

Democracy and the Dispersion of Power

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Introduction

This paper argues that democratic institutions are justified because they are the least dangerous among available political orders. More specifically, they are least likely to be captured by a particular class, group, or individual, and made to serve the interests only of that subset of citizens—a virtue I refer to as *reflexivity*.¹ Though not unprecedented, this way of thinking about democracy is unorthodox within contemporary democratic theory, which typically relies upon the intrinsic value of popular sovereignty or collective self-determination through voting, deliberation, public reason, and other forms of participation. The project of this paper is to see if democracy can do without a commitment to such intrinsic ideals.

One reason for undertaking this project is that popular sovereignty and related ideals face a number of theoretical objections, which I have argued elsewhere are insurmountable. Increasingly, however, democracy also faces *practical* challenges from meritocratic alternatives such as the “China model.” Without directly undermining the intrinsic value of democracy, such alternatives insinuate themselves as more efficient means for achieving whatever substantive ends one might have—be they economic growth, environmental protection, or the redistribution of wealth—in light of which respecting democratic constraints can come to seem a rather inconvenient requirement. Responding to such critics by reasserting the *intrinsic* value of democracy plays right into their hands, by suggesting that a blind faith in the will of the people is the *only* reason democracy could be superior to such political orders. Even those who do not accept the theoretical

¹ As will become clear, this language is indebted to Jack Knight and James Johnson, *The Priority of Democracy: Political Consequences of Pragmatism* (Princeton: Princeton University Press, 2011).

challenges posed to ideals of popular sovereignty, then, should accept the need in practice for a viable instrumental justification of democratic institutions.

There are two major objections to the view defended here: first, that democratic institutions are *not* the least dangerous of available political orders—i.e., that some alternative could do better—and second, that there are more fruitful or inspiring ways of thinking about democracy. Roughly, then, the first three sections are addressed to the first objection, situating democratic institutions as a kind of mean between more centralized and more decentralized alternatives, while the final section addresses the second concern. First, I elaborate democracy’s true advantages by considering the prospects of a more centralized, “meritocratic” alternative, concluding that it is the dispersion of power in a democracy which renders it significantly less susceptible to dangerous forms of capture. The second section answers the challenge from decentralized alternatives which might seek to capitalize upon this insight, and the third section clarifies the mechanisms by which we might expect decidedly non-ideal democratic institutions to fulfill the functions I have outlined. In the final section, then, I demonstrate why, despite representing a *realistic* view of democratic potential, the theory of democracy as the least dangerous of available political orders is not overly *pessimistic*; i.e., that it does not necessitate a conservative quietism or minimalism, and indeed, that it represents an inspiring vision for the democratic future.

The Lure of Technocracy

Imagine that 50 years from now, China has become not only the world’s foremost demographic, economic, and military power, but also its center of cultural, scientific, technological, and political innovation²—having taken the lead, for example, in solving the

² Revealing the true character of our chauvinism, perhaps, the latter outcome intuitively seems much less plausible to Westerners. It is not too long ago, of course, that Europeans would have had a similar attitude towards the US.

world's environmental problems; fighting religious fundamentalism, racism, sexism, and war; and narrowing the gap between the global rich and poor. Imagine, then, that it has done this not thanks to a much-heralded transition to democracy, but because of its embrace of green, socialist, harmonious, Confucian meritocracy. Meanwhile, the democratically elected US Congress languishes in an ever-more-polarized partisan gridlock, ever-more-ineffectively stalling global progress on each of these issues while rehashing the same bitter conflicts over racism and socioeconomic inequality that have characterized its politics since its founding. Is this scenario so implausible? If so, why? And if not, what else would we have to say in the defense of democracy? Under such imagined circumstances, the typical strategies for explaining the desirability of democratic institutions—which rely overwhelmingly on the intrinsic value of popular sovereignty or equal political participation—would likely begin to ring hollow.

This is precisely the vision conjured with increasing explicitness and force by the recent work of Canadian-born political theorist Daniel A. Bell, who lives and teaches in China, and whose critical perspective on democracy possesses the kind of bracing clarity available only to an apostate.³ Drawing on Confucian thought and East Asian history as well as contemporary experiments with political meritocracy in Singapore and China, Bell proposes what amounts to a heresy in the Western world: that one-person-one-vote may not be the uniquely best way of selecting political leaders.

More specifically, Bell discusses four drawbacks of democracy: the tyranny of the majority, the tyranny of the minority, the tyranny of the voting community, and the tyranny of competitive

³ Bell has developed his arguments over a number of books and articles, but I will consider primarily the most recent: Daniel A. Bell, *The China Model: Political Meritocracy and the Limits of Democracy* (Princeton: Princeton University Press, 2015). See also Daniel A. Bell, *Beyond Liberal Democracy: Political Thinking for an East Asian Context* (Princeton, N.J.: Princeton University Press, 2006); Daniel A. Bell and Chenyang Li, eds., *The East Asian Challenge for Democracy: Political Meritocracy in Comparative Perspective* (New York: Cambridge University Press, 2013).

individualists. None is a new idea—in fact, each has been documented obsessively by advocates of democracy themselves. Under the banner of the “tyranny of the majority,” for instance, Bell points out the staggering ignorance, irrationality, bigotry, parochialism, and presentism of ordinary voters—a fact which is not less concerning in the era of Donald Trump than it was in Thucydides’ Athens. The “tyranny of the minority,” then, refers to the broad swath of evidence, especially from US political scientists, that “well-funded and organized minority interests can and do get their way against relatively powerless majorities” in democratic politics, which contributes to the continual rise of spectacular inequalities in the US and throughout the democratic world. Moreover, Bell argues—following Jacob Hacker and Paul Pierson⁴—the spectacle of electoral competition merely legitimizes this rigged system by providing ordinary people with “an element of illusory control” over policy (40).

Discussing the “tyranny of the voting community,” then, Bell points out that “democratization tends to strengthen the political salience of national identity,” and that long-established democracies have a disheartening “track record of committing harm against nonvoters” within their own lands, from the slaves of Athens and the American South to Palestinians in Israel and migrant workers around the contemporary Western world (46-47). More generally, global capitalism affords modern democratic citizens their relatively widely shared affluent lifestyle within national borders thanks only to a brutal history of colonialism and exploitation which have effectively “outsourced” poverty and violence to foreigners.⁵ Even more significant in the long term, Bell argues, is the harm outsourced to future generations—the most obvious case so far being

⁴ The reference is to Jacob S. Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer--and Turned Its Back on the Middle Class* (New York: Simon & Schuster, 2011).

⁵ Bell notes, for example, that democracies “carry out their dirty work against noncitizens and outsource torture to other countries.” (47, fn 124). See also Aziz Rana, *The Two Faces of American Freedom*, Reprint edition (Cambridge: Harvard University Press, 2014).

climate change. Finally, citing the “tyranny of competitive individualists,” Bell points out that electoral democracy “can exacerbate rather than alleviate social conflict,” generating “‘identity politics’ in which voting for a certain party becomes something akin to a tribal identity... polarizing society to the point of endangering the polity’s survival.” (54). Liberal and democratic institutions are supposed to allow people to resolve conflicts peacefully, but at least in poorer countries, democratic institutions are associated with *increased* violence, and even in rich countries, campaigning and partisan media can drive polarization, leading to the “demonization of political opponents” (58). We need few reminders of this in the age of Trump, Marine Le Pen, Geert Wilders, and Benjamin Netanyahu, not to mention growing Hindu nationalism in India.

