (2) he ceases to be a utilitarian. As Rawls maintains that rejecting (2) would render the utilitarian unreasonable, it follows that, according to Rawls, utilitarians are unreasonable.

Rawls is demanding that the utilitarian revise his position in light of the "fact" of reasonable pluralism such

that the utilitarian would be able to pursue justice—the greatest happiness—only within a non-“political” sphere that leaves out all government policy. But it is not clear that Rawls can give any non-question-begging reason why utilitarians should confine their concern for the greatest happiness to this “sphere”—or, to put it differently, why the utilitarian should hesitate to enforce utilitarianism. Such a defanged utilitarianism is not only contrary to the views held by John Stuart Mill, James Mill, and Jeremy Bentham; it is a form of utilitarianism that presupposes that the highest utilitarian end—happiness—must be trumped by the highest aim of political liberalism—individual freedom. But the way Rawls would put it—despite his inclusion of Mill as “reasonable”—is that any utilitarian who favored imposing utilitarian measures that violated individual freedom would, ipso facto, be “unreasonable.”

This argument clearly can be generalized to show that, according to Rawls, anyone holding a comprehensive doctrine that specifies a particular conception of justice different from that of political liberalism itself is thereby unreasonable.<sup>23</sup>

### A Mere Modus Vivendi?

We may draw this immanent critique of political liberalism to a close by arguing that the aforementioned implications of Rawls’s conceptions of political legitimacy and individual reasonableness make political liberalism “political in the wrong way” (1996, 142), as he puts it.

Rawls is rightly concerned with what he calls “the question of stability” (1996, 140). It is commonly thought that for a society to exist securely over time, its members must share some common beliefs, commitments, and ideals.<sup>24</sup> However, no theorist who endorses the “fact” of reasonable pluralism can accept this account of stability. According to political liberalism, a society based upon a shared moral, religious, or philosophical vision is *prima facie* oppressive. Rawls thus insists that

"a constitutional regime does not require an agreement on a comprehensive doctrine: the basis of its social unity lies elsewhere" (1996, 63).

The political liberal therefore must give an account of the social unity required for political stability that does not involve a violation of the fact of reasonable pluralism. Rawls (1996, 4) frames the question of stability thus: "How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?"

One response to the question of stability is to suppose that liberal principles may be adopted by citizens as a matter of what Rawls calls a "modus vivendi" (1996, 145). That is, we imagine that people holding diverse and incompatible comprehensive doctrines agree to liberal politics as a second-best concession; such people would endorse a liberal state as an acceptable compromise because none of them can have the sort of politics they would really like to have—politics based on their comprehensive doctrine. Like Glaucon in Plato's *Republic* (359a), who articulates the view that the life of justice is "intermediate between the best and the worst," the modus-vivendi liberal holds that liberalism is a passable compromise between the best political arrangement (i.e., a politics based solely upon her own comprehensive doctrine) and the worst (i.e., a politics based solely upon a comprehensive doctrine that is incompatible with her own).<sup>25</sup> In this way, we imagine a liberal society whose stability is not based upon agreement around a single comprehensive doctrine.

Rawls (1989, 491, *emph. added*) insists, however, that a political conception of justice "must not be political in the wrong way"; that is, "it must not be political in the sense of merely specifying a workable compromise between known and existing interests, nor political in looking to the particular comprehensive doctrines known to exist in society and in then being tailored to gain their allegiance."<sup>26</sup> It is clear, then, that modus-vivendi liberalism would be political in the wrong way;

the "form and content" of such a liberalism would be contingent upon "the existing balance of political power" among the comprehensive doctrines extant in a given society (Rawls 1996, 142). The stability of modus-vivendi liberalism is "contingent on circumstances remaining such as not to upset the fortunate convergence of interests" (ibid., 147). That is, a citizen's commitment to political liberalism will persist only for as long as his favored comprehensive doctrine is too weak to dominate the others. Should the balance of power be upset and his own view gain ascendancy, he would swiftly abandon political liberalism.

It may seem that a liberal society based upon a modus-vivendi agreement is unacceptable simply because it is unlikely to be long lasting. However, even if we were to postulate a society in which the relative power among competing comprehensive doctrines was fixed and distributed such that a liberal arrangement could last, Rawls would still be unsatisfied. As Chandran Kukathas and Philip Pettit (1990, 142) explain, "the stability Rawls is looking for . . . is not the fleeting stability that comes with sound institutional design to moderate the contest for power among competing interests. Stability is a condition in which there is deep-seated agreement on fundamental questions about the basic structure of society." According to Rawls, stability requires that "people who grow up under just institutions (as the political conception defines them) acquire a normally sufficient sense of justice so that they generally comply with those institutions" (1996, 141). Rawls thus insists that if a liberal society is to be stable, its political conception of justice must be endorsed not as a "mere modus vivendi," but by what he calls an "overlapping consensus" (1996, 147).

Where a liberal political arrangement is the focus of an overlapping consensus, liberal principles are adopted by citizens from within their respective comprehensive doctrines; that is, each citizen sees liberalism as an appropriate manifestation in the political realm of his own comprehensive view. This is precisely what it means for

such views to be "reasonable." As Rawls (1996, 147) puts it, an overlapping consensus

is not merely a consensus on accepting certain authorities, or on complying with certain institutional arrangements, founded on a convergence of self- or group interests. All those who affirm the political conception start from within their own comprehensive view and draw on the religious, philosophical, and moral grounds it provides.

A liberal society that is the focus of an overlapping consensus is stable not simply in the sense that it is likely to be long lasting, but in the sense that it is endorsed by its citizens in a way that gives them reason to uphold its principles of justice regardless of the balance of power among their respective comprehensive doctrines. That is, where there is an overlapping consensus, citizens endorse liberalism "for its own sake" and "on its own merits," not as a second-best compromise. Citizens "will not withdraw their support of it should the relative strength of their view in society increase and eventually become dominant . . . the political conception will still be supported regardless of shifts in the distribution of political power" (Rawls 1996, 148).

If the argument in the previous section is correct, however, political liberalism cannot be the focus of an overlapping consensus, for it cannot win endorsement from within comprehensive doctrines that are not truncated to fit confines of "reasonableness" that entail the very thing political liberalism advocates: the primacy of the right over any conception of the good. In short, political liberalism excludes from its "overlapping consensus" any "comprehensive doctrine," since all such doctrines are doctrines of the good.

Recall our discussion of the utilitarian. We discovered that a regime of political liberalism requires that utilitarians, in effect, reform their view out of existence to accommodate the "fact" of reasonable pluralism. The same applies to all comprehensive doctrines: Kantian-

ism, Catholicism, Marxism, and so on. Should Rawls develop a sound philosophical argument supporting reasonable pluralism, he will be able to convince his interlocutors that the parts of their comprehensive doctrines that are inconsistent with reasonable pluralism ought to be abandoned. Only then would they be able to join the overlapping consensus around a political conception of justice. However, this route is not open to Rawls, because it requires him to engage in philosophical debate about the legitimacy of the goods embodied in the comprehensive doctrines. Clearly, to propose a demonstration of "the fact of reasonable pluralism" is to plunge into the depths of philosophy so as to show that the conceptions of the good advanced by these comprehensive doctrines should not (for some reason) be enacted by law.

In the absence of a philosophical justification for abandoning the priority they give to their conceptions of the good, such interlocutors would, at best, have only *modus-vivendi* reasons for not trying to impose these conceptions by law. But, by Rawls's own admission, a *modus-vivendi* liberalism is unstable, or is stable only because it is political in the wrong way.

### Can Liberalism Be Political?

I have argued that Rawls has adopted metaphilosophical desiderata that are not mutually satisfiable. The idea of a "freestanding" political liberalism that is not "political in the wrong way" is incoherent. That is, Rawls must engage in philosophical controversy if he is to propose a view that can be the focus of an overlapping consensus of comprehensive conceptions of the good. Specifically, Rawls must propose an argument for "reasonable" pluralism and for the corresponding priority of political neutrality over nonliberal conceptions of the good if he is to avoid being "political in the wrong way." However, were he to supply the requisite philosophical account, he thereby would have surrendered the project of political

liberalism: justice as fairness would again be a comprehensive liberal theory.

The failure of the Rawlsian "political, not metaphysical" enterprise is instructive. The tension in Rawls's work between the need to recognize a deep pluralism among competing values and the repudiation of any attempt to impose one of those deeply held views of the good upon those who disagree with us is, I suspect, endemic to liberalism generally. Liberals want on the one hand to celebrate difference and diversity among citizens' comprehensive moral, philosophical, and religious commitments; on the other they want to promote the view that liberalism is in some robust sense better—more just and more legitimate—than any alternative political order. These desiderata are compatible only if liberalism itself is not a comprehensive doctrine in the Rawlsian sense.

However, as Rawls notes, liberalism has traditionally been promoted as the political expression of some philosophical, moral, or religious doctrine, whether it be Lockean equality, Millian happiness, or Kantian dignity. Accordingly, traditional varieties of liberalism are insufficiently pluralistic to satisfy Rawls. Political liberalism marks Rawls's attempt to take pluralism seriously by detaching liberal politics from its traditional underpinnings. Whether this is a coherent goal has yet to be determined; but if my argument is correct, then Rawls's version of political liberalism is unsuccessful. Nonetheless, we do owe a debt to Rawls, not for his resolution of the tension in liberalism, but for his keenness in exposing it.

