

CHAPTER ONE

Default and  
Dynamic  
Democracy

*Loren E. Lomasky*

1989 WAS SIGNIFICANT for the iconography of politics. Coincidentally, two of its memorable moments involved walls. One, the Berlin Wall, which for a generation stood as an ugly gash across the center of Europe, came down amidst joyous celebration and an outpouring of long-deferred optimism for the future. The other, the Democracy Wall, went up in Beijing's Tiananmen Square, with similar optimism. Both wall and optimism proved short-lived, however—the tanks and troops of the gerontocracy soon pounded it into bits even smaller than those to which its Berlin cousin had been reduced. Distinct outcomes, but the aspiration common to both was democracy.

The American presidential election of 2000 afforded other memorable images. It was the year that the term *chad* conspicuously entered the national vocabulary, usually modified by *hanging* or *pregnant*. Florida voters in remarkable number showed themselves flummoxed by two-column ballots the design of which was less complicated than the golf scorecards they easily maintain. Editorialists pontificated concerning whether what really should matter were votes as cast or the votes that people believed they were casting. Spokespersons for the two

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candidates formulated transparently self-serving moral and legal rationales as to why their man should be the next president. Selection of the administration that would govern the world's most powerful nation hinged on accident, confusion, and happenstance, displaying all the randomness of a Lucky-7 lottery drawing. This, too, is a recognizable image of democracy.

The contrast suggests numerous questions. How much moral weight is borne by occasional trips to the polls of citizens who can barely distinguish among the candidates and issues? If, as has been said, war is politics by other means, then is not majority rule essentially a way of carrying out that struggle by counting noses rather than casualties? What, after all, is so special about democracy?

The great liberal thinkers of the tradition offer precious little help. John Locke in *The Second Treatise of Government* was the first to issue the pivotal announcement that all human beings possess basic rights to life, liberty, and property and that governments are instituted to vindicate those rights. But as social life does not admit of the precision of mathematics, difficulties in governance will arise that do not admit of algorithmic decision procedures. Because practical quandaries demand some resolution or other, there is need for a means to cut through uncertainties and disagreement. That is why the citizenry creates a legislative body to deliberate on its behalf, after which it says yea or nay. Because the ship of state must move in one direction or the other, it is only reasonable, claims Locke, that it should incline toward the larger number.<sup>1</sup>

1. "For when any number of men have, by the consent of their every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority; for that which acts any community being only the consent of the individuals of it, and it being necessary to that which is one body to move one way, it is necessary the body should move that way whither

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The only thing special about majorities is that they are not minorities. To them, crucially, is imputed no greater share of virtue or deputation to act as God's viceroy on Earth. On the contrary, their edicts are to be tightly constrained by attention to the antecedent rights of individuals and by procedures that separate powers and otherwise put various stumbling blocks in the way of potentially tyrannous usurpations. These Lockean themes were taken up by his successors. On this side of the Atlantic, they include the Declaration of Independence and the Constitution. Within this tradition, liberty is primary, democracy distinctly secondary. What this potted history leaves unexplained, however, is democracy's capacity to serve as an ideal prompting celebration at one extreme and martyrdom at the other. The aim of this essay is to make some progress toward supplying an answer.

Section 1 briefly examines contemporary descendants of Lockean majoritarianism. They are found to be serviceable enough but without much resonance in the political imagination. Section 2 introduces the chief rival conception of democracy, one tracing back to Jean Jacques Rousseau. There's no denying it is laden with romance, but its credentials as a practical basis for collective decision making are suspect. The contrast suggests that democrats can have their realism or have their idealism but not both. Section 3 opposes that suggestion with a model featuring individuals who are every bit as hard-headed when donning the persona of citizen as they are in their capacity as economic agents, yet who respond to different motivations as they move from market to voting booth. Section 4 draws out

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the greater force carries it, which is the consent of the majority; or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it agreed that it should; and so every one is bound by that consent to be concluded by the majority." Locke, *The Second Treatise of Government*, §96.

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some implications for the normative status of democratic institutions.

## I. DEFAULT DEMOCRACY

Democracy is, definitionally, rule of the *demos*, the people, the many. Spelling out how that is supposed to work is problematic. An alternative approach proceeds by noting what democracy is *not*. Specifically, it is not the exercise of governance by one authoritative monarch, ruling class, committee of oligarches, or clerisy. Holding periodic elections for the purpose of shuffling out the old occupants of parliaments and presidential suites and replacing them with a new crowd does not guarantee steady moral improvement, let alone wise rule by a statesmanlike elite. But what it usually does manage to achieve is some check to ambition. Even if replacements of officeholders were entirely at random, the fact of alteration by itself stands in the way of erecting and indefinitely maintaining potentially tyrannous fiefdoms. What is important in this conception is not so much *who* rules, although it need not be denied that the character of officeholders can make an appreciable difference for political outcomes, but that governance is shaken up at irregular intervals.

Compared with classical models of political order, this one is not particularly lofty. Certainly it falls far short of the administration of Plato's Republic by philosopher-kings who know the common good, are reliably motivated by concern for it, and possess expertise sufficient to achieve it. Aristotle and Cicero offer somewhat more down-to-earth scenarios of rule by the wise and virtuous, but as in the story told by Plato, the regimes that secure their endorsements feature governance by the best and brightest for the sake of all. The stories these classical authors tell are indeed edifying, but one can't avoid the suspicion that their genre is at least as much fantasy as philosophy.