Bell fully acknowledges, of course that Chinese society suffers from various pathologies—including the inequality, ethnic prejudice, and environmental degradation for which he is especially critical of contemporary democracies—but in each case he pushes us to ask the question: “which system is [more] likely to improve?” (45). Even if it seems obvious that Western-style democracies have outperformed East Asian meritocracies on most conceivable metrics *so far*, this future-oriented question is worth a serious answer. First, he argues, allowing the comparison between the US and China in the contemporary world to stand in for the possibilities afforded by democracy and meritocracy in general is unfair. Economically and technologically, and in many other respects, China is still catching up to the most advanced, developed nations, and this cannot be blamed on its current form of government. China reached \$5000 GDP per capita—a milestone the US likely passed in the notoriously corrupt “Gilded Age” of the late 19th century—only in 2005. It will not take nearly as long for China to close the rest of the gap, but the playing field is still far from even. Second, as noted above, the world is changing rapidly, and at least some of the challenges we will face in the 21st century and beyond are importantly different than those we have

faced before. Global capital flows which already limit state sovereignty, disruptive technology which facilitates accelerating inequality, and massive environmental degradation—not to mention the sort of “existential risks” which have recently garnered attention in philosophical circles—can be managed only with the judicious application of highly sophisticated technical knowledge.

Most importantly, the variety of political meritocracy which Bell proposes is one which has learned from and coopted some of the advantages of its rivals, including democracy. It is well known, of course, that the Chinese state has very successfully fostered Western-style free markets in certain sectors since the 1980s. Less famously but equally significantly, Bell notes, have been parallel efforts to foster particular forms of democratic engagement on a local level. Bell endorses both of these trends, and proposes that they be scaled up. Indeed, he draws freely upon the values of open deliberation and political participation; which, he demonstrates, have no inherent connection to the principle of one-person-one-vote. Even if open-ended deliberation among diverse groups can be shown to produce better decisions, for example, such deliberation could easily take place among manageable groups of randomly selected citizens without necessitating full enfranchisement. China is already experimenting with using such deliberative bodies to improve their services to citizens, and preliminary evidence shows it may be working.⁶

In fact, it is at least conceivable that certain democratic values can be *better* instantiated in the context of a centralized political meritocracy, without the distortions and inconveniences of electoral competition. For example, deliberative democrats have proposed “deliberative polls” as a way of mitigating or circumventing certain pathologies of majoritarian electoral democracy, on

⁶ Siddharth Chandra and Nita Rudra, “Reassessing the Links between Regime Type and Economic Performance: Why Some Authoritarian Regimes Show Stable Growth and Others Do Not,” *British Journal of Political Science* 45, no. 02 (April 2015): 253–85, doi:10.1017/S0007123413000355; Lily L. Tsai, *Accountability without Democracy: Solidary Groups and Public Goods Provision in Rural China* (New York, NY: Cambridge University Press, 2007).

the theory that they are able to discern or create a more reflective and deliberate popular will.⁷ Regardless of whether they succeed in this goal, however, their hard-won conclusions have often been ignored—perhaps unsurprisingly—by popular majorities which have not undergone the relevant deliberative transformations.⁸ Cristina Lafont points out, moreover, that by traditional standards of democratic legitimacy, this is a good thing: if the decisions of a mini-public differ from the considered judgments of the people as a whole, why should we trust the mini-public over the rest of the citizens?⁹ A meritocratic system, of course, does not suffer from this contradiction. If the findings of such deliberative polls are indeed assumed to reflect enlightened popular judgment better than unreflective polling or voting, then a meritocratic state will be better equipped to enact that enlightened popular judgment, and could therefore approximate the supposed deliberative, epistemic, and even *representative* virtues of deliberative mini-publics better than an electoral democracy.

More generally, Bell claims, meritocratic political institutions are better able to make use of the supposedly democratic principle of experimentalism. John Dewey's pragmatism in particular, he notes, has informed the CCP in its programs of social and institutional experimentation across the many provinces and districts of China. This cooptation is particularly striking because it is precisely Dewey's account which drives a number of recent attempts to justify democracy on epistemic, deliberative, or instrumental grounds.¹⁰ *Pace* Dewey and his latter-day democratic

⁷ James Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform* (New Haven: Yale University Press, 1991); Robert C. Luskin, James S. Fishkin, and Roger Jowell, "Considered Opinions: Deliberative Polling in Britain," *British Journal of Political Science* 32, no. 03 (July 2002): 455–87, doi:10.1017/S0007123402000194; James Fishkin and Robert Luskin, "Experimenting with a Democratic Ideal: Deliberative Polling and Public Opinion," *Acta Politica* 40, no. 3 (2005): 284–98, doi:10.1057/palgrave.ap.5500121.

⁸ Need Cites

⁹ Cristina Lafont, "Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy?," *Journal of Political Philosophy* 23, no. 1 (2014): 40–63, doi:10.1111/jopp.12031.

¹⁰ Dewey's focus on experimentalism is found throughout his work but its application to democratic public life is especially apparent in *The Public and Its Problems* (Athens, OH: Swallow Press, 1927). Knight and Johnson, discussed below, make this central to their own account as well (see p. 45-50 of *The Priority of Democracy*).

disciples, Bell argues that experimentation with local institutions is most effective if it is carried out in the context of a hierarchical meritocracy. After all, meritocracy drives the progress of experimental science, which requires informed and coherent decisions about which experiments have been successful. Hierarchical institutions also have greater capacity than fully federalized or democratic systems to generalize successful experiments across the board. Thus, it seems, whatever advantages experimentation may have, they can be deployed to greater effect by a meritocratic body which knows how to use it. Indeed, there are already relatively meritocratic bureaucracies in all contemporary democratic states, whose effectiveness is reliably stymied by the melodrama of electoral politics. Perhaps we would be better served—as nearly every democratic bureaucrat has likely considered at some point during her career—by relinquishing that inconvenient constraint.

Far from demonstrating the plausibility of political meritocracy, however, the comparisons with scientific institutions and democratic bureaucracies serve as a perfect illustration of the particularly toxic nature of the combination it represents: i.e., a self-perpetuating meritocracy and a centralized apparatus of distributional politics. Science, on the one hand, is a largely self-perpetuating meritocracy, but it is neither centralized nor concerned with distributive questions; democratic bureaucracies, on the other hand, are centralized internally and concerned more often with distributive questions, but clearly subordinate to elected majorities. On its own, then, each meritocratic system is subject to relatively “mild” forms of dysfunction caused by these traits, whereby they are “captured” by particular classes or interests. In each case, however, the relevant capture is limited in scope or duration, and therefore, both science and bureaucracy retain resources for self-correction—science in its internal distribution of power, and bureaucracy in its direct democratic oversight. A political meritocracy, by contrast, which possesses none of these resources

for self-correction, is susceptible both to more durable forms of “mild” dysfunction as well as more extreme forms of dysfunction, whereby an elite class or even a single individual may dominate the entire system, leaving little hope of a non-catastrophic escape.

Consider first the contrast with science. Elite scientists replace themselves, meaning that whatever systematic biases they possess will be passed on to the next generation. The predominance of male researchers in various fields, for example, has been shown to lead to a number of systematic biases, both as to which questions are asked, and as to how they are answered.¹¹ Even more egregious in this regard is the treatment of nonwhite subjects by the “anthropologists” and “psychologists” of the late 19th and early 20th centuries, if such fraudulent racists can even be called “scientists.” Nevertheless, because scientific institutions are *decentralized*, dissenting voices were able to find a home, and eventually to gain power. Despite widespread capture of particular scientific fields by particular classes, therefore, science has always retained some capacity for self-correction.