#### NOTES

1. Brian Barry has claimed that since Sidgwick's death, "nobody until Rawls has produced anything that represents a continuation of the canon of political thought, traditionally conceived" (1996, 537); Kukathas and Pettit assert that, prior to Rawls, political philosophy "had all but withered" (1990, 4). Similar sentiments are found in Raz 1990, 61; Bell 1993, 2; Mulhall and Swift 1996, 1; Berkowitz 1999,

- 22; Shapiro 1999, 3; Nagel 1999; Davion and Wolf 2000, 1; and Talisse 2001, 76-78.
2. The essays collected in Daniels 1989 were written prior to 1975. See also Blocker and Smith 1980 and Wolff 1977.
  3. The "communitarian" label has been wisely disowned by Sandel (1998), Ronald Beiner (1992, 28ff.), and Alasdair MacIntyre (1998, 243ff.), among many others.
  4. This general line of argument is replicated throughout the "communitarian" literature. See, for example, MacIntyre, who claims that individuals are in a normatively relevant way "born with a past" (1981, 221); and Daniel A. Bell, who claims that "we're deeply bound up in the social world in which we happen to find ourselves" (1993, 31).
  5. Rawls considers the view promoted in *A Theory of Justice* to be a variety of comprehensive liberalism. His project in later work is to recast "justice as fairness" as a strictly "political" conception of justice (1996, xvii).
  6. See Estlund 1996 for a similar contrast; cf. Talisse 2001, 73.
  7. The same could be said of Heidi Hurd (1995, 822) when she asks, "Can one meaningfully take Rawls to be justifying liberalism when he has explicitly excluded everyone who is not a liberal from the congregation to which he is preaching?" Hurd takes Rawls to be trying to "justify" liberalism.
  8. I borrow this characterization from Wenar 1995.
  9. See Davion and Wolf 2000 and Daniels 2000 for further discussion of Rawls's turn to political liberalism.
  10. Peirce writes that scientists "may at first obtain different results, but as each perfects his method . . . , the results are found to move steadily together toward a destined center" (1878, 38). Cf. Rawls 1989, 475.
  11. Rawls claims that while this kind of account of disagreement "explain[s] much," it is "too easy and not the kind we want" (1996, 55).
  12. Rawls does not add the qualifier until the book *Political Liberalism*; accordingly, in 1989 Rawls discusses the "fact of pluralism." The addition of the qualifier does not mark a revision of Rawls's view, but rather a clarification; see Rawls 1996, 36n37 and Cohen 1993, 281ff.
  13. In an earlier paper, they are called the "burdens of reason" (Rawls 1989, 475ff.).
  14. See Rawls 1996, 56-57, for the passage of which the following is a paraphrase. Cf. Rawls 1989, 476-77.
  15. In fact, this is precisely the view of Charles Peirce. See

- especially Peirce 1877, 18-19; and Peirce 1878, 38. One could of course argue that Peirce's view, which mixes fallibilism with a convergentist view of truth under conditions of continuing inquiry, is false or otherwise problematic, but surely it is not self-contradictory. Therefore, Rawls's burdens-of-judgment argument does not strictly entail Nonconvergence.
16. E.g., "Thus, a main aim of [Political Liberalism] is to show that the idea of a well-ordered society in [A Theory of Justice] may be reformulated so as to take account of the fact of reasonable pluralism" (1996, xliii).
  17. Cf. Rawls 1989, 475; and 1996, 38n41.
  18. Sandel wonders why Rawls does not recognize a "fact of reasonable pluralism" with regard to questions of justice. See Sandel 1998, 203ff.
  19. Cf. Sandel 1998, 318ff.; see also Pettit 1997, ch. 1; and Pettit 1998, 41ff. Cass Sunstein makes an argument similar to Sandel's with regard to interpretations of the First Amendment; see Sunstein 1993.
  20. Chantal Mouffe argues similarly; see Mouffe 2000, 22-31.
  21. Cf. Rawls 1971, 3: "Justice is the first virtue of institutions, as truth is of a system of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust."
  22. For a similar argument, see Scheffler 1994, 9.
  23. Heidi Hurd (1995, 821) notes, "In Rawls's sense, many of my best friends are unreasonable."
  24. See, for example, Aristotle: "For it is a peculiarity of humans . . . to have perception of good and bad, just and unjust, and the like; and community in these things makes a household and a polis" (Pol. 1253a15).
  25. To illustrate how a liberal political arrangement may arise out of a *modus-vivendi* agreement, Rawls (1996, 148) employs the example of the conflicting worldviews of Catholics and Protestants in the sixteenth century. Although "both faiths held that it was the duty of the ruler to uphold the true religion and to repress the spread of heresy and false doctrine," the conflicting parties agreed to a liberal policy of religious toleration. I suppose Rawls's historiography can be challenged, but I shall not take this up here. Rawls provides a footnote citing supporting documents: 1996, 148n14.
  26. Cf. Rawls 1995, 389; and Rawls 1996, xlvii.

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## REVIVING NATURAL LAW

ABSTRACT: Despite numerous attempts to invalidate the concept of natural law as presupposing the belief in God or in universal rules of human Reason, this concept is no less valid now than it was in the thirteenth or seventeenth centuries. All that is required to uphold the belief in natural law is a kind of metaphysical faith in the notion of human dignity, which provides us with the surest barriers against both unjust positive legislation and totalitarian political systems.

My topic is not constitutional but, to put it somewhat pretentiously, the metaphysical, perhaps even theological riddle that may emerge from meditating on constitutions as such—that is to say, meditating on natural law.

Natural law is supposed to be a law that we do not invent; we find it ready-made, independent of our conventions, customs, and regulations. It provides us with supreme normative rules; it is to those rules that our constitutions and codes have to conform themselves if they deserve to be called just.

The main criticism of natural law has been voiced for centuries in various theoretical idioms and is easily summarized. The critic asks: Where are we supposed to find this natural law? One cannot infer it—as Locke thought possible—from what is common to all legislative systems, or even from their tacit foundation. There is no such universal core of all codes of law.

Not even rules that might seem to us intuitively self-evident, such as the precept that only people who actually committed a crime should be punished and not others, are universally accepted. (According to an old Polish anecdote, a locksmith once committed a crime that deserved capital punishment; but there was only one locksmith in the village, whereas there were several blacksmiths, so it was decided that a blacksmith should be hanged instead.) Under Hammurabi's Law it was legitimate in some cases to kill people who did not contribute at all to the crime; if John killed the son of Martin, Martin had the right to kill the son of John, who was not guilty of any crime. Stalin's criminal code stated that for some political crimes not only people who knew about the crime but failed to inform the authorities should be punished, but that people from the family of the criminal or even from his domicile could be punished as well: that is to say, people who knew nothing about the case.<sup>1</sup> Neither is there universal acceptance for the rule—no less intuitively self-evident—according to which it is the duty of everybody to do what he promised to do (a precept that may perhaps be conceived as the supreme paradigm of civil law). Nor does the rule that law cannot be retrospectively valid find universal application. There is no point in laboring the fact that the equality of all persons before the law, religious freedom, freedom of speech, and so on are relatively new and have been absent even from many modern constitutions.

### Positivist Critiques of Natural Law

A critic of natural law could say more. Even if we discovered norms that had been present in all known constitutions and codes, such a discovery would be nothing but an empirical fact. We could not infer that such norms are inherently just, right, or true. A universal consensus omnium is not a criterion of scientific truth, so why should it be the criterion of the validity of a norm? When philosophers asked about the content and the grounding of natural law, what they wanted to know was not whether

certain moral or legal norms had been assented to everywhere and always; they wanted to find out what norms are really legitimate and how we can establish their validity. Let us suppose that one day archaeologists will find the Ark of Covenant and in it the stone tablets on which had been carved the Ten Commandments; we would still be incapable of proving that this was really a text dictated by God that was absolutely valid for that reason.

The critic of natural law might then ask us to reconcile ourselves with the opinion that has been voiced so many times—from some of the Sophists described by Plato, to Hobbes, to more recent authors: what is just is what has been established by the legislator, and apart from the positive law there is no other valid law. Both Hitler's Nürnberg laws and Stalin's codes are, therefore, just, but so is the American Constitution; norms that contradict each other may be equally legitimate and equally just.

A positivist critic of natural law could deny, however, that both the Nürnberg laws and the American Constitution are equally good (in that they were fixed as the law of the land). Just because no quality of "goodness" or "justice" can properly be said to be attached to one set of laws, independently from my or anybody else's judgment, does not entail that I cannot pass such judgments. So one may confine oneself to personal approval—an approval that one shares, to be sure, with many other people. And so, by saying, for instance, that the Nürnberg laws are evil and the American Constitution is good (or vice versa), the critic maintains that he does not speak about those laws or this constitution, but about himself, and about people who share the same opinion.

If someone refuses to recognize that freedom is better than slavery, or that peace is better than war, or that torturing people is evil, or that people are equal in a fundamental sense (e.g., in their dignity), there is no way of convincing him otherwise, this positivist critic might argue. One cannot, for instance, blame the rulers of Communist China because they repudiate the idea of human rights as a bourgeois or peculiarly European doctrine. To

say that certain norms are valid is (according to the radical critic) meaningless without explaining "valid for whom?" They may be valid for a specific historical period, for a certain civilization, for a well-defined social milieu: that is to say, they are accepted in this period, or in this civilization, or in this milieu, which is, of course, an empirical statement without any normative content. To say that a norm is valid in itself is a fantasy.

### Is Natural Law a Naturalistic Fallacy?

The positivist critique of natural law takes as its starting point a repudiation of what the analytical philosopher calls the naturalistic fallacy: that is, an attempt to deduce normative propositions from empirical ones, or a conflation of the two. (One finds this repudiation in John Stuart Mill, which shows that it does not necessarily lead to positivism, although it often does.)

One form of naturalistic fallacy about "natural law" conflates (supposed) factual regularities in human laws with some independent quality of goodness. Another variant of the naturalistic fallacy fails to make the distinction between law as a regularity in nature (for instance, Newtonian laws) and law in the sense of a norm established within a juridical order.

Aquinas, however, seems to be exempt from the charge of committing the naturalistic fallacy. According to him, all things in the world participate in the eternal, God-created order, but human creatures, being endowed with reason, participate in the eternal order through their conscious obedience. The rules of natural law, including the distinction between good and evil, were inscribed by God in our minds, and so everybody, including pagans, takes part in this knowledge. It is clear, however, that "participation" in the physical and moral order is not the same. All things in the world, including human beings, are subject to the laws of gravitation, which nobody can invalidate or violate. If, however, one "participates" in the commandments of the Decalogue, it is in the sense that

those commandments bind them. With regard to the latter form of participation, people cannot render invalid the laws in which they participate, but they can violate them.

But what about Aquinas's assumption that both types of law, having their origin in a divine decree, are valid? Is this not an instance of the naturalistic conflation of natural regularities with the truth of God's words about what is good or evil? The Thomist would reply that both kinds of laws are of divine origin, but that this does not mean that they result from an arbitrary verdict that would be just as valid if it were different in content. God's laws are rooted in His infinite wisdom. It is therefore neither right to say that the content of divine commandment is a free whim of the Creator, nor that the Creator submits to foreign legislation that it is not in His power to invalidate—a ready-made rule independent of His decision. While the first supposition would challenge God's wisdom, the second would challenge His omnipotence: His position as the unique and final source of creative energy. From a Thomist standpoint it is utterly wrong to say (as did some later Nominalists and some modern thinkers, including Descartes) that all truths—mathematical and moral—are God's free decrees, such that, if God had so wished, He could have decided that two plus two equals seven, or that it is a virtuous deed to murder one's parents—since the Thomist belief that God could not change those laws appears to the Nominalist to undermine His omnipotence.

### Secular Natural Law

For the Thomist it is obvious that the natural law presupposes the existence of God. But is this a necessary implication? Is it logically possible to believe in natural law without believing in God?

Modern theorists of the natural law, such as Grotius and Pufendorf, affirm this logical independence. Grotius allows that the commandments that God revealed to us would be unknowable without revelation; we could not discover them with our own reason. Divine legislation does make

some acts commanded or forbidden. But apart from these laws there are commandments of Reason, which can discern good and evil in all human actions according to their conformity to or discordance with human nature. Such laws do not depend on divine decrees, and God Himself could not alter them any more than He could invalidate the rules of arithmetic. The natural law is neither a discretionary convention established by people nor a free order willed by the Creator; it is a set of rules which, as it were (even though Grotius does not use this exact expression), are embedded in the very ontic position of humanity, human dignity: without the knowledge of these rules, we would not be human. So while the natural law is present in the world, it does not logically presuppose a legislator God.

