

# DEMOPOLIS

*Democracy before Liberalism in Theory and Practice*

JOSIAH OBER

*Stanford University, California*

Included here:  
Table of Contents  
Preface (4 pp)  
Chapter 1 (17 pp)  
Chapter 3: (24 pp)  
Chapter 8: (first 5pp)  
Bibliography

 **CAMBRIDGE**  
UNIVERSITY PRESS

## Contents

<i>List of Figures</i>	page xi
<i>List of Tables</i>	xii
<i>Preface: Democracy before Liberalism</i>	xiii
<i>Acknowledgments</i>	xvii
<i>Note on the Text</i>	xix
1 Basic Democracy	I
1.1 Political Theory	I
1.2 Why before Liberalism?	5
1.3 Normative Theory, Positive Theory, History	11
1.4 Sketch of the Argument	14
2 The Meaning of Democracy in Classical Athens	18
2.1 Athenian Political History	19
2.2 Original Greek Definition	22
2.3 Mature Greek Definition	29
3 Founding Demopolis	34
3.1 Founders and the Ends of the State	36
3.2 Authority and Citizenship	44
3.3 Participation	48
3.4 Legislation	50
3.5 Entrenchment	52
3.6 Exit, Entrance, Assent	54
3.7 Naming the Regime	57
4 Legitimacy and Civic Education	59
4.1 Material Goods and Democratic Goods	60
4.2 Limited-Access States	63
4.3 Hobbes's Challenge	64
4.4 Civic Education	71

x	<i>Contents</i>	
5	Human Capacities and Civic Participation	77
5.1	Sociability	79
5.2	Rationality	83
5.3	Communication	87
5.4	Exercise of Capacities as a Democratic Good	88
5.5	Free Exercise and Participatory Citizenship	93
5.6	From Capacities to Security and Prosperity	98
6	Civic Dignity and Other Necessary Conditions	101
6.1	Conditions and Values	101
6.2	Individuality, Interdependence, Mutability	104
6.3	Knowledge and Collective Action	108
6.4	Political Freedom and Equality	109
6.5	Civic Dignity as Lived Experience	111
6.6	A Civic Dignity Game	115
6.7	Dignity and Civic Virtues	119
6.8	Between Liberty and Equality	122
7	Delegation and Expertise	128
7.1	Sleeping Sovereign or Vigilant Demos?	128
7.2	Systematic Corruption as a Tyranny Threat	131
7.3	A Delegation Game	133
7.4	Citizen Self-Government	136
7.5	Interests, Knowledge, Experts	139
7.6	Relevant Expertise Aggregation: An Athenian Case Study	146
7.7	Aggregating Expertise at Scale	152
8	A Theory of Democracy	157
8.1	Theory and Practice	157
8.2	So What?	161
8.3	Too Illiberal or Too Liberal?	162
8.4	A Foundation for a Liberal Regime?	168
8.5	A Nonliberal, Nontyrannical Regime?	174
	Epilogue: Democracy after Liberalism	177
	<i>Bibliography</i>	181
	<i>Index</i>	197

## *Preface: Democracy before Liberalism*

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 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 believes that 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 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 twenty-first 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 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 populists, anarchists, or Schmittian agonists.<sup>1</sup>

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 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 theory of moral value.

The goal is not to denigrate moral 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

<sup>1</sup> 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.

*Preface*

xv

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. I address democracy after liberalism in the epilogue.

Liberalism emerged, in the seventeenth to twentieth 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 and, perhaps, for political action.

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 of which liberalism is an integral part.

This book presents a political theory that is at once historical and normative. It is concerned with both adaptability and stability. It is decidedly nonideal. It accepts Kant's famous claim (in Proposition 6 of his 1784 "Idea for a Universal History with a Cosmopolitan Purpose") that "out of the crooked timber of humanity, nothing entirely straight can be made." But it assumes that, under the right conditions, crooked timbers can be assembled into a sturdy and adaptable framework for living together without a master. It describes a political solution to a fundamental problem of

social cooperation in a 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 the moral end of “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 most fully 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 but also to nonliberals seeking a decent alternative to autocracy.

The relevant question for the sort of nonideal 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. I consider the empty half of the cup in the epilogue.

CHAPTER I

*Basic Democracy*

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. Democracy is distinguishable from familiar forms of liberalism. 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 overfamiliar hybrid, liberal democracy clarifies what democracy is good for and how democratic goods are produced.<sup>1</sup>

I.1 POLITICAL THEORY

According to a recent World Values Survey, residents of each of the 34 countries surveyed ranked 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

<sup>1</sup> On "good for," see Kraut 2007. On "conditions for democracy," see Ober 2003.

country is governed. The gap suggests that democracy remains, in part, aspirational: a hope that is not fully realized.<sup>2</sup> Moreover, 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.<sup>3</sup> 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 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.”<sup>4</sup>

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?<sup>5</sup> 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 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

<sup>2</sup> 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?” [www.worldvaluessurvey.org/](http://www.worldvaluessurvey.org/) (accessed July 10, 2016). Results summarized in Achen and Bartels 2016: 4–6, Figure 1.1.

<sup>3</sup> 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.

<sup>4</sup> The Greek word *demos* can alternatively mean “citizen assembly,” “majority of a citizen assembly,” “nonelite 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 Chapter 2.

<sup>5</sup> Note that, while the justification for the legitimacy of the *demos*’s rule must be offered to each citizen, in order to limit defection and preserve stability (Section 4.4), it is not (as in liberal social contract theories) an explanation for why the compromise of an assumed pristine condition of prepolitical individual freedom is rationally choiceworthy, 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.

them to be moral commitments.<sup>6</sup> 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.<sup>7</sup>

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 nonautocratic 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 baseline rules that enables citizens to coordinate actions to their mutual benefit.<sup>8</sup> 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

<sup>6</sup> Per later, I take the liberal theory work of John Rawls as definitive of the contemporary “mainstream.” 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).

<sup>7</sup> 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 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.

<sup>8</sup> On basic agreements, which make coordination possible 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 nineteenth-century French founders reportedly chose the name to honor their founders’ democratic ideals; [https://en.wikipedia.org/wiki/Demopolis,\\_Alabama](https://en.wikipedia.org/wiki/Demopolis,_Alabama) (accessed July 19, 2016).

distributive justice. Decision making on normatively weighty matters is likely to produce disagreement; the frame is meant to allow 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, and 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.<sup>9</sup>

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's 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's 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 timbers of a tipi frame) 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

<sup>9</sup> 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.

*Why before Liberalism?*

5

nontyranny 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 seventeenth to twentieth 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 sense that 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.<sup>10</sup>

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 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.<sup>11</sup>

Contemporary liberal theory, in the Kantian tradition refounded by John Rawls's 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's 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.<sup>12</sup> The difficulty of sustaining a just social order, once the "veil"

<sup>10</sup> 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 2017. 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: Chapter 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 (Sections 3.6, 5.4, and 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.

<sup>11</sup> I do not claim that real people are purely rational, in the sense of being self-interested, strategic, nonaltruistic, 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 that (2) it can provide the microfoundations 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*.

<sup>12</sup> 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

*Why before Liberalism?*

7

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 nonmoralized 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.<sup>13</sup>

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 and republican 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.

and Katznelson 2008). This classical form of liberalism was indeed intended and instantiated as a regime type, in Britain and the US. Sorting out the historical priority of democratic (or republican) and classical liberal elements in late-seventeenth- through early-nineteenth-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.

<sup>13</sup> 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 “nonideal 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 2017.

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.<sup>14</sup> 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 inventors of democracy, and the founders of the hypothetical nonauthoritarian society in the Demopolis thought experiment, approached the problems of “why and how to create a nonautocratic government?” with some preconceptions about substantive as well as procedural justice.<sup>15</sup> But they did not need to agree about the requirements of substantive justice before they embarked on the project of building a viable nontyrannical political order.

If we want to understand democracy, there are good reasons to choose a “nonautocratic state” rather than a “substantively just society” as the first target we aim at.<sup>16</sup> In sixth-century BCE Athens, as in eighteenth-century America, the revolutionary path to democracy was opened by delegitimation of autocratic public authority, a broad-based preference for nontyranny (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 nonautocratic postrevolutionary 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

<sup>14</sup> Ancient Near Eastern conceptions of social justice: Westbrook 1995; Early Greek ideas of justice: Lloyd-Jones 1971.

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

<sup>16</sup> Contrast Pettit 2013, who starts with justice (which he seeks to derive from freedom as nondomination) in building his republican theory of democracy. McCormick 2011 offers a theory of “Machiavellian democracy” that is, like Pettit’s republicanism, centered on nondomination but, like my account of basic democracy, is also concerned with active citizen participation in making and enforcing the law (Chapter 3) and is explicitly democratic rather than republican in its focus on the dangers of elite capture (Chapter 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.

*Why before Liberalism?*

9

questions are so hard to answer is one reason for deferring them until after a political framework has been established.<sup>17</sup>

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-government, a value that has often remained cryptic, when it has not been denied, within contemporary analytic political theory.<sup>18</sup>

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 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 nontyranny, that is, who hope to rule themselves under a stable, nonautocratic 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

<sup>17</sup> Contrast the postrevolutionary 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 US Constitution is just one example of deferral.

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

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.”<sup>19</sup>

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 of political theory. That is in part, I suppose, because so much high-quality democratic theory concerns the hybrids “democratic liberalism” or “liberal democracy.”<sup>20</sup> 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.<sup>21</sup> Although I 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.<sup>22</sup>

<sup>19</sup> “Populism” is another essentially contested concept; here I follow Müller 2016 in defining populism as an autocratic perversion of democracy as collective self-government.

<sup>20</sup> A small sample from a large literature: Gutman 1980; Dahl 1989; Christiano 1996; Brettschneider 2007; Estlund 2008; Stilz 2009. Contrast Rosanvallon 2006: 37 on the “duality . . . between liberalism and democracy.”

<sup>21</sup> Rawls 1996, 2001; J. Cohen 1996; Habermas 1996. Rawls 2001: 5 seems to accept a “democracy before liberalism” postulate in claiming that his theory of justice as fairness draws its principles from the “public political culture of a democratic society” (cited in Galston 2010: 388). Ellerman 2015 offers a cogent argument to the effect that classical liberalism does in fact imply democracy in the sense that individuals must be principals in their own organizations.

<sup>22</sup> Bell 2014: 694–704 traces the association of democracy and liberalism back to the nineteenth century but shows that the hybrid “liberal democracy” 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 nondemocratic 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.<sup>23</sup>

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.<sup>24</sup> 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 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, is it a mistake to regard democracy before liberalism as antithetical to liberalism.<sup>25</sup>

### 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

"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 appellations for Euro-Atlantic states. During the 1940s and 1950s it became a commonplace" (p. 703). See also Müller 2011.

<sup>23</sup> Classical liberals (notably Locke in the *Second Treatise of Government* 1988 [1690]) 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 limited means of coordinating action against a violating ruler.

<sup>24</sup> 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.

<sup>25</sup> Galston 2010: 391 regards it as 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 nontyranny as a synonym for "nonautocracy." 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."

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.<sup>26</sup>

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:

<sup>26</sup> 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 et al. 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 US, in the early twenty-first 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.

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 that sees historical processes as inexorably driving toward 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.<sup>27</sup>

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 hand, the language of causal inference and mathematical game theory. Each of these languages can be highly technical and impenetrable to noninitiates. But, as Bernard Williams (1993, 2005, 2006) demonstrated, political philosophy can be written in graceful prose, 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 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.

<sup>27</sup> 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.

I.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 noncitizens may do less well).<sup>28</sup> 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<sup>29</sup>
  - 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<sup>30</sup>
- 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 nonliberals: How can a liberal society be made both stable and adaptive? How might a nonliberal society be sustained without autocratic rulers?

<sup>28</sup> “Good for” need imply neither “necessary for” nor “sufficient for.” Ancient Athens (like the US before 1865) was a slave society in which women and resident foreigners lacked participation rights, although noncitizens, including at least some slaves, were given some protection in law: Ober 2010; Sections 4.3 and 8.3.

<sup>29</sup> On sufficiency versus equality, see Frankfurt 1987.

<sup>30</sup> 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.

*Sketch of the Argument*

15

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 noncompossible, 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.<sup>31</sup> 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 (1991 [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’s 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’s challenge.<sup>32</sup>

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

<sup>31</sup> Democratic agonists: Chapter 8, with note 6.

<sup>32</sup> Hobbes’s social theory is discussed in more detail in Sections 4.3, 5.1, 5.2, and 5.3. 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, 2016.

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.<sup>33</sup> 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. Democratic goods can be analytically distinguished from liberal goods even while, as I will suggest, basic democracy 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 before it is liberal. If that claim holds true in practice, as well as in theory, it has considerable implications for public policy.<sup>34</sup>

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 early-modern 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 Greeks 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’s 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 nonmaterial terms. Chapter 5 argues that, despite their fundamentally different accounts of moral psychology, Aristotle and Hobbes agreed that humans have innate capacities for sociability, rationality, and verbal communication. Democracy offers citizens unimpeded opportunity

<sup>33</sup> 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 (Section 8.5). Yet a basic democracy *will* allow, indeed provoke, political dissent: Ober 1998.

<sup>34</sup> 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.

*Sketch of the Argument*

17

to exercise these fundamental capacities through participation in collective self-government. 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 nonliberal 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 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."

CHAPTER 3

*Founding Demopolis*

The thought experiment that follows is indebted to a grand tradition in political philosophy that includes Plato's Callipolis and Rawls's original position. But, unlike these two great exemplars, my "Demopolis" experiment leaves the conditions of social justice unspecified. Rather than being the basis of a theory of justice, Demopolis addresses a question about social order. It posits that democracy, in its basic form, is an answer to one variant of the fundamental question of how a human community can reliably realize the benefits arising from social cooperation. How to gain the benefits of security and prosperity without being ruled by a master – without submitting to the authority of an autocratic monarch or oligarchic ruling coalition – is the variant of the cooperation question to which basic democracy is the answer.<sup>1</sup>

In any historical democracy, that answer comes with a variety of historically contingent features; for Athens, along with slavery and restriction of the franchise to men, those features included its small scale. In addition to abstracting from circumstances specific to any given historical era, Demopolis is intended to answer whether basic democracy is a plausible regime at a scale larger than the city-state.

The difficulty of the question of how cooperation can be achieved without a master varies with scale. The answer is relatively easy when the size of the group remains at the level of a face-to-face society in which each of the group's individual members knows one another. Think of the faculty of a university department, the partners of a firm, or the members of a hobby club. As we will see (Section 5.1), modern humans came into being and long existed in small, face-to-face foraging groups, and the earliest social-political systems are plausibly described as democratic. Democracy of some sort appears, therefore, to be the natural default of humans as a

<sup>1</sup> Cf. Williams 2005: 3 on the "first" political question as "securing of order, protection, trust, and the conditions of cooperation."

species. But when social scale increased, the natural democratic default was no longer available as an easy answer to the cooperation question. When a group becomes so large that mutual monitoring and informal norm-enforcement are no longer practicable, free riding and commons tragedies reduce the benefits arising from cooperation, threatening the group's survival and demanding a new answer to the fundamental question of political order. With the advent of agriculture some 12,000 years ago, followed by related technologies of food processing and storage, societies gained the potential to become much larger. As human communities grew in size and complexity, they also became more autocratic, a trend that persisted, with notable exceptions, throughout most of recorded history.<sup>2</sup>

For reasons specified a half-century ago by the political scientist Mancur Olson (1965), autocracy readily solves the problem of cooperation at scale, through the imposition of clear hierarchies of status and authority. Those at the top of the hierarchy have a strong incentive, in the form of rents extracted from those below them, to punish free riding and other forms of social deviance. If rents are distributed so that those with high violence potential use that potential to sustain the autocrat and punish deviation, then the incentive to deviate is reduced.<sup>3</sup>

Fear of punishment gets autocracy part of the way to a cooperative equilibrium, but autocracy, like any form of government, requires legitimacy – which I define in a preliminary way as the condition in which obedience to authority is normal and predictable, because most people, most of the time, accept authority as mandatory and right. They obey because the ruler (or, more immediately, the background culture that sustains the ruler) has offered them an acceptable set of reasons for why they should obey.<sup>4</sup> Historically, the legitimacy of autocracies long rested on claims that the rulers had a special and unique relationship to a divine order, backed up by ideologies asserting the naturalness of social and political hierarchy.<sup>5</sup> When subjects

<sup>2</sup> For the big picture of human development, from deep prehistory onward, see Morris 2010; Harari 2015. On the turn from foraging democracies to complex society autocracy, see survey in Turchin 2015, with literature cited.

