The Dispersion of Power
A Critical Realist Theory of Democracy

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<u>Introduction</u>

Beginning in late 2018, a massive protest movement shook French society and politics to the core. Named for the characteristic "yellow vests" (or *gilets jaunes*) worn by demonstrators, the movement was initially sparked by opposition to a fuel tax thought to unfairly burden middle- and working-class people. However, the protestors' demands soon expanded to include broader measures of economic justice—such as a wealth tax and a higher minimum wage—as well as reforms to enable more direct popular input into political decisions.

Within weeks, French President Emmanuel Macron had rescinded the fuel tax, but by then it was too late to dissipate the substantial political energy that had coalesced around the *gilets jaunes*, and eventually, Macron decided to counter with an ambitious democracy initiative of his own. After encouraging a "Great Debate" involving more than 10,000 local meetings and 2 million online comments, he convened a Citizens' Convention for Climate (CCC) composed of 150 randomly selected citizens, who were tasked with proposing solutions to the climate crisis that would then be put directly to the people in a referendum.

Each side in this political drama claimed the mantle of democracy. For one, defenders of the offending fuel tax pointed out that it was not imposed by a foreign power or lawless dictator, but rather by elected representatives who had recently been chosen by the people of France themselves. In this context, the *gilets jaunes* were accused of using disruptive and sometimes illegal tactics to circumvent the legitimate processes of representative democracy.

In response, of course, protestors drew on their own theories of democracy. Since the dawn of modern representative government, critics have noted its tendency to favor wealthy elites, insisting (like the *gilets jaunes*) that genuine rule of the people requires more direct popular input via initiatives, referendums, and other tools. And if disruptive protest is what it takes to achieve such reforms against the resistance of entrenched elites, it is easy to see why advocates of democracy might embrace such movements, rather than deriding them as a populist scourge.

Rather than confining popular input to intermittent elections or ceding all control to volatile plebiscites, finally, Macron's innovations aimed to encourage deliberation. The Great Debate urged citizens to redirect their political energy from adversarial confrontation to respectful discussions that could shift public opinion informally, while the deliberative CCC was formally empowered to set the agenda. Implicit throughout Macron's approach is a view of democracy as a process of reason-giving, such that the collective will is not simply aggregated via majority vote, but is rather constructed through collaborative discussion and mutual learning.

As many democratic societies face growing challenges along similar lines, parallel debates about how best to protect and enrich democracy are playing out around the globe—and each contending vision in these debates has clear virtues. In this book, however, I argue that none offers a fully persuasive account of why democracy matters and how to make it better. Despite the many differences between them, all three focus on how certain collective decisions are made, rather than how power is distributed more broadly—and in doing so, they lead us astray.

To be sure: representative elections, direct participation, and reasonable deliberation all play key roles in broader processes of democratic decision-making. The root cause of the very real pathologies that all three visions of democracy aim to address, however, lies not in any specific method of decision-making, but rather in the background asymmetries of social and economic power that shape the outcomes of *whatever* decision procedures are used—allowing wealthy and powerful groups to capture state institutions for their own partial interests.

Consider what actually happened with the CCC, which was widely celebrated by advocates of deliberative and participatory innovation. According to many observers, the 150 randomly selected participants made a good faith effort, with expert help, to craft responsible solutions to the challenges of climate change. Buoyed by a massive social rebellion against self-serving technocratic elites, meanwhile, they bitterly resisted anything they saw as an attempt by elites to bias the results, and ultimately produced a highly ambitious program of climate mitigation

policies. This ambition, however, proved to be their undoing. Rather than letting the people vote on their proposals right away, as promised, Macron simply vetoed the most radical—like a 4% tax on wealth—and watered down many others, before holding the popular referendum.

For its defenders, this was a vindication of the representative system: the policies crafted by ordinary citizens would never have worked, they argued, so it was right for elected leaders to step in. For advocates of deliberative and participatory innovations, however, it was a tragic missed opportunity to rethink the way we make decisions together. For many of the *gilets jaunes*, meanwhile, Macron's betrayal was further evidence of the corruption endemic to representative politics, and of the need for a direct popular voice in government.