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If we had a reliable source of supply for philosopher-kings or benevolent despots, then the case for democracy would be much less persuasive. Practice reveals, however, that these are always in short supply. Those who most vociferously nominate themselves for such standing usually prove to be abject pretenders. Even if we were in possession of some reliable procedure for identifying those most fit to rule, preserving that fitness is a further and, arguably, intractable task. Lord Acton noted, “Power tends to corrupt and absolute power corrupts absolutely.” To pick only one example from numerous contenders, the presidential pardons issued during the last hours of the Clinton administration indicate that the dawning of the twenty-first century has not rendered Acton’s famous dictum any less salient. Philosopher-kings are more apt to become addicted to the appurtenances of kingly status than to remain devoted to the quiet charms of philosophical reflection; the autocrat’s despotism is likely to outlive his benevolence.

So for democracy to win the political prize, its credentials need not be altogether glittering if the various competitors have each been disqualified. This must be what Churchill had in mind when he famously quipped that democracy is the worst of political systems—except for all the others. I shall refer to this understanding as *democracy by default*.

The picture sketched to this point has been entirely negative. It is sufficient for exhibiting the undesirability of politburos and censorious ayatollahs, but it does not answer the question, “Why government at all?” If less is more, then must anarchy not be the most? For better or worse, no. “If men were angels,” observes Madison in *Federalist 51*, “no government would be necessary.” Human nature being what it is, however, temptation to aggress against the rights of others is a constant companion to our endeavors. Some people are weak, and others, downright evil. Force is necessary to counter the threat of force,

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and that is where the state comes in. This is Locke's insight, and it is seconded by the entire liberal tradition.

We are secured in the enjoyment of our rights by the rule of law. Law and order is what the economists call a public good. This means that its enjoyment by some individuals will spill over to others. Moreover, one individual's possession of the good does not mean there is less to go around for others. Defense against potential foreign aggressors is an example of an even purer public good. The only or most effective way to protect some members of the population against either domestic or foreign rights violators is to extend that protection to all. One implication of publicness in this sense is that we will confront strategic bargaining problems in attempting to secure an adequate quantity through consensual means, such as market transactions. Individuals will be tempted to decline to contribute their own personal resources to its provision because whether or not they will reap the benefits depends mostly on the activities of others and only to a negligible extent on their own. The consequence is a generalized inclination to hold back. This is the notorious *free-riding problem*, and an enormous quantity of ink has been spilled by theorists aiming to ameliorate it through ingenious voluntary or quasi-voluntary means.<sup>2</sup> Without in any wishing to impugn those efforts, I observe that in the liberal tradition, the free-riding problem has mostly been addressed by substituting collective, and thus coercive, choice for private, consensual decision making. Unlike dues-paying membership in a fraternal organization, inclusion in civil society is mandatory.

Once it is conceded that procuring the public good law and

2. For a classic presentation of the free-rider problem, see Mancur Olson, *The Logic of Collective Action* (Cambridge: Harvard University Press, 1965). An ingenious response is offered by David Schmitz, *The Limits of Government: An Essay on the Public Goods Argument* (Boulder: Westview Press, 1991).

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order is a proper task of the state, then it is not a big leap to maintain that other public goods may also permissibly be secured via the state's power to legislate and tax. Although justice and defense are the primary and inescapable functions of the state, its reach appropriately extends, claims Adam Smith, to "erecting and maintaining those publick institutions and those publick works, which though they may be in the highest degree advantageous to a great society are, however, of such a nature that the profit could never repay the expence to any individual or small number of individuals, and which it, therefore, cannot be expected that any individual or small number of individuals should erect or maintain."<sup>3</sup> Although contemporary libertarians vociferously debate whether and how these activities may successfully be weaned away from the bounteous breast of government, it must be conceded that virtually the entire tradition of liberal thought from Locke through Milton Friedman has acknowledged the need for a greater or lesser measure of political provision. This function is a major preoccupation of all existing developed states, democratic or otherwise. However, democratic regimes may be thought to have an advantage over all others with regard to public goods provision in that the citizenry will support those activities that afford them good value for tax money spent and will punish via electoral ostracism those who squander common funds.

However, this understanding of democracy as an efficient generator of public goods has been subjected to an increasingly sophisticated critique in recent years by social scientists bringing the tools of economic analysis to collective choice processes. Their explorations constitute the discipline of *public choice theory*, and its results have not been heartening for democracy

3. Adam Smith, *Wealth of Nations* (Indianapolis: Liberty Classics, 1981), 723.

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enthusiasts.<sup>4</sup> Even supposing that some goods must be funded through tax money if we are to have them at all (antimissile defense? epidemic disease control? NASA explorations?), collective provision carries many overt and hidden costs. First, it is of the one-size-fits-all variety. For example, as a taxpayer you “purchase” your pro rata share of national defense, or whatever, even though as a pacifist or Manifest Destiny jingoist you believe that to be too much/too little. Second, not all votes and voices are equal in determining what shall be procured. Concentrated special interests enjoy notoriously better access to the ears of politicians than does the general public. Thus, third, allocations often amount to blatant transfers from one segment of the population to another rather than, in any meaningful sense, to service of a common good. Fourth, mutual backscratching and logrolling generate total budgets higher than any of the individual parties might wish. Fifth, even arguably worthwhile public works will typically be delivered at inflated prices because incentives to minimize economic costs are less powerful than incentives to maximize political gains. That isn’t to say that democracies do a poor job of supplying public goods; the crucial question is “Compared with what?” Our own siphoners of funds from the common fisc begin to look rather benign when compared with, say, Zaire’s late megakleptocrat Mobutu or Argentina’s Juan Perón. Nonetheless, it is a clear implication of public choice theory that democratic determinations fall short of market provision in terms of both efficacy and equity.

