Democratic Failures and the Ethics of Democracy

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Background

Some claims by political scientists:

> "The citizen gives but a little of his time to public affairs, has but a casual interest in fact and but a poor appetite for theory." (Lippmann 1925, 14–15)

> "The typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyzes in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again." (Schumpeter 1942, 262)

> "Large parts of an electorate do not have meaningful beliefs, even on issues that have formed the basis for intense political controversy amongst elites for substantial periods of time." (Converse 1964, 245)

> "The results of the policy process are determined by the interactions among policymakers themselves...the public appears to have quite limited impact." (Grossmann 2012, 10)

Lippmann and Schumpeter's methods were essentially journalistic. They read the news, perused history and talked to people. In the 1950s, though, the scientific basis of political science was transforming. The great leap forward was the representative survey, which for the first time allowed one to make reliable generalizations about large populations. Paul Lazarsfeld and colleagues at the University of Columbia, and Angus Campbell and his colleagues at the University of Michigan, pioneered this transformation.

Typically, political philosophers have been concerned solely with the instrumental import of these findings. They've conjectured they mean democratic institutions have bad consequences. (e.g. Brennan 2016). This strikes me as misguided. To work out the consequences of democratic institutions we should look at their consequences empirically, not merely conjecture about them based on such claims and a lot of theory.

But so what? What do these findings really show? Why do they matter?

These claims are all about U.S. democracy. Why focus on the U.S.? More on this later.

Democratic Values

To answer that, we need to identify what makes democracy valuable.

> **Instrumental v. Intrinsic.** Democracy is *instrumentally* valuable if it has good causal consequences. It's *intrinsically* valuable if it is valuable for reasons besides its causal consequences.

Why think democracy has any intrinsic value? Because something seems bad about even benevolent, competent autocracies.

I think we should adopt a pluralistic picture of democracy's intrinsic value:

> **Equality.** Democracy involves an equal distribution of political power—everyone gets one vote. This is valuable negatively because it precludes bad inegalitarian relationships (subordination, domination)—these are constituted by power asymmetries. It is valuable positively because it facilitates good egalitarian relationships (civic friendships).

This egalitarian picture of democracy is rooted in Kolodny (2014) and Viehoff (2019).

What is it to have power over someone? I think it is primarily to be able to affect their behavior (rather than their well-being or option-sets).

Autonomy. Democracy helps facilitate joint authorship of our social and political affairs. The idea here is that it is valuable to be author of our personal affairs—where we live, who we marry, what career we pursue. Analogously, it is valuable to be author of government policy and the important features of our environment. But to achieve any kind of authorship we need causal influence; democracy gives us such causal influence.

Why not think equality exhausts democracy's intrinsic value? Well, imagine a society in which nobody had any power. Suppose that all policy was made by an instrumentally ideal algorithm. This society would be perfectly egalitarian, but it seems worse than democracy in an important way.

These are values in the sense that (i) getting them improves our lives and (ii) we have a right to at least the opportunity to enjoy them.

Democratic Duties

The rights and duties of citizens in well-functioning democracies are very different from those in other political systems. The most important aspect of this is that well-functioning democracies have *political authority*: we have moral obligations to obey their laws.

I suspect that well-functioning democracies are also in a much better position to have *political legitimacy*. A state is legitimate if it may permissibly enforce its laws, e.g., by jailing people for breaking them.

Democratic Authority. If you disobey democratically made laws, while your fellows obey them, you give yourself asymmetric power over your fellow citizens. You shouldn't subject your fellow citizens to a power asymmetry. So, you shouldn't disobey democratically made laws.

Surprisingly, non-democratic sources of authority also fail in non-democracies:

Associative Theories. These theories say we're in valuable relationships with our fellow citizens and when we're in valuable relationships with someone we have reason to do what they want. And our fellow citizens wants are expressed by the laws, so we should obey the laws. But (a) in non-democracies, our relationship with our fellow citizens often lack value because they're hierarchical and (b) in non-democracies, the laws don't express the will of our fellow citizens.

For these views, see Horton (1992) and Scheffler (2018). The idea is that our relationships with our fellow citizens are like familial relationships. The initial motivation for these views was that such relationships do seem to generate duties despite not being voluntarily entered into—just like political community.

Fair Share Theories. These theories say that the state is a cooperative scheme from which we all benefit, and we have a duty to do our fair share supporting such schemes. Obeying the law is our fair share to support the state, so we should obey the law. But we don't have a duty to support schemes that (a) distribute their benefits unfairly and (b) violate our rights. So we don't have a duty to support non-democratic states.

These theories stem from Hart (1954) and Rawls (1964). My own view is that these theories work much better for some laws than others. Perhaps we have a fair share duty to pay our taxes, but it's not clear we have one to not take drugs.