In focusing their attention on finding the correct processes of collective decision-making, however, all three groups are missing the point. No matter what procedures we use to construct and aggregate preferences, the range of possible outcomes will always be constrained by the underlying balance of social forces—and given the distribution of power in contemporary France, policies that posed such a fundamental challenge to the core interests of wealthy and powerful elites simply never had a chance. This is not to say that such policies could *never* be implemented, but if and when they are, it will not be a matter of instituting a certain electoral reform or participatory innovation. Instead, it will reflect far deeper shifts in the distribution of power. And unless we account for this fundamental fact of political life, we cannot fully appreciate why democracy matters or how to make it better—in France or anywhere else.

This book proposes a way of thinking about democracy that does better on this score, highlighting the underlying power relations that inevitably shape the outcomes of whatever procedures we use to make collective decisions. In doing so, however, it goes against the grain of much contemporary democratic thinking—which, like all the visions we have just examined, often revolves around an ideal of democracy as *collective self-rule*. I now offer a brief outline of that ideal, and contrast it to the alternative I propose: democracy as *resisting state capture*.

Two ideals of democracy: collective self-rule and resisting state capture

When asked why democracy is valuable, many people are likely to draw upon the thought that everyone deserves a fair say in the decisions that affect their lives. Humans are constantly governed by forces beyond our control, but the ideal of *collective self-rule* embodies the hope that we can regain some control by subjecting those forces to processes of collective decision-making in which everyone has a fair say. Reflecting this ideal, many existing practices aim to bring about some form of *equal control over collective decisions*, while many approaches to democratic reform aim to make that control *more* equal or extend it to *more* decisions.

The ideal of collective self-rule makes perfect sense if we are asking how individuals who cooperate on shared projects should ideally make decisions about those projects. Moreover, it tracks with everyday experiences of collective decision-making that many of us have in our communities and workplaces, where we successfully resolve our differences by talking to each other, making compromises, and—if necessary—voting. The collective control experienced by many participants in such localized processes, however, is not a good model of how democratic politics works on the scale of modern states. At this level, the analytical clarity provided by a focus on individual contributions to certain processes of decision-making becomes a liability, clouding our judgments about why democracy matters and how to make it better.

In aiming to provide a more reliable guide to such judgments, I begin not from any stylized situation, but from the observation that politics is ultimately oriented around competition for access to state power. Given the uniquely concentrated power of modern states, the results are especially dire when a single group achieves uncontested control. Meanwhile, even groups whose control is incomplete can often divert state institutions from their public purposes, coopting parts of the state for private ends. At the same time, modern states can also be powerful tools for advancing human interests—just so long as no can corrupt them in this way. The key question, then, is how we can keep any of the groups contending for access to state

power from attaining such unilateral or outsized control. And that question, in turn, gives rise to the ideal I articulate and defend in this book: democracy as *resisting state capture*.

At a basic level, this ideal is oriented to the same goal as collective self-rule: keeping state power tethered to a general public interest. As I explain in the next chapter, this is why both can plausibly be understood as ideals of democracy—and why, on certain readings, we can even interpret them as complements rather than rivals. On such readings, they are simply pitched at different levels, such that the ideal of resisting state capture spells out what is required in practice by some highly abstract version of collective self-rule. For reasons I discuss below, however, the ideal of collective self-rule is far more often spelled out in ways that generate a misleading emphasis on decision-making at the expense of background power relations—just like all three visions at work in the episode of Macron vs. the *gilets jaunes*.

Regardless of what we call them, what I am interested in here is the contrast between two ways of understanding what democracy is, why it matters, and how to make it better. Rather than pinning the value of existing democratic practices on their ability to realize equal control over collective decisions, for one, my account highlights their role in keeping inter-group competition from degenerating into violence, as well as the limited incentives they create for leaders to pursue the public interest. Rather than aiming to further equalize individual control over a wider range of decisions, meanwhile, it implies that democratic action and reform should strive to maintain a roughly *egalitarian balance of social forces*, thereby ensuring that whatever decision-making procedures are used, the results will not favor any group too heavily.

In practice, the democratization agenda implied by this ideal includes procedural reforms that allow ordinary citizens to scrutinize and punish elite malfeasance, substantive policies that redistribute power from hegemonic to counter-hegemonic groups, and—most crucially—the organization of collective power among the latter. As I illustrate in Chapter Four, the biggest source of capture in most electoral democracies is the organized collective power of wealthy

elites (among other powerful groups whose character varies from place to place), and the first priority of democratic action and reform must therefore be to build countervailing forms of organized collective power that can prevent these groups from getting their way every time.