It does imply, nevertheless, a certain metaphysical faith that goes back to the Stoics, a faith in a Reason that rules the universe, a Reason the nature of which is in our power to recognize, and which enables us to discern truth and falsity as well as good and evil.

Likewise, according to the most widely shared view in the Christian Middle Ages, knowledge of natural law is accessible to us apart from the revelation because the Creator endowed us with intellectual skills that are for this purpose necessary and sufficient; in this respect our natural knowledge of the world does not differ from the natural recognition of moral principles. Cicero explained more than once that rules of law commanding that we help each other, not harm anybody, display gratitude for other people's kindness, and so forth were created not by human beings, but by nature; these rules are eternal, in spite of the evil things we do and of the corruption that often stamps out in us the Rational power to know what is good or evil. Belief in natural law was popular among the writers of the Enlightenment, too, albeit articulated in various ways. Kant argued that our duty is to do good because it is good and not because God orders it; if we do something by commandment, we are not truly free and rational agents; and we are capable of finding out which

fundamental moral rules are obligatory, as we participate in a universal Reason that has not been created by divine command but simply is there, indestructible and eternal, and providing us with a measure whereby we can pass judgment on positive law. Thus, we have no obligation to be obedient to legislation that is incompatible with natural law; we may even be duty bound to violate such laws.

Do such claims hold up against the skeptical challenges I have reviewed? My reply is Yes. Not only may we give credence to natural law, but by denying this faith we deny our humanity. We are right to believe that good and evil, instead of being free projections of our likes and dislikes, our emotions or our decisions, are real qualities of human life. And if someone says: "We can determine the speed of light and the chemical composition of ethyl alcohol and we can prove that heat causes gases to expand, but we cannot in the same sense prove that torturing people is evil and helping homeless people is good," we may reply: "No, such moral judgments cannot be proved in the same sense as the laws of chemistry and physics, but the type of proof that is admissible in experimental science need not be accepted as exclusive models for all of our truth-judgments."

The principles of empiricism are not themselves empirical propositions. They are norms, commandments, about the justification of which we may inquire; they are by no means self-evident. Like empiricism itself, large areas of our knowledge have their indispensable foundation in intuition; our empirical knowledge is not dismissable for this reason as a figment of the imagination. Why, then, should the intuition of moral experience be dismissed?

### The Fallibility of Moral Knowledge

There is a moral intuition by which moral truths can be recognized, not unlike the intuition of sense experience and that of mathematical and logical truths. These three kinds of intuition are not reducible to each other; they

work separately. Moral intuition is an experience as well, different as it is from sense perception, and equally fallible.

Once we recognize the fallibility of natural law, our faith in it is not impaired by the fact that the results of this intuition are not necessarily identical in all people's minds, always and everywhere; nor is this faith destroyed because centuries were needed before people recognized the good and evil of their various actions and institutions. Many findings of empirical science waited centuries before people realized that their ordinary intuitions were wrong: that the sun does not revolve around the Earth, that force is not necessary to cause all movement, that the simultaneity of events is not absolute. Similarly, mankind may grow step by step in its understanding of moral truths and rules of law, even though it is notable that there have been, since antiquity, people who preached those principles and norms without gaining universal approval. We have no reason to accept the nihilistic doctrine that because people have followed norms in various times and places that are contrary to Reason, these norms are equally justified, which is to say equally groundless.

While the presence of God is not a necessary premise of faith in natural law, a faith in something is needed. This something may be called a moral constitution of (eternal) Being. This moral constitution converges with the rule of Reason in the universe. The evils of the human world, its endless stupidity and suffering, do not annihilate faith in this type of natural law anymore than human error nullifies the validity of the two other realms of intuition, perception and mathematics. The life of rational creatures occurs in a realm in which there are various non-empirical but fundamental courts of appeal, among them truth and goodness.

That the natural law is not a law that is universally or nearly universally observed was well known to Seneca and Cicero, to Gratian and Suarez, to Grotius and Kant. This fact did not impair their belief that the rules of natural law are real, no matter how frequently they may be vio-

lated. From natural law, however, we cannot infer any details of a constitution, or a civil, or penal code. From natural law it does not follow, for instance, whether or not capital punishment or voluntary euthanasia is permissible; whether proportional or majoritarian electoral law is better; whether or not monarchy is advisable; whether property rights should have priority over other rights; whether censorship is ever to be recommended; and so on.

Nevertheless, the natural law erects barriers that prohibit positive legislation from violating the dignity of which every human creature is a carrier. The natural law therefore invalidates legislation that, for instance, allows slavery, inequality before the law, compulsory religious worship or the prohibition of worship, torture, political censorship, or the duty to blackmail people for their political views. Within these limits various constitutions and various codes are possible; natural law does not dictate their details. The barriers just mentioned are usually accepted today in the legislation of civilized countries, but we must keep in mind that they are relatively recent, that not everywhere are they recognized, and that in many places where they are present in constitutions they remain mere words on paper.

Natural law may not be universally observed, but it should sit in judgment of all the legislators of the world.

#### NOTE

1. In Soviet concentration camps there lived and died innumerable thousands of women who were known under the acronym "Zhir"—the wife of a traitor to the Fatherland; so it was in the letter of law, although the practice was incomparably worse.

Rogan Kersh

INFLUENCING THE STATE: U.S. CAMPAIGN  
FINANCE AND ITS DISCONTENTS

ABSTRACT: Among the principal targets of criticism in recent American politics has been the alleged corruption, inequity, overall cost, and regulatory complexity of the U.S. campaign-finance system. Scholarship has not borne out any of these criticisms, and, if anything, empirical investigation suggests that the current system does a fair job in addressing—as much as this is possible under modern conditions—the problem of public ignorance in mass democracies.

According to non-pluralist versions of democratic theory, society—the people as a whole, not “special interests”—should determine the policies implemented by the state. State actors (legislators, bureaucrats, and judges) should not be so autonomous from society that they can pursue their own agendas, or those of unrepresentative factions of the people. The state therefore requires a steady supply of disinterested, competent, and representative public officials. How, then, to finance the elaborate system of recruiting candidates, mounting campaigns (including providing the detail on policy positions that is, at least in principle, necessary to a sovereign populace’s informed choices), and mobilizing voters to turn out? In most advanced democracies, that same national state foots the bill, or most of it, through such means as direct payments to candidates or political parties, free access to television

and radio, income-tax credits for individual contributions, and reimbursement of election expenses (Katz 1997, 266-73; Pierre, Svasand, and Widfeldt 2000; Alexander 1989).

In contrast to heavily state-subsidized elections in, for example, Germany, Japan, Finland, and Spain, in the United States, the vast majority of national election expenditures<sup>1</sup> are funded by members of civil society through donations. Privately financed elections are a venerable American political practice, as it happens. During George Washington's race for the Virginia assembly in 1757, his supporters purchased "twenty-eight gallons of rum, fifty gallons of spiked punch, forty-six gallons of beer, thirty-four gallons of wine, and a couple of gallons of hard cider to help shore up his political base" (Herrnson 2000, 150). In the first seriously contested presidential race, that of 1800, Jeffersonian Republicans "revolutionized electioneering" by sponsoring "endless 'dinings,' 'drinkings,' and celebrations; handbills 'industriously posted along every road'; [and] convoys of vehicles which brought voters to the polls by the carload" (Fischer 1965, 93). For much of the nineteenth and twentieth centuries, political parties handled most American campaign financing, raising money from individual party members and corporate supporters. Even after extensive reforms over the past quarter century, including the initial provision of public monies for national elections, current American elections remain almost entirely paid for by private sources. Of the nearly \$3 billion spent on House, Senate, and presidential races in 2000, only some \$238 million—or less than eight percent—came from public funds (Makinson 2001; Marcus 2000).

Individuals and interest groups, both corporate and public-interest, voluntarily donate most of the money spent on campaigns for national office in the United States. These contributions are transparent, in that the dollar amounts and identities of donors are reported and accessible to journalists and, thanks especially to the Internet, everyone else. Most contributions are also subject to

well-policed limits. (The "soft money" exceptions to these restrictions are discussed below.) Regulations also govern candidate and party spending of this privately raised money, whether hard or soft. And proportionate to the gross national product, total spending on U.S. federal elections is little more than it was in 1960 or even 1900.

Yet the U.S. system of financing elections is routinely referred to as undemocratic, scandalous, and the like; polls on campaign finance consistently report widespread public concern with the present system (Gierzynski 2000, 49-52). "Simply put," states one representative formulation, "there is too much private money in our political system. . . . This point is no longer a topic of serious debate" (Donnelly, Fine, and Miller 1997, 3). In a nation otherwise content to handle a vast range of transactions through the private sector, or through public/private partnership, why such a grim view of campaign finance?

### A Century of Criticism

Critics of U.S. election financing have long targeted private—especially corporate—contributions. The first significant wave of such criticism arose after Theodore Roosevelt's successful 1904 presidential race, in which "it was unmistakably shown [by journalists and congressional investigators] that large corporations or their executives" contributed most of the then-unprecedented \$2 million that the Republican party spent on behalf of Roosevelt and its congressional candidates (Mowry 1958, 179). Three years later, Congress passed the Tillman Act, forbidding corporate contributions to national campaigns. This law was easily circumvented, however, as were a succession of later congressional attempts to reform campaign financing. During the first two-thirds of the twentieth century, private funds "flowed through [corporate and party] channels which were recognized as legal avoid-

ance of existing acts" (Alexander and Haggerty 1981, 15; see also Sorauf 1988, esp. 17-34).

A series of reforms in the 1970s, most notably a sweeping set of 1974 amendments to the Federal Election Campaign Act (FECA; originally passed in 1971), increased the national government's role in U.S. election financing. Congress set strict limits on campaign contributions and required their disclosure, and it provided for partial public subsidies of presidential elections. But this enhanced regulatory authority proved to be ineffective at best. The first federal election that followed the enactment of FECA, in 1972, was marred by secret "slush funds" and other financial irregularities brought to light in the Watergate scandal, resulting in the more draconian reforms of 1974. Yet in the wake of that historic legislation, 1976 election spending drew so much criticism that President Carter made campaign-finance reform his top legislative priority upon entering office—without success. A cycle of public discontent, reform proposals, and sporadic legislative action has continued ever since. Most recently, a push for reform culminated in March 2002, when President Bush signed a law imposing major restrictions on "soft money" contributions and other aspects of campaign finance.

American elites' and masses' periodic expressions of outrage at national election financing practices take four distinct forms.<sup>2</sup> To some, the campaign finance system is thoroughly (or at least significantly) corrupt. Illegal contributions and spending practices are portrayed as far outstripping the meager oversight efforts of executive and legislative regulators.

