Demopolis. Democracy before Liberalism
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Imagine a country that is secure, prosperous, and ruled by its citizens. They disagree on many things, some of them very deep and important. But they agree about the high value of collective self-government and they are willing to pay the costs of having it. The people of this country live with freedom of speech and association, political equality, and civic dignity. But they have not settled on their stance in regard to state religion. Nor have they committed to promoting universal human rights at home or abroad. Nor have they decided on a principle of social justice for distributing the benefits of social cooperation. Call that country Demopolis and its government basic democracy.

This book asks what it would mean to be a citizen of Demopolis. What will be gained and what is lost when life in Demopolis is compared to a life in a liberal democracy? I answer those questions, first, from the vantage point of a worried liberal, one who hopes to shore up the political foundations of liberal values and who wonders if government could be something other than a potentially intrusive threat to personal liberty combined with a potentially paternalistic provider of distributive outcomes. But I also try to answer questions about what life in Demopolis would entail from the very different perspective of a religious traditionalist residing in an autocratic state. The traditionalist I have in mind dreams of a life without autocrats, but is not ready to embrace contemporary liberal values. Does a theory of basic democracy have anything to say to him or her?

I focus on democracy "before liberalism" because I suppose (without arguing the point) that in the 21st century liberalism is the dominant value system with which democracy has been interwoven. Political liberalism is the tradition in which I was raised and to which I remain emotionally attached; I have no wish to live in a society that is anything other than a liberal democracy. But, like every value system, liberalism obscures what it does not promote. I will argue that the intermixture of liberalism has obscured the positive value of collective self-government, as an instrument to desired ends and as a choiceworthy end in itself. I hope to show liberals why it is a wrong to regard citizen participation in government as a cost that can or should be minimized. And that it is a mistake to view a preference for citizen self-government and a fear of government captured by self-interested elites as uniquely appropriate to reactionaries, anarchists, or Schmittian agonists.¹

Liberalism is not the only system of value that can be blended into democracy, or that has been imagined as inseparable from it. I offer here a theory of
democracy that is not only before liberalism, but also before Marxism, before philosophical anarchism, before libertarianism, before contemporary Confucianism or other theories based on “Asian political values.” My hope is to show that democracy in and of itself effectively promotes various desirable conditions of existence, and that it does so quite independently of liberalism or any other systematic theory of value.

The goal is not to denigrate value-centered political theory. I do not hope to convince anyone that “just plain democracy” is inherently superior to the various political hybrids that have been advocated by political theorists working within liberalism (or Marxism, and so on). Rather my aim is to demonstrate what a basic form of democracy does have to offer on its own terms. Basic democracy may be analogized to a wild species in an era of well-meaning programs of hybridization. The wild species is not intrinsically better than the hybrids, nor should successful hybrids be uprooted in favor of a nostalgic preference for the wild original. But for reasons analogous to a biologist’s interest in the genetics and behavior of native species, we may gain from studying democracy “in the wild.” By focusing primarily on hybrids, I suppose that value theorists have failed to appreciate the relationship between the conditions necessary for democracy and liberal values, and have overlooked specifically democratic goods.

This is a book about what collective self-government costs and what it can provide to people willing to pay those costs: A recognizable and potentially attainable sort of human flourishing – the chance to live as an active participant in a reasonably secure and prosperous society in which citizens govern themselves, and pursue other projects of value to themselves. I suggest that the easiest way to think about the costs and benefits of democracy without liberalism is to describe a democracy that did or might pertain in a community before liberal value commitments have been added to the constitutional order. But, we may also think, in either a utopian or (more likely) dystopian register, of democracy after liberalism, where citizens confront a society in which constitutional features associated with contemporary liberalism are crumbling or have been abandoned.

Liberalism emerged, in the 17th to 20th centuries, as an answer to certain dire problems, including wars of religion, fascism, and authoritarian communism. Those problems have not disappeared. But we now face new and pressing problems arising from the very success of the liberal solutions: Technocratic government, economic disruption, political polarization, alienation conjoined with nationalistic populism and a partisan politics of identity. A theory of democracy before liberalism is no panacea for these, or other, ills of modernity. But it may point to a new direction for democratic theory.