Promissory and Gratitude Theories. Promissory theories say that we've promised to obey the law, so we should do it. Gratitude theories say we've benefited so much from the state's actions (education, healthcare, etc) that we owe it a debt of gratitude, so we should obey the law. But we don't owe promissory duties, or debts of gratitude, to those who seriously wrong us. And non-democratic states seriously wrong their citizens.

Promissory theories are much maligned, but they actually do apply to millions of people. Specifically, immigrants very often promise to obey the laws of a country when entering and naturalizing. In the U.K. alone, that covers ten million people. For discussion, see Lovett and Sharp (2022).

In fact, in non-democracies it seems we have egalitarian reason to avoid obeying the law:

Egalitarian Anarchism. If you obey non-democratically made laws, you increase the power of those that make them. But then you exacerbate the power asymmetry between the lawmakers and your fellow citizens. You shouldn't exacerbate such power asymmetries. So you should avoid obeying non-democratically made laws.

Note that obey a law is to do what a law says because it says to do it. So having a reason to avoid obeying the law doesn't mean you should go around murdering people. It just means when you don't murder people, it shouldn't be because the law forbids it.

The lesson here is that the realization of democratic values matters to the normative situation of citizens. We have duties to obey the laws in well-functioning democracies, but not in political systems that achieve such democratic values to a minimal degree.

Elite-Level Failures

We're going to focus on U.S. democracy. In this case, some democratic failures arise at the level of political elites:

Why focus on the U.S.? Because *(a)* the U.S. is an important case *(b)* we know much more about how U.S. politics works than how any other political system works.

Popular Control. Representatives are not under the control of their constituents. That means that constituents' policy views don't cause representatives to support certain policies. The evidence for this is *(i)* controlling for party, constituent ideology doesn't correlate with legislator voting behavior (Achen and Bartels 2016, 46–49) *(ii)* when you swap a Democrat representative for a Republican, you get vastly different roll-call voting behavior (Bafumi and Herron 2010) *(iii)* congresspeople don't change their ideology over their career (Poole 2007).

You are under someone else's control only if what you do matches what they want you to do. If legislator voting records doesn't even match their constituents' preferences, then constituents aren't controlling legislator voting behavior.

– **Representative Democracy.** Representative democracy clashes with equality: representatives have much more power than ordinary citizens. We can reconcile the two by putting representatives under the control of ordinary citizens. This would make representatives' power over ordinary citizens unobjectionable. So the failures of popular control mean there is a serious egalitarian objection to the power of representatives.

To illustrate: the power a police officer has over you isn't objectionable when how they use their power is under the control of the police chief. It's only asymmetries of independently-exercisable power that are objectionable.

Wealth. The wealthy have much more political power than the poor. The evidence for this is that *(i)* Senators voting behavior is correlated with the preferences of their rich constituents and not their poor ones (Bartels 2008) *(ii)* When rich and poor disagree over policy, policy is much more likely to change in line with the preferences of the rich (Gilens 2012). This impairs both democratic equality and democratic autonomy.

In the U.S., it seems very likely that money begets power because the rich donate to political campaigns. In support of this mechanism, note that legislator ideology matches their donor base very closely (Barber 2016) and that campaign spending helps win elections (Stratmann 2009).

A further phenomenon connects to the temporal aspects of democratic values:

Partisan Gaps. When in office, elected officials listen to the views of their co-partisans and ignore those of cross partisans (Mian, Sufi and Trebbi 2010; Lax and Phillips 2019). Since the party in power alternates, that means when the Democratic Party is in power ordinary democrats have more power than ordinary Republicans, and when the Republican Party is in in power vice versa.

The point here is that political power is not just a matter of being able to vote on election day, but also of having representatives respond to you when they're in office. And representatives mainly respond to their own supporters.

– **Time-relative egalitarianism.** Asymmetries of power at a time are subordinating. It is bad to alternate between being someone's master and someone's slave. This is bad even if, overall, you spend just as much time as the master as the slave—a lifetime of constant equality would be better. So, alternation creates objectionable power asymmetries between ordinary supporters of each party.

Bidadanure (2016) also endorses this kind of time-relative view. I think the alternative view—that asymmetries of power are fine when they balance out over an entire life—simply clashes with our intuitions.

Elite-levels failures vastly undermine democratic equality, and pose a serious threat to self-rule.

Mass-Level Failures

Other democratic failures are focused among members of the mass public:

Cognitive Shortcomings. Ordinary voters are *(i)* ignorant and *(ii)* irrational. We cannot accurately say who's running for office, what their policies are, or what the effects of those policies have been. And when we reason about it we try to show our side in the best possible light. The evidence for this is a vast body of survey results testing people's political knowledge (Deli-Carpini and Keeter 1996) and experimental results testing how we reason about politics (Lodge and Taber 2013).

