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Managing Disagreement: A Defense of “Regime Bias”

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Abstract Stein Ringen’s theory of democratic purpose cannot do the work expected of it. Ringen’s own criteria oscillate between being too vague to be useful (i.e. “freedom”) or, when specified more fully, conflicting, so that almost all democracies will seem to be potentially at cross-purposes with themselves rather than their purposes or sub-purposes being mutually reinforcing. This reflects a bigger and more theoretical problem. Disagreement about the purpose of democracy is built into democracy itself. The whole point of many (perhaps all) of our democratic institutions is to arrive at conditionally legitimate decisions in spite of such disagreement. So-called regime bias, i.e. the tendency to assess democracies according to the form and stability of their institutions rather than their results or their ability to serve certain purposes, does not in fact arise from bias. It arises on the contrary from a determination to avoid the bias inherent in giving some—inevitably partisan—ideals of what democracies should do pride of place over others in a scheme of measurement or evaluation. And even a regime-based definition of democracy must itself make simplifying assumptions that elide possible normative controversies over how the democratic game is best played. Vindicating one’s preferred set of democratic ideals against alternatives is a completely legitimate enterprise and lends richness to debates within and across democracies. But it is an inherently ideological and political enterprise, not a neutral or scholarly one.

Keywords Democracy · Regime bias · Democratic purpose · Plural and conflicting values

This response is necessarily based on only Professor Ringen’s current piece, not his book. The essay he presents here promises an array of methodological and substantive innovations—a theory of democratic potential, a theory of democratic purpose, and a theory of measurement—whose elaboration no doubt makes up much of the book but must defy proper summary in an article. Here I will focus on only one question: whether a theory of democratic purpose can do the work that Ringen demands of it. I admit to some skepticism, a skepticism grounded in both the specific criteria he puts forth and the general theoretical problems with seeking objective measures of some of our most contested political concepts.

The claim that “consolidated democracies differ widely in the quality of democracy” is not itself new, nor presented as new in Ringen’s piece. Which polity or polities are the proper models of good government, the proper objects of political aspiration, has inspired political debate ever since human beings divided themselves into distinct formal governments. And it has inspired philosophical debate for as long as there has been philosophy. Ringen’s innovation is the claim to have settled this question. He has been able to “analyze democracy according to its purpose,” and thereby to reach an objective “yardstick for the measurement of democratic quality.” The task then is to evaluate the yardstick: to see whether it runs in a straight line and which units of measurement it uses, and to judge whether a yardstick designed as proposed is in fact a useful tool.

I am sympathetic to Ringen’s methodological individualism—though applying it in the current case may ignore the possibility that some praiseworthy political achievements are collective. Such collective achievements might vary, for instance, with a country’s size, either positively (a nation’s ability to defend its interests, the scope of intellectual and cultural life in a common and native

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language) or negatively (social cohesion, easy mutual understanding and trust among citizens, a sense of personal efficacy). Perhaps such things, or other collective goods, can be measured on the individual level by asking individual respondents whether they think they have them—a rough proxy but not necessarily a bad one. That aside: assuming that the purpose of a democracy is to serve “the good of the [individual] persons who live under its governance,” in what does that good consist?

If we mean to construct a usable yardstick, that good must either be a single thing, or, more leniently, a group of things that move in the same broad direction or at least do not conflict with one another. In different places in this piece, Ringen seems to propose both of these alternatives. He names the single criterion by which we may judge democracies to be “the freedom of the common man” (and, one assumes, the common woman and child). However, the way he unpacks freedom implicates, depending on how one counts them, at least seven different dimensions or values other than freedom: (1) autonomy; (2) security; (3–4) people’s ability to “reasonably get on with their lives as they wish” (let us count this as two values, the satisfaction of reason and of life-plans, though unless one makes the term “reasonably” do a great deal of work, it could in theory imply as many values as there are citizens multiplied by wishes); (5) living as one’s own master in the future, which seems distinct from “autonomy” in the present; (6) having one’s children, which presumably includes all descendants, live as their own masters in the future; finally (7) “welfare for persons,” which, if it has a substantial and independent meaning, would seem to require something beyond any value already mentioned.