Public choice theory affords us the most realistic understanding we have yet achieved concerning the inner workings of default democracy. Yet, in at least three respects, it is deficient.

4. The *Ur*-text of public choice theory is James Buchanan and Gordon Tullock, *The Calculus of Consent* (Ann Arbor: University of Michigan Press, 1962). A useful survey of the field is offered by Dennis Mueller, *Public Choice II* (Cambridge: Cambridge University Press, 1989).

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First, it fails to explain why what is essentially an economic activity (in which votes substitute for dollars) should be surrounded by a rhetoric of public-spiritedness. Politicians invest a great deal of time and financial resources in projecting images of personal virtue and concern for the general well-being. Even if offered only as camouflage for acts of private predation, under a conception of politics as entirely self-serving, how could these displays fool anyone? Second, why should rational economic actors bother to secure political information and haul themselves off to the polls every couple years? One vote among millions of others is, for all practical purposes, invisible; a person is more likely to be hit by a bus on the way to the ballot box than to tip the balance once he gets there. Because economic man won't bestir himself to vote but tens of millions of our compatriots do, the purely economic theory seems to defeat itself.<sup>5</sup> Third, if democratic determinations are merely a less perfect analog of buying and selling on the market, it is impossible to explain how democracy could have assumed the status of an icon, indeed, the most luminous social ideal of our time. Surely there must be more to democratic enthusiasm than this.

## 2. DYNAMIC DEMOCRACY

For Locke and his successors, the value of democratic procedures is instrumental: They are the best (or least bad) means for achieving ends such as civil peace, respect for rights, and a measure of commodious living. Running alongside the Lockean tradition, however, is an understanding of democratic activity not as merely the distasteful medicine one must swallow in order

5. These dilemmas of *rational ignorance* and *rational abstention* are introduced to the literature by Anthony Downs, *An Economic Theory of Democracy* (New York: Harper & Row, 1957). Public choice theory has returned to them again and again, typically with little success.

to secure the health of the body politic but rather as intrinsically valuable. The antecedents of this belief in the value of political activity extend back to Aristotle, to whom engagement in affairs of state was, after the philosophical life, the most elevated calling to which one could aspire. The concept finds its preeminent modern expression in the works of Rousseau.

Whether Rousseau is to be located within the liberal tradition is a question much labored by political theorists. Here, though, it is enough to observe that there are powerful forces in his work pulling him toward as well as away from the successors of Locke. In the opening chapter of *The Social Contract*, he announces the paradox, “Man is born free and is everywhere in chains.” The fundamental problem of social design then becomes how individuals may be forged into a political community while they simultaneously reclaim some measure of the autonomy of primordial freedom.

At first blush, the puzzle seems insoluble. Politics is the realm of authority, of imperatives, and subjects are not allowed to simply opt out of dictates they happen to find disagreeable. The state pronounces, and those who neither flee nor fight must obey. Even were the state’s prescriptions to be devised by exceptionally benevolent and enlightened social engineers, there would nonetheless be a morally fundamental split between rulers and the ruled. However content the latter may be with their lot, they are not self-determining agents but rather beings who are acted upon by others who thus possess the status of superiors. It seems, then, that we confront a dilemma: either the anarchy of each man doing that which is right in his own eyes (decried in Judges 21:25) or the servitude of subjects to their kings.

Democracy suggests itself as the way out. If sovereignty is vested in the people as a whole, then all can equally be ruled and ruler. To borrow a formulation from Lincoln, it is the

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unique solution to the problem of constructing governance of the people that is by the people (and thus likely to be for the people). Alas, the formulation conceals a fatal ambiguity: the people who do the governing may not be the same people who are governed. A vote is taken on the question of which candidate is to be elected to office or which policy is adopted; some vote for A, and some, for B. If the votes for A are more numerous than the votes for B, then the people who voted for A get their way and those who voted for B bear the consequences. It is true that everyone gets to vote and that, in theory, all the votes are counted equally (“in theory” because events such as Florida 2000 are a useful reminder that civics textbooks offer a less-than-accurate depiction of reality outside the classroom). Majority rule may constitute a fair decision-making procedure (although, again, the relevant question is “Compared with what?”), and it may even possess various utility-enhancing properties that burnish its efficiency credentials, but it is not self-government; it does not address the issue of man everywhere being in chains.