Perhaps even more importantly, most scientific institutions are not particularly attractive targets for capture in the first place, because most scientific questions do not have particularly significant implications for the distribution of power. There are exceptions, of course, including the study of racial and gender differences as well as such fields as climate science and pharmacology. Indeed, fossil fuel and pharmaceutical companies have predictably flooded their respective disciplines with cash in an effort to achieve profitable results. Nevertheless, the vast majority of scientific questions do not have such direct distributive implications, and this fact is essential for the methodical resolution of disagreements in “normal science,” which proceeds

¹¹ Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing*, 1 edition (Oxford; New York: Oxford University Press, 2009); Anne Fausto-Sterling, *Myths Of Gender: Biological Theories About Women And Men, Revised Edition*, Revised edition (New York, NY: Basic Books, 1992).

according to a thick and carefully policed set of assumptions. Indeed, it is only the vast cultural influence exercised by the methods of normal science that these corporate interests are prevented from capturing the relevant disciplines.

By contrast, there is no comparably “normal” politics, because politics is centrally if not constitutively concerned with questions whose answers have distributive implications. This prevents us not only from methodically resolving our political disagreements, but even from agreeing on the terms within which to conduct the debate.¹² The sort of non-epistemic power struggles which throw into question the epistemic trustworthiness of a few scattered scientific disciplines—such as racist anthropology, sexist evolutionary psychology, and clinical trials funded by big pharma—can therefore be expected to predominate in politics. Because the questions answered by *political* meritocracies tend to have distributive implications, in other words, they are far more reliably attractive as targets for capture.

A democratic bureaucracy, of course, is both centralized, unlike science, and concerned with distributive questions. And indeed, for both of these reasons, contemporary democratic bureaucracies are notoriously susceptible to corruption, inefficiency, waste, and a host of other pathologies. The key difference is that in a political meritocracy, bureaucratic leaders get to select their own replacements. In the short term, this means that they will likely choose successors with the same biases, blind spots, and partial interests, which will therefore simply compound the concentration of power over time in the hands of the class whose partial interests are represented. In the absence of democratic oversight, those disadvantaged by such power asymmetries have few resources to overcome them, and their only hope is for those with power to relinquish it voluntarily. Democratic bureaucracies, by contrast, are always only an election away from recovery. While

¹² Samuel Bagg, “Can Deliberation Neutralise Power?,” *European Journal of Political Theory* Online EarlyView (2015).

democratic corruption often persists for quite some time in practice, the threat of replacement is always present, and so long as they have a vote, the disempowered therefore have at least one potential tool for recapturing their political institutions, which citizens of a political meritocracy do not. We will return to this point below.

Perhaps most concerning of all for political meritocracies, however, is the ever-present threat of an even more serious dysfunction and a far more complete form of “capture”—i.e., a smaller elite or even a single individual who successfully gains control over a highly centralized power structure. Political meritocracy, which combines the centralized structure and political concerns of bureaucracy with the self-perpetuating practices of science, is far more susceptible to such dystopian outcomes than either science or democratic bureaucracy. In science, as we have seen, there is both less of an incentive for groups or individuals to attempt such takeovers, because there are far fewer distributive issues at stake; and a much higher barrier, because of the relatively decentralized nature of scientific institutions. In a political meritocracy, by contrast, the incentive to “capture” the centralized institutions is extremely high, while the structure of the centralized institution itself makes its capture disturbingly easy. Democratic bureaucracy, of course, handles distributive issues within a centralized structure, but is protected against this dystopian form of capture by the mechanism of regular elections. Without democratic oversight, leaders in bureaucracies can and often do replace those who are not disposed simply to follow their orders by invoking criteria of “merit.” An effective power grab in such a system—either by a class, an elite few, or an individual—is therefore both far too easy to accomplish and far too devastating to any of the virtues we might suppose the system to have.

The contrasts elaborated here point the way towards a better grasp of democracy’s true virtues. Where a political meritocracy is subject to extreme dysfunction and capture by elites, democracy

is more robust. Democratic institutions are hardly immune to capture and corruption, of course, but they contain more resources for self-correction, and capture is therefore less durable and severe. As Jack Knight and Jim Johnson argue, in other words, democratic institutions are more *reflexive* than the available alternatives.¹³ Before we turn our attention to democracy, however, another possibility must be considered. If decentralizing political power protects us from the potential for its abuse, why stop at democratization? In particular, won't the powerful states favored by many social democrats be similarly dangerous and susceptible to capture? Indeed, the likelihood that various features of the state will be "captured" and used for rent-seeking by private actors is one of the main arguments brought *against* an active democratic state by many advocates of market-driven decentralization. Examining the possibility that markets provide a better solution to the problem of state and regulatory capture will therefore be at least as instructive for the justification of democracy as our engagement with meritocracy.

Markets, Reflexivity, Polycentricity, and Power

To begin with, we must steer clear of a common mistake made by many critics of markets, which is to assume that the identification of "market failures"—including "externalities" in the technical sense as well as those failures which may not fit the economists' formal criteria—suffices as a justification for a centralized, governmental solution. As "public choice" theorists have long insisted, simply calling attention to the failures of markets does not yet constitute an argument for state intervention of any kind, much less a democratic state ruled by the whims of a notoriously selfish, xenophobic, and poorly informed majority.¹⁴ Public choice theorists observe that an

¹³ Knight and Johnson, *The Priority of Democracy: Political Consequences of Pragmatism*.

¹⁴ Gordon Tullock and James M. Buchanan, *The Calculus of Consent: The Logical Foundations of Constitutional Democracy* (Ann Arbor: University of Michigan Press, 1962); James M. Buchanan and Robert D. Tollison, *Theory of Public Choice: Political Applications of Economics* (University of Michigan Press, 1972); James M. Buchanan

implicit faith in the ability of governments to solve market failures prevails among economists (not to mention the general public), which relies on at least two dubious assumptions: first, that public actors have benign intentions; and second, that they have the capacity to straightforwardly achieve those intentions. In other words, many economists seem to treat the state as a kind of special case, where their normal assumptions about self-interested actors do not apply, or where the threat of distortions such as imperfect information and perverse incentives has been eliminated. Public choice economists coined the term “government failure” to restore symmetry to this discourse, and it serves as shorthand for such pathologies as corruption, regulatory capture, rent-seeking, extractive taxation, and so on.

If economists are guilty of this indulgence, of course, many political philosophers are far guiltier still, often assigning to “the state” not only such modest tasks as regulation of finance and industry but also projects of such vast utopian ambition as redistributing global wealth to the world’s poor,¹⁵ or creating the conditions for reasonable, free, and equal deliberation among citizens.¹⁶ When political theory is framed as an answer to the question “what should the state do?”—which, explicitly or implicitly, is all too frequently the case—it ignores such counsel, neglecting to explain how and why we might expect the state to successfully carry out “our” commands. In at least one respect, then, public choice theorists are aligned with Foucault: both seek to “cut off the head of the king” in political theory; to challenge the “reification” of the state. James Scott provides perhaps the closest thing to a synthesis of their concerns with his spectacular

and Robert D. Tollison, *The Theory of Public Choice--II* (University of Michigan Press, 1984); Andrei Shleifer and Robert W. Vishny, *The Grabbing Hand: Government Pathologies and Their Cures* (Cambridge, Mass.: Harvard University Press, 2002); William R. Keech and Michael C. Munger, “The Anatomy of Government Failure,” *Public Choice* 164, no. 1–2 (May 22, 2015): 1–42, doi:10.1007/s11127-015-0262-y; Bryan Caplan, *The Myth of the Rational Voter: Why Democracies Choose Bad Policies (New Edition)* (Princeton University Press, 2011); Jason Brennan, *The Ethics of Voting* (Princeton: Princeton University Press, 2012).