Even limiting ourselves to these seven dimensions requires conservative assumptions. We must assume that the indicators Ringen lists (ranging from “trust in government” to “citizens’ security of human capital”) are indeed instruments for measuring the above values, rather than disguised values in themselves. More broadly, the claim that each democracy succeeds to the extent that it promotes freedom for its own citizens brackets the possibility that democracies have legitimate purposes beyond their borders, however understood: foreign aid; protecting the global environment; promoting human rights; or safeguarding allies, treaty obligations, or regional and global institutions that aim at preventing war. But again for argument, let us take the above values as all that count.

There are now two ways to proceed. First, we can entertain the thesis that all of the above are really measuring only freedom, and that the right kind of analysis can determine how to measure that. Charity requires that we not take this to be Ringen’s intended point. Freedom is perhaps the most controversial and ideology-laden concept in all of political theory. It is not just that books written by first-rate

thinkers in defense of very different conceptions of freedom could fill a library. Books written by first-rate thinkers that demonstrate conclusively, from every perspective from the Rawlsian to the Wittgensteinian to the sociological to the postmodern, that freedom is an *inherently* controversial and ideology-laden concept, not something whose meaning can be determined through analysis, could fill a good sized-library shelf.

One shorter work can serve as illustration. Isaiah Berlin in “Two Concepts of Liberty” pointed out long ago that a “negative” conception of freedom that defines it as the absence of outside interference and a “positive” conception that defines it as self-mastery or self-government each represents a persistent and coherent tradition in political thought—and that these traditions directly conflict with each other in both theory and practice. It is true that many thinkers since Berlin, and of course before him, have claimed success in combining the two. But many more have claimed that the conflict is real, and that the “true sense” of liberty or freedom is either the negative one or the positive one (or else that both are legitimate, each capturing part of the concept or else embodying a legitimate but partisan view of the concept). Ringen’s book probably does not contain, in addition to a series of innovations in social-science methods, a philosophical demonstration that this entire literature is wrongheaded, that the millions who have used freedom in divergent ways are all, except one, conclusively mistaken. Failing that, we must try to save the yardstick the other way: by saying that the proper measure of democracy consists not of one thing but of many.

Doing that would mean claiming either (1) that the seven dimensions or values listed above are synonymous or (2, and more likely) that over time and in general they are mutually reinforcing, so that substantial progress with respect to one will tend to produce progress with respect to some of the others and does not in any sustained way entail substantial regress with respect to any of the others. Only then could all of these dimensions be said to reflect a single “purpose” of democracy, which is the monist task that Ringen has set himself. (He could have instead spoken of a plurality of potentially conflicting purposes, but then the question of how to weigh them would become acute, and again a matter not of analysis but of ideology and politics. As Jeremy Waldron has pointed out, how to weigh things generally agreed to be good but competing is the typical and pervasive subject matter of all politics.) We could then call that purpose “freedom” for convenience, in the knowledge that this was meant as shorthand rather than analysis.

Now we can, by listing pairwise combinations, test the plausibility of the necessary claim. The theory of democratic purpose now succeeds if and only if autonomy never

(seriously) conflicts with security; welfare never seriously conflicts with living as one's own master; maximizing our descendants' chances for self-mastery never seriously conflicts with our security, welfare, autonomy, or a desire to live as we wish in the present; and all people's reasonable life-plans can be accommodated at once, again assuming non-tendentious readings of "reasonable"—and so on, pairing each dimension with all others. Once again, the argument that all these good things can go together is respectable, and thinkers as sophisticated as Hegel, Marx, and even Mill, on some readings, have made it. But it is more credible to say, once we view things concretely, that the above values are what interpreters of Berlin have called "plural" or "plural and conflicting": not only different but incommensurable, not reducible to a single yardstick. As Berlin argued, there exists—objectively and everywhere, not as a matter of temporary confusion or faction—a "variety of basic human needs," not one, and "everything is what it is: liberty is liberty, not equality or fairness or justice or culture, or human happiness or a quiet conscience."

From this pluralist thesis Berlin draws the conclusion that we should value individual choice, since different people will rank these goods or needs differently. On the level of politics we may draw another conclusion: that the only conceivable way of ranking democracies is precisely by using "regime" criteria, by measuring not the substance of government policies but the procedures that translate citizen's values and wishes into policy. Any ordered government by definition possesses durable and regular, though perhaps informal, norms of resolving conflicts peacefully in the absence of substantive agreement on what is to be done. A democratic government requires that these norms in some sense (and the details are hotly disputed) track, reflect, be responsive to, or be acceptable to the wishes of most citizens in a system in which each counts equally.