In fact, the difficulty is considerably worse than stated above. As public choice reminds us, votes in general elections are only one ingredient in the recipe of democratic politics. Among the other key ingredients are money, information, access to and influence in the corridors of power, communicative skills, and disposable time. These are far from equally distributed, and nostrums such as campaign financing reforms are superficial palliatives at best. (They may amount instead to the substitution of one sort of power inequality for another, perhaps greater, inequality along another salient dimension.) The upshot is that tyranny of the majority over the minority is not the only variety of domination to be feared in the practice of democracy; there is also the tyranny exercised by well-entrenched minorities over unorganized majorities. Nor is this phenomenon a sometimes

thing. As the scope and magnitude of governmental activities expand so as to impinge significantly on virtually all aspects of economic life (and beyond), the urgency of investing resources in political influence expands concomitantly. Thus the notoriety of “special interests” as a blight on the political landscape. We should not, however, think of this as an “us versus them” problem. Each of us—unionized workers, the elderly, museum-goers, fans of professional wrestling—is enrolled in our own special interests, and it is no more than an exercise of elementary prudence to utilize available means to advance those interests. One form those means take is skill in navigating political channels. When *we* do so, we are citizens forthrightly standing up for what we believe in; when *they* do so, it is another example of a pressure group illegitimately gaming the system. From a neutral standpoint, it bears an uncomfortable resemblance to Hobbes’s war of all against all, albeit by democratic means.

Rousseau was aware that democracy understood as majority rule (let alone minority rule) fails to solve the domination problem. So he offers an alternative conception of democracy that does better. If we bring to the political arena our private interests, then we find ourselves in a zero-sum game of beggar-thy-neighbor. If one acts in the capacity of *citizen*, as someone motivated to discover and advance the common good, instead of with an eye toward private interests, then the game is transformed into a positive-sum cooperative venture. Civic explorations of what constitutes the common good draw on the epistemic resources of all members of the community, such that each individual has an interest in eliciting and respecting whatever information others may possess. And once that common good is discovered, it will serve to unite the motivational energies of citizens rather than dividing them from each other. Requisite for this conception is that when individuals engage in

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public affairs, they put aside their private wills and act severally as agents of the *general will*.

Rousseau's doctrine of the general will is far from transparent, and one may wonder, justifiably, whether hypostatizing a will that belongs not to anyone in particular but to everyone in general is even so much as coherent. However, if such a faculty does exist (or, perhaps, *can* exist), it will go a long way toward resolving the riddle of rule without domination. By abstracting away from the particularities that individuate persons, it renders feasible legislation that is more than a surrogate for vested interests.<sup>6</sup> And it works against invidiously arbitrary inequalities that grant some individuals much greater influence than others over political outcomes; instead, one's role is proportionate to the quality of one's epistemic inputs. The general will is not only impartial among persons but also superpersonal in the sense of being responsive to the well-being of the community as such. It is important to observe that the common good generally willed is not merely the additive sum of the private interests of the various community members but rather something that transcends their individuality. This is because we are not discrete atoms whizzing in splendid isolation through a social vacuum. We are partners in the social project, comrades, citizens.

This may sound more like magic than political philosophy. What incantation must be voiced in order to silence the discordant clamor of many noisy particular wills and bring forth the majestic tones of the general will? Pious admonitions televised during the two weeks prior to each election that beseech citizens to leave the comforts of their sofas and exercise their

6. This is also the aim of Rawls's device of the veil of ignorance enveloping contractors in the original position. See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

franchise to vote clearly will not suffice. Even if the so-called public service announcements do persuade people to give fifteen minutes of their Tuesday to visiting the polls and pulling a few levers, they do little or nothing to inform voters of the issues at stake or the personal qualities of the candidates. Nor do they tell voters how these political outcomes will affect their lives. Most important, these announcements do not afford one any reason to set aside one's particular desires and instead take on the promptings of a putative general will. What they may do, however, is go some way toward persuading occasional poll visitors that they are indeed politically efficacious. Resting contentedly in such false consciousness, they then will acquiesce to the conduct of business-as-usual by bureaucrats, lobbyists, and political action committees and by officeholders who have been bought and paid for.

Rousseau could not have anticipated the workings of contemporary megademocracies, but he surely would have realized that they are inhospitable to the emergence of a general will. When a few are politically active but the many are predominantly passive, it is inevitable that competition and quest for private advantage will win out over cooperation and reciprocity. Therefore, a polity conducive to freedom will demand of individuals that they take ongoing roles in political decision making. Contemporary disciples of Rousseau travel under different guises,<sup>7</sup>

7. *Deliberative democracy* emphasizes the status of the political arena as a forum for free and unconstrained discussion and debate. Its guiding spirit is Jurgen Habermas. A representative selection of his writings can be found in Steven Seidman, ed., *Habermas on Society and Politics: A Reader* (Boston: Beacon Press, 1989). See also his contribution to James Bohman and William Rehg, eds., *Deliberative Democracy: Essays on Reason and Politics* (Cambridge: MIT Press, 1997). Another strand of the Rousseau lineage is *civic republicanism*. See Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997). Rousseau himself shows the influence of renaissance republicanism, and so there is some symmetry in contemporary republicanism taking its bearings in part from Rousseau. Benjamin

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but they all agree that full citizenship extends far beyond exercising the franchise. It additionally includes self-education, participation in deliberative assemblies, willingness to occupy offices and assume other political roles, and so on. Politics so understood is not the full-time occupation of some and an occasional diversion from one's real business for the many; it is a primary concern for everyone. Those who are otherwise inclined will be encouraged, gently or otherwise, to shift their priorities. At the extreme, they must be forced to be free.

