

Comments on Paul Gowder – Making Space for Rosa Parks: Democratic Authorship as Political Autonomy (note: based on draft of 03/11/08)

In this paper, Paul argues for two claims: first, that an individual's exercise of practical reason, in the public sphere and in pursuit of potentially shared ends, is a civic virtue and, second, that states ought to permit such exercises. Exactly what this means in practice is, however, not fully developed. Reading the majority of the paper, it seemed to me that it was primarily a call for a more direct, or at least participatory, form of democracy – one in which citizens could campaign through the press, lobby their representatives, and maybe even initiate referenda.

In fact, it seems that Paul may have something more in mind given his focus on Rosa Parks – whose refusal to surrender her bus seat for a white passenger in 1955 sparked the Montgomery Bus Boycott. Rosa Parks appears in both the title and the last line, as the exemplar of the 'world-historical citizen', and other democratic 'leaders' mentioned include Martin Luther King Jr, Mahatma Gandhi and Nelson Mandela. The paper says little, if anything, about the methods of civil disobedience – although it seems to assume a roughly Rawlsian line that civil disobedience can be a democratic and communicative act.

While it is perhaps beyond the scope of the present paper – and maybe part of a larger project – this would be something that I would like to know more about. I assume the claim that states ought to permit exercises of citizen leadership is intended only as a *prima facie* or *pro tanto* claim and not necessarily an insistence that they ought to be allowed no matter what. (It might be suggested that certain exercises, e.g. causing harm to others, would fall foul of the requirement of 'potentially collectively shared ends', but my point is that we must attend not only to the *ends* but the *methods* through which they are pursued – I might approve of your aim, but not your breaking the law to pursue it).

Returning to the content of the paper, Paul suggests three ways in which the exercise of 'morally rooted social advocacy' (p.37) may have positive effects on the virtues of states: 1) it promotes electoral competition, 2) it reveals information about citizen preferences, and 3) instability leads to progress, via natural selection (p.3). I shall say something, briefly, about each in turn:

1) Paul observes that the minimalist or Schumpeterian understanding of democracy focuses simply on the ability of citizens to 'throw the rascals out'. He argues that this is not meaningful if there are no viable alternatives or all are as corrupt as each other (p.10). Citizens running on the basis of strong moral critiques of the system, he claims, will increase the probability of finding viable candidates (pp.10-11).

Schumpeter, as far as I am aware, rejected the idea of a 'will of the people', and this scepticism has been supported by the work of the likes of Arrow and Riker in social choice. A certain understanding of this field is that electoral outcomes are essentially arbitrary and cannot reflect a coherent populist will, because there is in fact no such thing (e.g. where there is a Condorcet cycle over alternatives). This is why elections might be called meaningless, and means that we cannot even be sure that voters are telling us that they regard the current

incumbents as crooks and rascals – if the results are meaningless, then good governments may also be thrown out, and replaced with worse crooks. The virtue of the system has to be simply that bad governments will not last, because no government will last long – and this (as I believe Adam Przeworski points out) could be achieved by having changes of government dictated by a lottery.

Of course, if we are effectively appointing governments by a random process (be it a lottery or an arbitrary electoral ‘choice’), then it is in our interests to have as many good candidates as possible – increasing the chances that whoever is appointed isn’t a crook. It’s not obvious to me, however, that the fact that some ‘citizens are running for office based on strong moral critiques of the existing system’ (p.10) means they are more likely to be viable candidates – particularly if, as Paul seems to want to allow (p.9), their moral critiques of the status quo may be sincere but misguided.

2) Paul’s second argument is that citizen advocacy and leadership reveals more about the preferences of citizens. This, I take it, is relatively uncontroversial, but I worry that it may give us a misleading impression if certain groups are more vocal than others. Suppose, for example, that large numbers of Catholics are particularly active in campaigning against abortion and euthanasia, such that the Catholic position comes to assert disproportionate influence on public policy. Then it is not obvious to me that it would be a virtue for more Catholics to engage in moral advocacy on these issues, leading to further imbalance.

Of course, the problem may be a lack of counter-veiling advocacy from those who hold other moral positions – thus, one may object that they ought to engage with the Catholics, rather than that other Catholics ought to remain silent. But Paul has made clear that engaging in moral advocacy is supererogatory, not obligatory (pp.5-6), and the state is only required to permit it, not enforce or even encourage it (p.1).

3) Paul’s third claim is the one that I find most interesting of the three. Here he suggests – like Anthony McGann in his 2006 book *The Logic of Democracy: Reconciling Equality, Deliberation, and Minority Protection* – that the instability that worries Rikerian political theorists can actually be a virtue of democracies. McGann’s argument is that potential instability means that minorities who lose out this time can always form new winning coalitions, and hence are never permanently excluded. Paul’s claim is that instability means more policy possibilities are tried and this greater range of experimentation means we are more likely to stumble across good policies. He likens this to Darwinian natural selection (p.24): mutation is random but because only those that confer adaptive advantages survive the trend over time is to improvement.

This is an argument I find appealing – we won’t know whether certain things are good ideas unless we try them, so it may be good to experiment and then make our minds up, trusting that people’s opinions will be better informed afterwards. Paul, however, rejects a naïve faith in the ‘marketplace of ideas’, citing the facts of reasonable pluralism and citizen incompetence (pp.6-7). Instead, his claim rests on what he calls the Stability of Virtue Thesis (or SVT) (p.16), i.e. the

claim that virtuous states are, *ceteris paribus*, more robust against the shocks that threaten instability in other states.

