Three Mistakes about Democracy*

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This paper addresses three claims that are often made among contemporary policy-makers, political scientists and political theorists about democracy. The claims, in my view, are false and indeed revealingly false: they display a serious misunderstanding of the nature and appeal of democracy. As we see why they are false, we will come to appreciate dimensions of democracy that easily escape notice. Hence the title of the paper.

I name the mistakes after outstanding thinkers who have made them. The first I describe as Berlin's mistake, finding it in the work of the Anglo-Russian philosopher, Isaiah Berlin. The second I describe as Schumpeter's mistake, naming it after the Austrian-American banker, economist and political thinker, Joseph Schumpeter. And the third I describe as Riker's mistake, associating it with William Riker, the American political scientist, famous for his distinction between liberalism and populism. All three played important roles in promulgating the mistakes that they endorsed, though Riker probably made a smaller mark than the other two.

In indicting these thinkers, I do so from the perspective of the republican tradition that emerged in classical Rome, came to life again in the Italian cities of the high middle ages, fuelled the Dutch and English republics of the seventeenth century, and inspired various eighteenth-century revolutions, including the American, the French and indeed the Irish.[1] That tradition is built around a conception of freedom as non-domination, to be elucidated later in the text. And it requires a rich conception of democracy of a kind that the mistakes charted here would cause us to overlook (Pettit, 2012).

Berlin's Mistake

Isaiah Berlin is best known for his work on the concept of freedom, in particular for his 1958 inaugural lecture in Oxford on 'Two Concepts of Liberty'.

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In that lecture Berlin insisted that individual freedom was constituted by nothing more or less than the absence of interference: primarily, the absence of any willful obstruction or penalization or misrepresentation of a choice, whether by a private individual or group, and whether done covertly or openly. This led him to think that every law, insofar as it holds out the coercive threat of penalty, is an infraction of freedom, albeit one that may prevent more interference that it perpetrates. 'Law is always a fetter', he says, 'even if it protects you from being bound in chains that are heavier than those of the law, say some more repressive law or custom, or arbitrary despotism or chaos' (Berlin, 1969, fn 7).

If law is always a form of interference, and takes away your freedom of choice in some measure, then it follows that a democratically enacted law is going to have this effect just as much as a law imposed by a tyrannical government. And so Berlin argues that the cause of freedom is quite distinct from the cause of democracy and gives us no reason in itself to want democracy; 'there is no necessary connection', he says, 'between individual liberty and democratic rule'. He even goes so far as to suggest, indeed, that democracy might do worse by the cause of freedom than a non-democratic, even an autocratic regime. 'Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom'. Illustrating the point, he says that 'it is arguable that in the Prussia of Frederick the Great or in the Austria of Joseph II men of imagination, and creative genius, and, indeed, minorities of all kinds, were less persecuted and felt the pressure, both of institutions and custom, less heavy upon them than in many an earlier or later democracy' (fn 18).

Berlin admits, in making these points, that he is following in the steps of Jeremy Bentham, who had written to similar effect in the late eighteenth century on the basis of what he called 'a kind of discovery I had made', that freedom is nothing more or less than 'the absence of restraint' (Long, 1977, 54). Bentham (1843, 503) too had concluded, on the basis of this equation between freedom and non-interference, that law is inherently opposed to freedom. 'All coercive laws… are, as far as they go, abrogative of liberty'. And so it was accepted in his circle that freedom had little or nothing to do with democracy. Thus his close associate, William Paley (2002, 314), could write in 1785 on the same lines as Berlin that 'an absolute form of government' might be 'no less free than the purest democracy'.

The point in tracing Berlin's attitude back to Bentham and Paley - the utilitarian, unwitting founders of what became classical liberalism or neo-liberalism - is that they, unlike him, were very conscious of maintaining a novel, even outrageous position in severing the connection between freedom and democracy. The reason why Bentham thought that his idea of freedom as non-interference was 'a kind of discovery' is that he was aware of rejecting the more traditional idea of freedom associated over nearly two millennia with the republican way of thinking. This was familiar to him and his contemporaries from the writings of Polybius and Cicero and Livy in the Roman Republic, as well as the writings of the Renaissance republicans of northern Italy - in particular, Machiavelli's *Discourses on Livy* - and the supporters of the cause of American independence.