<sup>3</sup> See North et al. 2009; Cox et al. 2012, discussed in more detail in Section 4.2.

<sup>4</sup> This is a practical, rather than a moralized (e.g., Christiano 2008: 232–240), conception of legitimacy. On the distinction, see Williams 2005: 5. It is the answer to the question, why does government not require constant use of overt violence in extracting rents from subjects, rather than the answer to the question of why a subject *ought*, as a moral duty, to obey governmental authority. See, further, Chapter 4.

<sup>5</sup> God-like Kings: Morris 2010. Contemporary attempts to legitimate autocracy have relied on ideology, cult of personality, or impersonation of the forms of democracy. The reasons offered by autocrats tend to become less compelling when practical alternatives are well publicized, which is at least one reason democracy made headway in classical Greek antiquity and in modernity.

regard autocracy as legitimate for these (by a democrat's lights, spurious) reasons, the autocrat's orders will be passed down through a chain of command and obeyed (more or less accurately and voluntarily) at each level – thereby promoting social cooperation at scale.

Its historical prevalence suggests that autocracy often works well, insofar as it has established social order at scale for many people in many times and places. It is only when legitimacy collapses, when subjects no longer find the reasons for obedience offered by autocrats compelling, when people reject autocracy along with its supporting hierarchy, that they will be motivated to seek answers to the difficult question of how to secure the benefits of cooperation at scale without a master. The question was answered, in the ancient world, by the democracies established by Athenians and by the citizens of a number of other Greek city-states. Athens was much too large to avail itself of the “natural” small-group solution. But it was, as noted in Chapter 2, very small compared to many modern nation-states. Moreover, as noted above, ancient city-states developed democracy under certain conditions, cultural as well as social and economic, that were specific to a certain time and place. At least some of those conditions are unlikely to be repeated. The Demopolis thought experiment is intended to show how people might solve the puzzle of masterless cooperation without the special conditions of culture and scale that pertained in ancient Greece.

### 3.1 FOUNDERS AND THE ENDS OF THE STATE

We begin with an ordinary human population that is both numerous (above face-to-face size) and socially and economically diverse. The population is likewise diverse in its values, although not so deeply divided in fundamental beliefs as to be in the midst of, or on the brink of, religious or ethnic warfare. These people share some (nonspecified) prior history and elements of civil society. They can easily communicate with one another (they share a language or can readily translate).

We sort that population according to individuals' preferences for government by autocrats. Suppose the result, when charted, is a normal (i.e., bell-shaped) distribution; this is illustrated in Figure 3.1. On the left tail of the distribution are those fiercely opposed to being ruled by a master; on the right tail are those with a strong preference for autocracy. Most of the population lies between these extremes.<sup>6</sup>

<sup>6</sup> We might, of course, imagine a different distribution, with many more supporting either autocracy or nonautocracy, and with more or fewer people on longer or shorter tails; the normal distribution is a simplification device, implying nothing about actual preference distributions in actual populations.

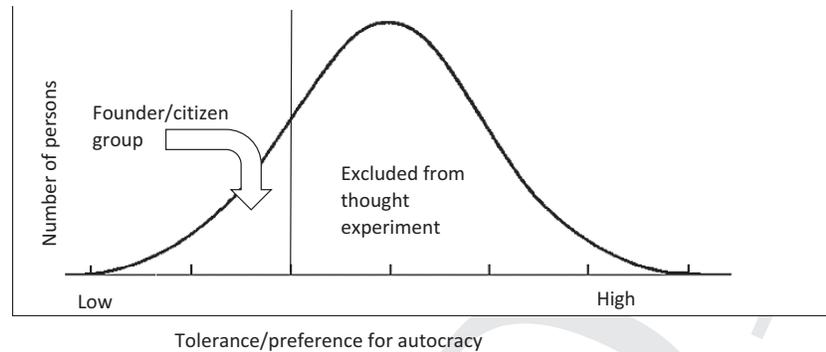


Figure 3.1 Distribution of people in Demopolis thought experiment.

Now imagine dividing the population with a vertical line somewhere to the left of the center of the distribution. Those to the right of the line have a fairly high tolerance or even an active preference for autocracy. People situated to the left of the line range from those who actively detest autocracy to those with a fairly low tolerance for it. These “left of the line” people are those with whom our thought experiment is concerned.

By stipulation, the “left of the line” group matches the original population in all other forms of social, economic, and value diversity. Now suppose that this “antiautocracy, but otherwise diverse” group of people inhabits a defined territory and that they seek to answer the question about achieving social cooperation without a master. Despite their other differences, the members of the group are in general agreement concerning their unwillingness to live under a master.<sup>7</sup> This general agreement may be thought of as the first step in a three-stage constitutional process. The second step is the establishment of basic rules discussed below (Sections 3.3, 3.4, and 3.5). The third step will be the elaboration of other rules that will answer, *inter alia*, difficult questions about distributive justice. The first two stages do not predetermine the substantive rules that will be established in the third stage: The core idea of basic democracy is that it could provide a secure foundation for a variety of quite different democratic regimes (Chapter 8). Meanwhile, in the situation enabling the first step of general

<sup>7</sup> Historically, this situation may be rare, but it is hardly unknown, e.g., Athens in 508 BCE, America in 1776. Acemoglu and Robinson 2016 argue that democracy (in a somewhat broader sense than used here) may be coterminous with state formation and that democratic transitions are better explained by reference to strong pressure from those demanding a part in governance than as a matter of elite choice. Note that general agreement need not presume unanimity, in the sense of all agreeing on the same thing for the same reasons.

agreement on nontyranny, we assume that those in the original (bell curve) population who fall to the right of the line, i.e., those who have a moderate to high preference/tolerance for autocracy, now inhabit another territory.<sup>8</sup>

The thought experiment is not predicated on a liberal premise of value neutrality in that it excludes a large part of the original population, based on their political attitudes. While other sorts of value pluralism remain, the problem of diverse preferences over autocracy is solved by division and separation rather than by, for example, an overlapping consensus achieved via deliberative reason giving (Rawls 1996) or any other liberal procedure. The experiment assumes that a particular group of people controls a particular part of the earth, but it is not concerned with their moral right to control that territory (Stilz 2011, 2013). The experiment starts within history, assuming that things have happened in the past (good, bad, just, unjust) that resulted in a specific group of people possessing a certain country at a particular moment in time. Now they need to decide how to govern themselves so that, *inter alia*, they can defend their territory if confronted by hostile rival claimants.

This setup assumes that the original population has split, perhaps dividing a territory they once shared (think of the US and Canada after 1776). It is meant to recognize the fact that, while a good many people *have*, throughout history, sought to live without a master, a great many other people, in all periods of human history, have tolerated or even preferred autocracy.<sup>9</sup> While democracy may be regarded as *natural*, and while I will argue that certain human goods are uniquely well supported by democracy (Chapter 5), democracy has never (in historical times) been globally preferred to autocracy. I believe that rational people would choose democracy under a specifiable set of ideal conditions. But democracy before liberalism is not ideal theory.

We start, then, with an extensive and diverse group of people – who share a preference for nonautocracy – seeking to establish rules for themselves, as residents of a masterless state.<sup>10</sup> That state will exist in a world of rival

<sup>8</sup> This three-stage process may be seen as an elaboration on Hardin's (1999) two-stage constitutional process, in which the first stage is broad enough agreement on general issues to enable coordination and the next stage is making more conflict-ridden decisions on specific issues.

<sup>9</sup> Scheidel 2017 presents data on frequent, unsuccessful peasant revolts in medieval Europe, which at least suggests that true contentment with the rule of a particular master may not be a general historical norm.

<sup>10</sup> The setup assumes simultaneity in the establishment of a state and a basic democratic constitutional order. This would be implausible if we follow theorists of state formation (notably Huntington 1968) who claim that state formation (with an autocratic government) must precede democratization. But the "first state with established capacity then inclusive democracy" sequence has been effectively challenged, both empirically and theoretically. See Acemoglu and Robinson 2016: 4–5,

states ruled in various ways; one of them is occupied by those to the right of the line in the original distribution, above. The world of states is potentially dangerous: Rivalry may mean attempts at conquest. It is also mutable: States will change their government; populations will grow or shrink; technology, climate, etc., will change. I do not specify the no-autocracy group's size, but, as noted above, it is greater than face-to-face. The group is diverse in terms of economic standing (wealth and income), life experiences, and knowledge. But, as noted, those in the group are able to communicate with one another at a sophisticated level.

The group's members have no special psychology. There is no veil of ignorance, no "hive mind," no strong antecedent national (as opposed to civic) identity. They are sociable (in a basic sense), reason using (but also ordinarily emotional with ordinary cognitive limits), fairly (but not narrowly) self-interested, strategic, communicative human beings. They are not exceptionally altruistic or completely selfish. Each wants to flourish, at least in the simple sense of "doing well" in material conditions of life, as an individual and as a member of social subgroups (e.g., families). Each recognizes that an extensive system of social cooperation is necessary for flourishing.<sup>11</sup> They share some background knowledge of political and social history and of social and natural sciences. The group includes within its membership a range of interests and skills. Some are expert in various domains relevant to governance. The group's members are provisionally willing to take expert knowledge into consideration in decision-making contexts. They will not, however, defer to experts unless they are confident that deference does not risk capture of the rule-making process by experts, in ways that might produce autocracy.

The persons in the group are "Founders" in that they share an intention to establish the fundamental rules, a basic constitution, for an independent state in a bounded territory.<sup>12</sup> Let us call that state Demopolis. The state established by the Founders must have the capacity to achieve three ends, on which the Founders agree *ex ante*. Each of the three ends listed below must be robustly sustained. No one end can be traded off against another.

with literature cited; Rosanvallon 2006: 34, "the political means the process whereby a human collectivity is . . . constituted by an always contentious process whereby the explicit or implicit rules of what they can share and accomplish in common . . . are elaborated."

<sup>11</sup> They are, in short "Humans," not "Econs," in the terminology employed by Richard Thaler (2015) and borrowed by Daniel Kahneman (2011), among others.

<sup>12</sup> In the twenty-first century, politics is certainly not limited to the activities of states within bounded territories; see Runciman 2017. But as Stilz (2009, 2011) and other contemporary theorists demonstrate, the territorial state remains a highly significant object of theoretical attention and practical importance. I leave it to future work to determine whether democracy before liberalism is relevant in the kinds of nonbounded communities imagined by Runciman and other theorists of globalism.

- 1 *Security*. The state is capable of responding to exogenous shocks (e.g., hostile neighbors, environmental changes). It is reasonably robust to both external threats and civil conflict or subversion. It has, therefore, the potential to persist over time. Residents are reasonably secure against arbitrary threats to their persons and property.
- 2 *Prosperity*. The state is overall prosperous rather than impoverished. Residents have ample opportunity to gain wealth and income at levels that will allow them to pursue life plans beyond subsistence. Collectively, prosperity allows the state to compete successfully with rival states, autocratic and otherwise, without impoverishing its own residents.<sup>13</sup>
- 3 *Nontyranny*. No individual or faction monopolizes political authority; there is no fixed hierarchy of political power.

Nontyranny (masterlessness, nonautocracy) is the key stipulation. I take security and prosperity to be generic ends sought by the residents of real states throughout history. In brief, the Founders want what other people have historically wanted, but they are distinctive in their unwillingness to accept either a boss or the hierarchy that comes with a boss. They lack faith in the benevolence of dictators, the wisdom of ruling elites, the ideologies of divine kingship and aristocratic natural right. On the other hand, they hold different opinions about exactly what is wrong with autocracy: a tendency to cruelty, violence, or domination; an affront to freedom, equality, or dignity; a predatory threat to economic interests or personal privacy; the risible, contemptible, or aesthetically revolting features of its public products – parades, rallies, speeches, architecture.

Just as they vary in their reasons for rejecting autocracy, the Founders of Demopolis embrace a range of ethical commitments. Their beliefs represent, in Rawls's terms, different comprehensive conceptions of the good. Some are theists, ethical liberals, libertarians, republicans, egalitarians, etc. They do not agree, *ex ante*, on specific conceptions of justice or even on the intrinsic value of individual liberty or equality. But their disagreement is not, as noted above, at the fever pitch of current or imminent religious or ethnic war. After the rules are set, some conceptions of the good may be supported through the tax structure or actively promoted through state education. Other conceptions will not be supported or promoted but will

<sup>13</sup> In reference to Plato's *Republic* (2.372d), we might say that the state, when complete, will not be limited to subsistence conditions because the citizens share Glaucon's preference orderings concerning basic conditions of life. Glaucon rejects Socrates's simple and healthy "First Polis" as a city fit only for pigs, because he wants to live further above subsistence.

be available as options. Comprehensive conceptions that aim at autocracy will be disadvantaged. Thus, the basic constitution is not committed to value neutrality, although it will not, in and of itself, determine which values, other than those arising directly from the three ends, will be privileged.<sup>14</sup> Whether choices made after the foundation will favor or preclude liberalism remains to be seen (Chapter 8).

The Founders do not assume that they are setting up a regime that is best for all people, everywhere. Rather, they seek a government that suits themselves, in recognition that their preference for nontyranny is their own. They are, in terms of their rejection of autocracy, localists of the Bernard Williams type rather than cosmopolitans or universalists. They seek the best nonautocratic solution for, in Williams's phrase, "now and around here."<sup>15</sup>

In addition to the three fundamental ends, each of the Founders will have other social goals on which there is substantive disagreement. The constitution established by the Founders must allow for subsequent legislation that will instantiate, however imperfectly, some standard of justice. But distributive justice is not the immediate goal of the group in establishing the basic rules. Although, as we will see (Sections 3.4 and 6.8), the question of distribution will enter the picture as we specify the conditions necessary to achieve and sustain the three ends, distributive justice is not the goal sought, in the first instance, by the Founders. They recognize that before seeking to establish all the social conditions (whatever these may be) demanded by justice (however defined), they must first live in a secure, prosperous, nonautocratic state with a workable procedural system for rule making. Before seeking to legislate fairness or desert in respect to distribution of wealth or income, they must, as a society, securely possess the relevant goods that might be distributed and must have a robust institutional process for making and enforcing decisions about distribution and much else.