¹⁵ E.g., Thomas W. Pogge, *World Poverty and Human Rights* (Cambridge: Polity, 2008).

¹⁶ E.g., Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987).

lity, in *Seeing Like a State*, of the various ways centralized “schemes for improving the human condition have failed.”¹⁷

In *The Priority of Democracy*—a justification of egalitarian democracy aimed primarily at advocates of market-driven decentralization—Knight and Johnson take these concerns as their point of departure. Like Bell’s model of political meritocracy, their theory of democracy is constructed so as to be able to coopt whatever real advantages are possessed by its competitors, and while markets are their primary target in the book, this also applies to meritocratic structures like those of science. Rather than requiring the democratization of all spheres of life, therefore, Knight and Johnson endorse “institutional pluralism” (5) on the level of “first-order” institutions, specifically advocating markets and meritocracies as the optimal solutions to particular problems. They are not averse to democratizing initiatives in particular cases, but for Knight and Johnson, it is most important that democracy be preserved as a “second-order” institution with the ability to monitor the performance of these first order institutions and intervene when necessary. Democracy thus represents a society’s fundamental ordering premise without swallowing up all other institutional forms.

Knight and Johnson admit that effective markets and effective democracies both depend upon certain preconditions, and that those theorists assuming an asymmetry in this regard are rightly chastened by public choice theory. They argue, however, that there is a *real* asymmetry between the two systems: only democracies can reflexively preserve their *own* preconditions (23). Thus, while markets may have a “first-order” priority in a number of situations as the most effective solution to particular social problems, it is democracy that possesses “second-order” priority as the most effective solution to a more *general* problem: i.e., the need to monitor the performance of

¹⁷ James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

other social institutions while simultaneously evaluating its own performance and adjusting its own characteristics as needed. Rather than denying the existence of “government failures,” in other words, Knight and Johnson point to the capacity of *democratic* governments, over the long term, to remedy those failures. Such reflexivity takes time, of course, and is never simply guaranteed, but compared to the ability of markets to remedy “market failures” without centralized intervention, they argue, the prospects for reflexive self-correction are far better in a democracy. In this way, democracy must have second-order priority even on the market theorist’s own terms: if markets fail, democratic government can correct it, but the reverse is not true. Only democratic government can correct the failures of democratic government—or perhaps, the “cure for the ills of democracy is more democracy.”¹⁸

Here we come to the crux of the argument against decentralizing markets as a solution to the problem of state and regulatory capture. Most public choice theorists assume that such pathologies are best solved by *limiting* the power of the state—on the theory that the state can abuse only the power it is given—but a simple extension of Knight and Johnson’s logic reveals that this assumption is mistaken. “Regulatory capture” as such may be less prevalent in a more decentralized institutional environment featuring only a minimal state apparatus, ruling out this particular mechanism for “locking in” elite advantage and thereby stifling reflexivity. However, this only *expands* the relative importance of those state institutions which do exist. State capture in a “decentralized” order can therefore represent an even more sinister and complete form of “capture” than the more limited forms of “regulatory” capture which undoubtedly characterize states with more varied and expansive capacities.

¹⁸ This quip was originally penned by the pragmatist Jane Addams in *Democracy and Social Ethics* (London: Macmillan, 1902), 11–12., though it is often attributed to H. L. Mencken, who uses it without attribution (switching “ills” for “evils”) in *Notes on Democracy* (New York: Alfred Knopf, 1926), 4.

More fundamentally, the very distinction between mechanisms which are “centralized” or “state-run” and those which are “decentralized” or “outside” the state is misleading. Wealth inequality, for example, is typically conceived as a “decentralized” or “non-state” mechanism for locking in elite advantage, but it is also clearly enabled by the state, whose primary function on minimalist conceptions, after all, is to protect private property. Many varieties of gender and racial inequality are even more invisible if we consider only “centralized” or “state-run” mechanisms by which advantage may be perpetuated, not to mention forms of power which operate in subtler ways or on less easily differentiated classes of people. If such power-concentrating mechanisms compound one another simply because the state is officially powerless against them, then “state capture” by the elite may be signified by the *absence* rather than the *presence* of the state in various realms, and will be all the more rigid and path-dependent for its invisibility. Centralized democratic oversight, therefore, which all market theorists admit is unavoidable, may actually be rendered *less* dangerous by *increasing* its jurisdiction: while it cannot prevent capture altogether, democracy enables a speedier recovery. Democratic institutions, in other words, exhibit greater *reflexivity* than both fully centralized and fully decentralized alternatives.

As formulated by Knight and Johnson, however, the concept of reflexivity is still inadequate to demonstrating the priority of democracy. Throughout their account, reflexivity appears as a binary and formal property of institutions, which consists in the ability to discuss and alter an institution’s underlying structures from within that institution. Markets and legal decision-making are said not to be reflexive largely because they are “decentralized”—that is, because no one is “charged” with “reviewing or monitoring in an ongoing way the conditions under which institutions of exchange and legal disputation themselves operate” (162). Democracy, by contrast, “allows” citizens “to collectively reconsider and revise the terms of their ongoing interactions”

(162), and therefore counts as reflexive. As Paul Dragos Aligica rightly points out, however, certain decentralized systems might be able to revise the terms and preconditions of their effective performance, in surprisingly adaptive ways, *without* assigning this responsibility to anyone in particular, through “evolutionary competition” or “spontaneous order.”

Drawing from the work of Elinor and Vincent Ostrom, Aligica urges us to move beyond the dichotomizing framework of “centralized” and “decentralized” orders, and he introduces the more complex concept of “polycentricity” to describe systems with a multiplicity of decision centers within an overarching system of rules, and conditions of entry and exit among decision centers that are free or “spontaneous” enough to create the conditions for evolutionary competition between them (58). The virtue of such polycentric systems, then, is that they have a “built-in mechanism of self-correction” (48) which “monocentric” systems lack. As Elinor Ostrom observes:

While all institutions are subject to takeover by opportunistic individuals and to the potential for perverse dynamics, a system that has multiple centers of power at differing scales provides more opportunity for citizens and their officials to innovate and to intervene so as to correct maldistributions of authority and outcomes. Thus, polycentric systems are more likely than monocentric systems to provide incentives leading to self-organized, self-corrective institutional change. (Ostrom 1998, cited in Aligica 2014, p. 49)

In other words, Ostrom claims for polycentricity precisely the sort of “reflexivity” we have attributed to democracy. Rather than relying on a sovereign decision-maker to be assigned to the task of self-correction, however, she observes that polycentric systems may correct themselves in a decentralized manner. This makes reflexivity dependent upon the aggregated effects of incentive structures rather than the decisions of any particular agent. Where Knight and Johnson invite us to view the *demos* as a sovereign decision-maker—whose epistemic competence is plausibly undermined by meritocratic critics such as Bell—Aligica, following Ostrom, pushes us to re-

conceptualize the reflexivity of a social system as a *systemic* property which emerges from the overall distribution of power.