Democracy without liberalism is sometimes depicted by liberal political theorists as being a fundamentally, even viciously, antiliberal ideology, inspired by
a Rousseauian fantasy of a unified popular will and powered by unconstrained majoritarianism. I hope to show that pure majoritarianism, although a readily imaginable (if unstable) form of politics, is a corruption of democracy. It is neither the original nor the normal and healthy form of the regime type. So I hope to offer a degree of reassurance to liberal democrats, by showing that some of what they value is delivered by democracy in itself, and that nightmarishly illiberal consequences need not necessarily follow upon a crisis of liberalism in a democratic state. But I also hope to have something to say to traditionalists who are tired of being ruled by tyrants, but who reject certain tenets of contemporary liberalism – notably, state-level neutrality in respect to religion. As matters now stand, such people may doubt that democracy of any kind is really an option for them. Their doubts are well grounded only if democracy is available uniquely as a package deal in which liberalism is an integral part.

This book presents a political theory that is at once historical, normative, and concerned with both adaptability and stability. It is a decidedly non-ideal approach to theory. It is meant to describe a political solution to a fundamental problem of social cooperation in a socially diverse community, rather than a morally satisfactory solution to the problem of social justice. The solution proposed here offers people who agree on a few fundamentals a way to achieve certain valued ends. But those ends do not include “a fully just society” – no matter how justice is imagined – much less a fully just world.

The account of democracy offered here is guardedly optimistic, in the “cup half full” sense. I seek to show what democracy without liberalism could be at its best – in the form that would best support the possibility of human flourishing for many people in a diverse community, if not for all people, everywhere. Even that half-filled cup requires certain conditions, backed by rules, enforced by citizens. The conditions are demanding; the rules depend on good design; the citizens must be well motivated. None of that is guaranteed. No form of government is proof against corruption and too many regimes, self-described as democracies, have brought about conditions intolerable not only to liberals and but also to non-liberals seeking a decent alternative to autocracy.

The relevant question for the sort of non-ideal theory I offer here is not whether things can go wrong in a democracy – they obviously can, and often have. Rather, the relevant questions are: What would it mean for collective self-government to go right? What conditions would make that possible? Can those conditions be achieved by ordinary people in the real world? The requirement that collective self-government be humanly achievable and sustainable leavens the optimism of my account of democracy before liberalism.
Preface Notes.

1 That mistake may be predicated on statements such as that of Ronald Reagan in his famous “time to choose” speech of October 27, 1964 in support of Barry Goldwater’s presidential candidacy: “This is the issue of this election: Whether we believe in our capacity for self-government or whether we abandon the American revolution and confess that a little intellectual elite in a far-distant capitol can plan our lives for us better than we can plan them ourselves.” On anarchists and Schmittian agonists, see Chapters 3 and 8.
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This book answers some basic questions about a basic form of democracy: What is it? Why does it arise? How is it sustained? What is it good for? For people interested in politics, these are important questions. My answers are based in part on political theorizing, in part on ancient history. Those interested in both politics and history may find democracy’s deep past worth considering. But why and how democracy before liberalism is relevant to contemporary political theory or practice may be less obvious. Demonstrating that relevance is this book’s purpose.

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

1.1 Political theory

According to a recent World Values Survey, residents of each of the 34 countries surveyed rank living in a democratic country as very important (from 7+ in Russia to 9+ in Sweden, on a scale of 10). In every country there is a substantial gap between respondents’ views of democracy’s importance and their assessments of how democratically their own country is governed.² In the contemporary world democracy is a near-universal aspiration, although it would be foolish to suppose
that democracy means the same thing to everyone. In political theory, as in ordinary language, “democracy” is a classic example of an essentially contested political concept. It goes without saying that there are many definitions on offer. No one definition is authoritative in the sense of dominating all competitors in every context. My goal in these chapters is to better understand what I will call basic democracy. Democracy is basic insofar as it is concerned with the legitimate authority of a demos – that is, the organized and justified political power of a citizenry or “a people.”

A theory of basic democracy starts with questions of legitimacy and capacity: Why ought a demos hold public authority – rather than, say, a monarch, a small body of aristocrats, or a technocratic elite? And, because ought implies can: How can a demos competently exercise authority in a complex society? Basic democracy is not, in the first instance, concerned with questions of personal autonomy, inherent human rights, or distributive justice. “Liberalism” is, of course, another essentially contested concept. But I take autonomy, rights, and distributive justice, along with a commitment to neutrality at the level of state authority and religion, to be among the primary commitments of mainstream contemporary liberalism, and I take them to be value-based moral commitments. As a historical regime, democracy antedates the philosophical enunciation of those liberal moral commitments. As a theory of robustly sustainable and choiceworthy (in the sense of promoting human flourishing) political order, basic democracy is antecedent to them.