Second, even if campaign fundraising and spending largely conform to the letter of the law, many reformers view the system and its results as fundamentally unjust or inequitable. Electoral outcomes, and subsequent policy making, are seen as being unduly influenced by private contributions, whose donors are thought to be rewarded by legislative favors from grateful recipients. Moreover, this argument goes, the current financing system unfairly

favors wealthy donors, in both the corporate and individual realms, who can afford the funds necessary to win policy favors.

Third, the rising cost of national elections is a frequent target of criticism. This applies both to total spending—the record \$2.8 billion lavished on federal campaigns in the 2000 cycle was widely bemoaned (see, e.g., Marcus 2000)—and to the escalating price tag of individual races. The successful House candidate in 2000 spent an unprecedented average of \$840,000, a figure again surpassed in 2002 (\$895,000). Along with these landmarks, other spending records set in 2000 included the most expensive Senate (New York) and House (California's 27th district) races, and the most money raised at a single event: \$26.7 million, at a May 2000 Democratic gala in Washington, D.C. The high cost of campaigns raises the fear that potential challengers are deterred from seeking office by the sheer cost of running, or by the fundraising advantages enjoyed by incumbents. A pair of related concerns is that the government's efficacy is impaired because the pool of possible officeholders is constrained by rising campaign costs; and that democratic representation suffers if only the wealthy, and others with access to plentiful funds, are able to mount a viable campaign for the presidency or for a congressional seat.

Fourth and finally, after nearly 30 years of repeated amendments and numerous court-ordered revisions to FECA, both outside observers and those involved in campaigns find the present financing system to be overly complex, even incomprehensible. The rules governing contributions can be difficult to decipher. "Soft money" donations to political parties are subject to much looser regulation—no spending limits, for example—than are contributions to candidates for office. Inconsistent penalties for misconduct, such as exceeding contribution limits, also disturb critics. Election-law violations in the aftermath of the 1970s reform laws have been penalized severely in some cases and barely at all in others, de-

pending on seemingly arbitrary accidents of time, place, and presiding judge.

These concerns about the present election-financing system animate critics ranging from small-town newspaper editors to national public-interest organizations to social scientists. Prominent among the latter is Darrell M. West, who has written widely on U.S. elections and interest groups, and whose book-length critique of campaign finance is provocatively entitled *Checkbook Democracy: How Money Corrupts Political Campaigns* (Boston: Northeastern University Press, 2000). West touches on all four types of criticism catalogued above; by examining each of them through the prism of his book, as well as through other relevant studies, we may gain greater perspective on the potent issue of financing American national elections.

### Corruption in Campaign Finance

Regarding corruption, West devotes an entire chapter to foreign nationals' contributions to the Democratic National Committee (DNC) during the 1996 campaign (84-106), resulting in "an embarrassing Democratic scandal in which illegal sources were tapped for millions of dollars" (13). Another chapter details an illicit swap of campaign contributions coordinated by the Teamsters union and the DNC, again during the 1996 contest (107-24). As they constitute two of six extended case studies in West's book, he presumably finds the corruption these examples reveal to be endemic in the U.S. system.

It is difficult to discern from such examples, however, just how corrupt the U.S. campaign-financing system actually is. Were the foreign-nationals and Teamsters cases typical of 1996 funding practices, within either or both major parties? Did these mark widespread excesses of a sick system, or rare breaches of legality that were duly exposed and brought to justice? Definitive answers are difficult to come by; none of West's fellow academic crit-

ics of campaign finance has published a detailed analysis of the available evidence.<sup>3</sup> But cross-national studies of corruption in politics generally accord the U.S. government, at least in its post-Gilded Age incarnation, relatively high marks compared to other industrial democracies (e.g., Rose-Ackerman 1999; Ades and Di Tella 1997; Eigen 2000; Johnston 2002; on corruption and campaign finance, Strauss 1994).

Though the United States scores well on comparative measures of political (including election finance) corruption, elite critics are joined by large majorities of the American public in viewing illegalities in campaign financing as a major problem, according to a range of national polls.<sup>4</sup> This could reflect a general recognition that scattered revelations of fraud represent pervasive problems (as West and others imply). Or it could be that the perception of corruption outweighs the apparently limited reality of it. If so, then the sources of that perception—media and even scholarly accounts—conceivably share some blame with the handful of actual malefactors whose activities are reported as if they are representative.

One further point concerning corruption in election finance. If the United States were, in response to real or perceived fraud, to undertake a major restructuring of campaign financing, most critics would want to see it move towards more public funding. West summarizes a variety of potential reforms along such lines, concluding that "these proposals show real promise if implemented" (180). Possibly so, although it is difficult to draw a strong conclusion based on the available evidence. The only significant attempt to establish public funding of U.S. elections came, again, in 1974, when presidential campaigns were first subsidized by the national government. While subsequent presidential contests have not been riddled with corruption charges, neither have they been demonstrably "cleaner" than their predecessors in the 1960s or before.

Witness the 1996 campaign, featuring extensive coverage of Lincoln Bedroom and Buddhist temple misdeeds

(e.g., Gierzynski 2000, 2-4). This could owe to the limited extent of public financing; private funds may indeed be the root of the system's evils, as reformers often insist. But looking beyond the United States, many industrial democracies that finance their campaigns primarily or exclusively through public sources have recently experienced fundraising scandals that dwarf anything seen in the 1996 American contest, or even in Watergate. Germany, for example, continues to reel in the wake of a series of revelations following their federal elections of 2000: these exposés resulted in, *inter alia*, the near-collapse of Germany's dominant postwar party, the Christian Democratic Union (CDU); the resignation and public humiliation of the CDU's longtime leader (and Germany's most prominent politician of the past half-century), Helmut Kohl, along with numerous other top CDU leaders; and the suicide of the main CDU fundraising official. Similar troubles have beset France, Japan, and Italy, among other nations that at least formally rely on public financing of federal campaigns (Pujas and Rhodes 1999). If initiated in tandem with the U.S.'s relatively strict disclosure rules, public funding might be an American panacea, provided that First Amendment concerns could be alleviated (Sabato and Simpson 1996, 328-29). But the record elsewhere suggests little grounds for optimism.

### Are Private Campaign Donations Unfair?

If not illegal or otherwise obviously corrupt, private contributions may nonetheless be viewed as unfairly influencing electoral—and, ultimately, policy—outcomes. The concern, in brief, is that disparities in wealth may translate into disparities in political power. West describes a representative case at length, involving "Big Tobacco" donations to Republican leaders in Congress during and after the 1996 campaign (125-45). These tobacco-company contributions, along with a public-relations campaign on behalf of the industry, helped to derail punitive legislation in 1998. In West's words, not only

did tobacco "industry executives . . . have their voices heard in the [relevant policy] debate, at least with the dominant party in Congress" (134), but the bill's defeat represented "a remarkable demonstration of the power of money to dictate the policy agenda of Congress" (143).

As with the examples of corruption cited above, West's study is limited to a particularly egregious case of unjust influence. Such stories certainly stir the blood, but again the real issue is whether anecdotes like these represent ordinary campaign-finance practices, or are uncommon instances of inequitable abuse. (As with the Teamsters and foreign-nationals cases, the tobacco companies' activities were widely exposed and criticized.)<sup>5</sup>

Assessing the influence of campaign spending on electoral or policy outcomes is highly problematic, which helps explain the preponderance of anecdotal exposés among critiques of the present system. Whatever the hard evidence, such analysts as West and the general public alike unequivocally identify political-action committee (PAC) contributions as the cause, for example, of incumbents' repeat victories. Yet claims that PAC-fuelled campaign war chests have fuelled spiralling incumbency rates are belied by historical evidence. In the three national elections before 1974, when PACs were made legally possible, the total number of House incumbents who lost their seats was 25, or an average of 1.9 percent per election year. Two decades later, in the elections between 1994 and 98—with PAC spending reaching new heights each time—a total of 61 incumbent House members lost, or 4.7 percent on average each year.<sup>6</sup> Granted, both of these numbers are small; the proportion of incumbents defeated has rarely been large in post-World War II American history. But it is difficult to conclude that "PAC power" has meaningfully increased the ongoing electoral advantage of sitting members of Congress.

As for the larger question of whether, as West (167) claims, "more than 90 percent of the men and women who have sought re-election have won" because "it's much easier for incumbents to raise campaign money than it is

for challengers," a wealth of research has failed to establish such a conclusion. Yes, incumbents raise more money than their opponents do, and largely as a consequence, they are able to greatly outspend their challengers (Herrnson 2000, 151-79). But do well-financed incumbents therefore defeat their challengers? Linking patterns of contributions and candidate spending directly to election outcomes has thus far eluded scholarly research, however intuitively obvious the point may appear (see the thorough review of the literature in Squire 1995; compare Erikson and Palfry 2000). This may merely reflect insufficiently refined analytic instruments, to be sure. But recent studies suggest that incumbents' electoral success owes less to fundraising prowess than to a variety of other factors, such as simple name-identification and résumé advantages (Levitt and Wolfram 1997). Even anecdotally, for every tale of a big-spending winner one may cite a number of big-spending losers, such as Michael Huffington (who squandered a then-record \$29 million in his losing 1994 bid for a U.S. Senate seat in California), or—on the incumbent side—the average of \$2.5 million spent by the six House members who lost their general-election campaigns in 2000.

Let us assume, even absent scholars' consensus on the point, that levels of spending do directly translate into electoral success. The natural response, favored by many reformers, is to severely restrict campaign expenditures. But such a change could well reduce, rather than boost, electoral competition: "In practical terms, limits on campaign spending constitute an incumbent's protective device, since challengers almost always have a greater burden of making their names known" (Polsby and Wildavsky 1996, 81; cf. Smith 2001, 66-70). A candidate who gains a major party's nomination for Congress or president can tap into extensive fundraising networks, regardless of how personally wealthy he or she is. FEC Commissioner and campaign-finance reform critic Bradley Smith (2001, 81) argues along these lines that "many candidates who begin with relatively

little cash are able to use their other political talents to raise the money necessary to take their message to the voters."

The claim that contributors unfairly gain enhanced influence among members of Congress (MCs) or executive-branch officials after the election is another intuitively plausible notion that has yet to be confirmed by empirical analysis. In a particularly realistic recent experiment, three political scientists engaged 69 congressional staffers in a test of whether PAC contributors enjoyed heightened access to MCs, in contrast to constituents and interest groups that had not contributed to the MCs' campaigns. They concluded that "conventional wisdom notwithstanding, we find evidence that members give priority to constituent requests over PACs." And as to "whether initial access to members is biased towards PACs," their findings "suggest that it is not" (Chin, Bond, and Geva 2000, 545). Numerous other examinations of contributor influence on policy outcomes have reached similarly qualified conclusions (e.g., Box-Steffensmeier and Grant 1999; Milyo et al. 2000; Bailey 2001).

