

# **Unhappy Families: Three Ways of Thinking about Imperfect Political Regimes**

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Work in progress. Comments welcome.

## Abstract

Traditionally, political philosophers and theorists (from Plato and Aristotle to Montesquieu) not only systematically distinguished a greater number of political regimes than we are accustomed to distinguish today (identifying several varieties of democracy and non-democracy, according to several normative criteria) but also used these distinctions for specifically evaluative purposes: distinctions among political regimes corresponded to the degree to which a political regime facilitated important values (e.g., the common good, the good life, freedom, etc.). Questions of evaluation often took priority over questions of justification. Contemporary political theory, by contrast, with some exceptions, has mostly operated within the restricted distinction between (liberal) democratic and non-democratic regimes, and has failed to attend to the morally significant differences among “imperfect” or “less justified” political regimes. Questions of justification have mostly taken priority over questions of evaluation.

In this paper, I explore some possibilities for constructing an evaluative theory of imperfect (or not fully justified) political regimes. I argue that a political regime is a system for the division of the labor of political decisionmaking that can be evaluated from three different perspectives: the perspective of the *decisions* made in it, the perspective of the *interests* promoted and protected through it, and the perspective of its *stability* with regards to the kinds of characters it fosters and through which it is sustained. Each of these perspectives gives rise to particular criteria for the evaluation of political regimes: the idea of a well-organized regime for the “decisions” perspective, the idea of a public goods producing regime for the “interests”

perspective, and the idea of a “resilient” regime for the stability perspective. I also show that these criteria are not necessarily congruent with one another, and that a fully justified regime need not be ideal along any of these dimensions. I suggest that this problem is unavoidable insofar as political regimes facilitate the pursuit of more than one central value.

“All happy families are alike; all unhappy families are unhappy in their own way.”

Most political theorists today would seem to agree with Tolstoy: all happy regimes are alike; all unhappy regimes are unhappy in their own way. The happy regimes are all alike because they are all essentially *democratic*; though political theorists disagree about what exactly constitutes democracy, and what other principles, if any, should limit its operation, it is safe to say that these disputes take place against a background of basic agreement about the desirability of democracy.<sup>1</sup> By contrast, all unhappy regimes are *undemocratic* in a large variety of ways: some do not allow for sufficient popular participation; others fail to protect important values or interests that democracy protects; others do not make possible a sufficient degree of official accountability; and so on. This sort of broad agreement is all the more remarkable when we consider that in the history of Western political thought from Herodotus until relatively recently democracy was rarely the preferred alternative, and that stable and apparently well-regarded political regimes have existed which could hardly have been called democratic.<sup>2</sup>

The famous first sentence of Tolstoy’s *Anna Karenina* is not only a general statement about families, however; it also implicitly contains a view about what stories Tolstoy considers interesting. Happy families, Tolstoy seems to suggest, are all

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<sup>1</sup> A few dissenting voices among mainstream political theorists exist. Daniel Bell, for example, has argued that democracy may not be the best political regime for certain kinds of Asian societies (Bell 2006a); see also the essays collected in Bauer and Bell (1999). Many attempts to argue for specific “Asian” or “African” political regimes, however, have been delegitimated by their association with the self-interested attempts of rulers to remain in power, and hence have not been taken all that seriously by contemporary political theorists. Hence discussions of alternative institutional arrangements within political theory have tended to proceed as attempts to *appropriate* the term democracy rather than as arguments over different ruling principles; everyone wants to claim that his or her preferred institutional arrangements ultimately instantiate democratic principles. This seems to be happening today in contemporary China, where some political theorists seem to be attempting to appropriate the term “democracy” while divesting it of its association with elections (Leonard 2008).

<sup>2</sup> In this, political theorists perhaps overestimate the “happiness” democracy brings. Almost all enduring political arrangements (all “happy” regimes) have been seen as substantially just and concerned with the common good by large sectors of the population. See Goldstone (2001, p. 173) for another statement of this view, using the same quotation from *Anna Karenina* that I use. I return to this point below.

more or less uninteresting; the novelist should focus his energies on the depiction of unhappy families, for only there can we gain any real knowledge of the human condition. In this respect, political theorists would seem to disagree with Tolstoy when it comes to telling stories about political regimes. Collectively, we today seem to be much more interested in discussing democracy than in examining any morally significant differences among other regimes, so most of the theoretical attention has been focused on the kinds of democratic regimes that would count as “happiest” or “most justified” or “best,” and a large number of “models of democracy” have accordingly been introduced in the twentieth century (see Held 2006).<sup>3</sup>

As Norberto Bobbio has pointed out (1989), recent political thought (and in particular liberal political theory) has thus been characterized by a *compression* of the range of political regimes deemed “interesting”; in the end, the modern (normative) theory of political regimes is reduced to the single distinction between democracy and autocracy, between regimes where the citizens rule themselves and regimes in which they do not, though of course large and significant differences exist among political theorists regarding the institutional arrangements through which citizens might actually rule themselves. The work of distinguishing among the wide variety of political regimes in existence has been left to political scientists whose categories are devised primarily for purposes of empirical explanation rather than evaluation (Alvarez et al. 1996; Collier and Adcock 1999; Collier and Levitsky 1997; Geddes 1999; Levitsky and Way 2002; Linz 2000). It is as if collectively (not individually)

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<sup>3</sup> There are some exceptions. So Rawls in *The Law of Peoples* (1999) devises a set of categories that distinguish liberal peoples from other peoples (decent peoples, outlaw states, burdened societies, and benevolent authoritarianisms); yet this set of categories has received very little attention in the enormous literature on Rawls, and Rawls himself undercuts their significance when he suggests that no “decent peoples” actually exist. The problem is not restricted to Rawlsian political philosophy: for example, with the partial exception of essays by Daniel Bell on Confucianism (Bell 2006b) and Ferejohn and Pasquino on emergency powers (Ferejohn and Pasquino 2006), none of the essays collected in the *Oxford Handbook of Political Theory* (Dryzek, Honig, and Philips 2006) really discuss in any way any morally significant differences among non-democratic political regimes.

political theorists are Nabokovian: they think all unhappy regimes are alike, and all happy regimes are different.<sup>4</sup>

This situation is partly the result of the contemporary emphasis on questions of *justification* over questions of *evaluation*. Contemporary political philosophy is often much more interested in determining the conditions under which a political regime might be considered legitimate or justified (conditions which imply some form of democracy) than in identifying standards for the evaluation of imperfect or not fully justified regimes and determining the degree to which these regimes can nevertheless promote important values. By contrast, many political philosophers and theorists (from Plato and Aristotle to Montesquieu and as late as Mill) were traditionally more concerned with questions of evaluation rather than justification. Moreover, they were not content with merely identifying the attributes of “happy” political regimes: since the “happy” political regime was generally thought to be the product of very specific (and potentially highly unlikely) circumstances, political theory was conceived in great part as the general theory of the “second best,” requiring the systematic investigation of the variety of more or less defective political arrangements that human beings have created.

Political theorists thus not only systematically distinguished a greater number of political regimes than we are accustomed to distinguish today (identifying several varieties of democracy and non-democracy, according to several criteria) but also used these distinctions for specifically evaluative and practical purposes: distinctions among political regimes corresponded to the degree to which a political regime facilitated important values (e.g., the common good, the good life, freedom, etc.), and enabled one to understand how a given regime could be improved. All unhappy

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<sup>4</sup> Nabokov reverses Tolstoy’s famous sentence in *Ada*, a story about a very different sort of “happy family.” See Nabokov (1969).

regimes were indeed thought to be unhappy in different ways, and their unhappiness was categorized and evaluated with a view to their improvement.