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

The political thought experiment that I will call “Demopolis” is a bare-bones constitutional framework, a set of base-line rules that enables citizens to coordinate actions to their mutual benefit. I assume, without specifying them, a prior history and elements of civil society. And I assume that after the frame is set the citizens of Demopolis will adopt further rules concerning normatively weighty matters, potentially including rights and distributive justice. Decision-making on normatively weighty matter is likely to produce disagreement; the frame is meant to allow

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

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

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

1.2 Why before liberalism?

Along with the homage to Quentin Skinner's seminal *Liberty Before Liberalism* (1998), my subtitle makes two points. The first is historical: Democracy, as a word, a concept, and a practice long antedates the 17th – 20th centuries, when the family of ethical, political, and economic arguments that run under the banner of liberalism rose to prominence. As we will see, basic democracy historically required
certain political conditions that were later embraced as values by liberals: political liberty (of speech and association), political equality, and legal limits on legislative and executive powers. But democracy was practiced long before political thinkers construed freedom as individual autonomy. Before moral philosophers defined rights as “natural” or “human” (inherent and universal, arising from nature or the moral law) rather than “civic” (shared among citizens and preserved by their collective activities). Before distributive justice was predicated on moral assumptions about autonomy and rights. Before the fact of religious pluralism was seen as requiring value neutrality at the level of constitutional law. So there is a history of democracy as it was conceived and administered before the emergence of a coherent account of liberal morality. I have spent the better part of my career trying to sort out one part of that history – democracy in ancient Greece, and especially classical Athens. This book is not about Greek history per se, but it draws upon the classical Greek experience with democracy.

The second point made by my subtitle is conceptual: Basic democracy can be an antecedent condition for liberalism (or for other value systems) in the following sense: Democracy is a form of politics practiced by a community of citizens, a way of organizing relations of power and interests. Liberalism, as I am using the term here, is a theory of political morality, a way of specifying and justifying ethical social relations by reference to ethical individualism, toleration, moral right, and the requirements of distributive justice in a pluralistic society. The Kantian versions of contemporary liberal political theory that are my primary concern here (exemplified by Rawls 1971, 1996, 2001) share an ethical commitment to freedom understood as individual autonomy and a belief in the moral equality of persons. At the level of society, the dominant forms of contemporary liberal political theory typically commit rulers to seek value neutrality in the public domain and to protect and promote inherent and inalienable human rights. Each contemporary version of liberalism advocates a specific approach to distributive justice; mainstream approaches range from libertarian to egalitarian.10

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

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Contemporary liberal theory, in the Kantian tradition refounded by John Rawls’ epochal *Theory of Justice* (1971), tends to take the security and prosperity typical of a modern liberal/republican/democratic order more or less for granted. It seeks to transcend mere “getting along together” (*modus vivendi*) in a society characterized by value pluralism by providing a moral justification for a just social order. That order is meant to be hypothetically acceptable to people with very different religious beliefs. Rawls’ famous “veil of ignorance” thought experiment abstracts moral agents from knowledge of their own individual circumstances, and thus enables them to come to an agreement on the “basic structure”: the fundamental rules for a just society.\(^{12}\) The difficulty of sustaining a just social order, once the “veil” is lifted and knowledge of individual circumstances is regained, is why Rawls defined his original theory of justice as an *ideal* theory. It is a theory that assumes full compliance with agreed-upon rules, rather than providing non-moralized motivations for strategically rational agents to comply with the rules (Rawls 1971: 8, 89-91; Valentini 2012). The fact that liberal values are not, in and of themselves, self-sustaining as a social order is an issue addressed by Rawls in subsequent work (1996, 1999) and highlighted in Skinner’s *Liberty before Liberalism*. Skinner proposed a “Roman” version of republicanism as his solution to the problem of ensuring compliance to a choiceworthy if not necessarily liberal social order. Here I propose an “Athenian” version of democracy.\(^{13}\)

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

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

If we want to understand democracy, there are good reasons to choose “a non-autocratic state,” rather than “a substantively just society” as the first target we aim at. In sixth century BCE Athens, as in 18th century America, the revolutionary path to democracy was opened by delegitimation of tyrannical public authority, a broad-based preference for non-tyranny (rather than merely a hope for a more benevolent ruler), and a clear demonstration that many citizens were capable of acting as a collective political agent. Although the experience of injustice fed the revolutions, the Athenian and American designers of non-autocratic post-revolutionary political orders focused first on institutional mechanisms to prevent the recurrence of tyranny. They left questions of how to create a fully just or otherwise virtuous social order to their successors. The very fact that those questions are so hard to answer is one reason for deferring them until after a political framework has been established.