I shall refer to variations on this understanding as *dynamic democracy*. Unlike democracy by default, its legitimation does not rest on being the lesser evil, nor is it appraised in terms of instrumental efficacy in providing public goods. Rather, dynamic democracy presents itself as transformative. It takes private individuals and turns them into citizens. Advertisements in the media address their pitches to us as consumers of private goods, but cooperative political activity in a democracy is the business of people who take themselves to be productive partners in a public enterprise in which the good of each is subsumed under the good of all. It is dynamic because it points beyond our passive acquiescence to whatever appetites we may happen to possess at the moment. We find ourselves directed toward ends that transcend the narrow contours of the self. We learn to ask not "What's in it for me?" but "How may we live well together?"

Such is the theory, and, of course, it admits of grander and more modest forms. This is not the venue for mapping out

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Barber espouses what he dubs *strong democracy*, an especially ambitious version of participatory democracy that displays no little contempt for the pallid political forms of existing liberal democracies. See his *A Place for Us: How to Make Society Civil and Democracy Strong* (New York: Hill and Wang, 1998) and the pieces collected in Barber, ed., *A Passion for Democracy: American Essays* (Princeton: Princeton University Press, 1998).

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subdivisions of dynamic democracy, but even the cursory overview presented above should serve to indicate wherein lies its potent appeal. Dynamic democracy incorporates many of the aspects of human relationships we most prize: rational discourse, cooperative interchange, friendship among equals, enrollment in an enterprise that transcends the individual. Politics so understood is not merely a mechanism for the provision of goods and services when market failures render ordinary economic transactions unwieldy; it is a mode of association valuable in its own right. Enthusiasts see dynamic democracy as an alternative to fierce corporate competition and bureaucracy's deadening monotony. Buyers and sellers, employers and employees, rich and poor are pulled apart by conflicting private interests; citizens, though, are drawn together under conditions of democratic equality.

The ideal possesses general appeal, but it is especially attractive to those who have recently emerged from totalitarian regimes or to those who, like the students jamming Tiananmen Square, aspire to do so. Where the chains of political domination are especially prominent, release is most eagerly sought. In such political environments, one's neighbor or coworker or kinsman may seem to be a friend but may instead be a Stasi informant. Suspicion is an everyday fact of life, and fellowship is thereby imperiled. The desire for democracy is a desire to overcome alienation of each from the rest. It is not surprising, then, that in the aftermath of the century of the great despotisms, democracy is the single most luminous ideal of those seeking to regain the freedom into which, on the authority of Rousseau, they were born.

So much for luminous ideals; inconvenient realities must now have their turn. The gap between dynamic democracy's ideals and real-world democratic practice is wide. Overcoming it will require truly heroic measures, if indeed it can be overcome.

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First, downsizing and otherwise restructuring political institutions will almost certainly be necessary. Town meetings and the intense civil life of small republics are not transplantable in any obvious manner into the modern state that counts its population in the tens or hundreds of millions. The latter requires full-time specialists tending to operations, not merely the voluntary contributions of citizen-generalists. For this reason, Rousseau himself surely would demand the dismantling of megapolities into smaller, more intimate associations. The ideal of dynamic democracy is, thus, utopian. But second, it is also starkly dystopian, for it demands not only social engineering but also vigorous human engineering. People whose preferences run to involvement in markets or family or small-scale association will have to be reeducated so that they will instead come to prefer taking up roles within the wider polity. And make no mistake about it: These roles will make extensive demands on people's time and energies, and the required reeducation will be similarly extensive. Is this freedom? Certainly not in the ordinary sense of leaving people alone to follow their own conception of the good life. Rather, it bears an uncomfortably close resemblance to the freedom from iniquity that zealous inquisitors have offered to less-than-willing buyers throughout the ages. Not surprisingly, the inquisitors always seem to enjoy a great deal more garden-variety freedom than do their reluctant pupils. One need not be an inveterate cynic to suspect that the most ardent proponents of dynamic democracy anticipate a vast heightening of their own political status under the system they recommend. Inequalities take various forms, and rule by the self-proclaimed wise is not necessarily one of the most benign.

Although there is much more to be said on these matters, the foregoing is sufficient to suggest that democrats confront something of a paradox: A democracy that is reasonably efficient and constrained is too lackluster to address deep moral concerns,

but a democracy responsive to ideals of fellowship and self-transfiguration is incipiently totalitarian and of dubious practicality. Might there nonetheless be some way to square the circle? The next section broaches a resolution.

### 3. EXPRESSIVE DEMOCRACY<sup>8</sup>

There are several reasons to believe that the neat schematism of the preceding two sections is too neat. First, although it locates democratic passions entirely on the side of dynamic democracy, significant reservoirs of moral capital can be observed in the theory and practice of democracy by default. Many citizens regard exercise of the franchise as fulfillment of a sacred civic duty; immigration often is valued not solely as an avenue to a higher standard of living but also as the opportunity to attain the status of being a participating member in a democracy. Second, practicing politicians routinely provide a rhetoric the moral dimensions of which are prominent. This practice would not be self-sustaining were it not the case that there are willing customers for this sort of talk. Third, it is apparent that many of the issues around which election campaigns are waged go beyond the bottom line concerns of the voter-consumer. Rather, they incorporate moral dicta that make no obvious plea to personal self-interest. Fourth, the very fact that individuals by the millions haul themselves off to the polls (and, to a lesser but still appreciable extent, educate themselves concerning issues and candidates) despite the lack of any direct benefit to themselves in casting a ballot that almost certainly will have no effect on who wins and who loses is presumptive evidence that

8. The model of expressive voting offered in this section is developed more fully in Geoffrey Brennan and Loren Lomasky, *Democracy and Decision: The Pure Theory of Electoral Preference* (New York: Cambridge University Press, 1993).