This paper is an exploration of three potential standards one might use to evaluate political regimes that may not be fully justified. As a prerequisite for such an exploration, I first propose an analysis of the idea of the political regime as a system of contexts of choice for the division of the labor of political decisionmaking. These systems can be (and historically have been) evaluated from three partial perspectives each of which is associated with particular standards: the perspective of the *decisions* that are made through them (and hence of such things as the qualifications of the decisionmakers and of the relationships among decision contexts); the perspective of the *interests* that are protected and promoted over time by them; and the perspective of the *stability* of such systems with respect to the characters and identities they tend to generate. In the second, third, and fourth sections of this paper I explore the implications of evaluating political regimes from those three perspectives with a view to providing evidence for three claims: first, that each way of thinking about the political regime is *evaluatively insufficient*, i.e., that not all important questions about the value and justification of a political regime can be answered within a single perspective, second, that there is no guarantee that these ways of thinking about the political regime are *evaluatively congruent*, i.e., that what counts as a “good” regime on one way of thinking about a regime need not appear as a good regime from a different perspective; and third, that there can be *good* regimes from any of these perspectives that are not normatively *justified*, i.e., that do not meet the requirements of justice. There may be only one kind of regime that is justified, but there are many ways of thinking about better and worse regimes.

## 1. Political Institutions and Political Regimes

Human beings pursue their goals in contexts given partly by nature and partly by the actions of others. Nature and the actions of others restrict the actions that they might or might not take: they constitute constraints on choice, i.e., constraints on the courses of action that an individual might take in the pursuit of his or her goals, whatever these goals may be. The *objective* shape of these constraints cannot always be generally known; but when human beings interact with one another, they develop interpretations of them. These interpretations may refer to norms (e.g., other people are not to be killed) or to purely instrumental considerations (e.g., if I do X, the others may respond with Y, which I wish to avoid), and they may be approximately right or wholly wrong, but in any case they represent the individual's overall view of the actions open to him or her in pursuit of any of his or her goals. Such views, to be sure, are not necessarily fixed; they may change with the progress of the interaction and communication, though at any given time they actually do constrain the choices available to interacting individuals.

We speak of an *institution* whenever a recurring pattern of interaction takes place under a *dominant* interpretation of the constraints on choice applying to that situation. An interpretation is *dominant* when no participant in interaction can easily deviate from it, regardless of his or her individual view of the actual constraints on choice that apply to it. Such an interpretation becomes a “social fact,”<sup>5</sup> acting as a device filtering available alternatives for all participants in interaction; it determines what choices each of them can “see,” and what choices are held to be impossible.<sup>6</sup>

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<sup>5</sup> For a more detailed discussion of social facts, see Searle (1995).

<sup>6</sup> Like any other interpretation of constraints on choice, a dominant interpretation may also be wrong: so, some choices that a dominant interpretation suggests are possible may actually be impossible given natural or other social constraints. But at the same time any choices that a dominant interpretation suggests are *impossible* are *de facto* impossible.

From this point of view, institutions often appear as the “rules” of interaction in specific situations, even though they are not exhausted by any set of rules.<sup>7</sup> When and how particular interpretations of the constraints on choice applying to some pattern of interaction become social facts is a question with which we shall not be further concerned here; all we need to assume is the existence of some institutions in a society.

Whenever the choices available to at least *some* people within an institution concern the structure or operation of *another* institution we shall speak of a *political* institution. Political institutions are political *relative* to specific other institutions: so, a chess federation is an institution which is political relative to the institution of chess games, but not relative to the family. Similarly, a legislature is political with respect to the family (or rather, families in general) but a family is not political with respect to the legislature, since choices can be made in the legislature concerning the structure of the family, but choices are not normally made within a family that directly concern the structure or functioning of the legislature. This is not to deny that the structure and functioning of families in a society has an enormous political impact, since families give rise to dominant constraints on choice in other contexts; the point is merely that some institutions function as contexts of choice over other institutions, but the relationship is not necessarily symmetrical.

We shall call a *political regime* the (minimum?) system of political institutions in a society from which choices can be made concerning *all* other institutions in it (including, to some degree, the institutions that define the boundaries of the society). The regime thus defines a set of social positions from which a set of people – large or small – can, in various contexts of choice, directly and intentionally regulate the

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<sup>7</sup> Both “formal” and “informal” institutions are alike in this respect: no institution is exhausted by its codification.

functioning of all other social institutions and patterns of interaction; it defines a system for the division of the labor of public or political decisionmaking, i.e., decisionmaking about the structure and functioning of *other* institutions.

I do not mean to say that this set of people can *arbitrarily* regulate these other institutions. Like all other institutions, political institutions are constituted by dominant interpretations of the constraints on choice applying to a specific situation; and these perceived constraints can be very stringent. To say that a legislature can make laws that regulate the structure of the family does not imply that legislators do not operate under a quite stringent interpretation of the constraints on choice relating to the structure of the family, or that the choices they make will have their intended effects (they may be wrong about the constraints on their choices concerning the family). The point is simply that in a society with a political regime there will be some set of institutions from which choices, however limited, can be made concerning the structure and functioning of all other institutions (including themselves).

Each of the contexts of choice or political institutions that constitutes a political regime can be usefully analyzed in terms of a) the process through which alternatives for choice come to be generated within it (the agenda-setting process, for short), b) the set of people who play some role in selecting among these alternatives (which we shall call the *selectorate* of this context of choice<sup>8</sup>), c) the set of people whose activities are directly regulated through those choices (the *subjects* of this context of choice, i.e., the members of the target institutions), and d) the rule or set of

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<sup>8</sup> The term comes from the work of Bueno de Mesquita and his collaborators (2001; 2003), though I use it in a broader sense than they do. (See note **Error! Bookmark not defined.** and context below).

rules that shape and combine the preferences of the selectorate into a singular decision over these alternatives (the *decision rule* of a context of choice).<sup>9</sup>

A political regime, however, is never composed of a single context of choice, but of a multiplicity of contexts of choice in particular relations and dealing with different sorts of political decisions. Consider, for example, modern “democratic” regimes, with their electoral contexts (in which voters select representatives), their legislative contexts (where representatives select laws and members of the executive), their executive contexts, judicial contexts, political party contexts, and so on. Even a “direct” democracy like the ancient Athenian regime was composed of a variety of contexts of choice: the assembly, the juries, the prytaneia, etc. In other words, a political regime is a system of contexts of choice which divides the labor of political decisionmaking. The analysis of the political regime thus needs to consider the various relations among these contexts of choice.

Two kinds of relations appear to be particularly important, and indeed appear to subsume most if not all of the actual relations in existing political regimes. First, a context of choice within a political regime may constrain the agenda for another through a variety of processes; we shall call this the relation of *agenda-constraint*.<sup>10</sup> Here a political institution directly shapes the constraints on choice of another political institution. Second, a context of choice within a regime may select the selectorate for another, at regular or irregular but potentially foreseeable periods of time; we shall call this the relation of *selectorate-generation*. Selectorate-generation is

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<sup>9</sup> The decision rule and agenda setting process are part of the dominant interpretation of the constraints on choice that constitutes a context *as* an institution; they are not separate from such an interpretation, though they are analytically separable components of it.

<sup>10</sup> To constrain the agenda for another context of choice need not mean to *set* its agenda, only to restrict in some way the set of choices that can be considered within it. A legislature constrains the agenda of the courts every time it passes a law, but it does not fully *set* it, for example.

in a sense also a form of agenda-constraint, but it affects not the specific constraints on choice that constitute another institution but its “personnel.”

Consider again a modern constitutional democracy, with its various institutionalized contexts of choice (elections, legislatures, executives, bureaucracies, political parties, etc.). Each of these contexts of choice relates to other contexts in terms of either selecting the *personnel* of the other (so voters elect legislators, which select members of the executive, and so on) or of imposing constraints on the agenda of the others (so political parties jointly constrain the choice that voters can make, legislators constrain the rulings of the courts, voters constrain the choices of legislators, and so on). Another regime will differ both in the composition of each selectorate and in the relations of agenda-constraint and generation among these. So, for example, in China the Chinese Communist Party, not the voters at large, plays the key role in selecting various officials in other political institutions, and the various contexts of choice so constituted will constrain each other’s agendas in different way.