Through the 1980s and early 1990s, most of the concern about inequity in campaign financing targeted PAC contributions. But two newer practices have drawn increasing fire since the 1996 campaign, culminating in the recently enacted McCain-Feingold legislation: so-called "soft money" contributions to political parties; and independent campaign expenditures, most notoriously "issue advocacy" advertisements, that are paid for by interest groups operating (at least ostensibly) apart from either candidates or parties. In West's assessment, "large, soft-money donations [and] independent expenditures allow wealthy interests to funnel money into politics" (65). Yet the effects of soft money and issue ads on electoral and policy outcomes have yet to be reliably determined, and our experience with other plausible-sounding theories about the power of political donors does not bode well for the latest intuitions about the reliance of state personnel on special interests.

## How Much Is Too Much?

West minimizes the issue of escalating campaign costs, concluding that "the problem in American politics is not too much money; it is the availability and use of secret, undisclosed financial resources" (179). Other observers disagree, finding the sheer amount of spending (nearly \$3 billion in 2000) to be disturbing. Victoria Farrar-Myers and Diana Dwyre list "the rising cost of campaigns" as one of two "issues [at] the forefront for those who stud[y] the campaign finance issue" (1999, 10). Robert Putnam (2000, 39-40), in his massive study of the decline of social capital in post-1950s America, notes that while "citizen involvement was slumping [between 1960-1996] by more than half, spending on presidential nomination and election campaigns exploded. . . . The bottom line in the political industry is this: Financial capital—the wherewithal for mass marketing—has steadily replaced social capital—that is, grassroots citizen networks—as the coin of the realm."

However, the "explosion" of spending in recent years appears much less dramatic when measured in constant dollars. By this standard, spending declined in (for example) 1992 as compared to 1988. The average nominal (unadjusted) cost of winning either a House or Senate campaign nearly doubled between 1986 and 1998, a fact widely advertised among critics of U.S. election finance. Yet in constant dollars, Senate winners spent less than 4 percent more in 1998 than in 1986. The 1998 House inflation-adjusted figure did increase when compared to 1986—by 28 percent—but fell when compared to 1996. Thus, the overall trend is mixed, rather than tracing the upward trajectory that nominal figures imply.

More pertinent is a question rarely voiced in analyses of election financing: How much should campaigns cost? Americans spend more on politics than do the citizens of other advanced nations, as critics often note—yet because of the large U.S. population, the cost per voter is actually less than in most democracies (Penniman 1984, 52-53).

For example, George W. Bush's record \$185.9 million campaign in 2000 translated into \$3.68 per vote (Laris 2002, 21). Also inflating the sum total of American campaign costs, relative to counterparts like England, Japan, and Germany, are two unique aspects of the U.S. system: far more frequent federal elections, and an unusually powerful national legislature. Those decrying the overall cost of American national elections, either in terms of sheer dollars spent or in comparison to representative democracies around the globe, may be relying on misleading standards.

Others draw comparisons of a different sort. Americans spend over twice as much annually on yogurt as on electing candidates to Congress and the White House (Congressional Record 1995, S16722; cf. Maraniss and Weisskopf 1996, 126-27). Similarly, U.S. spending on the Railroad Retirement Board in 1999, approximately \$4.9 billion, was nearly two-thirds again as much as the entire amount spent on the 2000 American national elections. For the same year, the federal government budgeted over 1.5 times as much for promoting international tourism to the United States (\$374 million) as for public financing of the general-election phase of the 2000 presidential campaign.<sup>7</sup> Compared to the other purchases of the American public, such as the \$4.7 billion spent on laundry soap, the nearly \$3 billion it spends on federal races may appear less than egregious.

A concern that is separate from the prima-facie unseemliness of the cost of campaigns is that elected officials are forced to allocate increasing time to fundraising while in office, rather than to governing. West notes that during the 1996 Clinton re-election campaign, "to accommodate such a frenetic money-raising schedule, White House staffers were forced to cancel official presidential meetings. . . . Campaign advisors worried about fatigue and its effect on the president's judgment" (97). Similar portraits have been drawn of members of Congress (e.g., Hall and Wayman 1990). But while such worries certainly have force, it is not immediately evident that reducing the

need for fundraising activities would enable policy makers to devote more time to substantive policy matters. Re-election, however financed, is a perennial concern for most officeholders; a congressional or presidential candidate might well undertake other forms of electioneering in place of "dialing for dollars." Perhaps this is a desirable outcome, but the easy assumption that the private financing of campaigns is what keeps officials from their duties is dubious.

### A Boomin', Buzzin' Confusion

In the present U.S. electoral-financing system, West writes, "a reasonably clear set of rules for the game now has given way to a bewildering variety of tangled laws, confusing regulations, blatant loopholes, and selective enforcement of what guidelines remain" (165). Even if private funds are not irrefutably the source of corruption or injustice, the maze governing their regulation may be. Victoria Farrar-Myers and Diane Dwyre (1999, 12) are among those who link legal complexity with the problem of unequal spending by lamenting "a process that is so noisy and consumed with what money can buy that democracy itself is drowned out in the process."

Once more, however, there is an "and yet." The current financing laws date largely to the reforms of the 1970s, when a series of well-meaning changes—intended, in part, to reduce the thicket surrounding campaign finance rules by means of greater transparency in both contributions and spending—yielded a raft of unintended consequences, such as the creation of PACS and, later, soft money, issue advocacy, and so forth (the hot new problem: "527" organizations). Any attempt to simplify the current system may well result in more loopholes and innovative fundraising vehicles, and a net gain rather than reduction in complexity. If a principal intention of reform is to reduce confusion, the results of the past 30-plus years should raise red flags.

My purpose is not to praise the current system. As

West and others show, the potential for abuse is there, even if empirical analysis cannot (yet?) demonstrate that corruption or injustice are a prominent feature of contemporary American campaign financing. But the status quo is not yet ready to be buried, either, based on present evidence.

On paper, the 2000 election would appear to be a compelling object of criticism, thanks to new spending records galore; three largely self-financed multimillionaires newly elected to the Senate; campaign-finance reform crusaders defeated in each party's presidential primary; and so forth.

Yet the 2000 election was marked by an extraordinary level of competition. The two general-election candidates ran within a few percentage points of one another throughout the fall campaign. Partisan control of both houses of Congress was genuinely up for grabs, right up to the eve of the election. Setting aside the bizarre post-election struggle, the 2000 race was also a model campaign in other important respects, such as the propensity of presidential (and many high-profile Senate and House) candidates to favor discussion of policy issues rather than mudslinging ("White House 2000," 1). The new multimillionaire Senators, Jon Corzine of New Jersey, Mark Dayton of Minnesota, and Maria Cantwell of Washington, are unlikely to prove mouthpieces for wealth and privilege, corporate or otherwise: all occupy the left wing of the Democratic party, joining there such wealthy Senators as Jay Rockefeller (W. Va.) and Ted Kennedy (Mass.)—each of whom was originally elected long before the era of soft money and massive PAC spending.<sup>8</sup> In short, a national election held amidst sustained criticism of unprecedented campaign spending will likely be judged among the more salutary national contests of recent decades, even in deliberative-democratic terms.

### A Counterintuitive View of Campaign Finance

If political scientists have yet to prove would-be reform-

ers' allegations right, it could indicate a problem with the researchers or the data as much as with the allegations. West endorses such a view, criticizing the bulk of academic work on campaign finance as erroneously "suggesting money doesn't matter all that much in voting in the United States" (167). Yet some studies suggest that current financing practices may have positive effects on democratic participation.

Such an argument has recently been investigated by John Coleman and Paul Manna. Rather than the typical scholarly attempt to ascertain the effects of campaign spending on election or policy outcomes, Coleman and Manna address an intermediary matter: how does campaign spending influence voters?

Specifically, they examine such issues as "trust and efficacy, involvement and attention, and electorally relevant knowledge and affect in the public, all key components of a vibrant political community" (2000, 758). While campaign spending has little apparent effect (positive or negative) on such variables as public trust and citizen involvement, elsewhere it—perhaps astonishingly—appears to "produce generally beneficial effects. Campaign spending contributes importantly to key aspects of democracy and political community such as knowledge and affect" (759). Coleman and Manna show that spending is directly correlated with the amount of reliable, accurate information about candidates and issues available to voters, and with citizens' ability to recall that information. Electoral competitiveness, rather than being diminished, appears to increase in rough proportion with campaign spending, as, one might infer, the bombardment of ads penetrates the fog of voters' customary inattention, leading them to question their assumptions about incumbents and view challengers more favorably. Moreover, spending that is intended to mislead voters (i.e., as to an incumbent's ideology) seems not to succeed in doing so (777). All in all, money may matter in U.S. elections at least partly in a positive way.

Coleman and Manna suggest that current spending prac-

tices may help to enhance voter awareness and involvement. But if West and other critics are unable to show persuasively that the present system corrupts political campaigns and governance, there is a less dramatic way in which the "checkbook democracy" of his title might corrosively affect American democratic practice. Involvement can take the form of "donating" time as well as money. And it seems clear that in recent years, the number of people making monetary contributions have far outstripped those dedicated to volunteering time—for canvassing, mobilizing fellow voters, and the like. One landmark study concludes that the "role of the citizen" is increasingly that of "a writer of checks," and that "if money were to replace time as the primary medium of citizen input, the consequences for politics would be substantial" (Verba, Schlozman, and Brady 1995, 67; cf. *ibid.*, 191-96). Putnam concurs that "participation in politics is increasingly based on the checkbook. . . . If we think of politics as an industry, we might delight in its new 'labor-saving efficiency,' but if we think of politics as democratic deliberation, to leave people out is to miss the whole point of the exercise" (2000, 40).

On the other hand, the information provided by campaigns, as described by Coleman and Manna, is just about the only means by which, at least at the national level, members of "society" obtain any of the information necessary even to approach being able to control "the state." Were less money spent on campaigns, or were the money to flow from the state itself, even this low level of information might be jeopardized.

#### NOTES

1. This study focuses on national elections; for research into campaign financing in state and local elections, see the essays in Thompson and Moncrief 1998; or in Giezyrnski 2000, 48-50 and 100-01.
2. Along with West 2000, the following points are drawn from several academic sources, including Ferguson 1995; Smith

2001; Strauss 1994; Farrar-Myers and Dwyre 1999; Katz 1997; Gais 1996; Bartels et al. 1998; and Giezyrnski 2000.