The stakes of this choice between two ways of thinking are high. If I am right, prevailing theories do not provide the best way of defending democracy against the serious challenges it faces. For one, a growing chorus of theoretical criticism calls out for a more robust, realistic, and broadly compelling response than is currently available. We need a better account, relying on realistic and widely shared premises, of why existing electoral democracies deserve fierce loyalty despite their many flaws. Even more crucially, the widening gyre of democratic decline in seemingly every part of the globe calls out for a more promising practical agenda for protecting and enriching democracy on the ground. This book aims to provide both—and more.

A critical realist approach: joining realist skepticism and radical critique

According to the ideal of collective self-rule, democracy matters because it allows us to make collective decisions on equal terms. Some argue that electoral practices are sufficient for this purpose (Waldron 1999), while others hold that it requires expanding the range of decisions open to popular input (Hagglund 2019), including more people in those decisions (Landemore 2020), or making their input more deliberative (Lafont 2019). Despite its popularity, of course, this ideal has not escaped critical scrutiny altogether, and this book draws in particular on two broad traditions that I call "realist skepticism" and "radical critique." Though divergent in many respects and rarely brought together, they converge on certain key worries about the ideal of collective self-rule, grounded in a shared concern with background power relations.

First, analysts belonging to the tradition of realist skepticism have long pointed out that elections do not institutionalize an attractive form of collective self-rule, and probably never could (Achen and Bartels 2016). Because they offer such coarse-grained accountability, even the fairest electoral procedures leave ample room for various elites to achieve their interests

behind the scenes. As social choice theorists have argued, meanwhile, this is true not just of elections but any collective choice procedures (Weale 2018). Even if these obstacles could be surmounted, finally, a trove of evidence from public opinion and political psychology indicates that most political behavior is powerfully motivated by social identity (Lodge and Taber 2013), creating further opportunities for elite manipulation. The persistence of commonsense views of collective self-rule in the face of such evidence has been called "the scandal of modern democratic thought" (J. Green 2009, 68), and it leaves us ill-prepared to explain the real value of electoral practices in the face of growing challenges from anti-democratic forces.

Second, thinkers in a more radical tradition of critique have emphasized that everything we do is structured by broader systems of advantage such as class, race, and gender, which do not simply disappear when all are granted formal equality in certain collective decision-making procedures. In seeking to legitimize political power by subjecting it to collective decisions, indeed, aspirations for collective self-rule can serve to conceal these asymmetries, along with the histories of domination that have created them (Dhillon 2017). From national elections down to local participatory institutions, background inequalities inevitably shape the agenda of collective decision-making procedures, as well as the types of participatory practices and political values that are legible within them (Sanders 1997). Intentionally or not, many popular strategies of democratic reform thus end up serving the interests of wealthy and powerful elites, enabling them to defuse contestation and co-opt or demobilize potential opponents (Lee 2014). Collaborative participation in collective decision-making procedures can be useful in some contexts, but the pervasive focus on them among democratic reformers serves to obscure or even undermine the oppositional strategies necessary to overcome the profound asymmetries that characterize all contemporary democracies to one degree or another.

This book is distinguished in part by its willingness to draw extensively on both traditions, as reflected in the "critical realist" label. A key insight of both, for instance, is that no decision-

making procedure can be perfectly collective, allowing us to make choices together on truly equal terms. Against the widespread hope that law and social power can be made legitimate if citizens share equally in authoring it, therefore, realist skeptics and radical critics both suggest that the rules governing our lives will always remain in some sense foreign to us. Indeed, any decision-making process that claims to fully legitimize power threatens to conceal—and thus perpetuate—whatever power relations inevitably remain in the background (Honig 1993).

As such, I argue, we should replace the precise, *positive* goal of collective authorization with the deliberately imprecise, *negative* goal of resisting capture—a loose category designed to encompass an ever-shifting variety of concrete threats. My account thus reframes democracy as an ongoing process of partisan opposition to whichever groups pose the greatest threats at a given time, not a fixed set of neutral procedures for resolving disagreements among equals. Recognizing the vast uncertainty of social life, more generally, I aim to draw rough heuristics for judgment, rather than exceptionless principles or authoritative practical conclusions.

Accounting for the dispiriting evidence presented by realist skeptics, on the one hand, the ideal of resisting state capture offers a defense of the broadly liberal, constitutional, electoral form of democracy that already exists in many countries—despite its many deficits—which remains robust, realistic, and broadly compelling. While elections cannot achieve genuine collective self-rule, in short, they can and often do obstruct politicians' efforts to entrench their position and capture state power entirely for themselves. This makes them indispensable for any modern political project aimed at keeping public power tethered to the public interest.