More specifically, different regimes can be described by specifying the key political institutions found in them, along with the extent of their selectorate in relation to the institutions they affect, the decision rules of each context of choice, and the direct kinds of constraints on their agendas that the other political institutions place on them. Whether a particular regime can be described as democratic or as something else, for example, will depend not on the characteristics of a single context of choice (e.g., the electoral context of choice) but on the total (and evolving) structure of relations between their various contexts of choice. For example, we might want to say that modern “democratic” regimes are appropriately described as democratic because the relationships of agenda-constraint and selectorate-generation among the electorate, the legislators, the courts, and political parties more or less

imply the equality of all the citizens in some relevant respect like their fundamental rights.

Given this idea of the regime as a system for the division of political labor, what can we say about their evaluation? What principles should come into play when evaluating such systems? Here is where the three ways of thinking about political regimes I mentioned in the introduction come in.

## **2. The Perspective of Decisions**

The first way of thinking about such systems asks about decisions and decisionmakers: are the alternatives from which decisions are made normatively justified and complete (i.e., is the line between public and private matters properly drawn within each context of choice)? Do the decisionmakers in each context of choice have the requisite qualities and resources to make “good” decisions given the alternatives that emerge in them? What constitutes a “good” decision in each context of choice within the regime? Are decision tasks appropriately distributed across the contexts of choice composing the regime, and is such distribution “stable”? There are rich traditions of thought about many of these questions: about the separation of powers, about the qualifications and resources required by good rulers, about the formal characteristics that political decisions should have. The entire tradition of thought about the rule of law is essentially concerned with the formal characteristics of good political decisions in a variety of contexts of choice, for example. Rather than survey these traditions in any detail (an impossible task in this paper at any rate), let us focus on what I take to be the central question of the “decision” perspective: the qualifications and resources necessary for political decisionmakers in a given context of choice.

We assume, of course, that there is such a thing as a “good decision” (given some set of alternatives) in a particular political context of choice (i.e., a context of choice concerning some other institution). If there were no good, or at least better decision given the alternatives, decisionmaking would be unimportant: we could just substitute coin-tossing when confronted with alternatives, or simply ignore them. We do not need to assume, however, that there must exist a *best* decision in every given situation, much less a best decision that can be discerned by an outside observer (a philosopher); the paradoxes of social choice seem to preclude as much.<sup>11</sup> The only thing we need to assume is that there are reasonable grounds for distinguishing between better and worse decisions given the alternatives in particular situations.<sup>12</sup>

In any context of choice where there can be better and worse decisions, such decisions will require some qualities and resources from the selectorate that makes the decision. Even the most inconsequential decisions require *time*, and some amount of cognitive labor and capital will always be necessary even for decisions which do not have a “right” answer but depend on a contingent constellation of interests to be harmonized or compromised. Such decisions may in addition require various virtues, e.g., the willingness and ability to listen to the perspective of others, the courage to take responsibility for certain choices, or the moderation and prudence to exclude certain choices from consideration or to recognize the time for action. Among the resources required for a selectorate to make good decisions, some will be individually held (e.g., particular skills, moral virtues, or economic resources), but others may be

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<sup>11</sup> The “impossibility theorem” of Arrow (1963), and much of the literature it elicited, shows conclusively that no single social decision rule can ever determine a “best” decision in every circumstance, at least not so long as outcomes are supposed to depend on preferences or interests. But it does not show that there are no grounds for distinguishing between better and worse decisions; see the discussion in Dahl (1989), chapter 10, and, from a different perspective, Estlund (2008), chapter 4.

<sup>12</sup> There might be some decisions that are better or worse only in respect of the procedure used to take them, that is, the decision is good or bad only because it was taken with the right procedure. But even here there are grounds to distinguish between good or bad decisions.

the property of the selectorate that makes the decision as a whole. For example, it is now widely agreed that one of the resources that a group should have in order to make good decisions when confronted by difficult problems is *diversity* of perspectives and skills (Page 2007); such diversity is not the attribute of any member of the group but of the group as a whole. Similarly, in many political decisions a good decision may require a certain amount of representativeness; a parliament, for example, cannot make good decisions unless it is reasonably representative of the interests of the society.

We say that a context of choice is *appropriate for its decision tasks* in a particular context of choice if its selectors (the members of its selectorate) have, collectively or individually, the qualities and resources necessary for making good decisions given its agenda. This does not mean that this selectorate is thereby always able to make good decisions given its agenda, or even that it has the optimal level of resources for making good decisions, only that it has reasonably appropriate resources for such decisions (though we need not assume that a reasonably appropriate level of resources exists for the decision task in question). It is unlikely that any selectorate could be appropriate for *every* decision task; bias and self-interest preclude this possibility. This is one of the reasons why political regimes should be systems that divide the labour of political decisionmaking rather than single contexts of choice where all political choices are taken; at any rate in any reasonably complex society there will normally be more than one such context.

A selectorate may be appropriate for the decision tasks involved in generating or agenda-constraining another selectorate. In particular, if A's agenda involves selecting B, then A is *appropriate for the generation of B* if the members of A have the relevant qualities and resources for selecting members of B who are in turn

appropriate to the agenda of B. A political regime is *well organized* if all its contexts of choice are appropriate for their decision tasks, including the decision tasks involved in generating or agenda-constraining other contexts of choice.

Appropriateness is not a transitive relation (at least not without making some strong assumptions), in part because decision tasks are often manifold. For example, the decision tasks of voters in a parliamentary system include selecting the people who will make the laws in their interest, supervise the executive, and select the members of the judiciary; voters thereby have to weigh values against one another, and their choices, even if they are qualified to make them, may produce parliaments that are collectively unqualified for one or more of these tasks. So we cannot say that if the generative selectorate of a regime is appropriate for its decision tasks, then the regime will *eo ipso* be well-organized, though the inference is tempting.

Not every well-organized regime will be fully justified or in accord with reasonable principles of justice. A benevolent despotism is *ex hypothesi* a regime whose central and sovereign context of choice is appropriate to its decision task, since the benevolent dictator has the relevant qualities and resources (including the relevant virtues of character and the relevant information about the interests of his subjects); but such a regime need not be justified, since its citizens may have a justified claim to be part of the decisionmaking process even if their inclusion would not result in better decisions (or might even result in worse decisions). More generally, if a selectorate A is appropriate for its decision task, some subset of A (or A plus some other set B) may also be appropriate to it, though substituting such a subset of A for A may not be justified on other grounds. (Consider the possibility that even though voters are as a

whole qualified to make the decisions with which they are tasked, some subset of the electorate may be as qualified, or even more qualified, than the whole electorate).<sup>13</sup>

Whether a regime is well organized or not may also vary with background social conditions: given the decision tasks likely to be confronted by a society, its selectorates may or may not have the resources and qualities necessary for making better rather than worse decisions. A regime may be well-organized at a particular point in time and fail to be well-organized a bit later, given a change in conditions. In particular, as Mill argued (1977 [1859], chapters 4, 8), a democratic regime, which is otherwise justified, may fail to provide all its promised benefits given social conditions, in part because such social conditions may prevent the regime from being well organized: the electorate may be uneducated; the parliament may become unrepresentative; and so on.

When is a democratic regime, of the kind we are familiar with, well organized? Most theorists would perhaps answer by saying that the electorate (the regime's generative selectorate) must large enough to include most adults, i.e., it must be representative; these voters must have some degree of education and knowledge (how much is a matter for empirical investigation) and relatively broad moral horizons, as Mill argued; and the members of other contexts of choice in the regime must have the right qualifications as well (so judges must have knowledge of the law; central bankers knowledge of economics; executive leaders must have the virtues and judgment of statesmen; and members of parliament must have the cognitive and economic resources necessary to craft legislation). We do not demand that the electorate should be qualified to do the work of judges, executives, and legislators.<sup>14</sup>

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<sup>13</sup> For further discussion of such questions, see Estlund (2008), especially Estlund's criticism of Mill in chapter 11.