On that more traditional conception, freedom is not equivalent to the absence of interference but rather to the absence of what the Romans called *dominatio*: the absence of subjection to the will of another, in particular the will of a would be *dominus* or master (Pettit, 1997; Skinner, 1998). On this approach, you could be dominated by another and lacking in freedom without actually suffering interference: the fact that another stood ready to interfere, should they take against you, meant in itself that you were under the control of their will. And on this approach, you could be interfered with by another - for example, interfered with by the law - and yet not be dominated by that interference and not rendered unfree. This possibility was associated with non-arbitrary interference, as it was generally called: that is, interference that you controlled and that did not impose an alien will or *arbitrium* in your life. When Ulysses was held to the mast by his sailors, on this way of thinking, he was not dominated by their interference, because they were acting only on terms that he laid own. They were not imposing an alien will in the practice of such interference but merely channeling his own will, as that had been expressed in his instructions to them.

I propose that we should recover this way of thinking about freedom for reasons I cannot detail here in full (Pettit, 2014). And I want to point out that once we begin to think of freedom as equivalent to non-domination, not non-interference, we can bring back the connection between democracy and freedom that Berlin and Bentham unfortunately denied.

Democracy requires, as its etymology suggests, that the *demos* or people enjoy *kratos* or power over the government that imposes coercive laws on them, thereby interfering in their lives. But to the extent that people share equally in the exercise

of such power over government, as they are supposed to do in most democratic theories, they are going to determine at least the broad shape of the laws under which they live. And to that extent those laws are not going to represent an alien will or *arbitrium* in their affairs; the laws are going to constitute a non-dominating form of interference akin to the interference of Ulysses's sailors in his life. This is the reason why there is indeed a deep and intimate connection between the idea of freedom and the idea of democracy. If it works well, the point and value of democracy lies in the fact that it offers us a way of having a coercive government that guards us against private domination without perpetrating public.

The first dimension of democracy that I wish to emphasize, then, is the freedom dimension. Democracy can allow people to live under a coercive law without being dominated by that law and made un-free by its imposition. It can ensure that the law under which they live is enacted, administered and adjudicated on terms that they play an equal part in imposing and can therefore see as an expression of a shared will (Pettit, 2012).

Before leaving this first dimension, it may be worth remarking that one salient way in which the freedom associated with democracy can be flouted is via the colonial or quasi-colonial control of a foreign power. It is interesting in that regard that those who stood by the American colonies in their war of independence always stressed the fact that any colonial power, even one that is wholly beneficent, will dominate those on whom it imposes laws and taxes and deprive them of their freedom. They will not have any control over the shape of those laws and taxes, not even the control that would come of being able to force law-makers to live under the laws they form. The eminent chemist, Joseph Priestly (1993, 140), had fastened on this point in discussing the cause of the American colonists. 'Q. What *is* the great grievance that those people complain of? A. It is their being taxed by the parliament of Great Britain, the members of which are so far from taxing themselves, that they ease themselves at the same time'.

By contrast with the anti-colonialism - and indeed the support for democracy - that the republican conception of freedom led Priestley and others to embrace, it is worth noting that the opponents of the American cause used Bentham's new conception precisely to argue that colonialism was not so bad - as indeed Berlin has been accused of suggesting in the 1950's. This observation is particularly interesting for anyone interested in issues of international relations.

A friend of Bentham's, John Lind (1776), made the pro-colonialism case quite openly. He argues in a pamphlet directed against Richard Price, another British defender of the American cause, that freedom requires, not non-domination, but non-interference; it is 'nothing more or less than the absence of coercion', whether coercion of the body or the will (16). British law may interfere in the lives of the Americans, he says, imposing compliance and levying taxes, since 'all laws are coercive' (24). But the law interferes in the lives of the British too and the Americans, therefore, have no particular grounds for complaint (114). So what, he asks, is all the fuss about?

Richard Price (1991, 77-78), a well-known mathematician in his own right, was quite clear about the reason to fuss. Given the republican conception of freedom as non-domination, he argues that to be subject to a master is enough to make you un-free, even when the master does not impose harshly - even when he imposes only in the modest manner of the Stamp Act of 1765. Individuals may be lucky enough to find kindly masters, he says, but they 'cannot be denominated free, however equitably and kindly they may be treated'. And this lesson, he insists, applies in the relation between societies - in particular, Great Britain and its colonies - not just in the relation between persons: it 'is strictly true of communities as well as of individuals'.