3. Another sustained study, bluntly titled *Dirty Little Secrets: The Persistence of Corruption in American Politics*, compiles a longer roster of examples—including a handful from the campaign-finance area—revealing “the stubborn persistence of corruption” in U.S. politics; “taken together,” the authors conclude, “it is indisputable that corruption is polluting our Republic” (Sabato and Simpson 1996, 4, 326). While these authors (like West) offer no empirical defense of this sweeping claim, both books hint at a “tip-of-the-iceberg” approach—one meriting serious consideration. If corrupt practices in election finance and elsewhere are usually successfully concealed by politicians, the few cases that surface may sustain the inference that many more exist. More sophisticated research instruments are necessary to address this issue, but the possibility deserves mention.
4. National polls on campaign finance from 2000 include those conducted by Newsweek, released August 21; Gallup, April 17; ABC News/Washington Post, April 14 (by 66–28 percent, respondents supported “stricter campaign finance laws”); Mellman Group, April 3 (by 68–19 percent, respondents favored eliminating private contributions in favor of full public financing, and 56 percent said campaign contributions affected mcs’ votes “a lot”); CBS News, March 27 (85 percent favored either “fundamental changes” or “completely rebuilding” the campaign-finance system); NBC/Wall Street Journal, January 28; Newsweek, January 9.
5. Indeed, one might further observe that “Big Tobacco” failed to achieve its desired outcome in Congress—the passage of a settlement that had been elaborately worked up by industry officials, legislators, and state attorneys general. Instead, a bill was introduced by John McCain (a Republican who was, presumably, insufficiently financed by tobacco contributions) that was far more punitive than the settlement agreement. Tobacco money may then have “stopped” the McCain legislation from passage, but it was ineffective in promoting the companies’ original objective in Congress. See LaFrance 2000, 199–200; my thanks go to Gary McKissick for pointing out this development.
6. The details: 5 House members lost their seats in 1968 (5 Democrats, no Republicans), 11 lost in 1970 (2 D, 9 R), and 9 lost in 1972 (6 D, 3 R). House losers numbered 34 in 1994 (all D), 21 in 1996 (18 R, 3 D), and 6 in 1998 (1 D, 5 R). In 2000, 8 House members (including two who lost their party’s pri-

mary) and 6 Senators were unseated—the most incumbent Senate losers since 1986.

7. Figures are 1999 spending totals derived from the FY 2000 U.S. budget.
8. Far less often noted than these multimillionaire Senate winners is that 12 House candidates devoted over \$1 million of their personal fortunes to their 2000 campaigns, and that 11 of the 12 lost.

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BRINGING POLITICS BACK IN:  
RETHINKING THE ASIAN FINANCIAL CRISIS  
AND ITS AFTERMATH

ABSTRACT: We now have a fairly good understanding of the economic causes of the 1977 Asian financial crisis. There is as yet, however, little understanding of the politics behind the crisis. Not only did various political systems in Asia play a significant role in fomenting the crisis, they have also demonstrated remarkable capacities in dealing with its aftermath. Nowhere is this more evident than in the far-reaching economic reforms implemented by the Kim Dae-Jung administration in South Korea. The key to Korea's success in weathering the crisis lay in the decisive leadership of Kim Dae-Jung and in the "developmental state" structures and institutions he inherited—both of which exemplify the autonomy of a putatively democratic state from societal, especially elite, pressures.

Behind the complex economic causes responsible for the Asian financial crisis 1997-98 and the subsequent measure of recovery lie broader political factors.

First, why did the so-called Asian model of development, which generated such high economic growth and equity for several decades, succumb to the crisis so quickly? It is generally agreed that the distinctive Asian model and the so-called developmental states it spawned were built around close business-government relation-

ships. For example, in *Asia's Next Giant: South Korea and Late Industrialization* (1989), Alice Amsden attributed Korea's phenomenal export-led economic modernization, which began in 1960 under the authoritarian Park Chung Hee regime, to the exigencies of collaboration, or "pragmatic synergy," between a highly centralized, interventionist developmental state and the large private conglomerates (or chaebol) it created. Endowing itself with exclusive authority over the coordination of fiscal, monetary, and trade policy, Korea's "administrative state" kept a watchful eye over the chaebol, while at the same time nurturing them with generous subsidies and protection from competition. In return, it got the performance necessary to meet the stringent requirements of export-oriented industrialization. The state-chaebol alliance came to be seen as indispensable to South Korean development. These allies had an apparently uncanny ability to follow market signals, preemptively respond to externalities, and broker relations with foreign investors and creditors.

In Korea and in the rest of the high-performing Asian economies, it was believed that such close government-business relationships helped improve the flow of information between the public and private sectors and that they contributed to rapid capital accumulation. In the banking sector, so-called relationship banking was seen as having several advantages, including the capacity to manage flows of short-term credit and investment efficiently. Indeed, the alleged need of high-performing Asian states to actively mobilize citizens and corporations behind a coherent market-based development strategy became the principal justification of authoritarian rule. Governing elites and advocates of "Asian democracy" argued that Western-style democracy often leads to undisciplined and disorderly behavior that is inimical to rapid economic development. An interventionist regime insulated, by the absence of democratic pressures, from conflicting societal demands and guided by prudent technocratic decision making was seen as

ideally suited to provide the requisite order and promote economic development.

### The Weak Performance of Strong States

It is now clear that the efficacy of the Asian developmental model was greatly exaggerated. The custodians of Asia's development states (like state elites elsewhere) confirm Moisés Naím's (1997, 309) observation that "while economic fundamentals eventually force governments to adopt painful corrections, political calculations make their imprudent postponement all too frequent. Governments everywhere exhibit politically induced learning disabilities." The evidence unambiguously indicates that ineffective policy responses and indecisiveness on the part of a paternalistic authoritarian regime (Indonesia under Suharto), a "semi-authoritarian regime" (Malaysia under Mahathir Mohamed), and two newly established democratic governments (Thailand under Chavalit Yongchaiyudh and Korea under Kim Young Sam) played a large role in generating market uncertainty and in eventually producing a disastrous loss of investor confidence, both domestically and internationally.<sup>1</sup> Compounding this problem were deep structural/institutional weaknesses, including the much-touted business-government "relationship banking"—which, in the critical months prior to the crisis, served to weaken the independence of central banks and regulatory authorities, slowing their ability to respond to early warning signals of the impending crisis.

In fact, in almost all the high-performing Asian economies (with the exception of Singapore), the implicit government guarantees that encouraged private risk taking contributed much to the onset and the depth of the crisis. Specifically, the long-standing patterns of business-government relationships created a domestic version of moral hazard. In Thailand, Korea, Indonesia, and Malaysia, the pervasive involvement of government in the financial and corporate sectors created expectations that

banks and firms would be protected against failure. Over time, such relationships generated widespread corruption and cronyism, even while the expectations of continued government protection prompted overinvestment in these unworthy firms. This only served to further undermine the capacity of governments to respond to emerging economic problems, including the ability of the central banks and regulatory authorities to enforce whatever rules of prudential regulation and supervision were on the books. The lack of transparency in business-government relationships had been less of a problem when the Asian economies were relatively closed, but it became a serious matter following economic liberalization and deregulation in the late 1980s and early 1990s, which encouraged international investment in the hazardous businesses.

For example, in Indonesia, the line between the public and the private had long become blurred; Suharto governed as the quintessential patriarchal ruler, granting patronage and protection to loyalists and meting out harsh punishment to dissenters. However, while Suharto's personalistic style of rule enabled Indonesia to notch impressive economic growth rates, the capriciousness inherent in personalism, coupled with the absence of representative institutions and institutionalized forms of political mediation and accountability, exacerbated the problems of corruption, cronyism and nepotism.<sup>2</sup>

What about Indonesia's famed economic technocrats (the so-called "Berkeley Mafia"), who were known to have Suharto's ear and enjoyed other forms of privileged access and influence, especially during times of economic trouble? As in the past, why did they not guide the economy in a sustainable direction? Like everyone else in Suharto's Indonesia, the technocrats not only lacked an independent power base; their influence "depended entirely on their relationship with Suharto" (Pincus and Ramli 1998, 729). It seems that before and during the crisis, the respected economists were politically isolated and powerless, their influence eclipsed by Suharto's children and his business buddies. In fact, at the height of

the crisis, Suharto reneged on implementing the much-needed economic and legal reforms recommended by the technocrats because such policies would have hurt the vast economic interests held by his offspring and his cronies. In the end, Suharto's erratic policy announcements only served to unnerve investors. Given the fact that power was so heavily concentrated in Suharto's hands, any perceived weakness in his willingness or ability to respond expeditiously (whether real or perceived) resulted in a disastrous loss of investor confidence, both domestically and internationally.

In the case of Malaysia, under the ostensible rationale of the ethnic redistribution of resources, Mahathir and the Malay political elite built up an increasingly centralized political system based on patronage and cronyism. In their insightful study, *Malaysia's Political Economy: Politics, Patronage and Profits*, Edmund Gomez and K. S. Jomo (1999) note that the bumiputera (Malay) capitalists who emerged under Mahathir were neither authentic entrepreneurs nor industrial managers. Instead they functioned as financial manipulators, engaged in deal-making, asset stripping, and rent collecting of various kinds, including the receipt of direct financial subsidies, lucrative non-competitive contracts from the state, and protection from foreign competition. As a group they failed to contribute to the efficiency, productivity, diversification, or international competitiveness of the Malaysian economy.

Compounding this problem was Mahathir's "big growth push" policy, designed to propel Malaysia to developed-country status by the year 2020. The ever-expanding list of extravagant megaprojects designed to facilitate Mahathir's "Vision 2020" included the Bakun Dam (Asia's largest hydroelectric dam, costing an estimated \$10 billion); Kuala Lumpur's showpiece, the Petronas "twin towers" (the world's tallest skyscrapers), built at a cost of some \$1 billion; a supermodern airport (estimated at \$6 billion); a new administrative capital for the state of Sarawak in Borneo; and most audacious of all, a \$14 billion national administrative capital near Kuala Lumpur,

aptly called Putrajaya (city of kings), to be built as a tribute to Mahathir Mohamed himself. Such ambitious projects resulted in massive public investment expenditure and rapid credit expansion.<sup>3</sup> Besides the big projects, much of the credit directed to the property sector eventually weakened the financial position of the banks, as this lending led to a property glut. Moreover, bank lending increasingly took "the form of 'connected (state-directed) lending' rooted in the long-standing intimate link between the government and business" (Athukorala 1998, 92-93).

Thus, instead of responding appropriately when the financial crisis struck (for starters, limiting the self-aggrandizing projects and connected lending), Mahathir's first reaction was to find scapegoats. In a fiery speech on September 20, 1997 (before a joint World Bank-IMF annual meeting in Hong Kong), he argued that "currency trading is unnecessary, unproductive and immoral" and that it "should be stopped and made illegal" (Jomo 2001, 14). A few days later Mahathir suggested that an international Jewish financial conspiracy might be trying to cripple his predominantly Muslim country. He lashed out against foreign currency traders of Jewish heritage—in particular, financier George Soros—branding him a "moron" and a criminal (Tan 2000, 17-18). As Gomez and Jomo (1999, 189) note, "the ringgit probably fell much further than might otherwise have been the case, as a result of international market reaction to Mahathir's rhetorical and policy responses to the unfolding crises."