<sup>14</sup> Here we are simply following arguments that are as old as Plato, who condemned Athenian democracy on the grounds that the composition of its central selectorate (the assembly) and its decision

It should be stressed, however, that other regimes may also be well organized, even if they are not justified. To say that a regime is well organized simply means that given the distribution of the contexts of choice within the regime, and the relations among them, qualified (in a broad sense) people make political decisions; but we take such a distribution of contexts of choice as a given, even if it were unjustified on other grounds.

The idea of the benevolent despot mentioned earlier also suggests that a well-organized regime need not be *stable* with respect to small perturbations: what if the despot dies? Will the selectorate that selected the despot in the first place prove qualified, after many years, to select a new benevolent despot? (Or perhaps the despot selects his heir; does he have the right resources to select the right heir?) Remember that to say that a selectorate is appropriate to its decision task is not equivalent to saying that it will always make the right decision; some decision problems may be so difficult that even an appropriate context of choice for them may fail to reach correct decisions often, and in particular it may fail to reach correct decisions about the generation or constraint of other contexts of choice within the regime, with cascading results that destroy the good organization of the entire regime. Here concerns about qualifications and decisions link with questions about stability, to be discussed below in section 4; let us only note that it seems likely that the more complicated a regime (the more contexts of choice it contains), the less its good organization will be stable.

Different well-organized regimes also will normally have different effects on the interests protected and promoted through them, for at least three reasons. First,

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rule were generally inadequate for its decision task (the preservation of the city and the improvement of the citizens), but nevertheless allowed that *some* democratic selectorates were appropriate for some decision tasks (e.g., the selection of certain kinds of magistrates in the *Laws*). The theory of the mixed regime in its origins in Plato's *Laws* and Aristotle's *Politics* is in part a statement of the idea that the different decision tasks that a political regime faces are not all appropriately the province of a single selectorate: different selectorates should face decision tasks appropriate to them, and they will be constituted differently according to those decision tasks.

different regimes will draw the boundary between public or political and private or non-political choices (i.e., choices that are not about other institutions) differently; even if both regimes were well organized (i.e., if each of their contexts of choice were appropriate to their decision tasks) the interests that are affected by political decisions would be different in each of them. Second, the details of decision rules matter, as social choice theory has shown; even though two regimes may be well-organized in the sense discussed in this paper, they may both operate with different decision rules, and hence have different effects on interests. Finally, even if we ignore the effects of the boundary between public and private choices and of differences in decision rules, complex systems for the division of political decisionmaking will generally have consequences for interests that do not simply aggregate the consequences for interests of the decisions in any of their constituent contexts of choice. Concerns about the qualifications of selectorates for their decision tasks are linked here with questions about the interests that the regime as a whole promotes or protects; that is the task of the next section of this paper.

### 3. The perspective of Interests

The perspective of interests, like the perspective of decisions, is as old as Plato and Aristotle. For example, Aristotle defined democracy as that political regime in the interest of the poor, and oligarchy as that political regime in the interest of the rich, and argued that they were both deficient because they failed to promote the interests of all.<sup>15</sup> Contemporary defences of democracy, by contrast, often argue that only democratic arrangements can protect and promote the (fundamental) interests (or “rights” and “opportunities”) of *all*.<sup>16</sup> In general the tradition of political thought thus

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<sup>15</sup> Aristotle, *Politics* III.6-10, 1278b5-1281a35.

<sup>16</sup> See, e.g., Dahl (1989), chapter 4, with citations to earlier work.

agrees on the basic normative principle that applies to the evaluation of the *outcomes* of political regimes: a political regime must promote and protect the fundamental interests of all, rather than the interests of only a part of the community at the expense of another.

The question of which interests ought to be considered fundamental and which interests can be said to be common depends on a substantive theory of justice for its answer, which is much beyond the scope of this paper. Yet we can nevertheless examine how different kinds of political institutions may promote or protect more or less fundamental interests for larger or smaller numbers of people within a community without committing ourselves definitely to any particular theory of justice.

Our problem concerns the connection between interests and *political* institutions, not all institutions: we need to examine how these differentially affect the ability of individuals and groups to protect and promote their interests, however conceived. To be sure, how political institutions affect interests will in part depend on how other institutions in society affect these interests as well: just as the operation of the regime affects other social institutions, and hence the interests that actually are promoted and protected through them, so the operation of these institutions affects regime institutions, and hence the interests that get promoted and protected through regime institutions.

Consider, for example, the question of majoritarian (democratic) institutions. In a society where background institutions produce a large and very salient division between rich and poor, and where assets are not highly mobile (as in Aristotle's time), the operation of majoritarian institutions would, unless tempered in some way, tend to produce *conflict* between these two groups in society, and indeed to destabilize these institutions (Boix 2003); similar problems would arise whenever ethnic divisions in a

society are especially salient. Majoritarian democracy in that case is *unstable* in part because it is hard to justify normatively to those who would be adversely affected: its institutions too plainly *single out* one group in society for enduring favour on some important dimension of existence as understood within that particular society, even if such favour might be justified on some theory of justice. This is the ancient worry about the tyranny of the majority, which happens less often than one may expect because the anticipatory actions of the potentially affected groups (which are usually powerful in their own right) either destabilize such democracies quite quickly (transforming them into other political regimes) or find some way of diminishing their majoritarian implications (e.g., by threatening to take their assets outside the country, or by transforming their economic power into privileged and sometimes corrupt access to political institutions). By contrast, it is easy to justify and positively evaluate majoritarian institutions whenever the background institutions of society produce a diverse complex of interests such that the operation of majoritarian political institutions would not enduringly *single out* any particular group: any group may, over time, find itself on the winning side.<sup>17</sup>

The principle at work in these considerations is quite general: a political regime (and in particular the familiar majoritarian institutions of democracy) is less easily justified, and less positively evaluated, whenever its regular operation, given an actual or typical set of background institutions, tends to single out some particular group or groups, i.e., it tends to promote and protect the interests of some groups over those of other groups. It is possible that such arrangements could be justified (historical injustices requiring redress may necessitate the ascendancy of some group

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<sup>17</sup> Adam Przeworski's short definition of democracy as a system where "parties lose elections" wittily captures this point (Przeworski 1991). Democracy is easily justifiable only where parties (representing divisions of interests) *lose* elections, i.e., where no parties *always* win. See also Dahl (1989), chapter 5, on majority rule and its justifications.

over another; some principle of intrinsic equality may suggest that democratic institutions are justified even when they plainly single out one group over another) but these justifications would lack motivational force and such regimes would be in general judged to be worse rather than better.

But what, exactly, does it mean to say that some political regime promotes the interests of more or fewer people? Let us start with the obvious observation that members of a society have desires for a variety of social goods – some of which are currently produced through the partially cooperative actions of others, and some of which are not produced by society. (We speak of desires for social goods to keep the discussion at the most general level: desires thus range from the desire for food and drink to the desire for companionship and friendship, from the desire for sexual satisfaction to the desire for a meaningful or satisfying life). They pursue the satisfaction of these desires within a variety of institutions, where they make choices that are more or less (often less; we do not assume a caricature of *homo economicus* here) calculated to satisfy these desires. The experiences and knowledge they accumulate in this process, as well as the social positions they tend to occupy when making such choices, not only change the desires they recognize as their own (and often give rise to new desires) but also provide them with stable frames through which they interpret the satisfaction of (new or old) desires in varied contexts of choice, i.e., gives them recognizable *interests*.<sup>18</sup>

If an interest is a frame for interpreting the satisfaction of desire in contexts of choice (a kind of heuristic for deciding whether specific choices will satisfy one's desires), the *specific* interpretation of a desire (or a set of desires) in a specific context of choice is a *preference*: my preferred alternative in a context of choice is simply the

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<sup>18</sup> Or rather, it gives them “subjective” interests; whether these interests are *objectively* theirs is another question.

course of action I would like to take in order to satisfy my desire (or set of desires) in *that* context, whereas my interest is the frame which informs my choice of alternatives in a variety of contexts of choice. There is thus a potential disjunction between *preferences* (guiding one's actual choice of actions in a specific context), *interest* (guiding the selection of preferred alternatives over a number of contexts), and *desire* (what an individual actually wants to satisfy through the selection of preferred alternatives). Desires may range over alternative social states and over temporally extended and abstract goods; preferences only range over the visible alternative courses of action that I can take to satisfy my desires.<sup>19</sup> I may be wrong about which specific choices satisfy my self-recognized interests, and I may be wrong about whether the pursuit of my interests will eventually satisfy my desires.