At the same time, electoral democracy is also consistent with vast asymmetries in private power—asymmetries which, if allowed to stand, will reliably feed back into politics. In line with the demands of radical critics, therefore, my approach also refocuses reform on the goal of *dispersing power*. In evaluating an outcome's democratic credentials, I argue, we must care not only about the formal decision procedures used to reach it, but also the distribution of

organizational capacity among groups: i.e., their informal ability to shape outcomes. As such, the key priority of democratic reform must be to mitigate disparities among groups in terms of private power resources, coordination rights, and other components of organizational capacity.

The core claim of this book can thus be stated as follows: as compared to conventional interpretations of collective self-rule, the ideal of resisting state capture offers a better account of why democracy matters and how to make it better, because it focuses on underlying power relations rather than specific processes of collective decision-making.

Chapter One explores the normative and methodological foundations for this claim, while Two and Three illustrate how my critique of collective self-rule applies to the two most influential versions of that ideal: "responsive representation" and "participatory inclusion." Due to the structure of social choices and the motivated character of reasoning, Chapter Two shows, various elites will always be able to shape "collective" decisions in their favor. As such, the justification and legitimacy of democratic institutions cannot rest on the claim that they are responsive to the popular will, and reform should not focus primarily on making electoral processes more responsive. Meanwhile, Chapter Three shows that deliberative forums and other participatory decision-making procedures are no less susceptible to manipulation and capture by elites, and that an exclusive focus on them is therefore just as inadequate.

The rest of the book explores the alternative way of thinking that I propose, beginning with an examination of state capture in Chapter Four. Defined as the use of public power to pursue private interests at the expense of the public, this concept incorporates disparate problems—ranging from regulatory capture, corruption, and clientelism to authoritarianism, oligarchy, and racial caste systems—and my exploration of it integrates insights from the history of political thought with the latest research in contemporary social science. Building on this conceptual foundation, the next three chapters then outline the basic political orientation suggested by the ideal of resisting state capture. Chapter Five outlines its three broadly liberal components:

principles of *constitutionalism*, *competition*, and *universalism*. Chapter Six then shows how the radical priorities of *antimonopoly*, *countervailing power*, and *systemic redistribution* follow from the same organizing principles. Finally, Chapter Seven explores the utopian horizon and broader political orientation implied by this ideal, before using it to work through tough cases.

Chapter Eight applies this general framework to the evaluation of existing practices of electoral democracy. Compared to the most salient alternatives, I show, these practices reliably disable certain tactics that incumbents can use to entrench their power, thus obstructing the worst forms of state capture. This explains their value in measured and realistic terms, while nevertheless providing a robust reply to critics of democracy. Chapter Nine then offers a novel vision of democratization, casting it as a matter not just of how certain decisions are made, but also of which general approach to state involvement the state takes in each policy area, how those policy tools are structured internally, and what forms of popular oversight are enabled. Of course, we can hardly expect states that are captured by wealthy elites to implement such radically democratizing policies: instead, we must force their hand by building countervailing power, on a massive scale, outside of the state—and Chapter Ten identifies one promising approach to this task. Drawing together the practices of radical labor unions as well as certain community organizations and movement groups, I develop a model of "organizing for power" that enables counter-hegemonic groups to build collective countervailing power.

This provides a sharp contrast to popular models of democratic reform—including all of those at work in the episode of Macron vs. the *gilets jaunes.* In short, I conclude, enriching democracy does require expanding popular participation, but not in the ways most often envisioned by democratic reformers. Modern democracy is not a collaborative process for making decisions, but a way of organizing competition for public power, which at present is pervasively biased in favor of wealthy elites and other groups with concentrated private power and organizational capacity. What deeper democratization requires, then, is not more channels

for direct individualized input into collective decision-making procedures, but more effective ways of organizing mass collective action by ordinary people, in direct opposition to organized elite interests. And amid the escalating challenges faced by democracies around the globe, this account of democratic priorities is the most important practical contribution of the book.