Though this shift may seem subtle, it has important implications for how we interpret the priority granted to democracy as the most reflexive second-order institution. Polycentricity and democracy are clearly compatible, Aligica argues, but if polycentricity is indeed the true source of reflexivity, then democracy “is worthy to the degree that it is an instantiation of polycentrism” (53), and it is the latter, not the former, which deserves second-order priority. One way of seeing the force of this suggestion is to imagine a highly centralized world government, subject to democratic control. Setting aside the feasibility of such an arrangement, consider whether it would really be preferable to an alternative ideal world whose ordering principle was more polycentric—a loosely organized coalition of sovereign states or metropolitan areas, perhaps, each run internally according to various broadly democratic principles, which coordinate only in order to solve particular collective action problems. There are sensible arguments to support each hypothetical system, of course, but despite my robust support for democratic organization on other scales, my own intuitions rather strongly favor the polycentric option. The possibility that an all-powerful “monocentric” world state would be captured by forces hostile to human purposes, however small, makes it seem too dangerous of a bet—a risk of existential proportions to the future of humanity.

We are not likely to have the option of creating a centralized global democracy any time soon, of course, but the enduring appeal of federalism and other forms of constitutionally protected pluralism even within democratic nation-states suggests that polycentric orders may possess greater reflexivity than more fully centralized ones. It is hardly a novel observation, after all, that stable democratic institutions require an active and empowered civil society; independent institutions of bureaucracy, religion, business, the press, and the academy; and even the balancing

force of external international powers.¹⁹ Indeed, though a concern for the balance of power is traditionally associated with conservative thinkers, the spectacular failures of unabashedly statist approaches have forced leftists in recent years to embrace its necessity for radical ends as well.²⁰

Nonetheless, Aligica over-interprets this insight in claiming priority for polycentricity. The imperative of reflexivity focuses our attention on preventing various forms of path-dependent institutional rigidity—“points of no return” beyond which a system cannot change course without dramatic upheaval and/or significant exogenous intervention. Highly centralized orders such as fascist and communist authoritarianism are clear examples of this path-dependent institutional rigidity, but so are various forms of “polycentric” order such as the “ruling oligarchies” which have characterized much human civilization,²¹ as well as many of the dystopian futures imagined for neoliberal capitalism once it has fully broken free of democratic control.²² What deserves priority is neither polycentricity *nor* democracy as such. Instead, second-order priority properly belongs, under modern conditions, at least, to a particular sort of polycentric, democratic institutions.

Ocular power and the real value of democratic institutions

In specifying these institutions, we may begin with the feature most often singled out for criticism by democracy’s contemporary opponents, including Bell: the principle of one-person-

¹⁹ It is precisely the disconcerting prospect that a unified global government would face no countervailing forces *outside* its jurisdiction which explains why even a democratic world state is justifiably regarded as dangerous.

²⁰ David Graeber, *The Democracy Project: A History, a Crisis, a Movement* (Spiegel & Grau, 2013); Jeffrey Stout, *Blessed Are the Organized: Grassroots Democracy in America*, Reprint edition (Princeton, N.J.; Oxford England: Princeton University Press, 2012); Lawrence Hamilton, *Freedom Is Power : Liberty through Political Representation* (Cambridge; New York: Cambridge University Press, 2014); Luke Bretherton, *Resurrecting Democracy: Faith, Citizenship, and the Politics of a Common Life* (New York: Cambridge University Press, 2014); Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

²¹ Jeffrey A. Winters, *Oligarchy* (Cambridge; New York: Cambridge University Press, 2011).

²² Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (New York: Zone Books, 2015).

one-vote. This is not to say, of course, that the franchise could stand alone. As we have already seen, the maintenance of effective universal suffrage in practice requires, among many other conditions, the support of a polycentric order. For the purposes of analytical clarity, however, we will focus on it first—justifiably, I should think—as the democratic institution *par excellence*.

The primary reason that the franchise contributes to reflexivity, I claim, is because it guarantees a particular quantum of power to each eligible voter. Individual votes, of course, carry negligible power in themselves, and we have admitted that elections are typically underwhelming in their visible effects. Indeed, they are perfectly compatible with all of the “tyrannies” which Bell identifies, thanks to the ignorance, bias, and immorality of the general voting public. Even if we assumed a fully rational and informed population, however, elections would still be a weak, hopelessly granular tool for holding representatives accountable, given the diversity of interests and preferences in society.²³ Especially if we reject the traditional notion that universal suffrage legitimizes state action by enabling some form of popular sovereignty or collective will-formation, then, it might be tempting to suppose that the franchise has no value at all. Critics of democracy are inclined to agree, realizing classic fears among supporters about the consequences of relinquishing democracy’s claims to intrinsic value.

This supposition, however, is a mistake: assuming that democratic institutions are working properly—with free and fair elections, the rule of law, civilian control of the military, and so on—universal suffrage opens the possibility, however slight, that people with few power resources to speak of can use the arm of the state to redistribute power in their favor. And in many cases, this threat is enough to tip the balance of power in a salutary direction. It is possible, of course, even

²³ See, e.g., William H. Riker, *Liberalism Against Populism: A Confrontation Between the Theory of Democracy and the Theory of Social Science* (San Francisco: Freeman Press, 1982); José María Maravall and Ignacio Sánchez-Cuenca, eds., *Controlling Governments : Voters, Institutions, and Accountability* (Cambridge: Cambridge University Press, 2008).

in the absence of elections, for those lacking notable power resources to coordinate and force some form of redistribution, as with the famed “secession of the plebs” in ancient Rome.²⁴ Indeed, the institution of democratic elections and the expansion of the franchise have often been precipitated by precisely this sort of mass collective action. Such struggles are extraordinarily difficult to organize, however, as well as massively unpredictable and dangerous in their own right. They are relatively rare events in the history of human societies. Needless to say, then, the process of redistributing power is both easier and less dangerous if we have already institutionalized opportunities for collective action in the form of regular elections. Thus, even though each vote individually carries relatively little power, the threat of this form of readily available collective action serves as a kind of reserve of countervailing power, whose constant passive existence is far more significant than any particular instance of its active use.

Jeffrey Green’s concept of the “eyes of the people” is indispensable to understanding this dynamic.²⁵ Instead of valorizing the “voice” of the people as authors of the law whose preferences and opinions are assessed through voting, deliberation, or polling, Green argues, we should focus our democratic theory on the power granted them, as spectators, by their *eyes*. After demonstrating both the pervasiveness and the inadequacy of the “vocal” model of democracy, he develops an alternative account of popular power as primarily “ocular” in nature, and calls upon an impressive diversity of sources in the process—from theological accounts of divine watchfulness and the Freudian superego to Foucault’s “panopticism” and Laura Mulvey’s “male gaze.”²⁶ Though he admits that the ocular power of the people may rely, in a sense, upon vocal forms of power such

²⁴ Martin Breugh, *The Plebeian Experience: A Discontinuous History of Political Freedom*, trans. Lazer Lederhendler (New York: Columbia University Press, 2013).

²⁵ Jeffrey Edward Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (Oxford: Oxford University Press, 2009).

²⁶ Laura Mulvey, “Visual Pleasure and Narrative Cinema,” *Screen* 154, no. 3 (January 1, 1975): 6–8.

as the vote, he makes a compelling case that the ocular model is nonetheless more useful than the vocal model in thinking through the promises and pitfalls of contemporary democracy.

Among many other theoretical and practical reasons for this shift, he notes, it is with their eyes and not their voices that nearly everyone in our “age of spectatorship” *experiences* democratic citizenship. Perhaps more importantly, it is also the ocular power of citizens which is felt more acutely by democratic leaders. This is especially true, of course, for the vast majority of public officials who are not directly elected and are therefore more likely to be fired by a superior for unacceptable public behavior than held to account for policy mistakes in an election. But ocular power is even the primary concern in the everyday lives of elected officials as well. The prospect of re-election is surely present in the background, of course, throughout their terms in office, but precisely because of the many limitations of elections as an accountability mechanism, the relationship between any particular incident and an individual’s prospects for re-election are so convoluted as to prevent any serious consideration of the marginal effects of such incidents. Instead, public officials attempt to manage their “image” in a more holistic way, responding directly not to shifts in predicted vote share but to the likely consequences for their reputation across various media. The vast majority of the time, in other words, contemporary democratic politicians are constrained and disciplined by the *eyes* of the people, rather than their voice.