That much is neither controversial nor trivial. Many of the world's governments clearly fall short in some of these respects. Some are quasi-anarchic, failing to enforce laws and policies in the face of powerful actors' opposition. Others are what Robert Dahl called "dual." They are democratic with respect to the wishes and aspirations of one ethnic or cultural group but openly dismissive of—and to that extent tyrannical with respect to—another. Still others are not fully democratic but rather oligarchic, giving a privileged few an influence over democratic decisions that is denied to the rest.

With respect to oligarchy, it seems correct that some version of what Ringen calls "protection of democratic processes from transgression by economic power" is what he says it is: a proper and indisputable criterion for evaluating any democracy. The most ancient and most minimal definition of a democracy is non-oligarchy, the absence of a privileged class whose members permanently command more power than other citizens. We should all be

worried by Larry Bartels' methodologically rigorous finding (qualitatively supported by the work of other scholars, including Martin Gilens, Benjamin Page, and Jeffrey Winters) that U.S. senators in the period he studied were half again as responsive to the ideological beliefs of the top third of their constituents, in terms of income, than to the middle third, and that senators gave the bottom third "no weight at all" in their voting decisions. Bartels' summary descriptions of the Senate corresponds—consciously; he cites Aristotle—to a fairly literal definition of oligarchy. The Senate in his view comes "a good deal closer to equal representation of *incomes* than to equal representation of *citizens*" (emphasis in original), and "the data are consistent with the hypothesis that senators represented their campaign contributors to the exclusion of other constituents."

Returning to the main point: a democratic order requires durable, regular norms of conflict resolution and must roughly and generally track citizens' wishes on the basis of civic equality. Democratic theory cannot, if its practitioners are honest, settle more than that. Any position we take on what more democracy means will be a statement in the genre of ideology or partisanship, a claim about what a given author and those who share his or her politics would like democratic politics to look like, not a claim about what scholarly analysis can define democratic politics as necessarily consisting in.

I have argued that even the idea that democracy needs agreement on formal "rules of the game" is superficially obvious but in fact wrong. If we want to compare democracy to a game—a common and natural metaphor, though nobody thinks it is "only" a game—then different spectators can disagree over how the game should best be played, which game precisely is being played, or the degree to which settled rules of the game are desirable in the first place. (To take a few examples: we cannot determine objectively or analytically whether the object of politics is primarily to arrive at just laws or primarily to broker and reconcile social interests; whether the best democracy is one that stresses dutiful respect for democratic decisions or one that practices vigorous and vocal, though peaceful, dissent from them; or whether the proper model for democratic aspiration is the French Revolution, the more decentralized and libertarian American version, the direct democracy of Athens and some Swiss cantons, or something else.) These disagreements are often tractable in practice, though less so in theory. But even judging democratic regimes by their degree of "democratic-ness" is, if taken seriously, at least partly an exercise in normative evaluation, in contestable moral judgment, rather than merely measurement.

I have therefore suggested that we regard any attempt to rate democracies on a single scale as a simplifying assumption: invaluable for social science (which cannot progress without agreed terms) but inevitably false to the

permanent variety of conceptions of what the democratic game should look like. This is in no way to disparage the social scientist's enterprise, nor the assumptions that it requires to get going. In particular, simplifying assumptions are essential if scholars are to play the role that Samuel Huntington called "democratic Machiavelli": that of the social scientist who has a deep, well-grounded, and useful knowledge of how democracy can be achieved and maintained, knowledge that goes beyond what politicians or citizens can gain through personal experience. But we should not confuse the simplifying assumption with reality. The search for a single definition *even of what makes regimes democratic* will fail to do justice to everyday processes of political debate and moral evaluation, in which disagreement over what constitutes democracy results not from ignorance or unreasonableness but from the natural and desirable diversity of human opinions. A true and permanent consensus on such questions is not at all necessary. Viable governance only requires that the current form of the regime be regarded as authoritative, not necessarily as good. Democracy in Australia functions perfectly well even though many citizens, while recognizing the laws produced by the current constitution as legitimate, think a unicameral legislature and a unitary rather than a federal system would be better—and democracy in New Zealand functions perfectly well the other way around.