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their actions are motivated by something other than narrow material interest.

As noted in section 1, orthodox public choice theory has an extraordinarily difficult time explaining these circumstances of democratic involvement. It attempts to explain away the moral rhetoric surrounding elections as no more than epiphenomenal camouflage and trips to the polls as resulting from some combination of ignorance and extreme risk aversion on the part of voters. These theoretical animadversions are patently ad hoc devices to preserve the hypothesis that *homo economicus* does not undergo a radical personality shift when donning the mask of *homo politicus*. But despite their inherent implausibility, the basic instincts of public choice theory are sound. The pursuit of self-interest that explains people's behavior in the marketplace cannot, except at the prohibitive cost of theoretical schizophrenia, be set aside when trying to understand people's performances at the polls. Integration of the self is nonnegotiable.

In small, close-knit groups it may realistically be believed that one's individual voice and vote will have some appreciable likelihood of influencing political outcomes. So from the perspective of prudence, it makes sense to invest an appreciable quantity of one's resources in "having a say" and ensuring that it is heard. One's voice and vote are *consequential*. However, in large-number electorates, there is a vanishingly small probability that an individual's vote (or voice) will swing an election. In the aftermath of the 2000 presidential contest, pundits solemnly intoned over and over again that the one thing this election proved is that every vote matters. It proved no such thing. Rather, it demonstrated something close to the opposite—that even in circumstances so extraordinary that they cannot be expected to recur so often as once a century, the outcome would not have been altered in any significant respect if one or, indeed, any dozen Florida voters had decided instead of voting to work

on their short-iron game. (Acknowledging the inconsequentiality of an individual voter is compatible with granting that one secretary of state or judge can profoundly affect outcomes.) Palatable or not, the indicated conclusion is that for citizens of large-scale democracies, voting is *inconsequential*.

It does not follow that electoral participation is either irrational or bereft of moral content. Acting instrumentally to bring about some favored consequence is one species of rational activity, but so, too, is *expressive* behavior. One who invests lung-power in cheering a favorite team is not thereby acting irrationally even if one realizes that the likelihood of the cheer to tip the outcome of the contest is nil. Neither is it irrational to mourn lost causes, applaud excellence, denounce injustices, join with others in expressing hope for a better world—all quite independent of causal expectations. Moreover, that for which one chooses to express regard or disdain is at least as indicative of who one is and what one stands for as any buying and selling one does in the market. For one who holds dear some value, it is the omission of expressive support for it that would constitute irrationality.

Suppose that the ethical or religious doctrines to which one subscribes maintain that those who are well-off ought to provide assistance to the poor. One may sincerely maintain this dictum yet provide but a negligible amount of relief for the poor. That is because to do so is costly. If one expresses support for this moral principle by donating a hundred dollars to a poor person, the cost is a hundred dollars worth of consumption forgone. If one assigns some positive value to relief for the poor but assigns a higher value to consumption opportunities, then the donation is not made. However, if it were possible to secure an equivalent expressive result at the cost of a few pennies, then a greater incidence of support for the poor would likely be observed.

One way in which the cost can be lowered is via substituting

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talk for philanthropic donations. Sweet-sounding pleasantries come easily to the lips, and although they buy no groceries for the hungry, they do go some way toward meeting individuals' demand for expressive returns. As the common adage has it, "Talk is cheap." Because that is so, rational individuals may talk a more virtuous game than they play.

Like talk, votes are cheap. The expected cost to a voter who votes in favor of being taxed \$100 to provide poor relief is not \$100 of consumption forgone. Rather, it is a function of the probability that one's vote will swing the election. As electorates increase in size, that probability approaches zero. So, too, does the expected cost of a vote in favor. In practical terms, all that one forgoes is the chance to cast an inconsequential nay vote. What one secures, however, is a valued expressive performance. Moreover, one does so in a forum cloaked with civic solemnity, one in which significant political outcomes do indeed emerge even though no individual is situated so as to be able to affect these results. I am not claiming that everyone has reason to vote. But for those who place a premium on expressive activity and for whom affairs of state are laden with moral significance, the decision to cast a ballot is as rational as attendance at the big game is for the committed fan. The same can be said about episodes of gathering political information, debating across bar stools, celebrating victories, and lamenting losses. We need no far-fetched hypotheses to explain why millions of individuals march to the polls on the second Tuesday of even-numbered Novembers—or why during the same month millions of others show up at football stadiums. Both groups do so because they have expressive interests in the contest up for grabs.