This disjunction is (partially) bridged by the deployment of cognitive labour and capital, i.e., through *rationality*. We allocate some amount of our available cognitive labour ("brain time") and capital (native talent, private information, and acquired and "external" knowledge available to us, including machines and social heuristics common in our environment) to determining which choices will, in our estimation, satisfy a given desire; and since our desires can be contradictory or at least be in tension (temporal or otherwise) with one another, we also allocate some amount of cognitive labour and capital to the determination of how we can most coherently satisfy all of our desires. (The question of how we come to allocate our cognitive labour and capital is beyond the scope of this paper). However, since our available cognitive labour and capital are finite, we can be "rationally irrational" about some of our choices, i.e., we may decide to allocate zero cognitive labour or capital to some of

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<sup>19</sup> In standard social choice theory, "preferences" are always preferences over social states, i.e., over outcomes; I prefer that candidate A win. But in my terminology, that is actually a desire: I desire that candidate A win. My preference, strictly speaking, is then not over states of the world but over actions I can take, i.e., I prefer voting for B over voting for A (even if I desire that A win) because I believe (stupidly, cunningly, etc.) that voting for B over A will increase the chances of A winning.

our decisions in favour of allocating more of it to others, given some judgments of the “payoff” we expect from such decisions.<sup>20</sup> Practical rationality, then, can be thought of as a measure of the productivity or efficiency of our allocation of cognitive labour and capital to the problem of coherent desire-satisfaction: we are more rational the more likely our choices are to coherently satisfy our desires, given a certain allocation of cognitive labour and capital.<sup>21</sup> To be *fully* practically rational (a high bar!) is to efficiently allocate our cognitive capital and labor to task of coherently pursuing our desires, i.e., to the task of rationally pursuing the satisfaction of our desire *profile*.<sup>22</sup>

How much cognitive capital and labor (how many cognitive resources) we will need to allocate to make sure of coherently attaining our aims (satisfying our desires coherently) depends not only on the kinds of desires we have and on the natural environment, but on our interpretation of the constraints on choice that apply to us in a particular situation. These constraints on choice generally take the form of *social positions* (with their characteristic norms, behavioural constraints, and prejudices) and the *non-cognitive* resources attached to such positions (such as money, influence, power, and the like). We can think of more “favored” social positions as the positions that have attached to them non-cognitive resources that can be *substituted* (up to a point; perfect substitution is unlikely) for cognitive resources in the coherent pursuit of desire. To use a crude but illustrative example, a poor person wanting (among other things) to obtain a yacht will need to use comparatively more

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<sup>20</sup> One may object that “payoff” is always a socially defined concept. But this hardly changes the point: whether the payoff of desire satisfaction is socially or individually defined, the rational individual allocates cognitive labor and capital to desire satisfaction in some more or less productive manner. The idea of “rational irrationality” is a staple of discussions of uninformed voting in democracies: the expected costs of voting are much larger than its benefits, so voters do not spend much time getting informed about their choices, which results in uninformed voting. See, for a recent contribution along these lines, Caplan (2007).

<sup>21</sup> I should stress again that the desires we can rationally pursue may be social or selfish, highly abstract or distressingly concrete, for “understanding” or for gain, for “a good life” or for food and drink; no assumptions are made here privileging narrowly instrumental rationality.

<sup>22</sup> Much of virtue ethics, incidentally, can be understood as the elucidation of the heuristics or rules that approximate this sort of efficient allocation.

of his cognitive capital and labour for that project than a rich person with a similar desire profile (and even so, his cognitive capital and labour might be insufficient for succeeding). The rich person, by contrast, can substitute noncognitive labour or capital for cognitive labour or capital in order to satisfy his or her desires, leaving more for the task of coherently pursuing his or her other desires than the poor person.<sup>23</sup>

Institutions, and in particular political institutions, enter the picture at this point, since they can do three things: they can alter the constraints on choice that apply to specific social positions (by redistributing non-cognitive resources, for example, from some social positions to others); they can alter the structure of the system of social positions (by creating new social positions or abolishing old ones), and they can take cognitive and non-cognitive resources (through taxation or voluntary contributions, for example) and convert them into greater cognitive and noncognitive resources for at least some people (e.g., via the fostering of education, deliberation, public works, etc.). The first two forms of institutional activity we call *redistributive* (though the second is not technically a form of redistribution, it operates as such); the third we call *investment* (which, of course, may contain some amount of redistribution insofar as some investments benefit some more than others, and indeed some may harm some though they benefit others). Redistribution and the alteration of social positions can of course be justified under some circumstances, but whatever else these activities do they necessarily *reduce* the ability of some people to coherently pursue some of their interests (again, this may be perfectly justified!). Investment, by contrast, need not reduce the ability of some people in society to

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<sup>23</sup> This does not, of course, mean that the rich person will allocate his or her cognitive resources in the most efficient way possible for the task of coherent desire satisfaction; only that it may be *easier* for them to do so than for the poor person, given similar desire profiles. At any rate, the example assumes similar desire profiles, but desire profiles differ depending on social position, and some desire profiles may be inherently *harder* – require more cognitive resources – to satisfy than others.

coherently pursue the satisfaction of their desire profile, even if it may make it harder for some of them to pursue the satisfaction of *some* of their desires.

In particular, some forms of investment can improve the general *rationality* of the coherent pursuit of desire within a society by creating certain kinds of *public goods*. I call public goods those goods that either increase the productivity of available cognitive labour and capital (such as the rule of law, particular property systems, deliberative fora), or increase the general level of cognitive capital (such as universal education). Because they affect more or less everyone's cognitive labour and capital they can be said to be *common* goods, even if they affect different people differently. Such goods will tend to be produced, when they are produced at all, through the operation of political institutions, and in general they will tend to have the typical characteristics of public goods in economics: they are *non-rival* and at best only partially *excludable*. So my enjoyment the rule of law does not prevent others from enjoying it, and it is hard to make the rule of law apply to some but not to others without destroying its beneficial effects for the allocation of cognitive resources. We might think of such goods also as having positive "spillovers," even if some people may benefit more from their existence than others.

To be sure, such goods, insofar as they need to be paid for, diminish the ability of some people to pursue at least some of their interests, however minimally; but because they may increase the productivity of everyone's cognitive capital and labor, or enhance the available cognitive capital accessible to everyone, they do not necessarily diminish their ability to rationally pursue their entire desire profile, and indeed may enhance it. To put the point in somewhat different terms, a public good, by enhancing the productivity of my allocation of cognitive capital and labor, may compensate for the loss of ability to pursue the satisfaction of one of my desires that

the production of the public good may cause by a greater ability to pursue the *coherent satisfaction* of the rest of my desires. So, even though the rule of law prevents my pursuing some of my desires (or rather, shifts the allocation of cognitive capital and labor in the pursuit of some of my desires so that more of one or both cognitive resources is needed for such pursuit than before) it may generally enhance my ability to coherently pursue my other desires, especially desires that before were too difficult (too taxing in terms of cognitive resources) to pursue.