Shifting the focus of democratic theory to citizens’ ocular power, Green argues, therefore allows us a clearer view of democratic political life, and I am inclined to agree. There is one advantage of this shift, however, to which Green does not devote a great deal of attention: it undermines the distinctively *democratic* character of the power of democratic citizens, instead revealing striking similarities between contemporary politics in democracies and non-democracies and allowing us to theorize both along the same continuum. In both cases, average citizens rarely

if ever experience moments of “vocal” power over their leaders, and more often serve as spectators. Similarly, the power of the popular gaze is a serious concern to leaders in both contexts. On a day to day basis, for example, Xi Jinping and other CCP cadres are constrained by the same “ocular” form of popular power as their American counterparts. The same could be said of those in positions of power within a “polycentric” framework—such as CEOs and religious figures—who are not directly accountable to democratic majorities. No set of leaders calculates the precise effects of various changes in policy or rhetoric on their chances of winning a majority in the next election; all consider the consequences, instead, for their reputation, in a more holistic sense.

By showing that the power of the people in democracies and non-democracies is different in *degree* rather than in *kind*, Green has perhaps unintentionally blurred the line between the two. This innovation may appear threatening or perhaps even fatal to democracy in the eyes of both supporters and opponents, but I argue that it actually strengthens the defense of democracy within the larger framework of reflexivity elaborated here. In both democracies and non-democracies, the power of the people is exercised primarily through spectatorship rather than voice, but in a democracy, I argue, its force is far greater, thanks precisely to the reserve of “vocal” power guaranteed the franchise. Though voters do not *often* remove politicians from power as a result of particular incidents, to make this observation is to select on the dependent variable: what we do not observe, of course, are all of those actions which democratic politicians avoid for fear of removal from office. Because it is *possible* for citizens to remove them from office, politicians must care a great deal about maintaining their public reputation, and this we clearly do observe. The intensely partisan and polarizing electoral competition whose pathologies Bell documents with delight is therefore fundamental, for better or for worse, to the people’s ocular power, for it

ensures that someone will always have a strong incentive to keep public officials from becoming complacent about their reputation.

Ironically, then, the problem with the “vocal model” of popular power is that it *obscures* this dynamic, by encouraging us to see democratic and nondemocratic government as two fundamentally opposed forms of sovereignty—a categorical distinction that will inevitably fail to live up to our expectations. As Green points out, even the supposedly “hard” power represented by the voice of the people in the form of electoral accountability depends upon “extravocal sources” such as the cooperation of military, police, and judicial powers with the decisions of majorities (12)—that is, it depends upon a broader polycentricity. In other words, there is no “fundamental” locus of sovereignty, and attempts to find it in “the people” will inevitably turn up empty. As a result, we may lose faith in the priority of democracy, perhaps even turning to nondemocratic methods of actualizing popular sovereignty—a possibility represented equally by Marx’s dictatorship of the proletariat in its Leninist, Stalinist, or Maoist guises, and by the right-wing fascism of Mussolini and Hitler.²⁷

The “ocular” model, by contrast, points our attention away from the question of *fundamental* sovereignty and towards questions of *relative* power. It is named not for the ultimate source of the power possessed by the people—there is no such thing—but for the primary register in which it is experienced. Popular power experienced in an ocular register, then, may draw from a number of “proximate” sources, none of which is fundamental. Indeed, the variety and effectiveness of the non-ocular options available to the people in disciplining their leaders will determine how much *ocular* power they have—including everything from the seemingly mundane “arts of resistance”

²⁷ If Talmon and Popper are wrong to place these horrors at the feet of Rousseau, this is only because his suggestion that some people must be “forced to be free” is already contained within the logic of popular sovereignty itself, and Rousseau was simply the first to follow that logic to its terrifying conclusion.

employed by powerless peasants on James Scott's accounts; to the rebellions, secessions, and general strikes which have terrified elites from the beginning of sedentary, hierarchical civilization. Thus, by precluding us from seeing the franchise as a sacred and categorically distinct possession, the ocular model actually *enables* us to see its real value as one among many sources of power that can be wielded by ordinary people.

Beyond minimalism

Among the many witticisms attributed to Winston Churchill is the idea that democracy is the worst form of government—except, of course, for all the others. In a sense, this is the bumper-sticker version of the view presented here, and to many democratic theorists, it will seem either banal, pessimistic, or both. The charge of banality has some justification in that none of its component claims are particularly novel, but contemporary democratic theorists rarely consider the possibility that Churchill's jocular quip ought to be taken seriously as the best strategy for defending democracy, and this renders my approach quite novel—radical, even—within that domain. For this reason, the charge of pessimism is of greater concern to me here, and the rest of the paper is devoted to answering it.

Strictly speaking, of course, there is nothing inherently pessimistic about this “Churchillian” view. It would be counterintuitive to pay a compliment to Michael Jordan by claiming that he was the worst player in NBA history, except for all the others, but this is technically equivalent to the claim that he is the *best* player in history. This formulation is counterintuitive in Jordan's case only because we do not need to be reminded that evaluating the greatness of basketball players is a comparative enterprise. Political theory, by contrast, all too often *fails* to acknowledge the comparative nature of political judgments, and this roundabout rephrasing of the superiority of

democracy can therefore play an important rhetorical role, reminding us to remain within the realm of political possibility.

Such a call for humility, of course, might still be seen as pernicious if it issues in a conservative quietism or minimalism; justifying something like a Schumpeterian “elite theory” of democracy.²⁸ This charge may be rejected, however, once we recognize that elections are only one particularly important venue for the popular collective action which is necessary as a hedge against path-dependent institutional paralysis. They are crucial, indeed, not because they are most often used *directly* to undermine concentrated power, but because they represent a reserve of *potential* collective power which grounds and enables others—including the passive varieties of “ocular” power already discussed as well as the active use of extra-institutional “vocal” power such as social movements, protests, strikes, community organizing, and other forms of direct action. Though the existence of ocular power can more or less be taken for granted given competitive elections and a free press, more active display of collective power on the part of ordinary citizens is necessary to strengthen its force, and of course particular instances of direct action may also have independent power of their own.

In this light, episodes of contentious political action are not properly regarded as corrective supplements to democracy, which will eventually no longer have need of them. As democratic theorists are finally beginning to recognize, they are the very substance of democracy and should be expected to characterize it in perpetuity.²⁹ Collective contestation is not the means for reaching

²⁸ Though a broadly Schumpeterian view is typically accepted – if often implicitly – by empirical political scientists, it is rejected by most contemporary democratic theorists as having too little faith in ordinary people. If Schumpeter himself was prejudiced against ordinary people, however, this does not mean that he misdescribed the empirical dynamics of actual democratic institutions, nor the severe practical limitations on popular control.

²⁹ See, e.g., John Medearis, *Why Democracy Is Oppositional* (Cambridge, Massachusetts: Harvard University Press, 2015); Bretherton, *Resurrecting Democracy*; Stout, *Blessed Are the Organized*.

a more rational or deliberative utopia from nonideal circumstances,³⁰ in other words, collective contestation itself is the ideal. A wealth of empirical findings on democracy and democratization support this view as well, observing that a crucial difference between democratic and nondemocratic regimes in practice is the frequency and effectiveness of nonviolent contestation and collective popular action.³¹ Contentious episodes and mass collective action characterize politics everywhere, scholars observe, but they differ in form depending on the regime. Far from being less frequent where there are electoral outlets for disagreement, it turns out, such phenomena are far *more* frequent in democratic contexts. Elections do not prevent extra-electoral contestation, they simply make it less likely to erupt into violence.³² On this view, nonviolent forms of contentious politics are both enabled by more formal democratic institutions and fundamental for their proper functioning.