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

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

A second goal is to provide an account of democracy that could be of value to people who are not attracted by the moral claims of liberalism, but are attracted to the idea of non-tyranny, that is, who hope to rule themselves under a stable, non-autocratic government. Such persons (they are, I think, numerous) may reasonably ask for an account of what democracy offers in terms of security and welfare, what it requires in terms of rules and behavioral habits, and what it implies in terms of values and commitments. While some liberals may regard distinguishing democratic politics from liberal morality as pernicious (the moral equivalent of handing out knives to madmen), I suppose that contemporary political theory ought to have something to say to those who are unwilling to embrace the full “liberal democracy” package, but nonetheless aspire to living without a political master. Moreover, a better understanding of the conditions required for democracy before liberalism exposes the fatuousness and falsity of claims made by contemporary illiberal populists on behalf of what they call “democracy.”

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

Many contemporary political theorists regard democracy as integral to liberal theories of justice. Although I will seek to show why certain applications of liberal ideas of justice are incompatible with democracy, moral liberalism can, I believe, be compatible with basic democracy. But in order to decide if and when the relevant conditions and values are compatible, or mutually supportive, or mutually exclusive, we need to pry democracy and liberalism apart. This should be possible. As Duncan Bell has shown, the idea of “liberal democracy,” as we now know it, emerged only in the mid-twentieth century.
Other contemporary liberal theorists suggest that a benevolent autocrat may create antecedent conditions for liberalism, which may or may not eventually be conjoined with democracy (Zakaria 1997, 2003; Fukuyama 2011, 2014). An autocrat might make and enforce the rules for a liberal but non-democratic society. Such a society would, however, depend on third-party enforcement: the will of the ruler. Unless the people, as a capable collective agent, retains ultimate political authority, liberal rules are hostage to the ruler’s benevolence.23

A leader with the power to make and enforce laws impeding coordinated resistance, in the form of effective joint action by his subjects, rules at his own pleasure. He does so despite any “parchment barriers” he allows to be placed in his way.24 Dangers inherent in that kind of power motivate democrats to establish rules facilitating popular resistance. Democracy is, both historically and theoretically, a rejection of autocracy – even of the most benevolent kind. But what about the danger posed by “illiberal democracy”? Liberal critics have argued that democracy, before the admixture of liberalism, is viciously illiberal populism (Riker 1982). I will seek to show that, while the conditions necessary for the practice of democracy are not inherently liberal, neither are they inherently illiberal. Just as it is misleading to conflate democracy with liberalism, so too, it is a mistake to regard democracy before liberalism as antithetical to liberalism.25

1.3 Normative theory, positive theory, history

Answering questions about what democracy is, what it is good for, and what conditions make it possible, demands an approach to political theory that is at once evaluative, explanatory, and historical. It requires conjoining three domains of inquiry: First, normative political theory. The normative theory employed here is concerned with what we require, as human beings, in order to flourish as individuals and as members of communities, and how we might go about securing it. Next is positive political theory that is concerned with analyzing strategic behavior to explain how problems of collective action might be solved such that the social order is at once stable and adaptive, and the benefits of social cooperation are relatively abundant. Third, is historical reasoning that is aimed at tracing changes over time in the dynamic relationship of norms to institutions and social behavior. Although this hybrid approach is not the method of most contemporary political theory, it is arguably the method employed by many of the most prominent political theorists of classical antiquity and the early modern western tradition, for example, Thucydides, Aristotle, Machiavelli, Hobbes, Locke, Rousseau, Hume, Smith, Montesquieu, Madison, Paine, and Tocqueville. The contrasting and (occasionally) overlapping political theories of two of these, Aristotle (especially in the Politics) and Thomas Hobbes (especially in Leviathan) will figure prominently in the following chapters.26
Aristotle, Hobbes, and other ancient and early modern theorists posed fundamental questions about politics in normative terms: How ought choice-making moral agents order their polity in respect to authority, decision, judgment, distribution, and in relation to other collectivities? What would it take to make those polities more just, more legitimate, or more democratic? Yet they also asked fundamental “positive theory” questions: Why do individual agents choose as they do, and how do their choices result in a given polity being ordered as it is, in respect to authority, decision, judgment, distribution, and in relation to other collectivities? What would it take to change that order in ways that would make it more efficient – reliably delivering more and better goods to more people at a lower cost?

The ancient and early modern writers recognized that their normative and positive theories needed an empirical grounding, and they typically sought that ground in history. They were well versed in history and very interested in historical development. But they were not adherents of a strong historicism that approaches every society as the unique and incomparable product of its own past, or sees historical processes as inexorably driving towards specifiable ends. Rather they used history to define and to expand the bounds of possibility. They recognized that the prior existence of a given social order refutes any argument that “such a society is impossible.” They believed that they could learn from historical examples of success and failure.