Each of the Founders is willing (if not eager, below) to pay some costs (time, disclosed knowledge, taxes) in support of the conditions necessary for cooperation without a master. The Founders do not, however, intend to devote their lives to governing. Nor are they ready to pay costs that are so high as to preclude pursuit of all other projects. In some social systems

<sup>14</sup> Nonneutrality allows for a regime that differentially advantages certain comprehensive conceptions: So, for example, those who are exemplary citizens (because they value political participation) may be rewarded for service from which they gain utility. On civic education, see Sections 4.4 and 5.5.

<sup>15</sup> Williams 2005: 8ff. Because of this recognition, members of the group may feel no ethical obligation to promote democracy beyond their own borders.

that could emerge from the original foundation, such projects might be autonomously chosen on the basis of freely formed individual preferences (i.e., ethical individualism). In other systems, some projects falling outside the domain of collective self-governance may be mandated by a traditional culture or religious belief. I will call these other projects “socially valued,” to distinguish them from civic responsibilities.

Citizens vary in what they expect to pay in participation costs, but few of them want nontyranny at *any* cost. Most want nontyranny at a *reasonable* cost, i.e., at a level that assures adequate opportunity to pursue their other projects.<sup>16</sup> Few of the Founders expect to make governance their own primary life project. Some Founders may want to be free in Isaiah Berlin’s (1969) “noninterference” sense of having the choice of choosing or not choosing among a range of possible ends deemed as good by themselves. Others, for example, those whose primary life project is religious devotion (and who see tyranny as a threat to their faith), may be uninterested in free choice among diverse goods. But, like those who do want freedom to choose, they will not support nontyranny if the costs are so high as to preclude pursuit of their primary project.<sup>17</sup>

We may represent “what a Founder wants” in economic terms as a “utility function.” The utility function of the “median Founder” is schematically illustrated in Figure 3.2. Each of the Founders requires a society that will provide to each citizen at least the basic necessities of existence (white box); the public conditions ensuring state-level security, prosperity, and nontyranny (gray box); and the space to pursue socially valued projects (black box). The median Founder hopes to spend relatively little effort on securing the bare essentials of life, somewhat more time on public goods provision, and most time pursuing projects of value to herself.

Utilities of the Founders differ, both in the relative size of each of the boxes (some may, for example value civic duty more than other projects) and in the contents of the black box of socially valued projects. But each of the Founders has, and assumes that the others have, a similarly *structured* utility function. The structure presumes (as in the case of the three ends) that the contents of the three boxes cannot be traded off against each other.

<sup>16</sup> Those willing to pay high costs might seem to be exploited by those willing to pay only minimal costs. But the former may also value participation intrinsically or instrumentally. Socially valued projects may or may not be autonomously chosen: A given individual’s project might be the conversion of his or her fellows, with the goal of creating a unified community of shared religious belief and practice, such that each individual would choose the same “black-box” projects.

<sup>17</sup> For critical discussion of Berlin’s conception of freedom as noninterference, see Pettit 2013. On the question of whether the choices made by our imagined Founders might provide a foundation for a nonliberal value system, see Chapter 8.

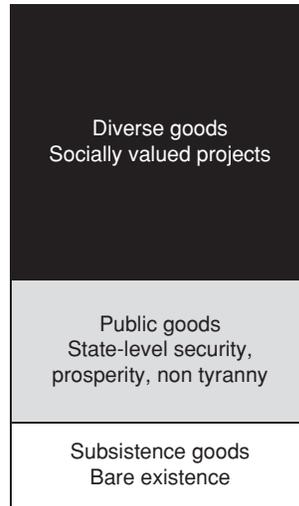


Figure 3.2 Utility function of the median Founder-citizen.

Thus, no increase in public political goods can make up for the complete elimination of other socially valued goods. Moreover, the three boxes have an ordinal rank: white, gray, black. Each Founder ranks his own survival highest, then the public conditions of social cooperation, and then socially valued projects. This is not because the Founders gain most utility from the activities in the white and gray boxes but because they recognize that without bare existence, there is no chance for public goods arising from social cooperation, and in the absence of the public goods of security and prosperity, there will be insufficient opportunity for pursuit of other valued ends. The inclusion of nontyranny in the gray box is contingent, as we have seen, on its cost being reasonable. As we will see (Section 5.5), the costs of nontyranny will be more readily covered if democracy is seen as a source of highly valued gray-box goods uniquely available to those who participate in politics.

The ordinal ranking will be stable if public good provision is a reliable means to the end of socially valued (black-box) projects. This does not mean that all possible projects will always be protected from interference arising from the requirements of securing public goods. The ordinal ranking white/grey/black means that black-box projects may sometimes be compromised by white-box or gray-box requirements. But state interference in socially valued projects will need to be justified by reference to the

three ends for which the state exists, insofar as excessive or arbitrary interference will lead to disaffection and instability that will ultimately compromise security and nontyranny and to limits on capital investment in ways that will ultimately compromise welfare.

### 3.2 AUTHORITY AND CITIZENSHIP

The Founders recognize that anarchy is not a practical option (no matter how theoretically attractive) in light of the dangerous, mutable environment in which their society exists. On the other hand, in choosing nontyranny as a primary end for their state, they have rejected the option of turning over jurisdiction – i.e., the authority for rule making, enforcement, and adjudication of disputes – to any individual or group unconditionally. To do so would be to accept a master. Rules and rule-structured behaviors may produce conditions allowing jurisdiction to be delegated to representatives (Sections 7.1–7.4). But in our thought experiment, that time has not yet come. The Founders must make and ratify rules by and for themselves.<sup>18</sup> The rules they make must enable the Founders collectively to enforce those rules. And, given their commitment to sustainable security, they must make rules such that their descendants likewise will have the capacity to be rule makers and rule enforcers, even if day-to-day public authority has been delegated to representatives. Any future delegation of jurisdiction must, at any point, be revocable, so that delegation remains a collective choice rather than a practical necessity.

Because they refuse to be subjects of a sovereign, the Founders must act conjointly, as a collective agent.<sup>19</sup> The choice of regime type is, at the most basic level, binary. Either the people rule capably as a collectivity, or they have a master. Because there has been a prior agreement to reject autocracy (the first step alluded to above), even before basic rules are decided upon and established (the second step), we may call the Founders, individually, “citizens” and, collectively, “the demos.” The citizens and the demos come

<sup>18</sup> The question of who writes the constitutional rules is not addressed here. It could be an individual (e.g., Solon) or a small group (e.g., American Founders); the important thing is that the basic rules must be seen to be established by the Founders collectively, in the sense that they take for themselves collective ownership, authorship, and responsibility for them. The ratification of the basic rules must be a collective action of the citizenry.

<sup>19</sup> I do not attempt to solve the philosophical problem, pointedly raised by Hobbes in the opening passage of *Leviathan*, of whether or how the rationality or employment of reasons of a collective agent is to be conceived of as a fictive person; on which see the helpful discussion of Stone 2015 and Section 4.3. It is enough for my purposes that the people in question can, together, arrive at binding decisions that enable them to achieve and sustain the three primary ends discussed above.

into existence with the general agreement upon the three ends of security, prosperity, and nontyranny – and before any decisions on the rules that will enable the achievement of those ends.<sup>20</sup> But who among the residents of Demopolis are the citizens?<sup>21</sup>

The question of who will be empowered citizens, and thereby constitute the demos, is determined, in the first instance, by the cultural norms that pertain “now and around here.” In light of both contemporary and historical practices governing citizenship, it is implausible that young children will be treated as fully empowered citizens, as opposed to citizens-in-training. Likewise, it is implausible to imagine that short-term visitors, lacking any meaningful commitment to or stake in the state, will be citizens. Different cultures have devised different answers to the question of whether working men, women, long-term nonnative residents, or persons convicted of crimes will be citizens with political participation rights. There is, however, a basic inclusion norm for citizenship in a basic democracy, predicated on the requirement of security. That is, if persons who can be “culturally imagined, now and around here,” as citizens are excluded from the citizen body without some compelling reason being offered for why they ought to be excluded, their dissatisfaction with their unwarranted exclusion will be an endemic source of civil strife. This is among the considerations that led Aristotle, for example, to define the category of “citizen” with special reference to the citizen in a democratic state rather than in an oligarchy.<sup>22</sup>

<sup>20</sup> I do not seek to specify how agreement on the three ends was achieved or determined, other than to claim that the first two ends (security, prosperity) are common to most forms of social order and to note that the third (nontyranny) is the premise that motivates the thought experiment. The problem of the original agreement that makes possible a rule-making process is inherent in democratic theory, as noted by Meckstroth 2015: 18–23, who discusses it under the rubric of “the paradox of authorization.” Note that this prior agreement limits the domain of available choices and thus, by weakening the “universal domain” assumption of the judgment aggregation impossibility result, renders collective judgments potentially stable: List and Pettit 2011, with discussion in Ober 2013a.

<sup>21</sup> The question of “who is an empowered citizen?” is sometimes referred to in democratic theory as the “boundary problem”: Whelan 1983. Because, by stipulation, the Founders of Demopolis are Williamsian localists, I limit the initial citizen-eligible pool to residents of the territory, although some political theorists regard that sort of limit as arbitrary and morally indefensible. For discussion of the question of why the boundary should ever be narrower than “all those whose interests are affected,” see Goodin 2007.

<sup>22</sup> Aristotle *Politics* 3.1275b5. The “preconstitutional” emergence of a demos is historically attested in, for example, the Athenian and American Revolutions. What can be culturally imagined in respect to citizenship can change and has changed dramatically over time, which is one reason that a democracy’s fundamental rules must remain open to revision. The “culturally imagined” requirement for inclusivity in a democracy shows why ancient Sparta, for example, was not a democracy, even though was a citizen-centered social order: The Spartans accepted a state of permanent internal war as the cost of excluding the “culturally (in the wider Greek context) imagined as citizens” helots from civic participation.

In consideration of the security issue, citizenship in Demopolis is extended to all those who are, there and then, culturally imagined as potential citizens. The question “who *ought* to be a citizen?” is unlikely to be answered identically by each of the current residents of Demopolis. The answer the current residents settle upon is likely to change over time, as circumstances change and as the original answer is contested, whether by outsiders or by insiders who come see the world differently from their predecessors. But we may assume that at a given moment in time, there will be a culturally dominant answer to the question of who is a citizen. Those who disagree with the answer can work to change it. If they regard the answer as simply intolerable, they can opt out of the society (Section 3.6).<sup>23</sup>

By asserting that there is, at any given moment, a dominant cultural imagination of citizenship, I beg the question of how that imagination came about. If the Founders (and their successors) fail to acknowledge that the original answer to the citizenship question was a contextually contingent product of a particular time, they put their state at risk of ossification and thereby reduce its capacity to respond to the challenges of a mutable environment. The evolving sources of cultural imagination of citizenship will involve changing considerations of desert, insofar as citizenship is taken to be a good that is available to some, but not all, long-term residents. In regard to the fundamental question of civic belonging, ethical judgment comes into play as the democratic order is being established and remains in play forever after.

For these reasons, the answer to the question “who is a citizen” can never be regarded as settled in a way that would bind the hands of a future generation that sees reason to expand the ambit of “we the people.” Notably, however, citizenship tends to be a ratchet that allows movement in only one direction: A decision by a majority to disenfranchise a category of persons currently enjoying citizenship would be to accept that a part of the citizen body can act, in the most basic way, as a tyrant, and thus would violate the third end for which the state exists. Of course, that choice might be made and has been made by democratic states (notoriously, in the case of the American government’s internment of Japanese-Americans in World War II). Such “exceptions” can be temporary; democracies may subsequently

<sup>23</sup> “Culturally imagined” is less inclusive than “imaginable.” For example, Aristophanes’s comedy *Assemblywomen* imagines a comic Athens in which women have replaced men as politically empowered citizens (see Ober 1998: Chapter 2). But there is no reason to suppose that, outside the realm of comedy, Athenians ever imagined women as citizens in the sense of those who exercised full political participation rights (as opposed to citizens in the sense of full members of the community: see Patterson 2005).

recognize them as mistakes. But stripping any minority within the citizen body of its standing, redefining civic friends and insiders as civic enemies and outsiders, puts every citizen (given that everyone can be part of some minority) at risk. Every time a civic majority disenfranchises citizens, it becomes, in that moment, a collective tyrant, and thus, to the extent to which the decision denies a primary end on which public order is predicated, it opens the way to the collapse of social order.<sup>24</sup>

If we suppose that the date of Demopolis's founding is the early twenty-first century CE (rather than, as in the Athenian case, the late sixth century BCE), adult women and at least some long-term nonnative residents will be included in the body of the citizens. Demopolis exists within a competitive world of states in which information flows readily across state borders. If we assume that the temporal context of our thought experiment is modernity, the background, global cultural imagination of "who can be a citizen" will have been influenced, directly or indirectly, by principles of liberalism. We do not need to suppose that the Founders of a modern Demopolis are morally committed to liberalism in order to presume that they will enfranchise women and some nonnative residents for prudential reasons.<sup>25</sup>

"All persons culturally imagined as citizens are to be empowered citizens," as a general political principle, provides a floor, not a ceiling. As we will see (Section 5.5), ethical considerations, arising from assumptions about human nature, will require a democracy to justify the exclusion of long-term adult residents from participatory citizenship if and when those considerations are deployed as arguments for the regime's legitimacy. On the other hand, the political principle does not preclude the possibility of democratically establishing rules that will result in individuals being stripped, temporarily or permanently, of civic standing if and when their behavior violates civic norms. So, for example, the question of whether voting rights can legitimately be denied to convicted felons in American jurisdictions is not answered, *ipso facto*, by the fact that criminals can readily

<sup>24</sup> On the role of contestation in the constitution and subsequent reconstitution of a democratic citizen body, see Frank 2010; Beaumont 2014; with discussion of Müller 2016. The exception and civic enemies: Schmitt 2007. Civic friendship: Allen 2004. Danger of reversing the ratchet: Hardin 1999: 310. Liberal argument against disenfranchisement: Christiano 2008: 264–270. The question of authority to disenfranchise an individual widely regarded as profoundly dangerous, or those convicted of serious crimes is a separate question. I take up the question of ostracism, which provides a particularly clear case of depriving a citizen of civic rights, below, in Section 8.3.

<sup>25</sup> In 2015 women in Saudi Arabia were first allowed to vote and to stand as candidates for the nominally governing council (2,100 seats, of which 1,050 were appointed by the King). So, even in a highly religious society, in which women are not allowed to drive, the dominant cultural imagination of citizenship is now such that it is no longer feasible to deny women basic political participation rights – albeit those rights have as yet little practical value, given social restrictions on women and background limits on political freedom.

be imagined as having a right to vote. If, however, the effect of denying voting rights to felons were to delegitimize the democratic order, then curtailing felons' voting rights would be disallowed by the same prudential considerations that underpin the extension of citizenship to all those who are culturally imagined as citizens.