It is not just the presence of collective action which matters, however, but also its substantive goals. It matters *which* norms and virtues are enforced by ocular power, and *which* causes are championed by contentious actors. The enforcement of deliberative norms of public discourse, for example, likely makes it more difficult to get away with certain forms of corruption or capture. In this way, therefore, we are able to understand the importance of strengthening democratic deliberation without granting it intrinsic value or imagining—with many deliberative theorists—that there is a neutral, universal, or transcendental form of dialogical or public “reason” which

³⁰ As argued, for example, by Archon Fung, “Deliberation before the Revolution: Toward an Ethics of Deliberative Democracy in an Unjust World,” *Political Theory* 33, no. 3 (2005): 397–419, doi:10.1177/0090591704271990; Jane Mansbridge et al., “The Place of Self-Interest and the Role of Power in Deliberative Democracy*,” *Journal of Political Philosophy* 18, no. 1 (2010): 64–100.

³¹ See, e.g., Charles Tilly, *Democracy* (Cambridge: Cambridge University Press, 2007); Charles Tilly and Sidney Tarrow, *Contentious Politics*, 2 edition (New York, NY: Oxford University Press, 2015); Adam Przeworski, *Democracy and the Limits of Self-Government* (Cambridge: Cambridge University Press, 2010).

³² This may seem to contradict the observation of Bell’s, repeated above, that democracies encourage violence in poorer context. The difference, as Tilly fully acknowledges, is state capacity. Democracy without high state capacity can have certain dangerous consequences, but this does not mean that it lacks priority in high state capacity contexts.

abolishes the illegitimate effects of “power” and thereby reveals the true will of the people.³³ We are also better able to appreciate the value of *real* deliberative processes, as opposed to those which could exist only under ideal circumstances.

Many of the other familiar institutions of liberal democracy which are often seen as neutral procedures are also easily reinterpreted in the light of their substantive, power-dispersing function. Because subverting the rule of law has such unpredictable and dangerous consequences, for instance, it opens the door to innumerable dystopian, path-dependent outcomes characterized by vast concentrations of power. In any halfway decently functioning democracy, therefore, the imperative to maintain the rule of law ought to overrule nearly every other concern. The fact that it is justified instrumentally, however, by its role in maintaining reflexivity and the dispersion of power, allows us to theorize those rare occasions when it will be appropriate to undermine the rule of law. Similarly, traditional liberal rights can be interpreted as granting a certain quantum of power to each person who can effectively claim them, but our instrumental interpretation of their value renders them commensurable with other concerns, meaning that on a theoretical level, at least, rights are not properly regarded as “side constraints” or “trumps.”³⁴

In practice, of course, there may be other relevant concerns: for rights or the rule of law to perform their functions effectively, they must enjoy widespread polycentric support which is unquestionably robust to partisan concerns, emergency logic, and other potential shocks. Ensuring robust support for these essential liberal institutions, therefore—and especially coordinating retaliatory collective action in response to challenges—may therefore require a more categorical formulation of their importance than we are willing to accept in purely theoretical contexts.

³³ See my essay, “Can Deliberation Neutralise Power?”

³⁴ For discussion, see Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974); Ronald Dworkin, “Rights as Trumps,” in *Theories of Rights*, ed. Jeremy Waldron (Oxford: Oxford University Press, 1984), 153–67.

Nevertheless, the commensurability of traditionally liberal rights with other concerns is a crucial advantage of the theory of democracy developed here. Power comes in many forms, and liberal rights protect us only against some of them. Indeed, in contemporary liberal societies, the accumulation of vast concentrations of power has too often been pursued under the banner of the protection of liberal rights. Therefore, ensuring reflexivity and preventing path-dependent outcomes which entrench particular concentrations of power requires that polycentric institutions and democratic citizens lend their support not just to liberal rights but also to other means of power dispersion such as the redistribution of wealth, the perpetuation of egalitarian gender norms, the abolition of racial privilege, and the disruption of discursive and disciplinary forms of power. These demands cannot be subordinated to the protection of liberal rights, therefore, and pursued only when strictly compatible with those rights, because there is no categorical distinction between the forms of power they seek to undermine.

At the same time, my suggestion that the imperative to protect liberal rights may be overruled by other concerns more familiar to those on the left should not be taken to imply that the dangers of eroding liberal rights are simply illusory. The protections which most often come under attack on the left, such as the rights to property and free speech, are not to be carelessly thrown aside. Even in cases where these rights are invoked as legal or rhetorical bludgeons to halt worthy initiatives, this invocation does not usually conjure an entirely imaginary threat; the problem is rather a distorted sense of the relative gravity of the various forms of concentrated power at stake. Thus, though the self-appointed defenders of free speech on college campuses in opposition to “PC culture” have typically overreacted to very minimal threats to expression, while remaining willfully ignorant of the more substantial threats posed by concentrated racial and gender power, those attempting to remedy these more pressing imbalances do themselves no favors by mocking

the very idea that free speech concerns might be relevant. Contradicting the very basis of their own complaints, campus activists too often forget that social norms as well as more straightforwardly coercive sanctions represent a form of power worth accounting for. In doing so, they ignore entirely the possibility that enacting social sanctions on racist speech, even if beneficial in the short run, could conceivably have ill effects in the long run if this contributes to the normalization of such sanctions across all contexts. If campus protesters are right to pressure administrators, professors, and fellow students to behave in accordance with certain norms of public discourse, it is not because doing so belongs to a distinct category of fully safe, fully legitimate action; rather, it is because the concentrated power they do amass and exert enhances the overall reflexivity of the social system, on balance and over the long run, by undermining more massive and entrenched sources of concentrated power.

As this last example suggests, the imperative of reflexivity demands the dispersion of power even beyond the state and its interactions with citizens. Though states are clearly implicated in many ways in the perpetuation of patriarchy and racial hierarchies, for instance, and everything possible should be done to reverse these injustices, there is plenty of racism and sexism that is perpetuated with no direct support from the state, and these forms of concentrated power also undoubtedly limit the reflexivity of democratic institutions. Even if a disempowered class is given the franchise, for example, any remaining imbalances of power will inevitably be reflected in the nature of their political participation. Nowhere have we claimed that the franchise works the kind of magic that is implicit in theories of popular sovereignty; on the contrary, it is an advantage of this framework that it allows us to understand both the necessity of the franchise as well as the severe limitations on its effectiveness in the absence of other supporting forms of contestation.

Disempowered classes who earn the franchise yet still have few other resources to speak of, for example, will have far less power vis-à-vis their elected officials than classes which are better off. They will have fewer economic resources which they may threaten to withdraw or use to their advantage in other ways; fewer social ties to those in positions of institutional power; and less control over the norms, discourses, and narratives which govern their common life; to name only a few of the means by which “durable inequalities” are perpetuated.³⁵ Thus, though it will certainly be easier for them to generate collective action and discipline public officials with the franchise than without it, they are still clearly at a disadvantage, and as such, even their ocular power will be felt less intensely than that of other classes. Public officials will have to care what they think, but not as much as they will have to care about the desires of others. Purely “private” power imbalances, therefore, end up weakening the reflexivity made possible by centralized democratic institutions. As feminists have long insisted, in other words, the personal is indeed political.