If normative political theory, and positive theory today seem to belong to different intellectual worlds, it is at least in part because the practitioners in each subfield use such different languages: on the one hand the language of analytic or continental philosophy and on the other side, the language of causal inference and mathematical game theory. Each of these languages can be highly technical and impenetrable to non-initiates. But, as Bernard Williams (1993, 2005, 2006) demonstrated, political philosophy can be written with clarity, and Michael Chwe (2013) has shown, with reference to the novels of Jane Austen, that analyzing social interaction on the basis of game theoretic intuitions does not require algebra. When we attend to the similarities in the fundamental questions posed by ancient and early modern political theorists, rather than to the divergent languages in which theories of politics are expressed by contemporary political philosophers and social scientists, we can see that normative and positive theory are logically conjoined. They constitute two aspects of a the common enterprise of seeking to understand how choices made by agents in communities do or might lead to forms of social order that are more or less desirable.

1.4 Sketch of the argument

Looking ahead, these chapters seek to demonstrate the validity of three sets of general claims:
I. Basic democracy is reasonably stable collective self-government by an extensive and socially diverse body of citizens. To be stable over time, a democracy requires rules, reliably backed by habitual social behaviors. Those rules must, *inter alia*, limit the absolutist tendencies of the collective rulers and allow for punishing violations by government agents and other powerful social actors whose actions threaten the democratic order. Basic democracy is not majoritarian tyranny. It is neither morally committed nor opposed to value neutrality, universal human rights, or egalitarian principles of distribution. Democracy in its basic form is neither the antithesis nor the fulfillment of liberalism.

II. Basic democracy can be at once legitimate and effective. It is good for citizens in that it enables them to live relatively well and securely without a master (keeping in mind that non-citizens may do less well). It is good for citizens because, *inter alia*, it:

1. Provides for material conditions of human flourishing: adequate security from external and internal threats to life and property; sufficient welfare in the form of (at least) food, shelter, and health; and adequate opportunity to pursue socially valued projects.
2. Promotes free exercise of constitutive human capacities: sociability, reason, and interpersonal communication.
3. Sustains desirable conditions of social existence, notably political liberty, political equality, and civic dignity.

III. A theory of basic democracy highlights the importance of civic education. It foregrounds the relationship between political practices and certain values that tend to be marginalized in liberal political theory, notably the intrinsic value of participation and the independent value of civic dignity. It also answers two queries posed by liberals and by non-liberals: How can a liberal society be made both stable and adaptive? How might a non-liberal society be sustained without autocratic rulers?

The fundamental question I hope to answer is whether a democratic political order can, in and of itself (without the admixture of liberalism), be at once stable, limited, and an efficient provider of adequate levels of security and material welfare. Some modern theorists of democracy have argued that the three definitional conditions specified above (rule by citizens that is collective, limited, and stably effective) are either non-composable, for reasons emerging from positive political theory, or undesirable for normative reasons. Joseph Schumpeter (1947), for example, followed by William Riker (1982, and others) argued that democracy
cannot be collective self-government, on the basis of the assumption that truly collective self-government is unachievable given the supposed impossibility of collective will formation and expression. Sheldon Wolin (1996), joined by some “democratic agonists” has argued that true democracy cannot be stably effective, arguing that collective agency disappears (goes fugitive) as soon as rules are stabilized in a constitutional order. \(^{31}\) Benjamin Barber (1984), following Rousseau, argued that democracy ought not be limited, claiming that, to be genuine, democracy must also be “strong.”

The fundamental challenge to basic democracy long antedates modern democratic theory. In *Leviathan* Thomas Hobbes (1996 [1651]) famously asserted that no form of limited government, that is, without a third-party enforcer, could provide the security and welfare necessary to lift a society out of the dire conditions of the “state of nature.” Hobbes, in essence, denied the possibility of a self-reinforcing social order that could provide anything approaching a decent level of security and welfare. Hobbes’ assertion regarding the necessity of autocracy (in the sense of a lawless ruler with unlimited authority) challenges political theorists to show how a regime that offers a normatively preferable alternative to the stark choice between “brutality” (in the state of nature) and “security and at least minimal welfare under a lawless, absolutist ruler” could also answer to the demands of positive political theory. These chapters sketch one answer to Hobbes’ challenge. \(^{32}\)