The Founder-citizens accept the need for authority, as organized political power, and for legitimacy, as general, willing obedience to authority. They intend to establish rules necessary to achieve the three ends of security, prosperity, and nontyranny, and they know that the rules must be enforced; they accept the requirement of coercion. By the same token, the Founders do not mean to establish all the rules the state will ever need. They assume that there will be ongoing rule making to fill in other important aspects of politics, including distributive and corrective justice (i.e., “stage 3,” above). They assume that there will be exogenous change and shocks that demand legislative response. Indeed, the initial, foundational rules must foster the state's capacity for devising innovative solutions to future problems.<sup>26</sup>

### 3.3 PARTICIPATION

Like security and overall prosperity, nontyranny is, for the citizens, a public good. It is *nonrival* in that the condition of nontyranny held by one citizen does not subtract from the nontyranny enjoyed by another citizen. It is *nonexcludable* in that every citizen (the original “left of the line” group inhabiting the territory) enjoys the same masterless status.<sup>27</sup> As a public good, nontyranny is subject to the familiar problem of free riding and commons tragedy that potentially beset collectively held possessions. The public goods of security, prosperity, and nontyranny can be simultaneously preserved only if the citizens collectively act to make and enforce rules. Doing so entails costs – time and effort spent on the gray box of public goods could otherwise be spent on the black box of socially valued goods. *Ex hypothesi*, all citizens want to preserve nontyranny. But in the “game” of establishing and sustaining the rules, each citizen, insofar as she is assumed to be rationally self-interested, will choose to defect (i.e., not pay

<sup>26</sup> Meckstroth 2015 is distinctive in being a liberal (assuming the inherent value of equal freedom in its first principle: 11) democratic theory that is specifically about the conditions required for dynamic change within a constitutional order.

<sup>27</sup> The public good could devolve to a club good if we assume subsequent immigration of many people denied the opportunity of applying for citizenship (e.g., as long-term “guest workers”); again the security issue will push against this exclusion. Note, however, that eligibility for citizenship will not automatically lead to admission to citizenship; see Section 4.4 on civic education and affirmative assent.

*Participation*

49

the costs) if she can fully enjoy the public good without paying the costs of contributing to it. The state will not long remain secure, prosperous, and masterless if it is beset by cascades of free riding and marginal cheating.<sup>28</sup>

The first rule established by the Founders is, therefore, “all participate” in the business of maintaining public goods. That means, at least, that all citizens have a duty to share, in one way or another, in making, adjudicating, and enforcing the rules. They have a corresponding duty to join in sanctioning those who shirk their participation duty.

Exactly what the duty to participate entails will depend on subsequent choices concerning details of rules governing legislative, executive, and judicial procedure. It will include, at a minimum, devoting some time to deliberating on public issues, voting on important matters of common interest (whether elections or referenda), and serving as a juror. It may also entail taking personal responsibility for rule enforcement (Section 6.6). At least for the more affluent, it will require paying taxes. Some tax revenue will be dedicated to security. Other revenues will be redistributed in the form of support for basic welfare and education.

The “all participate” rule requires that each citizen have access to at least a basic education, in order to access information and make choices responsibly as a voter, juror, and, potentially, as a state official (e.g., member of a deliberative council; Section 7.7). Moreover, in order to be full participants in the work of collective self-governance, citizens will require certain welfare guarantees: Costs of participation cannot be paid by anyone who lacks the capacity to pay those costs without putting her white box of bare existence at risk. Thus, a responsibility for helping to sustain at least minimal levels of health care, food, and housing for every citizen will be part of the participation duties of each citizen. Distribution comes into the basic democracy story as a condition of securing the three ends for which the state exists rather than as a condition of social justice. The redistributive requirement arising from the participation rule provides a floor, not a ceiling. It is antecedent to any choices the citizens subsequently make concerning the level of distribution demanded by whatever conception of justice they eventually agree upon.

Per the first two ends, the citizens aim at a secure and prosperous society. Each citizen expects that the state will promote opportunities for individual prosperity (in the sense of space to pursue socially valued projects) as well as the prosperity of the society as a whole. Whatever choices about

<sup>28</sup> Public goods and how commons tragedy can be overcome: Ostrom 1990, Poteete et al. 2011. Tuck 2008 suggests that free riding is a uniquely modern issue, but see Ober 2009; Teegarden 2014.

distributive justice are eventually made, the tax rate and the redistributive function of taxes must be structured such that neither a wealthy few (presumed to be heaviest payers of taxes) nor a middle-to-lower income many (presumed to benefit in various ways from public revenues) have reason to defect from the masterless status quo because their expectations in regard to opportunities for personal prosperity are systematically frustrated. Getting either the tax rate or benefits distribution wrong risks lowering the “revolutionary threshold” (Kuran 1991, 1995) of the relevant section of the population, thereby increasing the risk of an autocratic counterrevolution and degrading the state’s security. We will revisit the bounds within redistribution is possible in a basic democracy in Section 6.8.

### 3.4 LEGISLATION

The second primary rule will specify the basic procedure for making future (stage 3) rules. Some rules may be made consensually, based on the agreement concerning the priority of the three ends of security, prosperity, and nontyranny. But the rule-making procedure must be able to accommodate disagreement, which on some issues will be deep enough that true consensus cannot be achieved. Disagreement, and thus political debate and contestation, will arise, first because of the fact of value pluralism among the citizens, and next because the projects variously pursued by citizens will lead to competition when resources to support those projects are scarce. The first rule (above) requires that all participate in politics; when it comes to nonconsensual decisions, participation will mean (at least) voting under some kind of majoritarian decision rule.

Nontyranny means that no defined “part” of the demos can legitimately rule, as a collective autocrat, over the whole of the demos and thus pushes in the direction of equal votes. If, in the extreme case of inequality, one individual’s vote outweighs the votes of all others, that individual is, by definition, a tyrant. Likewise, if a few people’s votes outweigh those of many, those few are, by definition, a collective tyrant. Furthermore, the participation requirement would be *prima facie* unfair and thereby productive of instability, if citizens who are required to pay similar participation costs were assigned votes of different weights – as, for example, in J. S. Mill’s (1861: Chapter 8) proposal to give plural votes to citizens with “mental superiority” (as proved by their elite educations).<sup>29</sup> Participation plus

<sup>29</sup> Mill’s concern for ensuring fair and efficient inequality of political influence on matters of common interest, is important. But, as I argue in Section 7.5, inequality of influence ought to be based on

*Legislation*

51

nontyranny implies, therefore, that, as in classical Athens, each citizen must have an equal vote and an equal opportunity to take on whatever other political roles (e.g., as a lotteried council member; Section 7.6) are created in the course of establishing the rules. Although the citizens of Demopolis will be inherently unequal in some salient ways (some will be better informed, more eloquent, etc.), their votes will be equally weighted. The question of how a majority of voters might be prevented from acting as a collective tyrant over a minority of equal voters is addressed in Section 3.5.

Legislation must aim not only at nontyrannical process but also at efficiency. Assuming the requirement of security in a dangerous and mutable environment, policy decisions made by the citizens must be better than “coin-flip” random choices.<sup>30</sup> As noted above, citizens will require education and welfare in order to make responsible choices. They will also require freedom of inquiry, speech, and association if they are to be in a position to devise and to effect the best possible policies. In order to do so, they must be free to pursue the discovery of information relevant to their choices. Those who have knowledge that is of potential value for a given decision must not only have reason to disclose that knowledge but must be free to seek to inform (and thereby influence) their fellow citizens. Because there can be no *ex ante* assumption about whose information or knowledge is potentially relevant, all must be equally free in these salient political ways. Furthermore, were some or all of the citizens not free in respect to inquiry, speech, and association, they would in effect have a master – that is, deprived of conditions essential to ruling themselves, they would be ruled by whoever set and enforced the condition of nonfreedom. Thus, although, unlike contemporary republican theories of political order (Skinner 1998; Pettit 2014), political freedom need not be understood as basic democracy’s principle of justice, it is a necessary condition of the masterless state.

The citizens must, per above, enjoy functional political equality and freedom. In order for equality and freedom to function in practice, citizens must treat one another with dignity, as persons worthy of civic participation. They must likewise be treated with dignity by whatever public

expertise in the matter at issue and can be accommodated without the expedient of unequal votes. For the internal contradictions inherent in Mill’s plural voting proposal, in light of his concern for civic education and effective government, see Thompson 1976. My thanks to Prithvi Datta for this reference.

<sup>30</sup> On coin-flip choices as an alternative (if undesirable) form of political decision making, see Estlund 2008.

officials they eventually decide to bring into existence. A citizen who is subject to indignity, in the form of public humiliation or infantilization, is functionally neither equal nor free. Furthermore, as we will see (Section 6.8), civic dignity will prove valuable in moderating the demands of egalitarians and libertarians, once the issue of substantive justice in respect to distribution is put on the table. Meanwhile, as in the case of education and welfare, the democratic commitment to freedom, equality, and dignity remains firmly grounded in politics. Citizens with liberal values will value freedom, equality, and dignity as ends in themselves. But even those citizens who do *not* regard these as inherently valuable ends have reason to acknowledge their instrumental value as conditions essential for the preservation of nontyranny. The conditions of freedom, equality, and dignity may be expanded and elaborated by subsequent (stage 3) public choices informed by a moralized conception of justice. But meanwhile, the minimal conditions, those necessary to enacting effective legislation by democratic means, cannot be reduced without sacrificing one of the three ends for which the state exists.

### 3.5 ENTRENCHMENT

The third and final foundational rule entrenches the general agreement on the three ends of the state and the citizen body (stage 1) as well as the rules concerning participation and legislation. The third basic rule limits the citizens' collective ability to make subsequent rules (in stage 3) that would threaten the three ends of prosperity, security, and nontyranny or that would threaten the conditions that make those ends achievable, including political equality, political freedom, and civic dignity. Limitation on the scope of government in defense of basic liberties is, of course, a familiar feature of liberalism. In our thought experiment the limitation does not arise from assumptions about the intrinsic value of autonomy or from natural or human rights. It arises instead from the imperative of achieving the ends of security, prosperity, and nontyranny in an otherwise diverse population. The freedom, equality, and dignity required by the first two rules will be, in substance, civic and political and, as such, less deep and less extensive than will be required by liberalism (Christiano 2008: 138–154); once again, basic democracy provides a floor, not a ceiling. On the other hand, the commitment to nontyranny imposes some limits on legislation that do not arise from liberalism as such.

The antecedent agreement to the three ends means that the citizens, as legislators, must not make any rule that would tend to make the state

insecure, impoverished, or autocratic. As we have seen, using a majority decision rule to strip a minority of citizenship is an example of legislation that puts the ends of the state at risk. In brief, subsequent (stage 3) rules must meet a constitutional standard: the (stage 1) general agreement and the (stage 2) foundational rules. The entrenched constitutional rules must, in turn, be enforced by the citizens. Constitutional rules must, therefore, be a matter of common knowledge, so that any violation is readily apparent. The agreement on the three ends and on the criteria for citizenship, along with the three stage 2 foundational rules, must therefore be structured so as to have “bright line” features, such that any proposed new rule or action by a state official that poses a threat to one of the three ends is immediately recognized as such. Violations in turn trigger a responsibility on the part of each citizen to participate in resistance against the violation and, when necessary, the violator. Resistance may be both institutional and, if and when necessary, an extra-institutional duty imposed on each citizen who witnesses a violation (Sections 6.5 and 6.6). Effective resistance to constitutional violation requires both laws and behavioral norms. Laws will need to feed into (both leverage and create) habits of civic behavior: Law must be at once a focal point that enables coordinated action and a form of ongoing civic education.<sup>31</sup>

The basic rules adopted by the Founders are meant to be the minimum necessary to achieve the three ends of security, prosperity, and nontyranny. Citizens who embrace various systems of value, including liberals and religious traditionalists, might each prefer a more extensive set of entrenched rules. Liberals may want to entrench separation of church and state; traditionalists may want to entrench respect for divine authority. Each group will have the opportunity to pursue a value agenda in the subsequent stage 3 of rule making. The agreement of the citizens of Demopolis on the three ends of security, prosperity, and nontyranny and the stipulation that Demopolis not be poised on the brink of religious or ethnic war allow for decisions on matters of great importance to various groups within the society to be deferred, until after the political foundation has been laid.

Per above, the Founders intend to leave much to the future, not only fraught moral issues but also salient questions of procedure. They need not, at the founding stage, decide on how authority will be delegated to representatives. While the basic rules ensure that the gray box of public goods and civic engagement leaves space for the black box of socially valued

<sup>31</sup> On law as a form of civic education in the classical Greek tradition, see Plato, *Laws*; Teegarden 2014 on tyrant-slaying laws in the classical Greek world; Ober 2001 (= Ober 2005a: Chapter 6). Cf. Machiavelli *Discourses* 1.18.

goods, the black box has not been legally defined as an inviolate sphere of rights, as it would be in a liberal regime. The Founders do intend the basic rules they choose in the stage 2 foundation process to be stable (revisable only by a cumbersome process), in that the rules must allow individuals and groups to make plans for the future and to negotiate the rest of the rules for their state. The entrenchment of the stage 1 agreement and stage 2 rules is meant to offer assurances to citizens about the benefits they can reasonably expect in exchange for the costs they are required to assume. The entrenchment of the rules reduces the danger of destructive civil conflict by creating the conditions for agreement about what constitutes a violation and for coordination on resistance to violations. Entrenchment of the rules, along with responsibility for participation in resistance to violation, pushes up the likely costs to potential violators: Those who choose to violate must, in short, believe that they can win a civil war. To the extent to which the rules are generally accepted and internalized as norms by the citizens, violators will find themselves outnumbered and ideologically isolated. The incentives are thus stacked against casual revision of fundamental rules, and against their violation.<sup>32</sup>

### 3.6 EXIT, ENTRANCE, ASSENT

The basic rules governing participation, legislation, and entrenchment, once formulated, must be ratified by a process that is consistent with the rules – all participate in the process of ratification as politically free and equal citizens, in recognition that they are limiting their own authority to make new rules that would block the ends for which the state exists. The “Founders” are not just those who drafted the rules but all those who participate, via deliberation and voting, in their ratification. After the basic rules have been ratified, citizens are bound by them, as they (and other residents) are by subsequent rules made in accordance with the basic rules. But as rules are specified, some citizens may decide that the costs of nontyranny outweigh the expected benefits. Perhaps they have come to develop a conception of the good that favors autocracy (e.g., a religious belief that mandates the rule of an individual with a special relationship to the divine order). Or perhaps they worry that government without a master will prove unstable over time. Within the demos, there may, therefore, come to be a minority who are willing to forgo the nontyranny feature of the gray box

<sup>32</sup> This situation is exemplified in the history of Athens after the legal reforms of the late fifth century BCE: Carugati 2015.

of public goods in Figure 3.2, in exchange for an anticipated increase in the black box of socially valued goals.

The citizens (now imagined as an antityranny majority) are not required to accommodate the policy preferences of a pro-autocracy minority. Those who choose to remain in the state's territory but decline to participate in the work of sustaining the rules aimed at preserving the state's three ends will not have the status of citizen. These "citizenship-eligible noncitizens" may be subject to special taxes or suffer other disabilities. Although leaving Demopolis remains an option for any resident at any point, the citizenry will prefer, for security (mobilization) reasons, not to see the citizen population of their state decline. So the Founders will seek to accommodate those who are only minimally enthusiastic about nontyranny and who support the participation rule only at the lowest possible personal costs. The same prudential considerations will come into play if the citizens of Demopolis ever choose to establish a state religion or make other value-based rules governing social behavior. But exit of participants, while regrettable, is not an at-any-cost consideration for the citizens. They accept that establishing a new rule may lead to the exit of some individuals – i.e., some may choose to relocate to a rival state, because the cost of remaining in the masterless state has become, for them, higher than the cost of relocating.<sup>33</sup>

Those who elect to remain as citizens after the basic rules are ratified have affirmed their willingness to accept the new state's authority as legitimate by the fact of their participation in its founding. Legitimacy is typically thought of as a matter of consent, but the founding of Demopolis was predicated on affirmative assent, a willed choice on the part of each individual citizen – even those who would have preferred some other set of basic rules. The state that the group establishes is intended, moreover, to persist indefinitely through time. So, even if all adults who remain after the initial rules have been set are citizens who participated in the foundation and thereby agreed to pay some participation costs, they must address the question of how to gain the assent of future citizens. These include immigrants, current subadults, and members of future generations. None of them can be assumed, *ex ante*, to be willing to pay the costs of nontyranny.<sup>34</sup>

<sup>33</sup> This assumes there is another country that will accept them; see below. Shapiro 2016: 65–66 emphasizes the high cost of exit.