It is not clear what the 'ceteris paribus' clause covers, or what sort of shocks Paul has in mind, but even as a 'generalized historical assertion' this does not strike me as obvious. One can see plenty of reasons why a plural democracy might be less stable than an authoritarian dictatorship, because lacking a unified directing will. Paul cites the idea of historical progress found prominently in Hegel and Marx, but I do not see why we should adopt such an optimistic view in preference to a cyclical view of history or Plato's view that justice could only be a precarious and ultimately transitory achievement in this world.

Paul offers a 'conceptual/intuitive argument', that we wouldn't call a society virtuous unless it was stable (pp.17-18). I am not sure that I share the intuition. It makes sense to me to say that Plato's ideal state is just but cannot last, because of human imperfection. Secondly, Paul postulates an empirical connection between the state's virtue and its stability: "Many of the important ways in which a state is good are also factors that directly relate to that state's persistence in its current form" (p.20). There's some reason to accept that just democratic states may be more stable to the extent that people have less grounds for complaint, but this seems to be a more a function of people's *belief* that the state is just than the fact that it is: all could accept their place in a hierarchical state (like Plato's), while the aristocracy might feel slighted by an egalitarian state even if they don't actually deserve higher status (as was arguably the case in the democratic Athens that Plato objected to).

I am not arguing against Paul's claim that virtuous states will tend to be more stable, only questioning his grounds for this conclusion. Since I am not convinced by the conceptual argument, it seems to rest on a dubitable empirical contention, so I would like more reason for optimism. Otherwise, we might think that citizen leadership will simply result in random change with no general trend towards progress or improvement, and this may allow us to question the claim that it is a virtue.

Suppose, however, that we accept Paul's argument – that citizen leadership is a *civic* virtue (the qualifier is intended to signify that this argument is advanced from within political liberalism, rather than reflecting a comprehensive ideal of the good life) – then we can turn to his second claim, that it ought to be permitted by states. Note, again, that the claim is a relatively modest one: that it ought to be permitted, not necessarily promoted. This, to me, seems a slightly strange argument to make. As a liberal, I believe that the state ought to permit most things, unless there is some good reason to justify interference in individual liberty.

Perhaps it is for this reason that Paul surveys the possible risks of leadership (pp.24-7), in order to establish that there are no harm-based reasons to worry about it. I'm certainly not convinced that exercises of citizen leadership will never in fact cause harm – though I don't think Paul would want to suggest this and he certainly isn't committed to it. It seems that since citizen leadership is defined in terms of moral, rather than technical/instrumental advocacy, and only in pursuit of at least potentially shared ends, this rules out lots of obviously objectionable cases, such as advocacy for

racist or homophobic legislation (pp.25, 35). Still, it is not obvious to me that all instances of citizen leadership must be allowed – perhaps this connects to my earlier worry about its methods (e.g. if it takes place through civil disobedience, which causes harm to others) or my doubts about whether it is really a virtue (even if it was true that citizen leadership did promote the state’s virtues, what if some other alternative proved to better promote these virtues?).

Moreover, I worry about the extent to which this approach can remain truly neutral – if not over the good life for the citizen, then over the meaning of democracy. It seems that Paul is committed to rejecting a Burke/Schumpeter-inspired model of democracy that precludes citizen involvement, but I’m not sure whether this is on normative or merely empirical grounds.

This relates to a further worry about whether Paul’s second claim is categorical or merely hypothetical. In his opening statement of his claims (p.1), he asserts that citizen leadership is “a virtue of citizens *in a democracy*” [emphasis added], while his second claim is merely that “states ought to be structured so as to permit this sort of leadership”. I’m unclear whether this is to be understood as implicitly meaning *democratic* states (as suggested by the syllogistic restatement on p.2), or whether it rests on a general assumption that all states ought to be democratic and therefore ought to allow the exercise of democratic virtues.

There’s plenty more that I could say about this very interesting paper, which I’m sure will stimulate much discussion from our other members, but I just wanted to conclude by flagging up one further issue which I’m sure people will want to comment on (and which I’ll leave largely to them): the differences between Paul’s ‘potentially shared ends’ requirement and Rawls’ public reason (p.30ff). Paul thinks it is permissible for people to appeal to the whole truth as they see it, e.g. to religious premises (p.32), but not to make life worse for those one disagrees with (p.35).

This seems more liberal than Rawls’ position, but I worry that they are actually doing different things. Firstly, as I understand them, Paul’s restriction seems to concern the ends that people can pursue, whereas Rawls’ concerns the justifications that can be given for specific policies. Secondly, Paul’s sounds more like an ideal, since we may agree that there is nothing wrong in principle with appeal to religious reasons in pursuit of shared ends, but worry that it is an unworkable rule, since there will be disagreement over which ends are potentially shared. (It is also worth mentioning that I believe Rawls shifted his position in his debate with Habermas; allowing that arguments need not actually be made in the terms of public reason, provided that arguments could be made in such terms – but since I’m not a Rawls expert I’ll leave my remarks there).

Although I’ve focused on points of disagreement (and lack of understanding – surely some of which is my fault), I want to conclude by thanking Paul for an interesting paper, and Simon for organising this podcast symposium. Unfortunately, I haven’t had as much time as I’d like to get involved, but I see that it seems to have generated plenty of discussion and I hope that all of the contributors benefited.