From this point of view, a political regime protects the interests of *all* (or most) under its jurisdiction whenever its investment activities *generally* improve the efficiency of the allocation of cognitive capital and labor by everyone (since all need cognitive resources for the coherent pursuit of their interests), though it may not create a very egalitarian society. We might say that the investment activities of such regimes have a positive social return: everyone is better able to coherently pursue their desires (though not necessarily any *particular* one of their desires) after the investment than before, even if some are much better off than others. (Pure redistributive activities rarely have such returns, but we cannot close off the possibility). Let us call such a regime a *public goods producing* regime. (To be sure, some goods are only partially public in this sense – they may positively affect the interests of only a majority, for example).

I should stress here that such a political regime is *not* necessarily justified (though it may). Singapore under Lee Kwan Yew produced a variety of such public goods, but Singapore under Lee Kwan Yew was not a democracy, and hence was not justified. Even though in some sense it acted in the interests of *all* (by providing public goods that enhanced the general efficiency of individual allocations of cognitive resources), it violated the rights of *some*, and in general it did not treat

everyone with equal consideration. More generally, public goods regimes may violate justice: in benefiting all (by enhancing their ability to pursue their complete desire profiles) they may make it impossible to pursue *some* desires that are quite fundamental (which we call “rights”), or they may create highly unequal societies. But they should be distinguished from *private goods regimes*, which simply redistribute cognitive and non-cognitive resources from some to others without generally enhancing the ability of all to pursue the satisfaction of their desire profiles; they are *better* than such regimes. Moreover, to say that a regime creates public goods does not mean that it creates *optimal* allocations of cognitive resources, assuming one could define these; there may be better or worse alternatives.

When do political regimes create such public goods? What kinds of institutions result in public goods regimes? A precise answer will vary from case to case, though we can borrow here from some recent work with simplified models of the political regime by Bruce Bueno de Mesquita and his collaborators (2001; 2003).<sup>24</sup> They model the political regime as a single selectorate (what I call here the “generative” selectorate, but which they call simply the selectorate), which selects, via some decision rule (not necessarily majority rule), a leader from some alternative candidates. (The idea of the “leader” abstracts from the variety of selectorates that a generative selectorate actually generates, or more specifically an abstraction from the central selectorates of the regime). The decision rule also determines a *winning coalition*, i.e., a set of people whose preferences about the leader candidates actually prevail, and which may be small or large relative to the selectorate (it need not be a majority of the selectorate, since the decision rule is not necessarily majority rule). The leader keeps himself in power (ensures his continued selection) by acting

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<sup>24</sup> For other work in this vein, see, e.g., Besley and Kudamatsu (2007).

strategically: he (“he” refers here to an abstract representation of the central selectorate of a regime) draws resources from society (via taxation) and either invests them so as to produce public goods (e.g., the rule of law, the protection of certain rights, stable systems of property rights, etc.) or redistributes them for the private (and presumably undeserved, though we need not necessarily make this assumption) enjoyment of the members of the winning coalition.

In the model, the optimal mixture of public and “private” goods required for the leader to keep himself in power depends both on the size of the selectorate and on the size of the winning coalition. In systems with small winning coalitions relative to the size of the selectorate, the leader can use mostly private goods to hold a coalition together and prevent challenges. But in systems with large winning coalitions relative to the size of the selectorate, private goods are stretched thin; the leader must create public goods, which have spillover effects beyond the winning coalition, in order to hold his coalition together and prevent defections to a challenger. The larger the selectorate, moreover, the larger those spillovers are likely to be, so the best regimes are those that have large selectorates and large winning coalitions, i.e., democracies. By contrast, they argue, systems with a large selectorate and a *small* winning coalition (e.g., nominally democratic systems where the leader is selected via rigged elections, or through some rule that implies the *inequality* of the members of the selectorate) are best from the point of view of the leader (i.e., they improve his chances for staying in power) but tend to produce few public goods and to redistribute the most social resources unproductively to members of the winning coalition, while systems where the selectorate is small but the winning coalition is large relative to it are best from the point of view of the selectorate, and will also tend to produce few public goods,

though leader tenure will be shorter and more public goods will be produced than in systems where the winning coalition is small relative to a small selectorate.

The model is a simplification used for explanatory purposes, and the details of the arguments do not matter much for our purposes here; but it has some useful implications for our argument. First, it suggests that from the perspective of interests, better regimes have a large generative selectorate; but also, counterintuitively, that in some cases a large selectorate (e.g., universal suffrage) combined with a distorted process of selection that privileges some over others (e.g., where there are wide inequalities of wealth and influence, or where the votes of some have a greater weight than the votes of others) are actually *worse* than regimes with smaller selectorates but decision rules that implicate the *equality* of the members of the selectorate; better a limited democracy that consistently produces public goods (or an aristocratic regime) than a sham democracy that does not. (To be sure, the size of the winning coalition is not a fixed quantity; it may vary over time for reasons related to the conditions in the country).

The perspective of interests holds desire profiles constant, just as the perspective of decisions holds regime institutions constant: what is important is the ability of political regime to enhance the allocations of cognitive labor and capital that make the coherent pursuit of desire profiles easier for everyone. But regimes affect these very desire profiles; as political theorists have argued since Plato (in *Republic* VIII and IX) they create, or at least help create, particular kinds of characters, with specific desire profiles, which in turn either contribute to the stability of the regime, or destabilize it, sometimes towards a better (or more justified) regime, sometimes towards a worse (or less justified) regime. Thus regimes can also be evaluated from the perspective of stability: whether or not they are stable, and whether or not when

they are not stable they get destabilized towards better or more justified forms. We shall explore some of the consequences of evaluating regimes from this perspective in the next section.

#### **4. The perspective of stability (and character)**

Like the perspectives of decisions and interests, the perspective of stability for the evaluation of political regimes is very old: Plato and Machiavelli, Rousseau and Mill, were all concerned with the stability of regimes. The key questions here concern the kinds of desires, beliefs, identities and characters that a regime helps create (e.g., whether these are desirable characters in some morally significant sense) and the relationship between such characters and the stability of political regimes. One might think that these two questions are separable – i.e., that we should consider the perspective of character separately from the perspective of stability when evaluating a regime. After all, it seems likely that some regimes are stable even though they produce or help produce morally bad characters, indeed that some regimes can be designed to be stable even for a “people comprised of devils,” to use Kant’s phrase (*Perpetual Peace* Ak. VIII.366). But historically both questions have been considered together, since what is at stake is primarily the stability of good regimes, and in particular their stability for the “right reasons.”<sup>25</sup>

Consider Mill’s discussion of political regimes in his *Considerations on Representative Government*. Mill defends democratic and representative government both on the grounds that it promotes and protects the relevant interests of the citizens (the perspective of interests) and on the grounds that it is only through participation in government that the vast majority of human beings can become less self-interested

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<sup>25</sup> So Rawls (1971).

and intellectually narrow (the perspective of character, Mill 1977 [1859], chapter 3). But representative government is not able to produce such characters by itself; if installed in a society where such characters do not already exist in some significant measure, it may either fail entirely or fail to produce the character benefits, or even the interest benefits, it promises (chapter 4). For this reason, Mill argues, other, non-representative forms of government that *can* create the kinds of characters that representative government requires in order to function properly may be appropriate to conditions in which the characters and desires necessary for sustaining or benefiting from representative government do not exist.