<sup>34</sup> Note that the question that must be solved at the level of the basic rules is about admission of new participatory citizens, not about noncitizen immigrants; on the difference, see Song 2017. The question of general immigration policy is among the many matters deferred to subsequent legislation. Immigrants who are unwilling or incapable of political participation will not be citizens; their reduced participation costs may be balanced by lower benefits and/or special taxes. General

The original citizens affirmed in practice their willingness to pay the costs of sustaining coercive rules assumed necessary to preserve security, prosperity and nontyranny (e.g., voting, taxation, public service). Potential citizens may not prefer nontyranny at whatever proves to be the social cost to individuals or to groups to which they belong. So, because the Founders are committed to a secure and prosperous state that can exist indefinitely, and because they believe that continued security and prosperity requires legitimacy, they must have a plan for obtaining the agreement of those who enter the community, by birth or immigration. Given the requirement that all citizens participate, the agreement must be in the form of an active affirmation (the equivalent of having participated in the founding) rather than the tacit (Lockean) or hypothetical (Rawlsian) consent that legitimates government in liberal political theory.<sup>35</sup>

These considerations point to the need for civic education as well as for interstate agreements with other states. Civic education will aim at rational persuasion: demonstrating to potential citizens the value of participation in a masterless state that is also secure and prosperous.<sup>36</sup> But it is not necessarily the case that civic education – no matter how rational, fact based, emotionally motivating, and rhetorically well presented – will succeed in persuading potential citizens that the benefits outweigh the costs. The masterless state therefore has good reason to devise incentive-compatible rules governing the civil status of resident noncitizens and to enter into agreements with neighboring communities, so that interstate migration, predicated on regime preference, remains feasible and peaceful and does not threaten security.

immigration policy and citizenship will be entangled, however, if the state's legitimacy is predicated in part on claims about human flourishing that push in the direction of offering most long-term residents the opportunity to become citizens; Section 5.5. On "the problem of generations" and the general problem of the indeterminacy of "the people" over time, see Espejo 2011: esp. Chapter 7.

<sup>35</sup> Establishing ideal conditions that define the substantive content of the rules to which a rational individual would hypothetically consent is the purpose of the "veil of ignorance" thought experiment of Rawls 1971, who sought to improve on earlier ideas of tacit consent (based on continued presence and consumption of public goods within a jurisdiction). Hardin 1999: Chapter 4 rejects all consent theory ("a charade" put on by "a cabal of metaphysicians": 180), in favor of "acquiescence," defined as not coordinating with others to engage in mutiny against the government. Hardin characterizes actual consent as "a dead political theory" (143). He does not consider the sort of affirmative assent that grounds basic democracy but might well reject it along with democratic participation generally (166–169). Among the problems here is that "consent," as willingness to be the recipient of another's activity (whether actual, tacit, or hypothetical) is what a subject gives to a ruler (or a patient to a physician, an experimental subject to an experimenter); it is, as such, ill adapted to the grounds on which a citizen agrees to join in the collective project of self-government. See, further, Section 4.4.

<sup>36</sup> On the content of Demopolis's civic education, see Chapters 4, 5, and 6. On democracy and persuasion, see Garsten 2009, 2011; Ober 1989, 2014.

3.7 NAMING THE REGIME

Considerations emerging from the thought experiment of Founder-citizens setting the basic rules for a masterless, prosperous, secure state have led to the conclusion that the state is predicated on self-government by citizens that is collective (based on active participation by the citizens who constitute the demos), limited (rules cannot violate conditions necessary to achieving the ends for which the state exists), and stably effective in the sense of producing policy that enables the state to be at once prosperous and secure. The Founders of Demopolis give their regime the name “democracy,” by which they mean to proclaim that the demos is indeed capable of creating and sustaining the conditions for limited and collective self-governance in a dangerous and mutable world. The theoretical model of democracy emerging from the Demopolis thought experiment is broadly consistent with what “democracy” meant to the ancient Greeks who coined the term and first used it as the name for a form of government by, for, and of an extensive and socially diverse body of citizens. The Founders need not, therefore, worry that the term *democracy* is properly reserved either for the autocratic rule of a majority-of-the-moment or for the conjunction of liberal principles with a majoritarian decision rule limited by the rule of law.

While Demopolis takes for its regime a name originally coined by the ancient Athenians, Demopolis is not constrained by the historically specific cultural or social norms, beliefs, or practices that characterized the Greek city-states. Demopolis certainly need not be a slave society. It may include women and naturalized foreigners in the citizen body. It may also develop constitutional rules allowing legislation, adjudication, and administration to be delegated to representatives rather than being administered by the directly democratic mechanisms of government employed by the ancient Athenians. And this means that Demopolis need not be limited in scale. The question of how the residents of Demopolis, as participatory citizens, might prevent representatives from devolving into autocratic rulers will be taken up in Chapter 7.

Chapters 2 and 3 have presented the case that basic democracy is, in ancient practice and contemporary theory, a way of achieving security, prosperity, and nontyranny. In the next four chapters, we turn to the question of its legitimacy and to the conditions necessary to sustain the democratic regime. The legitimacy question did not arise for the Founders, who shared an *ex ante* preference for nontyranny, participated in establishing the basic rules of self-governance, and thereby agreed to obey and to pay the

costs of enforcing those rules. But a justification is owed to future citizens of Demopolis. They will be expected to obey and to enforce the rules but were not present at the foundation. They may not share the Founders' ex ante preference for nontyranny. Moreover, if basic democracy is to be plausible as a realistic regime in a context beyond ancient Athens, I must answer some of the questions that have been posed by democracy's ancient and modern critics. Chapters 4–7 elaborate upon the political foundation established in the Demopolis thought experiment to show how a basic democracy, one that does not immediately adopt a liberal superstructure, might address questions of, inter alia, individual motivation, civic identity, and the practical demands of incorporating expertise into public decision making. In Chapter 8, I suggest a theoretical range of modern liberal and nonliberal societies for which the basic democratic constitutional framework sketched in this chapter is, or is not, a plausible political foundation.

CHAPTER 8

*A Theory of Democracy*

A realistic normative and positive political theory of democracy should do at least two things: First, it should explain how, despite the advantages autocrats enjoy in command and control, democratic states have historically done comparatively well in providing security and welfare. Next, it should highlight the kind of laws, norms, and habitual behavior to which democratic citizens ought to aspire if they are best to promote their own joint and several flourishing. The prominence of liberal values in contemporary political theory, and of liberal institutions in modern constitutional systems, has concentrated the attention of theorists on the contribution of liberalism to democracy's success and to its aspirations. The goal of this book has been to isolate and illuminate the contribution of collective and limited self-government by citizens in the realization of those ends.

8.1 THEORY AND PRACTICE

Basic democracy, as illustrated by the thought experiment of Demopolis, is a solution to the puzzle of how, within a competitive ecology of states, a large and diverse body of people might create a stable political order that is at once secure, prosperous, and nonautocratic. The solution is a set of rules facilitating collective and limited self-governance by well-motivated and capable citizens – individuals with reasons to cooperate in political action and the skills to make their actions count. Both in theory and in historical practice, as illustrated by the history of classical Athens, democracy can, under the right conditions, meet what I called “Hobbes's challenge,” the claim that any secure and prosperous state requires a third-party enforcer in the guise of a lawless sovereign.

Basic democracy solves the collective action problem that lies at the heart of Hobbes's challenge by providing individual citizens, who share a preference for nontyranny and have a common interest in security and prosperity, with good reasons to believe that participation costs are shared by their

fellow citizens. Because those costs are also construed as benefits, and because democracy can offer high honors to the ambitious, while restraining disruptive forms of self-aggrandizement, democracy addresses problems of psychological motivation that Hobbes raised in *Leviathan* but failed fully to resolve. It provides citizens with the tools, in the form of procedural mechanisms and behavioral habits, that enable them to respond effectively, as individuals and as a demos, to the challenging and mutable world in which they live.

Because citizens who are able and ready to coordinate against violators are mutually protected against exploitation by the arrogant and powerful, they rationally invest in human capital and share what they know when it may be of value in the pursuit of their common interests. Gains in the stock of knowledge and its effective uses counterbalance the relatively high operating costs of collective self-governance. Epistemic depth and diversity creates a comparative advantage relative to autocratic states. The upshot is a regime of limited self-government that provides internal and external security and adequate levels of welfare for an extensive and socially diverse population within a bounded territory. That regime places substantial but not onerous responsibilities of political participation upon citizens. Basic democracy creates adaptive institutions and promotes commitment to political liberty, political equality, and civic dignity, sustaining conditions that in turn enable and preserve the secure, prosperous, and non-tyrannical regime.

Basic democracy reliably provides citizens with the democratic good of freely exercising their constitutive human capacities of employing reason and communication to the most significant social ends. They do so through deliberating and making decisions about important matters relevant to their joint and several well-being. Because a basic democracy recognizes political participation as a both a responsibility and a good in itself, it pushes in the direction of civic inclusivity. It requires justification for exclusion of long-term residents of the state territory from the status of citizen. At the same time it requires that citizens be adequately educated in the ends for which the democratic state exists, and in the public means necessary to secure those ends. Because all long-term residents are presumptively potential citizens, the state must educate all of its residents.

A basic democracy may delegate authority for day-to-day government to representatives. It must devise mechanisms that enable the citizens to avail themselves of expertise. But the demos must also remain vigilant against the threat of elite capture of the state. The citizens themselves must be capable of governing in case representatives violate the trust placed in them by the

demos. In order to fulfill his or her participatory role in the democratic system, each citizen must have access to education and adequate welfare. Although basic democracy does not, in and of itself, generate a justice-based distributive principle (comparable to, for example, the difference principle of Rawls 1971), it must provide a baseline of welfare and education for citizens and for potential citizens.

Basic democracy sustains the conditions of political liberty, political equality, and civic dignity. It does so reliably, whether or not these conditions are valued by the citizens as ends in themselves, because democracy functionally requires these conditions if it is to sustain nontyranny while producing benefits of social cooperation sufficiently abundant to address existential threats. In the place of autocratic social coordination based on hierarchy, centralized command and control, and ideological mystification, basic democracy substitutes coordinated collective action of highly motivated and rationally self-interested citizens. It does so by employing well-publicized rules (laws and norms) as focal points for the mobilization of citizens in defense of the civic dignity that is the precondition of each citizen having the secure high standing essential for full participation. Dignity in turn helps to moderate competing distributive justice demands arising from freedom and equality, and thus preserves a self-reinforcing social equilibrium.

Basic democracy is legitimate in that it can justify to citizens and potential citizens, through civic education, why they ought to obey democratically enacted rules and why the participatory costs of citizenship ought to be paid by each citizen. Democracy can develop institutional mechanisms and associated behavioral habits that make possible the identification, aggregation, and mobilization of expertise while keeping the threat of elite capture at bay. This enables citizens to judge reasonably well among a variety of policy options relevant to common interests. Authority delegated to representatives remains conditional and revocable, which in turn provides representatives with incentives not to violate their trust. Democracy can, in theory, reliably provide the ends of security, prosperity, and nontyranny for which the state exists, and can provide the first two ends at least as well as can a well-functioning autocracy.

Democracy is not easily realized in practice. A political regime that conformed (within the historically contingent frame) to the ideal type of basic democracy as illustrated by Demopolis was sustained for some six human generations in classical Athens (Ober 2008a, 2012). Athens provides the best-documented example of a long-lasting and high-performing democracy unaffected by early-modern or contemporary liberalism. Although the

Athenians imposed constitutional limits on their own legislative authority, theirs was a direct democracy, without need of elected representatives. Athens was, however, by the standards of modernity, a very small state. For basic democracy to be possible under the conditions of modernity, it must be scalable. Representative institutions address the problem of scale, but create new opportunities for elite capture of government.

The difficulty of implementing democracy is compounded by value pluralism: Hobbes was not being tendentious, even though he was wrong, when he asserted that limited self-government by citizens (along with other forms of limited government) would be incapable of sustaining prosperity and security. It is not surprising that democracy, despite its deep history as the normal form of small-scale human social organization before the development of agriculture and the rise of large states, has been only rarely achieved in the recorded history of complex societies. Although democracy is today a near-universal aspiration, there is also a near-universal sense that it is inadequately realized. Various failed experiments with democratization in the twentieth and twenty-first centuries demonstrate that it is no simple matter to implement citizen self-government.

The intertwined history of republicanism and liberalism in Europe and America (Kalyvas and Katznelson 2008), a history which was, by the nineteenth century, further enmeshed with self-consciously democratic theory and practice, makes it more difficult to identify basic democracy in modernity. No modern regime fully exemplifies the ideal type. But at least some modern regimes may reasonably be characterized as collective and limited self-government by citizens, through their accountable representatives. Candidate examples include (but certainly are not limited to) the US in the Jacksonian era of in the early nineteenth century and in the civil rights era of the mid twentieth century; British parliamentary democracy of the later nineteenth century; European social democracies of the mid twentieth century; and the highly pluralistic democracy of modern India.

What of basic democracy today? In contemporary liberal-democratic states, the resort to popular referenda and citizen-sponsored legislative initiatives in both local and national jurisdictions is often associated with pushback by citizens against what is perceived as overreaching by agents of an unaccountable government. The role of independent agencies and representatives can be justified in contemporary liberalism, and is consistent with the idea that the democratic authority of the people is readily and appropriately separated from government. But among the concerns that drive populist politics and/or the resort to directly democratic mechanisms

in modern states is a widespread conviction that government is illegitimately dominated by elites and technocrats, who rule in their own interest and against the interests of ordinary people.

Legislative referenda and citizen initiatives seem symptomatic of the antityrannical impulse that creates reverse dominance hierarchy in face-to-face foraging communities and gave rise to democratic government in ancient Athens. In imaginary Demopolis the citizens are capable of governing, and so the occasional resort to direct democracy does not degrade state performance. But the stunted civic education offered by real modern states may be unequal to the task of producing a capable demos. In the absence of adequate civic education, citizens lack the motivation and the skills necessary to govern themselves. In that case, the antityrannical impulse facilitates populism and/or facilitates elite capture, as demagogues and moneyed interests frame the political debate. It fosters unstable perversions of democracy, as opportunistic politicians channel antityrannical sentiment into paranoia and warped nostalgia for a mythic age of national unity and civic virtue. In a worst-case scenario the incoherent interventions of an incapable demos could end in a Hobbesian state of nature. The fear of undesirable outcomes like these has contributed to the rejection of citizen self-government by liberal theorists and political scientists. This book defends democracy by showing how a demos could become capable of governing: how citizens could rule themselves as a collectivity under demanding yet realistically achievable conditions.

## 8.2 SO WHAT?

Sir Moses Finley, an influential twentieth-century Cambridge historian of Greek and Roman antiquity, reputedly used to insist that authors of complex arguments about arcane topics explain the significance of their work with questions that that could be summed up in two words: “So what?”<sup>1</sup> I imagine this laconic query as encapsulating a more extended challenge in this form:

Suppose we, as critical but potentially sympathetic readers with a sincere interest in the topic of your book, are willing to stipulate that everything you have claimed so far is true. Why should the result be of interest to us? What have we learned? How do your conclusions change the way we ought to be thinking about some matter of genuine importance?