Public choice theory maintains that individuals bring to their political activity the same motivational structure that informs their market activity. Nothing said above should be taken as rejecting that assertion. The error of orthodox public choice

analysis is its failure to attend with sufficient seriousness to differences in institutional structures. Virtually all individuals are characterized by both expressive and consequential interests. In market transactions, the latter tend to dominate because participants generally bear the full costs of their activities. However, in political arenas these costs are mostly externalized. Votes may matter a great deal with regard to one's material prospects, but the essential point is that these are *all* votes, with one's own ballot a tiny fraction of the whole. So one enjoys a much enhanced discretion to give vent to one's expressive interests.

That, though, is to phrase the difference too mildly. In addition, there is an ongoing incentive, all else equal, to welcome the transfer of expressively potent but costly private programs to the political realm. This is not purely theoretical speculation. The history of liberal democratic welfare states bears out the proposition. Functions that formerly were the province of families, mutual aid societies, philanthropic organizations, and economic markets have increasingly been taken on by the state. These include education, provision of health care, disability insurance, old age pensions, relief of indigence, scientific research, funding for the arts, and a great many more. The extent to which such relocations are desirable is a disputed issue to be left for another occasion. That it has occurred, though, and that the magnitude of the transformation has been immense, is beyond debate. Like nearly all great historical shifts, it is, no doubt, a product of numerous causal antecedents, but one that may be especially prominent is the receptivity of democratic citizens to opportunities for economizing on the expression of moral convictions by collectivizing that which formerly was private.

It follows that democracy by default is not the moral wasteland it may at first blush have seemed to be. The inheritors of Rousseau do not have the valuational high ground all to them-

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selves. Even the casual voter who knows little about the candidates and issues is a participant in a morally portentous enterprise. This is not to advance the thoroughly implausible claim that all of those who bestir themselves sufficiently to visit the polls take their activity to be a source of transcendent value. For many, no doubt, it barely registers as a blip on their emotional radar screen. Proponents of dynamic democracy will judge this to be a character deficit, but in a liberal pluralistic society the existence of different degrees of interest in political participation is not *prima facie* undesirable.<sup>9</sup> Some individuals will entirely fulfill their need for moral affirmation in private, consensual relationships, but many others will choose to expend moral energies in political domains. As with other allocative decisions, choices depend on persons' subjective estimations of the costs to be borne for the benefits secured. These are hardly ascertainable *a priori*. However, the logic of inconsequentiality itself indicates that among those for whom the demand for purely expressive returns is great, political participation is likely to be perceived as attractive.

Low-cost expression is not, of course, the only way in which interest can be served through political activity. For officeholders, bureaucrats, and other functionaries, politics is a source of pecuniary income. And among those who, unlike ordinary voters, are strategically well situated to influence outcomes, political involvement may in fact represent an optimal outcome-oriented allocation of personal resources. Nor is it out of the question that some voters actually do believe the public service announcements telling them that their vote really matters.

Democratic realities are messy, even messier than the theo-

9. That abstention from voting is not morally discreditable is argued in Loren Lomasky and Geoffrey Brennan, "Is There a Duty to Vote?" *Social Philosophy and Policy* 17 (winter 2000): 62–86.

ries that are constructed to explain them. Such complexities should not be allowed to disguise the fact that both theory and practice are to be understood as possessing significant ethical dimensions. Dynamic democracy cannot claim a monopoly on that attribute, nor should public choice theorists withhold it from their models of default democracy.

#### 4. CONCLUSION

This essay has not so much argued for as taken for granted the claim that democracy is the least bad answer to the perplexing task of political organization. It wins by default. Victories are victories, but some are more inspiring than others. To the ideological descendants of Rousseau, this one is insipid. They strongly prefer a politics that wears its moral credentials on its sleeve, one that makes the same demand of citizens that the U.S. Army does of recruits: "Be all that you can be!" Sporadic participation without passion conspicuously fails to meet that demand. So if suasion does not suffice by itself to garner an adequate number of enlistments into the corps of vigorous citizens, dynamic democrats are not averse to instituting a draft. Among some advocates, coercion gives the appearance of being a benefit rather than a cost. But even when described as "encouraging individuals to assume the responsibilities of active citizenry" or, more brazenly, "forcing them to be free," dynamic democracy's endemic coercivity is ill-concealed. Thus, it is unacceptable to robustly liberal democrats. This, too, amounts to a win by default for default democracy.

Negativity can, however, be overdone. It has been argued that orthodox public choice theory errs in stripping all moral content from the practice of democracy. It develops an account of collective choice that is on all fours with the private choices that are made in markets, but it fails to attend carefully enough

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to differences in institutional structures that render the practice of democracy considerably more conducive to moral expressivity than private choices. A fundamental postulate of economics is that individuals respond to changes in relative prices. Inconsequentiality radically lowers the cost of “taking a stand” in support of one’s moral ideals. The act of pulling back the curtain of a voting booth doesn’t magically make one more virtuous or less wedded to narrow self-interest, but because one’s capacity in that environment to advance material interests diminishes to negligibility, other motives are released. (And the alteration of cost schedules in that environment is precisely the incentive to enter it.) Democracy by default is not, then, a morally free zone. In its inconsequential precincts, moral motivations leap to the fore.