### Was More Democracy the Answer?

What about the two fledgling democracies in the region, Thailand and Korea? Scholars have long distinguished between two forms of democratic governance. Under procedural forms of democracy, a minimum set of democratic rules and rights is observed, including free and fair electoral competition based on universal suffrage; guaranteed freedoms of expression and association; independent media

and judiciary; and accountability through the rule of law. However, in a substantive democracy not only are the basic procedural requirement met, but citizens are broadly included in the political arena and democratic norms and values are highly institutionalized and routinized (Karl and Schmitter 1991).

Clearly, democracy in Thailand and Korea (as in most new democracies) is procedural, not substantive. However, the problems they experienced in dealing with the crisis are difficult to attribute to a lack of "substantive" popular participation. If anything, these countries were strongly democratic, in that they were highly sensitive to pressures from civil society during the severe economic downturn, and therefore were less able than more "advanced" democracies to override public opinion and interest-group desires so as to implement economically literate, technocratic policy initiatives that were autonomous from democratic currents. Instead, these governments were pulled in all directions by interest groups, even while legislative and electoral "veto gates" (Haggard 2000, 49) delayed dealing with the mounting problems in the financial sector.<sup>4</sup> According to Robert Wade (2001, 69-70), "in Thailand and South Korea, new civilian democratic regimes corrupted the central policy-making technocracy and lost focus on national economic policies. Government-bank-firm collaboration came to be steered more by the narrow and short-term interests of shifting coalitions. Their experience is bad news for the proposition that more competitive politics yield better policies."

In the case of Korea, scholars such as Jongryn Mo (2001, 468) have argued that "political gridlock" and the "immature and unconsolidated nature of Korean democracy" made for poor economic policy making and implementation. Specifically,

policy gridlock was frequent because of a traditional political culture and weak democratic institutions, which were most pronounced in the legislative process. First, the system of legislative bargaining was not

firmly established. Despite its constitutional mandate, the National Assembly continued to be subordinate to the executive branch in the policy-making process. Nor did the bureaucracy provide a stable mechanism of interest intermediation. As a result, disputing parties did not have a place in which to negotiate.

But implicit in Mo's analysis is an image of "strong" democracy according to which societal interests would have been "mediated"—that is, in which some of them would have been overridden—by legislators and bureaucrats. This is an image more often associated with strong states, but weak civil societies—that is, with states whose policies are relatively autonomous from civil society, and are therefore less democratic. If anything, popular participation was the problem, not the solution, especially keeping in mind that the growing divisions within the ruling party, and the impending general elections (in December 1997), made the government highly sensitive to pressures from corporations and the well-organized working class. Under this pressure, the ruling-party legislators backed away from introducing the necessary policy reforms, or indeed any policy measures they thought might damage their chances at the polls.

In the case of Thailand, a deeply fragmented party system produced an undisciplined coalition government subject to factionalism, blackmail, and policy incoherence. As Stephan Haggard (2000, 52) notes, "all of the democratically elected governments [in Thailand] before the crisis . . . were constructed from a pool of approximately a dozen parties, and cabinet instability was a chronic problem. As leader of the governing coalition, the Prime Minister was vulnerable to policy blackmail by coalition partners threatening to defect in pursuit of better deals in another alliance configuration." Indeed, weak party discipline made political parties and governments highly sensitive to demands from powerful business constituents. For example, Finance Minister Amnuay Virawan and Central Bank Governor Rerngchai Marakanond found that their efforts to close down ten ailing finance companies came to noth-

ing, because politically based opposition from within the government vetoed their measure. Not surprisingly, under such inauspicious conditions, the Thai government proved slow in reacting to warning signals before the crisis struck, and had great difficulty in formulating a coherent response once it did.

In light of these problems, it is paradoxical that while both democratic and authoritarian regimes in Asia proved equally susceptible to the economic crisis, democracies more effectively dealt with the crisis. In particular, the democratic governments in Thailand (under Chuan Leekpai, November 1997-January 2001) and in Korea (under Kim Dae-Jung, January 1998-2003) were relatively successful in exploiting their new popular mandates, not to mention the honeymoon period that electorates usually accord newly elected governments, to implement some important reforms, including taking action against the previously favored vested interests.

Clearly, in a democracy, an unfolding economic crisis can open wide a window for reform. A change in administration may often trigger bold actions at first, and given the popular expectation that the new government quickly repair the economic damage, a crisis can further empower a new government to continue to carry out whatever macroeconomic reforms it (autonomously) decides would be effective, even after the normal honeymoon period. This suggests that the trappings of democracy provide legitimacy, moral authority, and credibility to states that can formulate and implement economic reforms that would be unlikely candidates for popular approval under regimes that were more democratic, and therefore granted state personnel less policy autonomy—at least once the semi-democratic state's unreformed policies have precipitated an economic crisis.

### Korean Democracy or Technocracy?

Korea under Kim Dae-Jung provides a good example. Under a three-year standby agreement with the IMF, ap-

proved on December 4, 1997, Korea was lent \$21 billion, or 950 percent of Korea's IMF quota. Korea made ten drawings, totaling \$19.5 billion, under the arrangement. On August 23, 2000, the IMF's executive board announced that given the economic recovery, Korea did not intend to draw the remaining funds (IMF 2000).

A sharp turnaround in current account balances had contributed to a rapid accumulation of foreign exchange reserves, making the Korean economy more resistant to external shocks. With the central bank resisting the temptation to inflate the currency, by August 1999, the won had appreciated nearly 30 percent against the U.S. dollar (in nominal terms) since bottoming out in January 1998. Just as impressive, the ratio of short-term debt dropped to 20 percent of the total debt, from more than 40 percent in 1997. By mid-1999, unemployment had been reduced and inflation contained. Finally, a wide range of structural reforms made Korea's economy more competitive and open. Significant progress was made in stabilizing the financial system, addressing corporate distress, strengthening the institutional framework for corporate governance and financial-sector supervision, liberalizing foreign investment, and improving transparency. Korea's V-shaped recovery and reform measures surpass those in other crisis-affected economies.

Korea's impressive achievements were the result of a combination of factors, including the early resolution of creditor panic, the export-oriented industrial structure, a favorable external economic environment, the expeditious implementation of IMF-mandated structural reforms (in particular, a wide range of changes that addressed weaknesses that had contributed to the crisis), the Korean government's cautiously expansionary macroeconomic policies (especially after mid-1998), an efficacious administrative and bureaucratic structure, and Kim Dae-Jung's personal commitment to democracy and economic reform.

Korea's achievements have been seen by many as merely a vindication of IMF-imposed policies (e.g.,

Chopra et al., 2001). But the Kim Dae-Jung government did more than accept the very tight monetary and fiscal policy measures requested by the IMF to defend the exchange rate. The administration also collaborated with the IMF and the World Bank to devise a wide-ranging and politically difficult structural adjustment program to address the outstanding problems in the financial and corporate sectors and in the labor markets.

What is not as well known as these outcomes is how they were produced. Kim Dae-Jung was actively involved in all eight of the formal meetings Korean officials held with the IMF during 1998 to review the progress of the programs. He and his senior advisors were actively involved in questioning and shaping the content of the programs (Bridges 2001, 70-71). Furthermore, once the policies were agreed to, Kim Dae-Jung took a major role in ensuring their effective implementation.

Clearly, if policy reforms are to be effective, not only must there be commitment from the political leadership, but the state must also have some capacity to implement the new policies. The commitment was certainly there. Kim Dae-Jung's unequivocal anti-chaebol worldview and strong belief that "the economic crisis in South Korea was due to the collusive relationship between the government and business, the state-controlled financial sector, and the octopus-like overexpansion of the big business conglomerates" explains the zeal and determination with which his administration attempted to reform the Korean economy.<sup>5</sup> Moreover, Kim brought to his administration a number of key advisors with strong anti-establishment views. Yet such commitments would have come to naught had Kim's underlings not enjoyed the capacity to implement the new policies. Even in order to implement free-market reforms such as Kim's, states need to be able to act as corporate entities with broadly collective goals. Indeed, Peter Evans (1995) has persuasively argued that state cohesiveness—undergirded by a robust, Weberian bureaucratic corps—is essential to developmental success. Korea, long known as the paradigmatic developmental

state, had the institutional and administrative capacity to effect the leadership's reformist goals.

The Kim administration's achievements are all the more impressive in light of the fact that the conditions surrounding its electoral victory did not appear particularly auspicious for major reforms. Kim, a political maverick, ran as an unsuccessful presidential candidate three times, in 1971, 1987, and 1992, before he finally won on December 18, 1997. The margin of his victory was paper thin. With 80.7 percent of all qualified voters participating, he received 40.3 percent, Lee Hoi Chang 38.7 percent, Rhee In-Je 19.2 percent, and labor leader Kwon Young-Gil 1.2 percent. Kim's party, the National Conference for New Politics (NCNP), obtained only 78 of the National Assembly's 299 seats. On the other hand, Lee Hoi Chang's Grand National Party (GNP) controlled a comfortable majority in the parliament, with 161 seats. Kim's victory was possible only because of a split within the ruling party, and an unlikely alliance between Kim Dae-Jung's NCNP and conservative Kim Jong Pil's United Liberal Democrats (ULD).<sup>6</sup> It was only in September 1998 that the ruling coalition secured a majority in the National Assembly "by enticing a large number of opposition lawmakers to defect" (Kim 2000, 895).

Given these formidable challenges, what explains the administration's relative success in implementing measures to reform the Korean economy and the chaebol, where his predecessors had failed? While economic crises coupled with externally driven pressures (such as the IMF mandates) doubtless provided opportunities to implement major reforms, Kim skillfully used every opportunity to pursue reforms. For starters, as the perennial political outsider, he had little problem portraying himself as a man of the common people who was above the fray of partisan politics, and who represented the aspirations and interests of working people as opposed to the sectarianism and self-interested machinations of traditional politicians. Indeed, of the key party leaders, only Kim Dae-Jung could completely distance himself from the discredited governments of Kim

Young-Sam and earlier presidents. This he did with great deftness.

Second, Kim Dae-Jung's international reputation as a champion of human rights and democracy served him well. As Brian Bridges (2001, 41) notes, Kim's warm relations with world leaders, including President Clinton, Japanese prime minister Hashimoto Ryutaro, and financier George Soros, "worked wonders in transforming international perceptions of Kim Dae-Jung in a favorable direction."

### Using the Crisis to Craft a Democratic "Mandate"

Perhaps more importantly, Kim's robust in-charge approach and decisive actions during the interim between his election (December 18, 1997) and inauguration (February 25, 1998) inspired confidence and precluded the feeling that there was a power vacuum at the center during the transition period. For example, just two days after the election, Kim Young Sam and Kim Dae-Jung met and formed a joint 12-member Emergency Economic Committee (ECC). Haggard (2000, 101) notes that

for the two months before the inauguration, this body, made up of six members from the outgoing and incoming governments but effectively under the president-elect's control, served as the de facto economic cabinet. Kim's coalition (NCNP and ULD) and the majority GNP also agreed to convene a special session of the National Assembly to deal with a series of reform bills required under both the original IMF program and its 24 December revision.