The answer offered here is presented in minimalist terms. I do not propose to specify all the conditions that a normative theorist (liberal, perfectionist, or otherwise) will hope for from a democratic society. Specifically, in reference to liberalism, I do not claim that democracy, in and of itself, will be committed to value neutrality in the space of public reason, will guarantee individual autonomy or universal human rights, or will ensure distributive justice. Democracy, as it is defined here, will not provide all of the rights that are required by contemporary liberalism (as exemplified by Rawls or other egalitarian social theorists), even for citizens. \(^{33}\) By the same token, the institutions and behaviors essential to sustain democracy need not obstruct the achievement a more extensive regime of rights. Democracy may, furthermore, provide human goods to that are not promoted by liberalism as such. Democracy can be analytically distinguished from liberalism even if, as I will suggest, it proves to be broadly compatible with at least some versions of liberalism. I claim, in brief, that it is conceptually possible for a democracy to be choiceworthy without being either liberal or anti-liberal. If that claim holds true in practice, as well as in theory, it has considerable implications for public policy. \(^{34}\)

The rest of the book proceeds as follows: Chapter 2 reviews the history of political development in classical Athens, our best documented case study of a...
working democracy untouched by the philosophical ideas of classical or contemporary liberals. We pay special attention to the original and “mature Athenian” meanings of the Greek term *demokratia*, that is, what democracy meant to the Athenians who practiced it. Chapter 3 introduces the Demopolis thought experiment: a constitutional public order brought into being by an imagined society of persons who are, by stipulation, diverse except in their shared preference for living in a country that is secure, reasonably prosperous, and not ruled by autocrats. The residents of Demopolis are willing to pay some costs to live in such a country, but they also demand that they have adequate opportunity to pursue projects of value to themselves outside the realm of politics.

Chapter 4 begins to address the question of Demopolis’ legitimacy, on the assumption that it has not yet adopted a liberal superstructure. A justificatory argument, in the form of the civic education provided to potential future citizens, answers the question of what democracy is good for in material and non-material terms. Chapter 5 argues that, despite their fundamentally different accounts of about moral psychology, Aristotle and Hobbes agreed that humans have innate capacities for sociability, rationality, and verbal communication. Democracy offers citizens unimpeded opportunity to exercise these fundamental capacities through participation in collective self-governance. That opportunity is, I propose, a choiceworthy end in itself.

Chapter 6 reviews basic democracy’s enabling conditions of political liberty, political equality, and especially civic dignity as worthiness to participate in politics. The rationally self-interested activity of citizens in defense of one another’s civic dignity addresses the endemic social problem of how to control the behavior of arrogant individuals who seek to demonstrate their own superiority by humiliating and infantilizing others. The dignitary requirement that participatory citizens be treated as adults furthermore constrains extreme versions of libertarian and egalitarian distributive justice. Chapter 7 turns to delegation of authority to representatives and to institutional design aimed at making use of relevant expertise in democratic judgments on matters of common interest, while avoiding elite capture. If the citizens are, as a collectivity, capable of ruling themselves, representatives are thereby discouraged from seeking to rule as autocrats. To the degree that a democracy can make effective use of expertise, its citizenry are insulated from the dangers of collective ignorance.

Chapter 8 summarizes the theory of basic democracy developed in the previous chapters. Some readily imaginable variants of liberal and non-liberal societies would be unable to make use of a basic democratic foundation while remaining true to their values. Yet basic democracy could be of use to a wide range of liberals, and potentially to some religious traditionalists, who seek to a political framework on which they might hope to build a society committed to a specifiable
moral order. Finally, an Epilogue tempers the guarded optimism of the Preface, by sketching a “democracy of fear” in the hope that a basic democratic framework might serve as a bastion against a descent into abysmal social conditions in a possible future “after liberalism.”
1. Basic Democracy. Notes