That the personal is political, however, does not necessarily to make it a matter for state intervention. The fact that reflexivity is served by a particular form of dispersion of power does not entail that the state should actively encourage this dispersion. It opens the matter for consideration rather than keeping it off the table, as the notion of “side constraints” might suggest, but some such judgments are not difficult to make. The distribution of domestic labor between partners of different genders, for example, has an enormous and highly *political* effect on the distribution of power between men and women in society overall, but the sort of state apparatus which would be necessary to monitor and enforce a more egalitarian distribution would be far too dangerous. Given an imaginary “ideal” government, perhaps, such an apparatus could conceivably enhance reflexivity by balancing the power relations between genders. If there were ever a time to

³⁵ Charles Tilly, *Durable Inequality* (Berkeley: University of California Press, 1999).

heed the public choice theorist's warnings, however, about the dangers of assuming a "unicorn" state which straightforwardly carries out progressive objectives, this is surely among them.

We may provisionally protect certain spheres from government intervention as "private," therefore, but not because action within those spheres is assumed to have no significantly political consequences. Rather, the protection of privacy is justifiable as a bulwark against the accumulation of concentrated power, especially by the state. What this means is that if other methods of intervention in such "private" spheres are less susceptible to capture, they are potentially justifiable. In my view, for example, decentralized enforcement of social norms favoring an equitable distribution of labor between genders—even to the point of placing mild social sanctions on men who fail to comply—is quite likely to enhance reflexivity on balance.³⁶ More generally, the value of "privacy" in any particular case simply depends on the relative severity of the power imbalance perpetuated within the provisionally "protected" sphere and the one which would be required to undermine it. As with rights, of course, more categorical distinctions between "public" and "private" spheres may sometimes be necessary in practice. Where their liberal counterparts are often naturalized and seen as universal, however, I urge us to embrace their contingent and thoroughly pragmatic foundations.³⁷

Conclusion

In this paper, I have outlined a justification of democratic institutions which eschews the typical strategies favored by democratic theorists. In particular, I have argued that democratic

³⁶ Disciplining *women* who fail to comply, by contrast, is likely to do more harm than good in many cases, precisely because they already have reduced power. The same may be true of men who are subordinated in other respects as members of ethnic, religious, or racial minorities. This is not a function of cultural relativism but rather an appropriate recognition of the danger of wielding concentrated power against groups that are already disempowered. All of this, of course, is clearly contestable within the terms of the framework I have outlined.

³⁷ For a more fully developed view on public and private spheres which is broadly aligned with this one, see Eric MacGilvray's forthcoming book, *Liberal Freedom*.

institutions are less susceptible to pathological forms of elite capture than either of their most important contemporary alternatives—centralized meritocracy and decentralized markets. This, in turn, is a result of their tendency to disperse power throughout society, and it is therefore the dispersion of power which emerges as the central principle of democracy on my account. Clearly, there is much more to be said about each step of this argument, but we will close our discussion, for now, by reconsidering the relationship of this view to its competitors *within* democratic theory.

To begin with, my account takes an “instrumentalist” or “substantive” approach to the value of democratic institutions, but it rejects the typical fare of consequentialist or perfectionist political philosophy, which posit particular objective definitions of the human good. Such theories can seem to have little to do with specifically *democratic* concerns, and their orientation towards ends can also lead to both political and theoretical forms of imperialism. A diverse array of theorists in the modern era – including liberals, democrats, pluralists, multiculturalists, and many others – have therefore turned to alternatives which emphasize the right rather than the good; the creation of just conditions or neutral procedures within which each can fairly pursue her *own* conception of the good.³⁸ If it is dangerously arrogant to posit particular “ends” which justify or legitimize the use of political power, in other words, many have found it safer to theorize the means. It is far more common, therefore—both in democratic theory and in popular culture—to defend democracy by referring to the intrinsic value of popular sovereignty and/or neutral democratic procedures.

While intrinsic ideals face many compelling theoretical objections, we have had no space to offer a comprehensive treatment; instead, we set them aside on the practical grounds that they

³⁸ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Kymlicka, *Multicultural Citizenship*; William Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002); Waldron, *Law and Disagreement*; Charles Larmore, *The Morals of Modernity* (Cambridge University Press, 1996); Jonathan Quong, *Liberalism Without Perfection* (OUP Oxford, 2011); Gerald Gaus, *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World* (Cambridge University Press, 2010).

would almost certainly lose much of their persuasiveness if non-democratic alternatives began to demonstrate obvious “instrumental” advantages in the areas that have so far been dominated by democracies: i.e., quality of life, political stability, environmental protection, economic growth, income equality, international non-aggression, and so on. The widespread uptake of intrinsic arguments throughout the world has likely been facilitated, at the very least, by this strong instrumental track record, and China’s accelerating march towards parity with democratic countries in certain of these respects is therefore starting to provoke some of these actors—especially elites in partially democratic or non-democratic countries—to rethink their assumptions about democracy’s “intrinsic” superiority. As advocates of the “China model” are fond of pointing out, democracy’s track record is in fact quite modest in the broad scope of world history—especially if limited to societies with universal suffrage—and conceivably contingent upon economic and technological conditions which may be unraveling.³⁹

The theory of democracy as the dispersion of power assumes that justifications relying on the intrinsic value of popular sovereignty are no longer viable on either theoretical or practical grounds. Unlike its instrumentalist brethren, however, it eschews the search for the final ends of politics, and instead theorizes the means: the use of power. It cannot be fully neutral between ends, of course—an impossible goal characteristic of intrinsic justifications, which can only generate paradox—but it strives to be compatible with a wide *range* of ends, embracing only the simple assumption that power corrupts: i.e., that concentrated power is dangerous to all of these ends, no matter what form that power takes. This choice to focus squarely on the danger represented by concentrated power, rather than the ends which are often claimed to legitimize it, allows the theory to transcend the limitations of other instrumentalisms and renders it a truly *democratic* theory.

³⁹ See, e.g., Eric X. Li, “Why China’s Political Model Is Superior,” *The New York Times*, February 16, 2012, <http://www.nytimes.com/2012/02/16/opinion/why-chinas-political-model-is-superior.html>.

An analogue to the present approach can be found in increasingly popular “epistemic” models of democracy, which similarly attempt to stake out a middle ground between procedural and substantive approaches. The challenge tackled by epistemic democrats is to show that democratic institutions reliably produce the best outcomes in a way that goes beyond the banal yet contingent observation that they have generally done so over the last few centuries, thereby making the argument for democracy robust to wider variation in terms of both historical circumstances and one’s conception of the good. Though they reject the epistemic label, this is the strategy adopted by Knight and Johnson, and I too have taken up a similar challenge.

Instead of locating the key feature of democracy in the epistemic superiority of the *demos*, however, conceived as a sovereign decision-maker, I point to the particular distribution of power enacted by the franchise and other democratic institutions. On my account, political outcomes emerge from an impossibly complex set of causal influences and are not meaningfully traced to a sovereign decision-maker whose epistemic competence can then be evaluated. The proper framework for comparing political systems is therefore the *likelihood* that particularly bad outcomes will emerge, rather than the *knowledge* of particularly good outcomes possessed by any specific agent, and it is the enduring structural features of the system from which political outcomes emerge that deserve our evaluative scrutiny. On my view, democracy is a polycentric, second-order institution, in which universal suffrage serves as one particularly important guarantor of the ocular power of ordinary people, which in turn prevents the most durable and extreme forms of capture of political institutions. It is these structural features—and the dispersion of power they represent—which secure the superiority of democracy to its rivals.