Kim Dae-Jung also used this transition period to push through important financial reform legislation that had been stalled under the previous government, and to acquire new means of autonomous decision making. In particular, the delegation of substantial powers to the newly

created Financial Supervisory Commission (FSC) greatly enhanced the government's powers. The FSC, in exercising de facto control over the entire banking system, including the allocation of credit, provided the government with substantial leverage over the chaebol.

Finally, unlike his immediate predecessor, Kim Dae-Jung seemed decisive and to have a clear grasp of the causes of the crisis. His observation that "past government failures" and "collusive links between companies and politicians" lay at the heart of Korea's crisis resonated with the Korean public (Dae-Jung 1998, 280). Kim shrewdly exploited the intense unpopularity of the chaebol management and chaebol financial weakness to formulate an ambitious agenda of corporate restructuring (Bridges 2001, 43-45). In fact, well before his inauguration, Kim reached an agreement with chaebol leaders regarding plans to restructure and reform their companies. And as Mathews (2001, 166) notes, Kim "showed that he meant business by calling a meeting of the country's top five business leaders—the heads of the leading chaebol—in January 1998, only three weeks after his election and six weeks before his inauguration, to secure their agreement to a binding five-point undertaking."

Despite the various attempts by the chaebol to undermine, if not sabotage, the reform efforts, the administration's commitment to reform did not falter. For example, since the restructuring of the top five chaebol was viewed as too complex for either the courts or the banks to undertake by themselves, the government required them to restructure through "voluntary capital structure improvement plans" (CSIPs) that were agreed to by the banks, the government, and the chaebol. However, by September 1998—after several rounds of delays by the top five chaebol in submitting their revised CSIPs—the government issued an ultimatum. Failure to move on their restructuring plans would result in credit sanctions. Moreover, the government pressured the top five chaebol to reduce their level of horizontal diversification and concentrate on their "core" businesses (World Bank

1999, 103). Under the program, the five largest chaebol agreed to swap major lines of business among themselves to consolidate excessive and duplicative investments, achieving greater economies of scale and "industrial rationalization."<sup>7</sup> As Meredith Woo-Cumings (2001, 367-68) observes,

the democratic government of Kim Dae-Jung did not shy away from using strong-arm tactics to bring about the desired results. When LG Group decided to pull out in the midst of merger negotiations, objecting to Hyundai taking the controlling share, the Financial Supervisory Commission immediately called in LG Group's creditors to discuss punitive measures, including immediate suspension of credit and recall of existing loans. On top of that, the government threatened to conduct a tax probe.

In the end, LG Group agreed to the merger, relinquishing management control and selling its semiconductor business to Hyundai. Similarly, Samsung was encouraged to sell its automotive operations to Daewoo. Other "big deals" included the sale of Hyundai's and Samsung's power generation businesses and Samsung's ship-engine operations to Korea Heavy Industries; the acquisition of Hanwha's oil refining operations by Hyundai; the merger of Samsung's, Daewoo's, and Hyundai's aerospace operations; and the merger of Samsung General Chemicals and Hyundai petrochemicals.

These deals will require huge quantities of public funds to enable creditor banks to swap debt for equity, so they have the potential of "giving the chaebol back door access to public funds to reduce their large debts" (Tan 2000, 195). Despite these challenges, the government has been modestly successful in getting the chaebol to separate ownership from management. Furthermore, there has been reform in chaebol corporate governance through consolidated financial statements, independent external audits, and the reduction of intragroup mutual payment guarantees. Chaebol have also streamlined their operations by reducing their excessive leverage and consolidating their many operations into a few core competencies.

Some have also reduced their debt burden and increased their profitability.

The initial reforms proved inadequate to spare one chaebol, Daewoo, from collapse. No doubt with the Daewoo mess on his mind, President Kim made a forceful address to the nation on the 54th anniversary of National Liberation, August 15, 1999. He stated that "without restructuring the corporate giants, the chaebol, the most problematic element in our economy, the economic reforms cannot be completed. . . . I am determined to go down in Korea's history as a President who first accomplished corporate reforms" (Kim Dae-Jung 1999, 533). Soon after, a second agreement was reached between the top five chaebol, the government, and the creditor banks. The chaebol agreed to a second series of potentially far-reaching reforms, including increased transparency, greater accountability, and independent subsidiaries with professional managers in control. The agreement also poses a real threat to their founding families' control of the chaebol by requiring enforcement of the inheritance tax, among other things.

### Populist Credentials, Corporatist Programs

Enhancing labor-market flexibility has been a key goal of Korea's structural reform, and one that was fraught with obvious electoral dangers. Nonetheless, Kim Dae-Jung was instrumental in forging agreements with business, labor, and the government in order to get them to work together to resolve the country's financial woes. Arguably, it was Kim Dae-Jung's long history in the opposition, his well-known pro-labor views, and his overall populist credentials that enabled him to get Korea's mobilized and militant working-class constituency to accept the austerity requirements of fiscal stabilization. Kim proved adept at manipulating these political assets in order to achieve a corporatist rather than populist agenda (that is, he resisted the "populist temptation"—that politically expedient, but fiscally irresponsible increase of

government spending to ameliorate the social costs of reform).

Once in place, the agreements Kim secured placed public pressure on both business and labor to make concessions and also provided the basis for subsequent legislation. Under the new law, layoffs are permitted if a company has duly considered the interests of its workers. Labor agreed to the implementation of flexible worker layoffs for the purposes of restructuring, and pledged to make every effort to enhance productivity and cooperate with businesses on wages and working hours. In return, the government has committed itself to strengthening its support programs by providing vocational training, unemployment insurance, a huge public-works program, and information on re-employment. Furthermore, new employment options such as temporary work, part-time employment, and work at home are being contemplated.

### State Autonomy under Democratic Cover

The bold actions by the Kim administration belie the conventional wisdom that politicians in fragile democracies will eschew tough decisions. The Korean case suggests that new democracies can provide previously subservient states the capacity to deal with major socioeconomic and political challenges, even when civil society is comparatively strong and the measures taken would normally be unpopular. What is needed in such cases is that "society" be neutralized, in effect, by "its" electoral conferral of authority on the state. Of course, it helps a great deal if the state possesses the factors that have traditionally been identified with a state's "capacities"—e.g., a disciplined bureaucracy, as Kim had at his disposal. But it was his own authority, conferred by "society," that allowed him to take advantage of the bureaucracy, and to deploy his political skills, in such a way as to do what, in theory, only can be done by a "substantive" democracy: mediate and contain particularistic demands, and fill the void when such elements of "society" as political parties, labor

unions, and autonomous social organizations are relatively divided.<sup>8</sup>

As Mo and Moon (1999a, 158) note,

democracy provided unexpected opportunities for economic reform. Because of his longstanding commitment to democracy, Kim Dae-Jung has enjoyed a great deal of goodwill and support from foreign investors and allies (especially the U.S. government), who wanted him to succeed. Domestically, too, democracy gave legitimacy and credibility to the government's reform efforts.

Kim Dae-Jung's apparent success in reforming the Korean economy shows that economic reform can be imposed with only the vaguest of popular "mandates." Procedural democracy alone—without the advent of "substantive" democracy—can provide legitimacy to policies conceived by technocrats and implemented in the teeth of populist and interest-group policy preferences. The mere "procedure" of even minimal democracy—the act by which civil society, through the electorate, legitimates new state personnel—can be sufficient, especially in a crisis when this procedure is interpretable as a "mandate," to strengthen a state considerably, conferring previously undreamt-of autonomy on state personnel to enact society-defying policies.

Maintaining such policies may be a different story, however. If stable pro-reform political coalitions are needed, Korea may be in trouble. The parliamentary elections held on April 13, 2000 once again resulted in a deeply divided parliament with no party in the majority. The opposition GNP won 133 seats—which gave it a plurality in the 273-member National Assembly—but left it four seats short of an absolute legislative majority. Kim Dae-Jung's NCNP—whose name was now changed to Millennium Democratic Party—came in second, with 115 seats and 35.9 percent of the popular vote. Kim Jong-pil's United Liberal Party (ULD) placed third, winning 17 seats. In such an environment, getting working coalitions

tions committed to reform will be difficult. Moreover, various corruption scandals (although neither Kim Dae-Jung nor his family members have been implicated) have diminished the popularity of the administration, and the public disillusionment with politics will make it difficult to maintain political support for reform. On the other hand, should the reforms implemented thus far prove to be successful in a way that the media manage to convey to the electorate, further "mandates" for essentially autonomous reform policies may emerge.

The Korean case shows that at least under crisis conditions, a strong state may emerge to take surprisingly bold actions that heretofore autonomous social interests find themselves unable to resist. Such conditions, however, cannot be taken for granted. Over the long term, for example, the Korean state's institutional capacities would have to be augmented to deal with the myriad challenges that neoliberal reforms can be expected to call forth from civil society.

#### NOTES

1. The Malaysian political system is sometimes referred to as "semi-authoritarian" or "semi-democratic" because it contains features of both authoritarianism and democracy. That is, although the constitutional framework of the Malaysian political system is essentially democratic (elections have been held regularly, the government is responsible to an elected parliament, and the judiciary is constitutionally independent), the democratic framework is accompanied by a wide range of authoritarian controls that greatly limit the scope for effective political opposition. These controls also make the defeat of the ruling party at the polls almost impossible.
2. As Max Weber noted long ago, inherent in personalism is "patrimonial bureaucracy," with a penchant for official malfeasance and outright corruption.
3. Prema-Chandra Athukorala (1998, 89) notes that "public investment expenditure surged, pushing the total investment to GDP ratio to 46 percent in 1997, the highest in the region."
4. Stephan Haggard (2000, 49) defines a veto gate as an institu-

tion that has the power to stop a policy proposal, thus forcing a reversion to the status quo. Veto gates can include the president, the legislature, a second chamber of the legislature, a committee within a legislature, or the courts. In authoritarian governments, they may include the military. The preferences of these veto gates may be more or less closely aligned, such that while the president and the legislature may represent distinct veto gates, they might also be either of the same party (unified government) or of different parties (divided government).

5. The quotation is from Sanhyuk Kim (2000, 167). Similarly, Peter Beck (1998, 1030) notes that "shortly after taking office, President Kim told one reporter, 'if the chaebol reform, they will be given incentives; if they don't, they will be at a disadvantage.'"
6. John Kie-Chiang Oh (1999, 231) notes that "if Rhee had not split the ruling camp, Lee would probably have been the winner."
7. More specifically, under the "big deals," it was hoped that each of the major chaebol would concentrate on only three or four core businesses, swapping other businesses with each other in order to achieve industrial rationalization.
8. The danger in relying on such leadership is that they may also deliberately weak or eliminate institutional checks on their authority. Guillermo O'Donnell (1994) refers to such systems as "delegative democracy"—where economic crises and institutional weaknesses allow personalist leaders to usurp power.

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