2 World Values Survey, Wave 6 (2010-2014): Question V140, “How important is it for you to live in a country that is governed democratically? On this scale where 1 means it is ‘not at all important’ and 10 means ‘absolutely important’ what position would you choose?” Question V141, “And [on the same scale] how democratically is this country being governed today?” http://www.worldvaluessurvey.org/ accessed July 10, 2016. Results summarized in Achen and Bartels 2016: 4-6, Figure 1.1.
3 Gallie 1955, who coined the phrase “essentially contested concept,” employs democracy among his four “live” examples, see esp. 168-169; 184-186. Such concepts have the following properties, each of which is relevant to the discussion in this book: They are appraisive, internally complex in ways that admit of a variety of descriptions in which different aspects are graded in different orders of importance. They are open in character and used both aggressively and defensively. Those who use the concept typically claim the authority of a historical exemplar. The use of the concept gives rise to genuine (productive if not resolvable) disputes as to its meaning.
4 The Greek word demos can alternatively mean “citizen assembly,” “majority of an citizen assembly,” “non-elite citizens,” and “the many who are relatively poor.” These other meanings are secondary in that they are historically subsequent to, and derive from, the core meaning as “citizenry/people.” See below, Chapter 2.
5 Note that, while the justification for the legitimacy of the demos’ rule must be offered to each citizen, in order to limit defection and preserve stability (Chapter 4.4), it is not (as in liberal social contract theories) an explanation for why the compromise of an assumed pristine condition of pre-political individual freedom is rationally choice-worthy, nor (as in liberal justice theories, e.g. Christiano 2008: 232-240) based on a claim about distributive justice. Rather the justification for democracy contests the claims of rival would-be rulers to the effect that some other system is better able to fulfill the ends for which the state exists.
6 Per below, I take the liberal theory work of John Rawls as definitive of the contemporary “main stream.” Christiano 2008 and Estlund 2008 are examples of explicitly moral theories of democracy that are in some ways critical of Rawls. It is important to keep in mind that some influential strands of contemporary liberal theory are centered on maximization of some socially valued good (e.g. preference satisfaction) rather than defending rights (Singer 1993), and others do not require state-level value neutrality (Raz 1986).
7 Basic democracy might be regarded as a variant of what Achen and Bartels 2016: 1, refer to as the “folk theory of democracy,” which holds that “Democracy makes the people the rulers, and legitimacy derives from their consent.” Achen and Bartels claim to have invalidated the “folk theory” by demonstrating that it is based on empirically falsifiable and unrealistically optimistic premises about the political
knowledge and judgment of ordinary citizens. Achen and Bartel's deflationary characterization of the “folk theory” is primarily concerned with tracking individual and (especially) group ideological preferences (rather than common interests) and is focused almost entirely on theories of and studies of American voting behavior. I leave it to readers to decide whether the theory of basic democracy developed here is invalidated by their empirical challenge.

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

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

10 Bell 2014 traces the history of the use of the term “liberalism” in political discourse. Critical overview of moral liberalism: Gaus 2014; in turn critically discussed by Runciman 2016. I do not assume that liberalism is necessarily metaphysical (rather than political) or a comprehensive system of value (Rawls 1996, argued that it is not). My approach here is like that of Williams 2005: ch. 1 (“Realism and Moralism in Political Theory”) in rejecting the necessity for political theory of establishing a prior ground of morality. But, as with Williams on legitimacy, ethical principles do prove to emerge from the practice of democratic politics (below Chapters 3.6, 5.4, 6.1). See also Hardin 1999 on coordination theories of mutual advantage and Waldron 2013 on “political political theory.” For a survey of contemporary versions of political realism, and the contrast with “high liberal” theory, see Galston 2010, with response of Estlund 2014.

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

12 Early modern “classical” liberalism, predicated on natural law, on assumptions about inherent freedom and equality of persons, and on the necessity of limiting the power of government, emerged, as a modus vivendi for a modern state, in conjunction and in debate with republicanism (Kalyvas and Katznelson 2008). This classical form of liberalism was indeed intended and instantiated as a regime type, in Britain and the United States. Sorting out the historical priority of democratic (or republican) and classical liberal elements in late 17th through early 19th century British and American regimes would take me far beyond my areas of
expertise, and is not directly germane to my argument. Thanks to Robert Keohane and Stefan Sciaraffa for pressing me on this issue.

13 Dynamic self-reinforcing equilibria in social theory: Greif and Laitin 2004. The lack of an equilibrium solution is, in brief, what divides ideal theory (paradigmatically Plato’s Republic and Rawls 1971) from the kind of “non-ideal theory” I am engaged in here. Hardin 1999: 6-9, points out that contemporary liberalism, insofar as it focuses on distributive justice, is not an equilibrium theory. Galston 2010: 398-400, makes a similar point in emphasizing that political realism seeks conditions enabling social stability and that what he calls “high liberalism” lacks an answer to how a society of diverse individuals could be stabilized. Although not put in the language of equilibrium theory, the inability of liberalism to secure the conditions of its own existence without a political form that gives citizens reasons to defend the state is one of the central points of Skinner 1998. Note that the lack of an equilibrium solution does not imply that moral liberalism lacks a concern for or an engagement with power; see further Runciman 2016.


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

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

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

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

19 On the definition of populism, as a perversion of democracy, see Müller 2016.


the effect that classical liberalism does in fact imply democracy in the sense that individuals must be principals in their own organizations.