<sup>1</sup> Finley’s method is elucidated in his published works, e.g., Finley 1975, 1985.

## Bibliography

- Abizahdeh, Arash. 2012. "On the Demos and Its Kin: Nationalism, Democracy, and the Boundary Problem." *American Political Science Review* 106: 867–882.
- Acemoglu, Daron, and James A. Robinson. 2006. *Economic Origins of Dictatorship and Democracy*. New York: Cambridge University Press.
2016. "Paths to Inclusive Political Institutions." Pp. 3–50 in *Economic History of Warfare and State Formation*, edited by J. Eloranta et al. Singapore: Springer.
- Acemoglu, Daron, Suresh Naidu, Pascual Restrepo, and James A. Robinson. 2014. *Democracy Does Cause Growth*. Cambridge, Mass.: National Bureau of Economic Research.
- Achen, Christopher H., and Larry M. Bartels. 2016. *Democracy for Realists: Why Elections Do Not Produce Responsive Government*. Princeton, N.J.: Princeton University Press.
- Akrigg, Ben. 2015. "Metics in Athens." Pp. 155–176 in *Communities and Networks in the Ancient Greek World*, edited by Claire Taylor and Kostas Vlassopoulos. Oxford: Oxford University Press.
- Allen, Danielle. 2004. *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago: University of Chicago Press.
- Amar, Akhil Reed. 2005. *America's Constitution: A Biography*. New York: Random House.
- Anderson, Elizabeth. 1999. "What Is the Point of Equality?" *Ethics* 109: 287–337.
2006. "The Epistemology of Democracy." *Episteme: Journal of Social Epistemology* 3(1): 8–22.
2007. "How Should Egalitarians Cope with Market Risks?" *Theoretical Inquiries in Law* 9: 61–92.
- Anderson, Greg. 2009. "The Personality of the Greek State." *Journal of Hellenic Studies* 129: 1–22.
- Archibugi, Daniele, Mathias Koenig-Archibugi, and Raffaele Marchetti, eds. 2012. *Global Democracy: Normative and Empirical Perspectives*. Cambridge: Cambridge University Press.
- Austin, J. L. 1975. *How to Do Things with Words*. Cambridge, Mass.: Harvard University Press.
- Badian, E. 2000. "Back to Kleisthenic Chronology." Pp. 447–464 in *Polis and Politics [Festschrift Hansen]*, edited by P. Flensted-Jensen, T. H. Nielsen, and L. Rubinstein. Copenhagen: Museum Tusulanum Press.

- Balot, Ryan K. 2014. *Courage in the Democratic Polis: Ideology and Critique in Classical Athens*. Oxford: Oxford University Press.
2016. "Recollecting Athens." *Polis* 33: 92–129.
- Barber, Benjamin R. 1984. *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press.
- Beaumont, Elizabeth. 2014. *The Civic Constitution: Civic Visions and Struggles in the Path toward Constitutional Democracy*. Oxford: Oxford University Press.
- Bell, Duncan. 2014. "What Is Liberalism?" *Political Theory* 42(6): 682–715.
- Berent, Moshe. 1996. "Hobbes and the 'Greek Tongues.'" *History of Political Thought* 17: 36–59.
2000. "Anthropology and the Classics: War, Violence and the Stateless Polis." *Classical Quarterly* 50: 257–289.
2006. "The Stateless Polis: A Reply to Critics." *Social Evolution & History* 5(1): 140–162.
- Berlin, Isaiah. 1969. *Four Essays on Liberty*. Oxford: Oxford University Press.
- Blake, Michael. 2003. "Immigration." Pp. 224–237 in *The Blackwell Companion to Applied Ethics*, edited by R. G. Frey and Christopher Wellman. London: Blackwell.
- Bobonich, Christopher. 2002. *Plato's Utopia Recast: His Later Ethics and Politics*. Oxford: Oxford University Press.
- Boehm, Christopher. 1999. *Hierarchy in the Forest: The Evolution of Egalitarian Behavior*. Cambridge, Mass.: Harvard University Press.
- 2012a. *Moral Origins: Social Selection and the Evolution of Virtue, Altruism, and Shame*. New York: Basic Books.
- 2012b. "Prehistory." Pp. 29–39 in *The Edinburgh Companion to the History of Democracy*, edited by Benjamin Isakhan and Stephen Stockwell. Edinburgh: Edinburgh University Press.
- Boix, Carles. 2003. *Democracy and Redistribution*. Cambridge: Cambridge University Press.
2015. *Political Order and Inequality: Their Foundations and Their Consequences for Human Welfare*. Cambridge: Cambridge University Press.
- Bovens, Luc, and Wlodek Rabinowicz. 2006. "Democratic Answers to Complex Questions – An Epistemic Perspective." *Synthese* 150: 131–153.
- Bradshaw, John. 2013. *Cat Sense: How the New Feline Science Can Make You a Better Friend to Your Pet*. New York: Basic Books.
- Bratman, Michael E. 1999. *Faces of Intention: Selected Essays on Intention and Agency*. Cambridge: Cambridge University Press.
2014. *Shared Agency: A Planning Theory of Acting Together*. Oxford: Oxford University Press.
- Brennan, Geoffrey, and Philip Pettit. 2004. *The Economy of Esteem: An Essay on Civil and Political Society*. Oxford: Oxford University Press.
- Brennan, Jason. 2016. *Against Democracy*. Princeton, N.J.: Princeton University Press.
- Brettschneider, Corey Lang. 2007. *Democratic Rights: The Substance of Self-Government*. Princeton, N.J.: Princeton University Press.

Bibliography

183

- Brock, Gillian, and Darrel Moellendorf, eds. 2005. *Current Debates in Global Justice*. Berlin: Springer.
- Burn, Sean Meghan. 2009. "A Situational Model of Sexual Assault Prevention through Bystander Intervention." *Sex Roles* 60: 779–792.
- Callander, Steven. 2011. "Searching for Good Policies." *American Political Science Review* 105(4): 643–662.
- Canevaro, Mirko. 2015. "Making and Changing Laws in Ancient Athens." In *The Oxford Handbook of Ancient Greek Law*, edited by Edward M. Harris and Mirko Canevaro. Oxford: Oxford University Press. doi:10.1093/oxfordhb/9780199599257.013.4
- Forthcoming. "Majority Rule vs. Consensus: The Practice of Democratic Deliberation in the Greek Poleis." In *Ancient Greek History and Contemporary Social Science*, edited by Mirko Canevaro, Andrew Erskine, Benjamin Gray, and Josiah Ober. Edinburgh: Edinburgh University Press.
- Caplan, Bryan. 2007. *The Myth of the Rational Voter*. Princeton, N.J.: Princeton University Press.
- Carawan, Edwin. 2013. *The Athenian Amnesty and Reconstructing the Law*. New York: Oxford University Press.
- Carens, Joseph H. 1987. "Aliens and Citizens: The Case for Open Borders." *Review of Politics* 49: 251–273.
2005. "On Belonging: What We Owe People Who Stay." *Boston Review* 30(3–4): 16–19.
- Carothers, Thomas. 2007. *US Democracy Promotion during and after Bush*. Washington, D.C.: Carnegie Endowment for International Peace.
- Cartledge, Paul. 2016. *Democracy: A Life*. Oxford: Oxford University Press.
- Carugati, Federica. 2015. "In Law We Trust (Each Other): Legal Institutions, Democratic Stability and Economic Development in Classical Athens." PhD diss., Classics, Stanford University, Stanford, Calif.
- Carugati, Federica, Josiah Ober, and Barry Weingast. 2016. "Development and Political Theory in Classical Athens." *Polis: The Journal for Ancient Greek Political Thought* 33: 71–91.
2017. "Is Development Uniquely Modern?" *Unpublished manuscript*.
- Chapman, Emilee. 2016. "Voting Matters: A Critical Examination and Defense of Democracy's Central Practice." PhD diss., Politics, Princeton University, Princeton, N.J.
- Christiano, Thomas. 1996. *The Rule of the Many: Fundamental Issues in Democratic Theory*. Boulder, Colo.: Westview Press.
2008. *The Constitution of Equality: Democratic Authority and Its Limits*. Oxford: Oxford University Press.
- Chwe, Michael Suk-Young. 2013. *Jane Austen, Game Theorist*. Princeton, N.J.: Princeton University Press.
- Cohen, Edward E. 1992. *Athenian Economy and Society: A Banking Perspective*. Princeton, N.J.: Princeton University Press.
- Cohen, G. A. 2008. *Rescuing Justice and Equality*. Cambridge, Mass.: Harvard University Press.

- Cohen, Joshua. 1986. "An Epistemic Conception of Democracy." *Ethics* 97 (1): 26–38.
1996. "Procedure and Substance in Deliberative Democracy." Pp. 94–119 in *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib. Princeton, N.J.: Princeton University Press.
1997. "The Arc of the Moral Universe." *Philosophy and Public Affairs* 26(2): 91–134.
- Cooper, John M. 1999. *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory*. Princeton, N.J.: Princeton University Press.
- Cox, Gary, Douglass C. North, and Barry R. Weingast. 2012. "The Violence Trap: A Political-Economic Approach to the Problems of Development." *Working paper*.
- Cronin, Thomas E. 1989. *Direct Democracy: The Politics of Initiative, Referendum, and Recall*. Cambridge, Mass.: Harvard University Press.
- Dabla-Norris, Era, et al. 2015. "Causes and Consequences of Income Inequality: A Global Perspective." International Monetary Fund. [www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf](http://www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf).
- Dahl, Robert Alan. 1989. *Democracy and Its Critics*. New Haven, Conn.: Yale University Press.
2015. *On Democracy*. New Haven, Conn.: Yale University Press.
- Dahl, Robert Alan, and Edward R. Tufte. 1973. *Size and Democracy*. Stanford, Calif.: Stanford University Press.
- Darwall, Stephen. 2006. *The Second-Person Standpoint: Morality, Respect, and Accountability*. Cambridge, Mass.: Harvard University Press.
- Dewey, John. 1917. *Democracy and Education: An Introduction to the Philosophy of Education*. New York: Macmillan.
- Domingo Gygax, Marc. 2016. *Benefaction and Rewards in the Ancient Greek City: The Origins of Euergetism*. Cambridge: Cambridge University Press.
- Donlan, Walter. 1970. "Changes and Shifts in the Meaning of *Demos* in the Literature of the Archaic Period." *Parola Del Passato* 135: 381–395.
- Doucouliaqos, Hristos, and Mehmet Ali Ulubaşoğlu. 2008. "Democracy and Economic Growth: A Meta-Analysis." *American Journal of Political Science* 52(1): 61–83.
- Dryzek, John S., and Christian List. 2003. "Social Choice Theory and Deliberative Democracy: A Reconciliation." *British Journal of Political Science* 33(1): 1–28.
- Ellerman, David. 2015. "Does Classical Liberalism Imply Democracy?" *Ethics and Global Politics* 8. doi:10.3402/egp.v8.29310.
- Ellison, Ralph. 1952. *Invisible Man*. New York: Random House.
- Elster, Jon. 2011. "Deliberation, Cycles, and Misrepresentation." *Working paper*.
- Ericsson, K. Anders. 2006. "The Influence of Experience and Deliberate Practice on the Development of Superior Expert Performance." Pp. 683–703 in *The Cambridge Handbook of Expertise and Expert Performance*, edited by K. Anders Ericsson et al. Cambridge: Cambridge University Press.
- Ericsson, K. Anders, et al., eds. 2006. *The Cambridge Handbook of Expertise and Expert Performance*. Cambridge: Cambridge University Press.

Bibliography

185

- Espejo, Paulina Ochoa. 2011. *The Time of Popular Sovereignty: Process and the Democratic State*. State College: Penn State University Press.
- Estlund, David M. 2003. "Why Not Epistocracy?" Pp. 53–69 in *Desire, Identity and Existence: Essays in Honor of T. M. Penner*. Berrima, NSW: Academic Printing and Publishing.
2008. *Democratic Authority: A Philosophical Framework*. Princeton, N.J.: Princeton University Press.
2014. "Utopophobia." *Philosophy and Public Affairs* 42: 113–134.
- Finley, M. I. 1975. *The Use and Abuse of History*. London: Chatto and Windus.
1985. *Ancient History: Evidence and Models*. London: Chatto and Windus.
- Fischer, Frank. 2009. *Democracy and Expertise: Reorienting Policy Inquiry*. Oxford: Oxford University Press.
- Fisher, Nick, and Hans Van Wees, eds. 2015. *Aristocracy in Antiquity: Redefining Greek and Roman Elites*. Cardiff: Classical Press of Wales.
- Floyd, Jonathan, and Marc Stears, eds. 2011. *Political Philosophy versus History? Contextualism and Real Politics in Contemporary Political Thought*. Cambridge: Cambridge University Press.
- Foisneau, Luc. 2016. *Hobbes: La vie inquiète*. Paris: Gallimard.
- Forsdyke, Sara. 2005. *Exile, Ostracism, and Democracy: The Politics of Expulsion in Ancient Greece*. Princeton, N.J.: Princeton University Press.
- Frank, Jason. 2010. *Constituent Moments: Enacting the People in Postrevolutionary America*. Durham, N.C.: Duke University Press.
- Frankfurt, Harry. 1987. "Equality as a Moral Ideal." *Ethics* 98: 21–43.
- Frey, Bruno S., and Alois Stutzer. 2000. "Happiness, Economy and Institutions." *The Economic Journal* 110: 918–938.
2002. *Happiness and Economics: How the Economy and Institutions Affect Human Well-Being*. Princeton, N.J.: Princeton University Press.
- Fukuyama, Francis. 2011. *The Origins of Political Order: From Prehuman Times to the French Revolution*. New York: Farrar, Straus, and Giroux.
2014. *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*. New York: Farrar, Straus, and Giroux.
- Fung, Archon. 2004. *Empowered Participation: Reinventing Urban Democracy*. Princeton, N.J.: Princeton University Press.
2015. "Putting the Public Back into Governance: The Challenges of Citizen Participation and Its Future." *Public Administration Review* 75(4): 513–522.
- Furstein, Michael. 2008. "Epistemic Democracy and the Social Character of Knowledge." *Episteme: Journal of Social Epistemology* 5(1): 74–93.
- Gallie, W. B. 1955. "Essentially Contested Concepts." *Proceedings of the Aristotelian Society* 56: 167–198.
- Galston, William. 2010. "Realism in Political Theory." *European Journal of Political Theory* 9: 385–411.
- Garsten, Bryan. 2009. *Saving Persuasion: A Defense of Rhetoric and Judgment*. Cambridge, Mass.: Harvard University Press.
2011. "The Rhetoric Revival in Political Theory." *Annual Reviews in Political Science* 14(1): 159–180.