Schumpeter's Mistake

The discussion of Berlin's mistake suggests that the demands of freedom, understood as freedom as non-domination, make a strong case for the value of democracy. Or at least that they do so to the extent that democracy gives people equal access to a system of popular power or control over government. But now we are positioned to see a further mistake in how contemporary thinkers conceive of democracy. This is the mistake of taking democracy to require something less than a system of popular power or control over government. The mistake must be forever associated with Joseph Schumpeter, since he built it into the model of democracy that he developed in his classic book of 1942, *Capitalism, Socialism and Democracy* (1984). He popularized the model to such an effect that it remains the standard image of democracy among many mainstream political scientists. As part of the model, Schumpeter (1984, 272) argues that democracy does not enable the people to 'control their political leaders', holding instead that all it gives them is a wayward form of influence.

In order to understand this claim it is important to understand the distinction between influence and control. Imagine the effect you will have on the traffic at a busy intersection if you play police officer and give hand signals in the usual manner, inviting the cars to ignore the lights. In all likelihood some cars will take their lead from your signals, others not; and among those that do not, some will try to drive quietly by, others protest with honking horns or exasperated gestures. You will certainly have an influence in such a case, making a difference to how the cars behave; you will probably create utter chaos. But will you have control? Not on the assumption that you wanted the cars to follow your signals, as they might follow the signals of a police offer. You will have made a difference to how the cars behave but not a difference that imposes any desired direction or pattern - not a difference that serves any identifiable end or goal.

What will be required in order for your influence to give direction to a process like the flow of cars in this example? The influence must give rise to a recognizable pattern in the process and that pattern must be one that you seek. The influence, in other words, must control for the appearance of a desired pattern. There will be a range of ways in which you can vary your input to the process, since there are different hand-signals you can give. And for each of those inputs there will be a corresponding output: the traffic will alter in response to your signals. In the case where you take the police officer's place at the intersection this condition will not be fulfilled: there will be a more or less random correlation between how you move your hands and how the cars adjust. Were a police officer to be in your place, however, then things would certainly be different. The officer's hand-signals would reliably generate, now this sort of effect, now that; as we say, they would control for how the traffic moves.

If the *demos* or people are to share equally in exercising *kratos* or power over government, and if the power they share is to mean that the coercive laws of government are not arbitrary and dominating - not the imposition of an alien will - then what they exercise has to constitute control, not just influence. The people might have influence on government without this impressing any particular shape or pattern on the acts of government; it might be an influence as wayward and random in its effects as the influence of the weather. That the people had such an influence would not give us any reason to think that the laws and decrees passed by government are passed on terms that they dictate, as the actions of Ulysses's sailors are performed under terms that he dictates.

What Schumpeter did in his influential book is to persuade the generations following him that democracy cannot be expected to do anything more than have an influence of a more or less pattern-less, direction-less kind on who are in government and on how they enact and enforce the law. He assumes, reasonably, that any plausible democratic system is going to involve open, periodic, electoral competition, with different parties seeking to attract enough support to win office. Such a system is undoubtedly better than one of dynastic or chaotic succession but Schumpeter is skeptical about the possibility that the results of such a democratic process would be 'meaningful in themselves - as for instance the realization of any definite end or ideal would be' (Schumpeter, 1984, 253). The people do not form systematic views that they might impose on leaders; under the influence of popular pressure and party propaganda, he says, they display only 'an indeterminate bundle of vague impulses loosely playing about given slogans and mistaken impressions' (253). And even if they did form such views, they would not be able to impose them. The political decisions produced from 'the raw material of those individual volitions' (254), as he puts it, might take any of a variety of forms, depending on the initiatives of the party boss and the party machine. Parties and leaders are primarily committed to keeping a hold on office, not to representing any standing principles, and no matter what the input from the electorate, 'the pyrotechnics of party management and party advertising' will deliver whatever response promises to serve best in 'the competitive struggle for political power' (283).