22 Bell 2014: 694-704, traces the association of democracy and liberalism back to the 19th century, but shows that the hybrid "liberal democracy" emerged only in the mid-twentieth century: "Arguably, the most significant conceptual move of the interwar era was the emergence of the idea of 'liberal democracy.' Barely visible before 1930, in the ensuing decade it began to supplant existing apppellations for Euro-Atlantic states. During the 1940s and 1950s it became a commonplace" (quote: 703). See also Müller 2011.

23 Classical liberals (notably Locke in the Second Treatise of Government 1988 [1689]) have long sought ways to limit the powers of rulers, such that the ruler's authority would be subject to laws that would be enforced by a popular "right of resistance"; see further, Bell 2014. But without the right institutions, the people have not means of coordinating action against a violating ruler.

24 Parchment barriers: Federalist 48. If the ruler is actually constrained by the barriers, i.e. can expect to be punished or deposed for violating the rules, then he is not an autocrat in the strong sense.

25 Galston 2010: 391 regards it as the a premise of any realist theory of politics that "individuals must agree that the core challenge of politics is to overcome anarchy without embracing tyranny." But his definition of tyranny, which is predicated on brute terrorization and domination, excludes "benevolent autocracy." Given that the Greek term tyrannos did not originally refer uniquely to brutal rulers, I feel justified in using non-tyranny as a synonym for "non-autocracy." But I differ from standard Greek usage in including a narrow ruling coalition (which in Greek evaluative political vocabulary was a dunasteia) in my definition of "tyranny."

26 The conception of "normative and positive political theory" that is, along with historical testing, the methodological basis for this book is the product of a joint project with Federica Carugati and Barry Weingast, developed in various papers in progress and in Stanford seminars on "High Stakes Politics." It is sketched in Carugati, Ober, and Weingast 2015 and in progress. Our approach seeks to get beyond the "Manichean dualism" that Williams (2005: 12) pointedly noted was characteristic of American political theory and political science. Others seem to be engaged in a similar project: e.g., in quite different registers, Hardin 1999; Rosanvallon 2006. Two recent books by prominent specialists in American politics, Achen and Bartels (2016) and Shapiro (2016), offer contrasting "realist" theories of democratic politics, conjoining normative and positive political theory, and (mostly American) history. While both books are deeply informed by contemporary liberalism, the authors come to starkly opposed positions. Achen and Bartels call for a much greater role for depoliticized regulatory agencies, and for limiting the role of voting by ignorant citizens. Shapiro calls for a strengthened form of Schumpeterian competitive majoritarianism, decrying the sclerotic tendencies of republican limits on majority rule. Each book starts with "where we are now" (in the United States, in the early 21st century) and neither focuses on the high stakes historical conditions of the American founding era. Neither addresses the problems (for Achen and Bartels: unaccountable technocracy, for Shapiro:
populist autocracy) raised by their preferred solutions, but each helpfully articulates the problems raised by other’s position.

27 Herodotus, Histories, is a particularly clear case in point. Meckstroth 2015 is a striking recent example of normative democratic theory that is explicitly grounded in history. Green 2015 urges a rapprochement between intellectual history and normative political theory, but he is concerned primarily with historical ideas about politics rather than the history of political practices.

28 “Good for” need imply neither “necessary for” nor “sufficient for.” Ancient Athens (like the United States before 1865) was a slave society in which women and resident foreigners lacked participation rights, although non-citizens, including at least some slaves, were given some protection in law: Ober 2010; below Chapters 4.3, 8.3.

29 On sufficiency versus equality, see Frankfurt 1987.

30 N.B. contemporary liberals typically value deeper and more extensive forms of liberty, equality, and dignity than are required by basic democracy. See Chapter 6.

31 Democratic agonists: below, Chapter 8, with note 6.

32 Hobbes’ social theory is discussed in more detail in Chapters 4.3 and 5.1-3. My interpretation of Hobbes, as discussed there, takes him as a theorist of absolutism, not as a proto-democrat, a position urged by Tuck 2007 and 2016.

33 Democracy assumes a common commitment to (at least) achieving collective security and minimal welfare through collective self-governance by citizens and will not offer equal standing to comprehensive conceptions that are antithetical to those ends (Chapter 8.5). Yet a basic democracy will allow, indeed provoke, political dissent: Ober 1998.

34 See Ober 2012, conclusions. I do not here address the question of democracy (or democratic deficits) in international institutions that transcend the bounds of the state, as important as that question is for contemporary normative theory.