- Gaus, Gerald. 2014. "Liberalism." In *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/liberalism/>.
- Geuss, Raymond. 2008. *Philosophy and Real Politics*. Princeton, N.J.: Princeton University Press.
- Gidycz, Christine A., Lindsay M. Orchowski, and Alan D. Berkowitz. 2011. "Preventing Sexual Aggression Among College Men: An Evaluation of a Social Norms and Bystander Intervention Program." *Violence against Women* 17(6): 720–742.
- Goodin, Robert E. 2007. "Enfranchising All Affected Interests, and Its Alternatives." *Philosophy and Public Affairs* 35(1): 40–68.
- Gowder, Paul. 2016. *The Rule of Law in the Real World*. Cambridge: Cambridge University Press.
- Green, Jeffrey Edward. 2015. "Political Theory as Both Philosophy and History: A Defense against Methodological Militancy." *Annual Reviews in Political Science* 18: 425–441.
- Greif, Avner and David D. Laitin. 2004. "A theory of endogenous institutional change." *American Political Science Review*. 98:633–652.
- Grieb, Volker. 2008. *Hellenistische Demokratie. Politische Organisation und Struktur in Freien Griechischen Poleis nach Alexander dem Grossen*. Stuttgart: Steiner.
- Grofman, Bernard, Guillermo Owen, and Scott L. Feld. 1983. "Thirteen Theorems in Search of the Truth." *Theory and Decision* 15: 261–278.
- Gutmann, Amy. 1980. *Liberal Equality*. Cambridge: Cambridge University Press.
1999. *Democratic Education*. Princeton, N.J.: Princeton University Press.
- Gutmann, Amy, and Dennis F. Thompson. 1996. *Democracy and Disagreement*. Cambridge, Mass.: Belknap Press of Harvard University Press.
- Habermas, Jürgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge, Mass.: MIT Press.
- Hainmueller, Jens, and Dominik Hangartner. 2013. "Who Gets a Swiss Passport? A Natural Experiment in Immigrant Discrimination." *American Political Science Review* 107(1): 159–187.
- Hamon, Patrice. 2010. "Démocraties grecques après Alexandre. À propos de trois ouvrages." *Topoi* 16: 389–424.
- Hampton, Jean. 1988. *Hobbes and the Social Contract Tradition*. Cambridge: Cambridge University Press.
- Hansen, Mogens Herman. 1986. "The Origin of the Term *Demokratia*." *Liverpool Classical Monthly* 11: 35–36.
1987. *The Athenian Assembly in the Age of Demosthenes*. Oxford: B. Blackwell.
1996. "The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal." Pp. 91–104 in *Démokratia*, edited by J. Ober and C. W. Hedrick. Princeton, N.J.: Princeton University Press.
1999. *The Athenian Democracy in the Age of Demosthenes: Structure, Principles and Ideology*. Norman: University of Oklahoma Press.
2002. "Was the Polis a State or a Stateless Society?" Pp. 17–47 in *Even More Studies in the Ancient Greek Polis: Papers from the Copenhagen Polis Centre 6*, edited by Thomas Heine Nielsen. Stuttgart: F. Steiner.

Bibliography

187

- Harari, Yuval Noah. 2015. *Sapiens: A Brief History of Humankind*. New York: Harper.
- Hardin, Russell. 1999. *Liberalism, Constitutionalism, and Democracy*. Oxford: Oxford University Press.
- Havelock, Eric Alfred. 1957. *The Liberal Temper in Greek Politics*. New Haven, Conn.: Yale University Press.
- Hawthorne, James. Und. "Voting in Search of the Public Good: The Probabilistic Logic of Majority Judgments." *Working paper*.
- Hedrick, Charles W., Jr. 2004. "The American Ephebe: The Ephebic Oath, US Education and Nationalism." *Classical World* 97: 384–407.
- Hobbes, Thomas. 1991 [1651]. *Leviathan*. Edited by Richard Tuck. Cambridge: Cambridge University Press.
- Hoekstra, Kinch. 2007. "A Lion in the House: Hobbes and Democracy." Pp. 191–218 in *Rethinking the Foundations of Modern Political Thought*, edited by Annabel Brett and James Tully. Cambridge: Cambridge University Press.
2017. "Thomas Hobbes and the Creation of Order." *Unpublished manuscript*.
- Holmes, Stephen T. 1979. "Aristippus in and out of Athens." *American Political Science Review* 73: 113–128.
- Honig, Bonnie. 1993. *Political Theory and the Displacement of Politics*. Ithaca, N.Y.: Cornell University Press.
2001. *Democracy and the foreigner*. Princeton, N.J.: Princeton University Press.
- Huntington, Samuel P. 1968. *The Clash of Civilizations and the Remaking of World Order*. New York: Simon and Schuster.
- Iori, Luca. 2015. *Thucydides Anglicus: Gli Eight Bookes di Thomas Hobbes e la Ricezione Inglese delle Storie di Tucidide (1450–1642)*. Rome: Edizioni di Storia e Letteratura.
- Ismard, Paulin. 2015. *La démocratie contre les experts: Les esclaves publics en grèce ancienne*. Paris: Seuil.
- Jones, A. H. M. 1964. *Athenian Democracy*. Oxford: Blackwell.
- Kahneman, Daniel. 2011. *Thinking, Fast and Slow*. New York: Farrar, Straus, and Giroux.
- Kallet-Marx, Lisa. 1994. "Money Talks: Rhetor, Demos, and Resources of the Athenian Empire." Pp. 227–252 in *Ritual, Finance, Politics: Athenian Democratic Accounts Presented to David Lewis*, edited by Robin Osborne and Simon Hornblower. Oxford: Clarendon Press.
- Kalyvas, Andreas, and Ira Katznelson. 2008. *Liberal Beginnings: Making a Republic for the Moderns*. Cambridge: Cambridge University Press.
- Kamen, Deborah. 2017. "Manumission in Ancient Greece: Modes, Meanings, and Metaphors." *Unpublished manuscript*.
- Kant, Immanuel. 1991. *Political Writings*. Cambridge: Cambridge University Press.
- Kateb, George. 2006. *Patriotism and Other Mistakes*. New Haven, Conn.: Yale University Press.
- Kaufmann, Bruno, and M. Dane Waters. 2004. *Direct Democracy in Europe: A Comprehensive Reference Guide to the Initiative and Referendum Process in Europe*. Durham, N.C.: Carolina Academic Press.

- Kennedy, George A. 1963. *The Art of Persuasion in Greece*. Princeton, N.J.: Princeton University Press.
- Kraut, Richard. 2007. *What Is Good and Why: The Ethics of Well-Being*. Cambridge, Mass.: Harvard University Press.
- Kuran, Timur. 1991. "Now Out of Never: The Element of Surprise in the East European Revolution of 1989." *World Politics* 44(1): 7–48.
1995. *Private Truths, Public Lies: The Social Consequences of Preference Falsification*. Cambridge, Mass.: Harvard University Press.
- Kymlicka, Will. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
- Laclau, Ernesto, and Chantal Mouffe. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso.
- Laird, J. 1942. "Hobbes on Aristotle's 'Politics.'" *Proceedings of the Aristotelian Society* 43: 1–20.
- Lakoff, George, and Mark Johnson. 2003. *Metaphors We Live By*. Chicago: University of Chicago Press.
- Lambert, S. D. 2011. "What Was the Point of Inscribed Honorific Decrees in Classical Athens?" Pp. 193–214 in *Sociable Man: Essays on Ancient Greek Social Behaviour in Honour of Nick Fisher*, edited by S. D. Lambert, N. R. E. Fisher, and Douglas L. Cairns. Swansea: Classical Press of Wales.
- Landemore, Hélène. 2012. *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton, N.J.: Princeton University Press.
- Landemore, Hélène, and Jon Elster, eds. 2012. *Collective Wisdom: Principles and Mechanisms*. Cambridge: Cambridge University Press.
- Lane, Melissa S. 2013. "Claims to Rule: The Case of the Multitude." Pp. 247–274 in *Cambridge Companion to Aristotle's Politics*, edited by Marguerite Deslauriers and Pierre Destrée. Cambridge: Cambridge University Press.
2016. "Popular Sovereignty as Control of Officeholders: Aristotle on Greek Democracy." Pp. 52–71 in *Popular Sovereignty in Historical Perspective*, edited by Richard Bourke and Quentin Skinner. Cambridge: Cambridge University Press.
- Liddell, Henry George, Robert Scott, and Henry Stuart Jones. 1968. *A Greek-English Lexicon*. Oxford: Clarendon Press.
- List, Christian. 2005. "Group Knowledge and Group Rationality: A Judgment Aggregation Perspective." *Episteme: Journal of Social Epistemology* 2(1): 25–38.
2011. "The Logical Space of Democracy." *Philosophy and Public Affairs* 39: 262–297.
- List, Christian, and Robert E. Goodin. 2001. "Epistemic Democracy: Generalizing the Condorcet Jury Theorem." *Journal of Political Philosophy* 9(3): 277–306.
- List, Christian, and Philip Pettit. 2011. *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford: Oxford University Press.
- Lloyd-Jones, Hugh. 1971. *The Justice of Zeus*. Berkeley: University of California Press.
- Locke, John. 1988 [1690]. *Two Treatises of Government*. Edited by Peter Laslett. Cambridge: Cambridge University Press.

Bibliography

189

- Ma, John. 2013. "Review of Mann and Scholz 'Demokratie' im Hellenismus." *Sehepunkte. Rezensionenjournal für Geschichtswissenschaften* 13(7/8). <http://www.sehepunkte.de/2013/07/21837.html>.
- Maddowell, Douglas M. 1975. "Law-Making at Athens in the Fourth Century B.C." *Journal of Hellenic Studies* 95: 62–74.
- Macedo, Stephen. 2000. *Diversity and Distrust: Civic Education in a Multicultural Democracy*. Cambridge, Mass.: Harvard University Press.
- Macedo, Stephen, et al., eds. 2005. *Democracy at Risk: How Political Choices Undermine Citizen Participation, and What We Can Do about It*. Washington, D.C.: Brookings Institution Press.
- Manin, Bernard. 1997. *The Principles of Representative Government*. Cambridge: Cambridge University Press.
- Manville, B., and J. Ober. 2003. "Beyond Empowerment: Building a Company of Citizens." *Harvard Business Review* 81(1): 48–51.
- Marmot, M. G. 2004. *Status Syndrome: How Your Social Standing Directly Affects Your Health and Life Expectancy*. London: Bloomsbury.
- McCormick, John P. 2011. *Machiavellian Democracy*. Cambridge: Cambridge University Press.
- McQueen, Alison. 2017. "Salutary Fear? Hans Morgenthau and the Politics of Existential Crisis." *American Political Thought* 6:78–105.
- Meckstroth, Christopher. 2015. *The Struggle for Democracy: Paradoxes of Progress and the Politics of Change*. New York: Oxford University Press.
- Mendez, Ariel T. 2016. "Equal Opportunity for Political Influence in Democratic Problem-Solving." PhD diss., Political Science, Stanford University, Stanford, Calif.
- Milanovic, Branko. 2011. *The Haves and the Have-Nots: A Brief and Idiosyncratic History of Global Inequality*. New York: Basic Books.
- Milanovic, Branko, Peter H. Lindert, and Jeffrey G. Williamson. 2011. "Pre-Industrial Inequality." *The Economic Journal* 121(551): 255–272.
- Mill, John Stuart. 1861. *Considerations on Representative Government*. London: Parker, Son, and Bourn.
- Miller, David. 2000. *Citizenship and National Identity*. Cambridge: Polity Press/Blackwell.
- Missiou, Anna. 2011. *Literacy and Democracy in Fifth-Century Athens*. Cambridge: Cambridge University Press.
- Mitsis, Philip. 1999. "The Stoic Origin of Natural Rights." Pp. 153–177 in *Topics in Stoic Philosophy*, edited by K. Ierodiakonou. Oxford: Oxford University Press.
- Monoson, S. Sara. 2011. "Recollecting Aristotle: American Proslavery Thought and the Argument of Politics I." Pp. 247–271 in *Ancient Slavery and Abolition: From Hobbes to Hollywood*, edited by Edith Hall, Richard Alston, and Justine McConnell. New York: Oxford University Press.
- Morris, Ian. 2010. *Why the West Rules – for Now: The Patterns of History and What They Reveal about the Future*. New York: Farrar, Strauss, and Giroux.
2014. *War! What Is It Good For? Conflict and the Progress of Civilization from Primates to Robots*. New York: Farrar, Straus, and Giroux.

- Mossé, Claude. 1979. "Comment s'élabore un mythe politique: Solon, 'père fondateur' de la démocratie athénienne." *Annales (ESF)* 34: 425–437.
- Mouffe, Chantal. 2000. *The Democratic Paradox*. London: Verso.
2005. *On the Political*. London: Routledge.
- Müller, Jan-Werner. 2011. *Contesting Democracy: Political Ideas in Twentieth-Century Europe*. New Haven, Conn.: Yale University Press.
2016. *What Is Populism?* Philadelphia: University of Pennsylvania Press.
- Murray, Oswyn. 1990. "Cities of Reason." Pp. 1–25 in *The Greek City: From Homer to Alexander*, edited by Oswyn Murray and S. R. F. Price. Oxford: Oxford University Press.
- Nagel, Thomas. 1974. "What Is It Like to Be a Bat?" *Philosophical Review* 83: 435–450.
- North, Douglass Cecil, John Joseph Wallis, and Barry R. Weingast. 2009. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge: Cambridge University Press.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Nussbaum, Martha Craven. 2011. *Creating Capabilities: The Human Development Approach*. Cambridge, Mass.: Belknap Press of Harvard University Press.
- Ober, Josiah. 1989. *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. Princeton, N.J.: Princeton University Press.
1996. *The Athenian Revolution: Essays on Ancient Greek Democracy and Political Theory*. Princeton, N.J.: Princeton University Press.
1998. *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule*. Princeton, N.J.: Princeton University Press.
2000. "Quasi-Rights: Participatory Citizenship and Negative Liberties in Democratic Athens." *Social Philosophy and Policy* 17(1): 27–61.
2001. "The Debate over Civic Education in Classical Athens." Pp. 273–305 in *Education in Greek and Roman Antiquity*, edited by Yun Lee Too. Leiden, Netherlands: Brill.
2003. "Conditions for Athenian Democracy." Pp. 2–21 in *The Making and Unmaking of Democracy: Lessons from History and World Politics*, edited by Theodore K. Rabb and Ezra N. Suleiman. New York: Routledge.
- 2005a. *Athenian Legacies: Essays in the Politics of Going on Together*. Princeton, N.J.: Princeton University Press.
- 2005b. "Law and Political Theory." Pp. 394–411 in *Cambridge Companion to Ancient Greek Law*, edited by Michael Gagarin and David Cohen. Cambridge: Cambridge University Press.
- 2007a. "I Besieged That Man': Democracy's Revolutionary Start." Pp. 83–104 in *The Origins of Democracy in Ancient Greece*, edited by Kurt Raflaub, Josiah Ober, and Robert W. Wallace. Berkeley: University of California Press.
- 2007b. "Natural Capacities and Democracy as a Good-in-Itself." *Philosophical Studies* 132: 59–73.
- 2008a. *Democracy and Knowledge: Innovation and Learning in Classical Athens*. Princeton, N.J.: Princeton University Press.