I cannot go into any detail on the issue of how a democratic people might impress a pattern or shape on the doings of government, holding it to terms that they dictate. But let me set out some basic assumptions that I make (Pettit, 2012). The system of popular influence that democratic institutions establish must be one that all can equally access. And that system of popular influence must serve to impose a direction on government that all are disposed to find acceptable. The most plausible way in which a democratic system might achieve this result is by imposing such electoral and other constraints on those in power that they have to respect community-wide standards in what decisions they make and in how they make them. The policies in any domain of decision-making that breach those standards must be put out of court, off the table. And the processes for deciding between the remaining candidates in any domain must be equally put out of play, if they breach such standards. The processes I have in mind here might vary from popular referendum to parliamentary vote, to referral to a court, an independent commission or a citizen assembly.

Are there community-wide standards of the kind that democracy might serve to impose in this way on government? I believe that in any society that recognizes the equal status of all its citizens, and that opens citizenship fairly to newer residents, such standards are bound to emerge and evolve in the wake of public discussion, whether discussion in centralized forums or across the different venues of public space, from workplace to café to seminar. When people debate about policy in different areas, inevitably building dissensus as well as consensus, they have to do so on the basis of some common points of reference, some shared terms of argument; else the debate gives way to something akin to war. And when the debate continues over time in the public space of claim and counter-claim, proposal and contestation, those standards are more or less bound to have an impact on what and how things are done by government. Or at least they will do so in the absence of special lobby groups who achieve hidden or deceptive modes of influence on those in power.

If this is right, then the main effect of a well-ordered democracy will be to make an infinite number of policies or processes simply unthinkable. The *demos* that keeps tabs and checks on government may exercise *kratos*, not in causing this or that is done, or to be done by this or that procedure, but in ensuring that a myriad of other policies and processes never get a look-in. Think about how in the classic western the cowboy controls his cattle as he rides along behind them, not taking any initiative in particular. He rides herd on the animals, as we say, controlling them just by being there, ready to take action if one of them should chance to go off track. That may offer the best image of how the people in a functioning democracy can exercise control over those in government. They ride herd on the proposals and decisions of those they elect, making sure that the authorities don't ever go off track and being ready to blow the whistle - to make democratic trouble - if they do. It may have been this pattern that traditional republicans had in mind when, in a phrase made famous by the Irish eighteenth-century lawyer John Philpott Curran, they endorsed the idea that the price of liberty is eternal vigilance - that is, eternal, democratic vigilance.

Riker's mistake

On the emerging view of democracy, its main role is to give people control over government, enabling them to impose community-wide standards on the policies adopted and on the processes followed in adopting them. The point of democracy, on this view, is to ensure that the people are not dominated by the

interference of government associated with its imposition of laws and decrees and taxes. Whatever measures the government imposes, it imposes on terms that people equally endorse and play an equal role in enforcing. The authorities channel the popular will, as we might put it - if you like, Rousseau's general will - not the will of an alien agency. Like Ulysses's sailors, they act as servants, not as masters.

It is important in this image of democracy that the people are said to exercise control and that the question is left open as to which channels of control - which channels of directed influence - serve the required purpose; that is an issue for more detailed institutional design. The third common mistake about democracy is not to leave this question open but to equate democracy with an electoral mechanism of influence and control, holding that the use of other mechanisms is undemocratic. This mistake is found in the many authors who think that democracy is present wherever there is a system of open, periodic and competitive election and absent wherever there is no such system. I believe that an electoral system is necessary for democracy, at least in a world where it is only regular elections that are likely to prompt robust public discussion and contestation, the assertion and reinforcement of free speech, and the effective identification of shared standards. But I think it is a serious mistake to think that an electoral system is sufficient for democracy and that other systemic devices are irrelevant or inimical to the cause of popular, democratic control.

I associate this mistake with William Riker (1982) because he provides a formulation that has proven very influential. In his account of things elections give people all the control they can hope to have over government and other devices - in particular the devices we associate with constitutional constraints - have nothing to do with advancing such control; on the contrary, he suggests, they represent constraints that shackle popular will rather than implementing it. He describes electorally imposed restrictions on government as populist in character, where this is not meant to have pejorative overtones, and the constitutionally imposed restrictions as liberal. And he casts the advanced democracies as being democratic insofar as they are populist, undemocratic insofar as they are liberal.