Are we, then, entitled to maintain that democratic activities tend to be “better” than activities that go on in private realms? Such a conclusion is premature for at least five reasons. First, the term “moral” is ambiguous. If I describe your reasons for action as *moral*, I may mean thereby to endorse them, to indicate that they are reasons you ought to hold and act on. Alternatively, I may mean to specify the genus within which these reasons fall but without granting them approval. Perhaps what is meant is that these reasons occupy the same place in your volitional economy that my (endorsed) moral reasons play in mine. Therefore, it does not follow that someone who gives great weight to “moral reasons” in this second sense can be reliably expected to act better than someone who does not. Pol Pot was one of the great monsters of the twentieth (or any) century, but the autogenocide he inflicted on Cambodia is probably best explained as a product of the ideals he cherished. No merely morally blind individual could have stumbled into as many atrocities. Similarly, it is not implausible that market participants who lend nary a thought to any considerations other than

their bottom line regularly do more good/less harm than those who burn with a zeal for rectitude. This is one way of interpreting the salutary nature of Adam Smith's Invisible Hand.

Second, the inconsequentiality of ordinary democratic participation both elicits moral expressivity and cheapens it. Acts that generate significant consequences for oneself and others are epistemically rich. One comes to learn whether one has acted well or ill through observation of what one has wrought. Of course, one may ignore or misapply the lessons, but the point is that there is data to be used. However, when action is predominantly expressive, and especially when it occurs in the context of casting a secret ballot, one receives little or no feedback from which one might learn.<sup>10</sup> Nor does one antecedently have much reason to consider whether the moral baggage one brings to the polls happens to be the best one could be carrying. If I am moved by ill-considered prejudices, the ballot they prompt will not engender damaging consequences for me or anyone else. Therefore, I shall be inclined to invest less effort in improving them than I would in attitudes more likely to have a significant effect on outcomes. One wishes to express support for "the right thing," but one's expressive interests are just about as well-served by endorsing through one's vote what one *takes to be right* rather than what really *is right*. Thus, virtually anything that produces a sense of moral self-satisfaction in the voter is grist for the political mills. Does the candidate smile broadly and kiss babies by the score? He does if his campaign manager instructs him that such behavior is liable to increase his vote total. If citizens take these trifles to be potent moral indicators,

10. This is central to the case against the secret ballot set forth by Geoffrey Brennan and Philip Pettit, "Unveiling the Vote," *British Journal of Political Science* 20 (1990): 311–334.

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then the quality of society's political expression is similarly trifling.

Third, ballots are not fine-grained. Any individual candidate stands for dozens of separate policies, exhibits an indefinite number of virtues and vices. The voter may have moral attitudes concerning each of these but has only one vote to cast for each contested office. The ballot thus has to do multiple duty as a communicative vehicle. If one possesses but a single tool to hammer in nails, open paint cans, drill holes, catch mice, and remove unsightly body hair, then one is liable to perform most of these jobs unsatisfactorily. Much the same is true if one deploys a single ballot to express several moral sentiments.

Fourth, for many tasks, political programs are a substitute for private undertakings. If it is left to state bureaucracies to tend to those in need, then there is less call for family members, philanthropic organizations, and, yes, profit-making concerns to address these needs. If the supplanted activities carried greater moral weight in the lives of those who formerly carried them out than do the politically provided substitutes, then there has been a net loss. Something like a Gresham's law of ethical enterprise may be operative: The less valuable drives out the more valuable.

Fifth, it is a mistake to suppose that moral attitudes alone carry a potential for expressive returns. As noted previously, sports fans derive considerable pleasure from cheering on their favorites. Only by an extraordinary stretching of language can devotion to the New York Yankees be described as a moral attitude. (Their long-standing superiority over the Red Sox is athletic not ethical.) Cheering, it can be supposed, is morally neutral. Malice, though, is invidious. As with moral sentiments, malice is a likely stimulus for expressive activity. One who gives vent to hatreds in face-to-face confrontations with the objects of one's disdain may incur steep costs. If one acts to impose

physical harm, the intended target may very well strike back. Verbal insults are likely to elicit retaliation in kind or worse. Even a refusal to do business with members of a disfavored group carries the cost of potentially profitable transactions forgone. Private malice, like private charity, is costly. However, one who instead chooses to “show those rascals a thing or two” by supporting through one’s vote policies meant to penalize Blacks or Jews or homosexuals does so in the comfort of anonymity. Risks to oneself have been dramatically lessened. It was suggested in the preceding section that individuals vote more morally than they act in their private capacity. But now we can add the further hypothesis that they also vote more maliciously. To phrase it slightly differently, democratic participation tends to call forth extremes of motivation. When acted upon in private activity, these extremes typically are quite costly, which has a muting effect. However, when morals and malice are cheap, the action taken will be more extreme. And it is by no means clear that the balance will usually tip to the side of the angels rather than to the advantage of whichever devils happen to be lurking.<sup>11</sup>

Perhaps not surprisingly, the upshot of these considerations is bathed in ambivalence. A default democracy is not without moral meaning for the citizens who comprise it. But this meaning can be clouded, confused, and in conflict with other, darker meanings. Does it, then, deserve the endorsement of thoughtful, well-intentioned people? And that question calls forth others: endorsed compared with what and to what degree? Perhaps as the least bad of the available alternatives. But that is where we came in.

11. The point receives further examination in Geoffrey Brennan and Loren Lomasky, “The Impartial Spectator Goes to Washington: Toward a Smithian Model of Electoral Politics,” *Economics and Philosophy* 1 (1985): 189–212.