*Bibliography*

191

- 2008b. "The Original Meaning of Democracy: Capacity to Do Things, Not Majority Rule." *Constellations* 15(1): 3–9.
2009. "Public Action and Rational Choice in Classical Greek Political Theory." Pp. 70–84 in *A Companion to Ancient Political Thought*, edited by Ryan K. Balot. Oxford: Blackwell.
2010. "The Instrumental Value of Others and Institutional Change: An Athenian Case Study." Pp. 156–178 in *Valuing Others in Classical Antiquity*, edited by Ineke Sluiter and Ralph Rosen. Leiden, Netherlands: Brill.
2012. "Democracy's Dignity." *American Political Science Review* 106(4): 827–846.
- 2013a. "Democracy's Wisdom: An Aristotelian Middle Way for Collective Judgment." *American Political Science Review* 107(1): 104–122.
- 2013b. "Political Animals Revisited." *Good Society* 22: 201–214.
2014. "Democratic Rhetoric: How Should the State Speak?" *Brooklyn Law Journal* 79: 1015–1022.
- 2015a. "Nature, History, and Aristotle's Best Possible Regime." Pp. 224–243 in *Aristotle's "Politics": A Critical Guide*, edited by T. Lockwood and T. Samaras. Cambridge: Cambridge University Press.
- 2015b. *The Rise and Fall of Classical Greece*. Princeton, N.J.: Princeton University Press.
- 2015c. "Political Knowledge and Right-Sizing Government." *Critical Review* 27(3): 362–374.
- 2017a. "Inequality in Late-Classical Democratic Athens: Evidence and Models." In *Democracy and Open Economy World Order*, edited by G. C. Bitros and N. C. Kyriazis. New York: Springer.
- 2017b. "Equality, Legitimacy, Interests, and Preferences: Historical Notes on Quadratic Voting in a Political Context." *Public Choice*. doi:10.1007/s11127-017-0409-0.
- Ober, Josiah, and Charles W. Hedrick, eds. 1996. *Dēmokratia: A Conversation on Democracies, Ancient and Modern*. Princeton, N.J.: Princeton University Press.
- Ober, Josiah, and Tomer Perry. 2014. "Thucydides as a Prospect Theorist." *Polis* 31: 206–232.
- Olson, Mancur. 1965. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, Mass.: Harvard University Press.
- Osborne, Robin. 1995. "The Economics and Politics of Slavery at Athens." Pp. 27–43 in *The Greek World*, edited by Anton Powell. London: Routledge.
- Ostrom, Elinor. 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Page, Scott E. 2007. *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies*. Princeton, N.J.: Princeton University Press.
- Paine, Thomas. 1995 [1792]. "Rights of Man," "Common Sense," and Other Writings. Oxford: Oxford University Press.

- Pateman, Carole. 1970. *Participation and Democratic Theory*. London: Cambridge University Press.
- Patterson, Cynthia. 2005. "Athenian Citizenship Law." Pp. 267–289 in *The Cambridge Companion to Ancient Greek Law*, edited by Michael Gagarin and David Cohen. Cambridge: Cambridge University Press.
- Pettit, Philip. 2004. "Depoliticizing Democracy." *Ratio Juris* 17(1): 52–65.
2013. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.
2014. *Just Freedom: A Moral Compass for a Complex World*. New York: W. W. Norton.
- Philp, Mark. 2007. *Political Conduct*. Cambridge, Mass.: Harvard University Press.
- Pitkin, Hanna Fenichel. 1967. *The Concept of Representation*. Berkeley: University of California Press.
- Pogge, Thomas W. 2008. *World Poverty and Human Rights*. Cambridge: Polity.
- Posner, Eric A., and E. Glen Weyl. 2015. "Voting Squared: Quadratic Voting in Democratic Politics." *Vanderbilt Law Review* 68(2): 441–500.
- Poteete, A., M. Janssen, and Elinor Ostrom. 2011. *Working Together: Collective Action, the Commons, and Multiple Methods in Practice*. Princeton, N.J.: Princeton University Press.
- Pyzyk, Mark. 2015. "Economies of Expertise: Knowledge and Skill Transfer in Classical Greece." PhD diss., Classics, Stanford University, Stanford, Calif.
- Raaflaub, Kurt. 1996. "Equalities and Inequalities in Athenian Democracy." Pp. 139–174 in *Démokratia: A Conversation on Democracies, Ancient and Modern*, edited by Josiah Ober and Charles W. Hedrick. Princeton, N.J.: Princeton University Press.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
1996. *Political Liberalism*. New York: Columbia University Press.
1999. *The Law of Peoples*. Cambridge, Mass.: Harvard University Press.
2001. *Justice as Fairness: A Restatement*. Cambridge, Mass.: Harvard University Press.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press.
- Reich, Robert B. 2002. *Bridging Liberalism and Multiculturalism in American Education*. Chicago: University of Chicago Press.
- Reiter, Dan, and Allan C. Stam. 2002. *Democracies at War*. Princeton, N.J.: Princeton University Press.
- Rhodes, P. J. 1981. *A Commentary on the Aristotelian Athenaion Politeia*. Oxford: Oxford University Press.
1985. *The Athenian Boulé*. Oxford: Clarendon Press.
1995. "The 'Acephalous' Polis?" *Historia* 44: 153–167.
- Riker, William H. 1982. *Liberalism against Populism: A Confrontation between the Theory of Democracy and the Theory of Social Choice*. San Francisco: W. H. Freeman.
- Roberts, Jennifer Tolbert. 1994. *Athens on Trial: The Antidemocratic Tradition in Western Thought*. Princeton, N.J.: Princeton University Press.

*Bibliography*

193

- Robinson, Eric W. 1997. *The First Democracies: Early Popular Government outside Athens*. Stuttgart: F. Steiner.
2011. *Democracy beyond Athens: Popular Government in the Greek Classical Age*. Cambridge: Cambridge University Press.
- Rosanvallon, Pierre. 2006. *Democracy Past and Future*. New York: Columbia University Press.
- Runciman, David. 2013. *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present*. Princeton, N.J.: Princeton University Press.
2017. "Political Theory and Real Politics in the Age of the Internet." *Journal of Political Philosophy* 25(1): 3–21.
- Sandel, Michael J. 1998. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.
- Sapolsky, Robert M. 2004. "Social Status and Health in Humans and Other Animals." *Annual Reviews in Anthropology* 33: 393–418.
2005. "The Influence of Social Hierarchy on Primate Health." *Science* 308: 448–652.
- Saxonhouse, Arlene. 2006. *Free Speech and Democracy in Ancient Athens*. Cambridge: Cambridge University Press.
- Scheidel, Walter. 2008. "The Comparative Economies of Slavery in the Greco-Roman World." Pp. 105–126 in *Slave Systems: Ancient and Modern*, edited by Enrico Dal Lago and Constantina Katsari. Cambridge: Cambridge University Press.
2010. "Real Wages in Early Economies: Evidence for Living Standards from 1800 BCE to 1300 CE." *Journal of the Social and Economic History of the Orient* 53: 425–462.
2017. *The Great Leveler: Violence and the Global History of Inequality from the Stone Age to the Present*. Princeton, N.J.: Princeton University Press.
- Schelling, Thomas C. 1980 [1960]. *The Strategy of Conflict*. Cambridge, Mass.: Harvard University Press.
- Scheuerman, William. 2012. "Global Democracy and the Antistatist Fallacy." *Working paper*.
- Schmidt, Brian C., and Michael C. Williams. 2008. "The Bush Doctrine and the Iraq War: Neoconservatives versus Realists." *Security Studies* 17: 191–220.
- Schmitt, Carl. 2004. *Legality and Legitimacy*. Translated by Jeffrey Seitzer. Durham, N.C.: Duke University Press.
2007. *The Concept of the Political*. Chicago: University of Chicago Press.
- Schumpeter, Joseph Alois. 1947. *Capitalism, Socialism, and Democracy*. New York: Harper.
- Schwartzberg, Melissa. 2010. "Shouts, Murmurs and Votes: Acclamation and Aggregation in Ancient Greece." *Journal of Political Philosophy* 18(4): 448–468.
- Scott, James C. 1998. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven, Conn.: Yale University Press.
- Searle, John R. 1995. *The Construction of Social Reality*. New York: Free Press.

- Seeley, Thomas D. 2010. *Honeybee Democracy*. Princeton, N.J.: Princeton University Press.
- Sen, Amartya. 1993. "Capability and Well-Being." Pp. 30–53 in *The Quality of Life: Studies in Development Economics*, edited by Martha Nussbaum and Amartya Sen. Oxford: Oxford University Press.
- Shapiro, Ian. 2016. *Politics against Domination*. Cambridge, Mass.: Harvard University Press.
- Shear, Julia L. 2011. *Polis and Revolution: Responding to Oligarchy in Classical Athens*. Cambridge: Cambridge University Press.
- Shearman, David J. C., and Joseph Wayne Smith. 2007. *The Climate Change Challenge and the Failure of Democracy*. Westport, Conn.: Praeger.
- Shklar, Judith N. 1989. "The Liberalism of Fear." Pp. 21–38 in *Liberalism and the Moral Life*, edited by Nancy L. Rosenblum. Cambridge, Mass.: Harvard University Press.
- Simon, Herbert Alexander. 1955. "A Behavioral Model of Rational Choice." *Quarterly Journal of Economics* 65: 99–118.
- Singer, Peter. 1993. *Practical Ethics*. Cambridge: Cambridge University Press.
- Skinner, Quentin. 1998. *Liberty before Liberalism*. Cambridge: Cambridge University Press.
2007. "Surveying the Foundations: A Retrospect and Reassessment." Pp. 236–261 in *Rethinking the Foundations of Modern Political Thought*, edited by Annabel Brett and James Tully. Cambridge: Cambridge University Press.
2008. *Hobbes and Republican Liberty*. Cambridge: Cambridge University Press.
- Smith, Adam. 1981 [1776]. *An Inquiry into the Nature and Causes of the Wealth of Nations*. Vol. 1. Indianapolis, Ind.: Liberty Fund.
- Somin, Ilya. 2013. *Democracy and Political Ignorance: Why Smaller Government Is Smarter*. Stanford, Calif.: Stanford University Press.
- Song, Sarah. 2017. "Immigration and the Limits of Democracy." *Unpublished manuscript*.
- Starr, Paul. 2007. *Freedom's Power: The True Force of Liberalism*. New York: Perseus.
- Stilz, Anna. 2009. *Liberal Loyalty: Freedom, Obligation, and the State*. Princeton, N.J.: Princeton University Press.
2011. "Nations, States, and Territory." *Ethics* 121: 572–601.
2013. "Occupancy Rights and the Wrong of Removal." *Philosophy and Public Affairs* 41: 324–356.
- Stone, Peter. 2015. "Hobbes' Problem." *Good Society* 24(1): 1–14.
- Sunstein, Cass R. 2013. *Simpler: The Future of Government*. New York: Simon and Schuster.
- Tarnopolsky, Christina H. 2010. *Prudes, Perverts, and Tyrants: Plato's Gorgias and the Politics of Shame*. Princeton, N.J.: Princeton University Press.
- Taylor, Charles. 1994. *Multiculturalism: Examining the Politics of Recognition*. Princeton, N.J.: Princeton University Press.
- Taylor, Claire, and Kostas Vlassopoulos, eds. 2015. *Communities and Networks in the Ancient Greek World*. Oxford: Oxford University Press.

*Bibliography*

195

- Teegarden, David. 2014. *Death to Tyrants! Ancient Greek Democracy and the Struggle against Tyranny*. Princeton, N.J.: Princeton University Press.
- Thaler, Richard H. 2015. *Misbehaving: The Making of Behavioral Economics*. New York: W. W. Norton.
- Thompson, Dennis F. 1976. *John Stuart Mill and Representative Government*. Princeton, N.J.: Princeton University Press.
- Tiersch, Claudia, ed. 2016. *Die Athenische Demokratie im 4. Jahrhundert: Zwischen Modernisierung und Tradition*. Stuttgart: Franz Steiner.
- Tomasi, John. 2012. *Free Market Fairness*. Princeton, N.J.: Princeton University Press.
- Tuck, Richard. 2007. "Hobbes and Democracy." Pp. 171–190 in *Rethinking the Foundations of Modern Political Thought*, edited by Annabel Brett and James Tully. Cambridge: Cambridge University Press.
2008. *Free Riding*. Cambridge, Mass.: Harvard University Press.
2016. *The Sleeping Sovereign: The Invention of Modern Democracy*. Cambridge: Cambridge University Press.
- Turchin, Peter. 2015. *Ultrasociety: How 10,000 Years of War Made Humans the Greatest Cooperators on Earth*. Storrs, Conn.: Beresta Books.
- Urbinati, Nadia. 2006. *Representative Democracy: Principles and Genealogy*. Chicago: University of Chicago Press.
2012. "Competing for Liberty: The Republican Critique of Democracy." *American Political Science Review* 106(3): 607–621.
- Valentini, Laura. 2012. "Ideal vs. Non-ideal Theory: A Conceptual Map." *Philosophy Compass* 7(9): 654–664.
- Vermeule, Adrian. 2007. *Mechanisms of Democracy: Institutional Design Writ Small*. New York: Oxford University Press.
- Waldron, Jeremy. 1992. "Minority Cultures and the Cosmopolitan Alternative." *University of Michigan Journal of Law Reform* 25: 751–793.
2013. "Political Political Theory: An Inaugural Lecture." *Journal of Political Philosophy* 21(1): 1–23.
- Wallis, John Joseph. 2008. "The Concept of Systematic Corruption in American Political and Economic History." Pp. 23–62 in *Corruption and Reform: Lessons from America's Economic History*, edited by Edward L. Glaeser and Claudia Goldin. Chicago: University of Chicago Press.
- Warren, Mark, and Hilary Pearce, eds. 2008. *Designing Deliberative Democracy: The British Columbia Citizens' Assembly*. Cambridge: Cambridge University Press.
- Weingast, Barry R. 1997. "The Political Foundations of Democracy and the Rule of Law." *American Political Science Review* 91: 245–263.
- Westbrook, Raymond. 1995. "Social Justice in the Ancient Near East." *Contributions in Political Science* 354: 149–164.
- Whelan, Frederick G. 1983. "Prologue: Democratic Theory and the Boundary Problem." *Nomos* 25: 13–47.
- Whitehead, David. 1993. "Cardinal Virtues: The Language of Public Approbation in Democratic Athens." *Classica et Mediaevalia* 44: 37–75.

- Williams, Bernard. 1993. *Shame and Necessity*. Berkeley: University of California Press.
2005. *In the Beginning Was the Deed: Realism and Moralism in Political Argument*. Princeton, N.J.: Princeton University Press.
2006. *Philosophy as a Humanistic Discipline*. Princeton, N.J.: Princeton University Press.
- Wolin, Sheldon S. 1994. "Norm and Form: The Constitutionalizing of Democracy." Pp. 29–58 in *Athenian Political Thought and the Reconstruction of American Democracy*, edited by J. Peter Euben, John Wallach, and Josiah Ober. Ithaca, N.Y.: Cornell University Press.
1996. "Fugitive Democracy." Pp. 31–45 in *Democracy and Difference: Contesting the Boundaries of the Political*, edited by Seyla Benhabib. Princeton, N.J.: Princeton University Press.
- Wood, Ellen Meiksins. 1988. *Peasant-Citizen and Slave: The Foundations of Athenian Democracy*. London: Verso.
- Yates, J. Frank, and Michael D. Tschirhart. 2006. "Decision-Making Expertise." Pp. 421–438 in *The Cambridge Handbook of Expertise and Expert Performance*, edited by K. Anders Ericsson et al. Cambridge: Cambridge University Press.
- Zakaria, Fareed. 1997. "The Rise of Illiberal Democracy." *Foreign Affairs* 76(6): 23–43.
2003. *The Future of Freedom: Illiberal Democracy at Home and Abroad*. New York: W. W. Norton.
- Zelnick-Abramovitz, Rachel. 2005. *Not Wholly Free: The Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*. Leiden, Netherlands: Brill.
2009. "Freed Slaves, Their Status and State Control in Ancient Greece." *European Review of History* 16(3): 303–318.