If agreement on what counts as a democratic regime is neither possible or necessary in democratic life, agreement on what counts as a substantively good democratic outcome, an instantiation of democracy's purpose, is even less possible and even less necessary—even more thoroughly a question within democratic politics, not above it. In other work I have stressed the difference between the core and ideal civic virtues. The first are actually and literally required for any liberal democracy to function: tolerance, nonviolence, and a kind of democratic sportsmanship that distinguishes between one's own desire to win the game and the broader commitments required to keep the game going. The second are required only on partisan or ideological conceptions of how democracies *ought* to function, of what enables them to "thrive"—in the sense of approaching closer to some goal or quality favored by the speaker—rather than merely survive. That a given criterion represents an innovative or unexpected way of defining democracy's purpose more or less guarantees that it represents an ideal, not part of the core. The obvious criteria for democracy are in some sense the only legitimate ones, for all others will be contested by some large and reasonable group of citizens—and democracy requires that we not arbitrarily discount such denials.

Thus attachment to procedural criteria for measuring democracies, criteria themselves necessarily imperfect and simplified, does not reflect a cowardly refusal to consider

substantive criteria. It reflects on the contrary a principled and well-founded conviction that the test of a good democracy is its ability to function amidst disagreement on substantive criteria. If all reasonable people could agree on "a theory of the purpose of democracy," we would not suddenly understand democracy. We would suddenly fail to need democracy. In fact, we would have cause to worry if there were *no* persistent disagreement on these matters. For that would mean that citizens had come—falsely—to believe that arguments over the many incompatible goods democratic procedures can embody (liberty as well as effective government, welfare and consensus as well as regional and ethnic diversity) had been settled once and for all.

To be sure, it is easy to praise diversity in the abstract while ignoring the costs of embracing it. A concrete example may illustrate some practical benefits as well. Ringen lists "trust in government" as a criterion for good democratic functioning, presumably on the basis of more being better. But this should be challenged. Most would place the best level of trust somewhere between zero and infinity: too little, and government cannot enforce its decisions; too much, and no citizen will stand against the government in defense of liberty or justice. Even this moderate stance could be challenged. Those who focus their attention on the evil that modern states do rather than the goods they provide often regard the right level of trust as close to zero—a position not uncommon among political theorists in the United States (e.g. followers of Sheldon Wolin) or others for whom the Vietnam War was their formative experience of state power. That position may be eccentric now. But the few who keep it alive can be of great value in times and places where the right stance towards government is in fact not trust but radical opposition. The phrase "eternal vigilance is the price of liberty" is sometimes attributed to Thomas Jefferson, but wrongly. Its actual author, who spoke with good reason, given his times and his focus, was Wendell Phillips, the abolitionist.

Politics, Waldron has compellingly argued, arises not out of a consensus about justice or democracy but out of a "felt need among the members of a certain group for a common framework or decision or course of action on some matter, even in the face of disagreement about what that framework, decision or action should be." The reasons for expecting this disagreement to be permanent are themselves the subject of disagreement. Waldron himself radicalizes John Rawls' account of the "burdens of judgment": the complexities of the world, and the variety of standpoints that arise from our divergent social and cultural positions in it, guarantee that a variety of reasonable positions will persist not only on matters of the ultimate good (as Rawls thought) but also on matters of

justice and basic constitutional principle. Others might stress instead—what Waldron does not deny either—the Berlinian point that political disagreement is permanent because so many things in the world are both good and incompatible; reasonable people will always differ in how they weigh the necessary tradeoffs. Either way, politics must start by assuming permanent disagreement, not an allegedly “well-ordered” consensus. Even if we were to posit an algorithm for evaluating our diverse judgments of democratic purposes (a theory of measurement, perhaps), we would be barred from using it by democratic respect: the fact that others are entitled to their own opinions and might not recognize a requirement to defer to my algorithm or yours. Waldron astutely echoes Arendt on this point: in politics, what appears in public debate is never the truth but only an opinion or belief about the truth.

It is odd to aim at a theory of democratic purpose when democracy only exists because we permanently disagree about our political purposes. Trying to measure the health of democracy by assuming away disagreement on questions of autonomy, security, freedom, welfare, and the relative importance of our own generation vis-à-vis future ones is like trying to measure economic prosperity by assuming away scarcity. That both projects are perennial does not make either one less quixotic.

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