The large literature on these issues focuses almost entirely on their instrumental import: on whether the cognitive shortcomings of voters will have bad consequences. My focus is on the intrinsic significance of such shortcomings.

– **Knowledge.** To make an autonomous choice between some options, we need to know relevant facts that bear about on them. But we often lack true beliefs about politics—we're ignorant. And, even when we have true beliefs, they're often unjustified—we're irrational. So, we cannot make autonomous choices in the ballot booth. So we cannot autonomously author government policy.

Imagine you're deciding whether to be a lawyer or a banker, but you have no idea what either career actually involves. Here you're not in a good position to make an autonomous career choice.

Affective Polarization. American voters have come to hate one another. The evidence for this is that *(i)* when you ask Americans how warmly they feel towards different groups, they report much more frigidity towards cross-partisans than in the past (Iyengar, Sood and Lelkes 2012) *(ii)* Americans have greater implicit biases against cross-partisans than other races (Iyengar and Westwood 2015) *(iii)* and are much more likely to describe cross-partisans as stupid, selfish, mean and hypocritical (ibid).

A lot of people, and philosophers especially, think about polarization in terms of beliefs—as the political beliefs of ordinary voters or political elites moving further apart from one another (e.g. Dorst 2023). But it's not clear why this would be bad, or even effect politics (voters don't vote on beliefs). Affective polarization is a much more important and worrying phenomenon.

– **Civic Friendships.** There are constraints on civic friendships. To be in a positively valuable egalitarian relationship with someone one has to *(a)* not loathe them and *(b)* be generous in your views about them when the evidence permits it. Affective polarization violates these constraints, rupturing cross-partisan relationships of civic friendship. Instead, cross-partisans are civic enemies.

What are the other constraints on civic friendship? Plausibly, you have to *(c)* care about the well-being of your friends *(d)* respect their judgements and *(e)* be committed to their equality with you.

Voter Motivations. Voters rarely vote on policy issues. The evidence for this is that they (i) rarely mention policies when you ask them to explain

their vote (Lewis-Beck *et al.* 2008) and (ii) When candidates change policy position, their supporters change their views rather than their vote intentions (Lenz 2012). Instead, voters vote on group identities and performance assessments (Achen and Bartels 2016). But their ability to assess performance is limited—they're 'myopic' and 'blind.'.

Voters are 'myopic' in that they only punish incumbents for bad performance close to election day—they ignore economic failures in the start and middle of the terms. And they're 'blind' in that they punish incumbents for outcomes out of their control. These claims come from Achen and Bartels (2016).

- **Democratic Values.** Low levels of issue voting mean policies rarely manifest voters' intentions; the incompetence of performance voting means outcomes rarely do. Voting on the basic of privileged group identities—for example, white identity in the U.S. (Jardina 2019)—severs civic friendships, because it is often motivated by an attempt to maintain social superiority.

The picture behind this claim about group voting is that it should be understood in terms of Henri Tajfel and John Turner's social identity theory (e..g 1986). On this theory, when we're motivated by group identities we're often trying to elevate or defend the social status of our group.

- **Voting Ethics.** The best argument that we have a duty to vote is that it is a duty of easy rescue (e.g. Maskivker 2019). We have a duty to help rescue our fellow citizens from bad governments. But one can forfeit one's right to rescue by not rescuing others. Our fellows citizens don't rescue us from bad government, since they're such incompetent voters, and so we have no duty to vote.

A different argument that we have a duty to vote is a fair share argument. We all benefit from a lot of people voting competently, and so we have a duty to contribute to such voting. But this duty is a duty of reciprocity, and if our fellow citizens are not competently voting—if they're not contributing their fair share—the duty evaporates.

Mass-level failures pose an enormous barrier to democratic autonomy, and sever civic friendships.

Conclusion

So we can infer that U.S. democracy achieves very little of what makes democracy intrinsically valuable, and that matters because it:

1. **Undermines the authority of the U.S. state**
2. Takes away the duty to vote
3. Eliminates the legitimacy of American government
4. Lifts the ordinary norms of political competition

Which phenomena generalize beyond the U.S.? The cognitive shortcomings of ordinary votes, and their indifference to policy issues, are almost universal. The influence of money in politics probably doesn't generalize that widely, because it's so dependent on campaign finance laws. The other phenomena generalize to some countries and not to others—although often we don't have the empirical evidence to pin down which is which.

The failures of U.S. democracy transform the rights and duties of ordinary citizens.

In the book, I also discuss some institutions that might ameliorate the failures of U.S. democracy. For example, direct democracy helps ameliorate the egalitarian problems generated by the elite-level failures: when you let people vote on policy directly, you take power out of the hands of elected representatives (and those who influence them) and put it into the hands of ordinary voters. My focus, however, is on the ethics of democracy rather than on institutional reform.

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