I do not mean to endorse any of the particulars of Mill's theory. That there *are* conditions under which democracies (representative governments in Mill's sense, or "polyarchies", in Dahl's useful coinage) are unlikely to be stable is confirmed by much historical experience and extensive recent research, and it is similarly likely that there are conditions under which other regimes are unstable, though whether such conditions should be interpreted in terms of the forms of human character and the moral habits prevailing in a particular "culture" is a much more heavily disputed question.<sup>26</sup> Our interest lies in clarifying the sense in which regimes can be said to

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<sup>26</sup> So, for example, we know that a low level of economic development makes democracy (polyarchy) less likely, and less stable when it does happen; this is the key finding of the "modernization" thesis (Przeworski et al. 1996; Przeworski and Limongi Neto 1997). But this finding can be interpreted in a number of different ways. On the one hand some argue (on various grounds, Acemoglu and Robinson 2006; Boix 2003) that we can account for this finding in terms of the rational interests of individuals: in economies with high levels of inequality and low levels of asset mobility, which are characteristic of countries with a low level of economic development, the incentives of the wealthy militate against democracy and towards the purchase of repression; conversely, in countries with lower levels of inequality and higher levels of asset mobility, conditions which are characteristic of countries with higher levels of economic development, the interests of the wealthy are more compatible with yielding a significant amount of control to the poor. This is ultimately a non-Millian, one might even say an Aristotelian account of the stability of democracy, independent of character (see discussion in section 3 above). On the other hand, much "modernization" theory since Lipset's work (Lipset 1960) has followed a more Millian tack: economic development leads to the development of certain values, beliefs, and attitudes – in a word, "characters" – that help sustain democracy: they become more tolerant, more likely to value equality, and in general broaden their moral horizons of concern (Dahl 1989; Hadenius and Teorell 2005; Inglehart and Welzel 2005). Here the account crucially depends not

produce and depend on forms of character, and on finding criteria to evaluate their stability or instability with respect to these forms of character.

When we speak of a “character” we mean an enduring profile of desires, joined to an enduring set of frames for interpreting the constraints on choice that apply to their satisfaction (“constraint frames”). So, for example, we may say that somebody with a virtuous character is someone who has certain kinds of enduring desires that include “altruistic” concerns for the welfare of others alongside “self-interested” concerns, and who pursues the satisfaction of both of these kinds of desires according to certain highly internalized “rules” that prevent the satisfaction of some of the self-interested concerns in a variety of circumstances.<sup>27</sup> In more general terms, a good character is a character whose desire profile is composed of morally permissible or morally admirable desires along with morally correct frames of constraint.

Not everyone has a character in this sense: some people’s desire profiles are unstable or developing (e.g., children), and their frames for the interpretation of the constraints on choice that apply to their satisfaction may be incomplete or inconsistent; we *acquire* characters only by a process of learning that shapes our expectations about the constraints that apply to desire satisfaction in all or almost all situations and that stabilizes our organizing desires. So we might speak of *partial* characters, i.e., people whose desire profiles and frames of constraint are only partially stable; and we should also note that character is not wholly determinative of

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only on the interests of the people involved but on the characters they develop in response to changing economic circumstances.

<sup>27</sup> In effect, it seems to me that a character represents a specific and enduring allocation of cognitive capital and labor to the problem of desire satisfaction that is partly determined by normative constraints. But I offer this point only provisionally; a defense would lie beyond the scope of this paper.

action: sometimes a person's constraint frame may fail, or it may be difficult to apply, or he or she may develop new desires.

Societies contain a multiplicity of characters; we call the distribution of the characters present in it its *character profile*. A society's character profile is circularly related to its institutional structure: since institutions are simply dominant interpretations of the constraints on choice that apply to a specific situation, the total structure of institutions in a society (including its political institutions) both produces (by a variety of mechanisms) a character profile (i.e., a set of people who stably believe in certain constraints to the satisfaction of desire) and is partly produced by it (allowing for human creativity, freedom, random variation, and the fact that not everyone has a "full" character). However, since political institutions are only *one* of many institutions in society, though they indirectly regulate all the rest, they cannot by themselves produce a specific set of characters: the process of character formation eludes their direct control.

A particular regime is politically *stable* whenever it is not widely challenged and it finds ready defenders against whatever challenges do occur, and in particular it finds ready defenders of the dominant interpretations of the constraints on choice that constitute its institutions and of the dominant interpretations of the relationships of selectorate-generation and agenda-constraint that tie together its various selectorates. Such a regime can count on a commitment to its preservation on the part of key groups, and a lack of desire and opportunity on the part of other groups to challenge these arrangements in any significant way. Though satisfaction with the regime may not be universal, it is quite widespread. As Goldstone notes, at the end of a long review of the literature on revolution, the conditions for stability of this sort tend to be few in number, but they can be met in a wide variety of political regimes: "The rulers

appear effective and just in their actions; the majority of military, business, religious, intellectual, and professional elites are loyal to the regime; and most popular groups face steady or improving and fair conditions regarding work, income, and relationships with rulers and elites” (Goldstone 2001, p. 173).

On this view of stability, characters matter less than the actions of rulers and the way in which both elites and masses interpret their interests and values, though insofar as these interpretations are filtered through the stable desire profiles and constraint frames found in a society, then stability does depend on the character profile of the society. But in general we need not associate any particular character profile with the stability of a regime; as Goldstone notes, all kinds of regimes can be and have been stable in all kinds of societies, so long as these regimes have met these conditions of stability (conditions which, he speculates, are fractally distributed throughout the institutions of society: simultaneous breakdowns of these conditions across many institutions cause great revolutions). We must distinguish, however, between the stability of a regime type and the stability of a particular instance of a regime: an endless succession of dictators, each succeeding the other by coups and violence, may bespeak an impressive stability of regime type, even if they indicate peculiarly unstable regime instances. It is the first form of stability that we are most interested in at this point.

A regime type is stable with respect to a character profile whenever in the normal operation of a society (that is, excluding large exogenous shocks) that character profile will tend to sustain the particular institutional pattern of the regime type (and not just loyalty to a particular regime instance): it is in “equilibrium” with it. A regime that commands loyalty in a particular case is *eo ipso* stable in this sense, but some regime instances may not command loyalty and yet be stable in this sense,

insofar as the characters and habits of the members of the regime will tend to make it easy to sustain certain institutional patterns and not others, even if these institutional patterns are “dysfunctional” in some sense. We say that a character profile that ensures the stability of a regime is *compatible* with it. More than one regime type may be compatible with a character profile, but there may also be character profiles that are incompatible with any available regime (in which case the result is war). A regime may have a minor or a major role in producing and reproducing its compatible character profile, but other institutions in society will also contribute to its production, which means that the character profile of a society will constantly change in ways that escape the control of the regime.

A regime type is *resilient* when it is stable with respect to a large number of character profiles, and in particular when it is stable with respect to relatively large changes to its character profile. The basic idea is that changes to the underlying institutional structures of a society (and hence to its character profile) do not necessarily threaten the stability of the regime type: it is a “stable equilibrium.” Thus we might say, for example, that polyarchal regimes are *resilient* since they are stable in a wide variety of cultural and socioeconomic conditions, and hence with respect to a wide variety of character profiles, and they remain in place even after enormous cultural and economic changes, whereas certain kinds of autocratic regimes tend to become unstable after relatively minor changes to their character profiles. The latter regimes are *fragile*: they are stable only with respect to very small changes to its character profile (e.g., they require high levels of civic virtue from their citizens, and quickly decay into another form whenever such virtue is absent; or they require high levels of loyalty and commitment from their armed forces, and is quickly overturned whenever such commitment fails). These regimes are in an “unstable equilibrium”

with respect to their character profiles.<sup>28</sup> A fragile regime will in general have a larger role in the process of character formation in society, or at least in some sectors of society, so long as it endures, something which may make it last for a very long time. The point is not that fragile regimes last less, but that they are like a piece of precision machinery, dependent on the concurrent operation of many processes that produce a specific set of characters in a society.