According to the account sketched here, a society is going to be democratic to the extent that the people are able to impose community-wide standards on how the government forms its decisions and on what it actually decides. And there is absolutely no reason to think that the people will have this power only in virtue

of their electoral impact on who is in government and on how they behave. There is equal reason to think that the people may impose their terms on government in a variety of other ways. For example, via the constraints that they uphold within the constitution of their society. Via the actions of unelected personnel who are appointed under such constraints; these will include the official ombudsman, auditor and statistician, as well as those who wield authority in the central bank, in the electoral commission and, of course, in the courts of law. And, perhaps most important, via their own readiness to challenge and contest, whether individually or collectively, and in formal or informal forums, in ways that the constitution makes possible.

It goes without saying that the constitutional guidelines that set up the electoral system - and that are required for this purpose (Ely, 1981) - must not themselves be undemocratic in character. They should generally be subject to democratic contestation and amendment - although constitutions do often err in making amendment too difficult. The same goes of course for the constraints that establish the basic rights of citizens, ensuring another aspect of popular control. They should themselves be imposed under a system of popular control, staying in place only insofar as they are not exposed to democratic challenge and amendment.

What should we say about the various unelected authorities who are going to play a role in the governance of a society, under any plausible constitution or arrangement? Do they have to be regarded as a foreign imposition on the people and, unlike elected deputies, not representative of popular will? I argue not.

Suppose that I am asked to nominate someone for a position on a committee. I might select someone whom I can require to consult with me and adopt my instructions on how to vote. Let us call such an appointee a responsive representative. But equally I might select someone whom I cannot consult with or instruct on the grounds that the person is of a similar mind to me and is likely to act as I would act. Being someone whose decisions are indicative of what I would decide on the committee, we might describe this person as an indicative representative.

When we appoint ombudsmen, statisticians and auditors, the members of central banks and electoral commissions, and the judges who determine the interpretation and application of the law, we can appoint them under such tight constraints and with such precise briefs that they count as our indicative

representatives. Unlike elected deputies, these authorities will be not be particularly responsive to popular demand; that is how we set things up. But if they operate in fidelity to their constraints and briefs, as popular scrutiny and vigilance can ensure that they do, then their decisions ought to conform to the terms we encode in their protocols of appointment and office. And to the extent that they do this, they will act in a way that is indicative of how we the people - we who are ultimately responsible for the constraints and briefs that guide them - would want them to act in their various positions. Like elected deputies, who are responsive representatives, they will be forced to act in a manner that conforms to the community-wide standards we impose.

Not only should we want a democracy that gives people control over government, ensuring that the government does not dominate its citizens and deprive them of their freedom. The upshot of these final observations is that we should also want a democracy that is not just electoral but, in a broad sense, constitutional: a democracy that implements popular control by the non-electoral means of constitutional constraints and constitutionally appointed authorities. To establish a constitutional democracy is not to establish a democracy and then to make it constitutional, as if that were something extra. It is hard to imagine what a democracy would be like if it did not function under the constraints of a constitution - written or unwritten - as well as under electoral pressures.

Conclusion

While this has been a mainly critical paper, I think that the upshot is fundamentally positive. Berlin's mistake derives from not seeing that, identified in the traditional manner with non-domination, freedom requires the democratic control that would render government interference un-dominating. Schumpeter's mistake consists in thinking that the most that democracy can achieve is popular influence, not popular control. And Riker's mistake consists in not recognizing that democracy, in the sense in which it involves popular control, requires a constitutional, contestatory set of institutions, not just devices of an electoral kind.

The upshot is a case, strengthened in each round of critique, for a republican or neo-republican conception of democracy. Under this conception the role that democracy should play is that of ensuring that government, even a government that protects people against private domination, should not itself perpetrate public; it should be forced to operate on the people's terms, responding to desiderata

that they impose. The democracy I envisage would aim, not just at giving people influence, enabling them to make a difference; it would aim at giving them a form of influence that enables them to make a systematic difference, imposing their shared standards on government. And it would deploy a range of institutions and offices in the course of activating this control, not restrict the tools at its disposal to electoral measures alone. The neo-republican approach behind these lessons does not offer us a ready blueprint for democratic organization. But it challenges us to work at elaborating the institutions that would advance republican aims and guard us against the usurpation of political power by those with special interests and a factional agenda.

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[1] For an elaboration of the republican view see (Pettit, 1997; 2012; 2014). And, more generally, on the republican tradition of thinking about liberty, see (Skinner, 1998; Honohan, 2002; Viroli, 2002; Laborde and Maynor, 2007; Lovett and Pettit, 2009).