A regime type is *incompatible* with its character profile whenever it is easily vulnerable to collective action attempting to change it; it has no ready defenders, and the characters and habits of its members would, on their own, tend to sustain different institutional patterns, and in particular would tend to develop different dominant interpretations of the constraints on choice constituting the institutions of regime and of their relations. To be sure, different institutional patterns may not be imaginable, or collective action may not be easily organized, so regimes that are incompatible with a specific character profile may subsist for a long time, even with little coercion. Indeed, the worst sorts of tyrannies are such that collective action against the regime becomes impossible at all levels (including at the level of forces of coercion) not because of the loyal commitment of some people to the regime but through the inability of anyone to “defect” from it; such a regime is like a nightmarish prisoner’s dilemma where the tyrant is extremely successful in preventing coordination against himself without thereby needing much in the way of commitment to the regime. Here the stability of the regime depends on the ability of the rulers to make coordination against itself impossible while relying on only a minimum of loyal commitment; we might say that such regimes are stable with respect to *power* but unstable with respect

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<sup>28</sup> Theoretically, there is no reason why a fragile regime would not be stable in respect to a wide variety of character profiles, all of which would be widely dissimilar; the important point is that such a regime would not be stable in relation to *small* changes to any of these character profiles.

to the character profile of society.<sup>29</sup> All things considered, a regime is of course preferable if it is stable with respect to a character profile rather than just with respect to power; yet it is not always simple to distinguish between regimes that are stable with respect to power and regimes that are stable with respect to a character profile (i.e., that are compatible with a culture, to use somewhat less precise terminology).

A regime type is *unstable* with respect to a character profile when its normal operation contributes (abstracting from the operation of other institutions in society) to the transformation of that character profile into one that is incompatible with it. Stability and instability are relative terms: a regime that is stable with respect to a character profile over a certain timescale may be unstable over a longer timescale, as slow change in character profiles may eventually push a stable regime away from its zone of equilibrium. A regime type is *improving* if its instability helps produce character profiles that are compatible with *better* regimes (more justified, well organized, better able to produce public goods, and better able to produce better characters); it is *declining* if its instability helps produce character profiles compatible with worse regimes.

It is not clear that better regimes will in general be more resilient; the tradition of political thought that we find exemplified in, e.g., Rousseau, suggests that better regimes are fragile, not resilient, though bad regimes (outright tyrannies) are also fragile, since they tend to be incompatible with most character profiles, if not outright unstable. Only mediocre regimes are resilient in this tradition; but resilience is also a value. Indeed, if by a better regime we mean a regime that both produces and is *only* sustained by better characters, then it seems likely that the better the regime, the less

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<sup>29</sup> A regime may be stable in both senses, however.

resilient it will be, since it is by definition compatible with only a fairly limited number of character profiles.

All other things being equal, however, a resilient regime is better than a fragile regime. Such regimes produce benefits for a wide variety of character profiles, if perhaps with different “efficiencies.” A regime is more *efficient* with respect to a given character profile than to another if it produces more benefits— in terms of decisions, interests, and characters – for the first character profile; thus, for example, a polyarchic regime may be more “efficient” in New Zealand than in Venezuela, insofar as the larger benefits it produces in New Zealand are tied to the particular character profile of New Zealand rather than to institutional characteristics of the regime (the example is meant to be illustrative only).<sup>30</sup> If a resilient regime is otherwise beneficial, it will therefore produce benefits over a large range of character profiles, and indeed for some subset of these profiles it may enter a virtuous circle of improvement.

To be sure, all other things are not necessarily equal. A resilient regime may also be more resistant to improvement, since *ex hypothesi* it is not easily destabilized in a positive way. Indeed, very bad sorts of political regime may be quite resilient; for most of human history, most regimes have been narrow and undemocratic, even if not outright tyrannical. Similarly, it may turn out to be the case that the best sort of political regime we could imagine is extremely fragile, i.e., not robust to small perturbations in its character profile, and indeed that it would quickly decline into a much worse regime.

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<sup>30</sup> The idea of efficiency is found in Mill’s concern for the conditions under which representative government does not produce its promised benefits; see Mill (1977 [1859]), chapter 4. We can also see it in ideas about “illiberal” democracy: the concern is that democracy *works better* (is more efficient at producing its promised benefits) whenever certain characters or habits exist in a society.

The question of the relationship between resilience and the goodness of a regime along any other dimension (in terms of decisions, interests, or justification) can be quite vexed. Consider the following “Millian” thesis: regime  $R_1$  is improving with respect to character profile  $P_1$  (e.g., a monarchical regime is improving with respect to particular cultural conditions); indeed, over some timescale  $t_2$ , it generates some character profile  $P_2$  (e.g., a people that is law-abiding) that is compatible with a justified, well-organized, and public-goods producing, regime  $R_2$  (let’s say, a constitutional democracy), whereas  $R_2$  is either incompatible with profile  $P_1$  (it would be quickly overthrown) or is compatible with it at a lower level of efficiency than  $R_1$  (so it is less well-organized, produces fewer public goods, and generates fewer good characters than  $R_2$ ); indeed,  $R_2$  may be quite stable with respect to  $P_1$  but only at low levels of efficiency (e.g., it may last as a corrupt democracy), or it may transform  $P_1$  into  $P_2$  only over a timescale  $t_2$  that is much longer than  $t_1$  (e.g., over 20 generations instead of 5). So  $R_1$  over  $P_1$  (producing some set of benefits  $B_1$  in terms of decisions, interests, and characters) represents an improving equilibrium leading to  $R_2$  over  $P_2$  (which is ideal, producing some set of benefits  $B_2$  greater than  $B_1$ , including, for example, full protection of human rights), but  $R_2$  over  $P_1$  is a stable equilibrium or even perhaps a decaying one (it does not lead to  $R_2$  over  $P_2$ ), and produces benefits  $B_3$  that are less than  $B_1$  or  $B_2$  (e.g., it fails to protect human rights). Is it so clear then, that we ought to prefer  $R_2$  to  $R_1$  over  $P_1$ ? Mill certainly thought not; we ought to prefer, according to him,  $R_1$  to  $R_2$  over  $P_1$ , so that we can get to  $R_2$  over  $P_2$  faster; but much depends on whether we think this scenario is empirically plausible. (There is no conflict if  $R_2$  over  $P_1$  leads to  $R_2$  over  $P_2$  faster than  $R_1$  over  $P_1$  leads to  $R_2$  over  $P_2$ , at least so long as the level of benefits produced by  $R_2$  over  $P_1$  is not unreasonably low).

One may object that the scenario is contrived; since a regime is constituted by dominant interpretations of the constraints on choice that apply to its various institutions,  $R_2$  would protect human rights over both  $P_1$  and  $P_2$ , assuming those interpretations remained the same. But it is of course easy to imagine that they might not;  $R_2$  over  $P_1$  might decay into  $R_2'$ , a superficially similar regime whose dominant interpretations of the constraints on choice that apply to its various institutions differ in some significant but nonobvious way from those of  $R_2$ . One may also object that if  $R_2$  is truly a good regime (a constitutional democracy for example) then it would always be better than any other regime for any character profile (in terms of its ability to produce appropriate decisions, public goods, and to protect fundamental rights); the problem is that other regimes are *also* compatible with existing character profiles. But this seems misguided. Though arguments about the desirability of democracy may be generally conclusive in theory, they always rely on simplified models of the regime, whereas *actual* regimes are always complicated systems for the division of political decisionmaking labor, as we saw earlier, and such arguments may not apply in those cases. Thus, there is no very good reason to think that a good or justified regime will always be stable with respect to many character profiles, or that it will be as efficient as alternative arrangements.

My intention here is not to resolve these puzzles but to point out once again that the evaluation of a political regime from the perspective of stability is not necessarily congruent with its justification or its evaluation from any of the other two perspectives we have discussed – the perspectives of decisions and interests. Regimes, as complicated systems for the division of the labor of decisionmaking, promote and protect different values simultaneously, and there may be no good way of rationally evaluating all of the possible tradeoffs involved. The theory of justice may establish

that certain kinds of regimes should be absolutely prohibited (regardless of whether or not they produce public goods or are well organized) because they, e.g., violate fundamental human rights, but it does not always provide enough guidance in thinking about imperfect regimes in the real world, all of which arguably violate some fundamental rights. The perspectives discussed in this paper are intended as guidelines for thinking about these imperfect regimes as well as about more perfect ones.

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