TABLE 1: Heuristics typical of collective self-rule and resisting state capture

		Collective Self-Rule democracy as collective co-authorship of law	**Resisting State Capture** democracy as group-based competition for power
Political Orientation	set general goals for foreseeable future	*Equal Control over Collective Decisions:* keep public power tethered to public interest by subjecting it to collective control → expand participation by individuals in egalitarian processes of will-formation / decision-making (see §1.3)	*Egalitarian Balance of Social Forces*: keep public power tethered to public interest by ensuring no groups can manipulate it for private ends → mitigate asymmetries between groups (see §1.4, §7.2, §9.1-2)
Concrete Heuristics Address three key tasks of political judgment	evaluate existing practices of electoral democracy	*Minimalist Views*: elections enable control equal enough for legitimacy (danger: legitimacy not warranted) (see §2.1-2) *Expansive Views*: elections unequal and thus insufficient for legitimacy (danger: fails to explain real value) (see §3.4)	*Measured Appreciation*: elections indispensable because it limits extreme capture; also profoundly insufficient because it enables many other forms of capture, especially by wealthy elites + categorically advantaged groups (see §4, §5, §8)
	develop agenda for reform of institutions and policy	*Responsive Representation*: help decisions track public opinion by removing obstacles in electoral process (see §2.3) *Participatory Inclusion*: include more people more directly (and deliberatively) in more decisions (see §3.1-3) *Background Equality*: make process of will-formation more egalitarian by expanding public service provision (see §3.4)	*Impartial Oversight*: limit ability of any group to capture state via contestatory oversight procedures (often with ordinary citizens as impartial defenders of public interest) (see §9.4) *Corrective Partiality*: balance organizational capacity by constraining hegemonic groups, aiding counter-hegemonic groups, flattening overall distribution (see §6, §9.3)
	develop priorities for civic participation outside state	*Generic Civic Virtue*: emphasize collaborative, deliberative, individualized forms of participation; oppositional, group-based contestation only as last resort; internal "democracy" is presumptively + intrinsically valuable (see §3.1-3)	*Countervailing Power*: prioritize oppositional organization among counter-hegemonic groups (those with least power and/or best able to contest elites); internal "democracy" only valuable if it enhances collective power (see §6, §10)
Democratic Dilemmas	navigate tensions among democratic demands	*Theoretical Resolution*: debate + inquiry on theoretical terrain: i.e., which definition is correct? (see §1.5) (e.g., if democracy = majority rule, judicial review is bad; but if democracy = minority rights, judicial review is good)	*Empirical Resolution*: debate + inquiry on empirical terrain: i.e., which choice minimizes capture? (see §7.3, §9.1) (e.g., judicial review is good only when tendency to limit abuse outweighs tendency to entrench elite power)
Utopian Horizon	set vague direction for very distant future	*Full Socialization:* make more decisions collectively → expand scope to economy / society / culture (see §7.1) *Ideal Deliberation:* make decisions more collectively → expand reach of reasonable / egalitarian discourse (see §7.1)	*Dispersion of Private Power*: equalize private power among groups → minimize need for collective decision-making *and* inequalities of influence over remaining public decisions → maximize public interest *and* personal freedom (see §7.1)

Table 6: The Six Demands of Democracy

Tradition	Principle	Subtype	Examples of Practices	Key Tensions
Liberal: structure public power to limit paths for capture	**Constitutionalism**: prevent dangerous concentrations of political power by any actor / group	**First-order**: formal constraints on the power of state actors to limit tyranny and abuse	Rule of law, procedural rights, freedom of speech, religion, assembly, press, etc…	Role of constitution as coordination device requires limited volatility, but revision is required when existing rules entrench elite power
		Second-order: ensure no actor or group can amass sufficient formal or informal power to violate first-order constraints with impunity	*Formal* (modern / liberal): separation of powers, institutionalized opposition *Material* (ancient / radical): tribunate, worker's councils	
	Competition: ensure dominant actors + groups face continuous challenges from organized, well-resourced rivals	**Political**: limit stakes / intensity of conflict, promote coordination on rules, action in public	Elections (party competition), federalism / subsidiarity (jurisdictional competition)	Competition may be harmful or self-undermining when: (a) stakes and methods not constrained; or (b) some have systematic advantages over others
		Legal: ensure powerful interests face resourced opposition in important contests	Adversarial trial system, public defenders, regulatory contrarians, citizen oversight juries	
		Social: provide *organizational* basis for resistance to abuse, contestation in politics, law	Civil society, religious pluralism, associational freedom, "marketplace of ideas"	
		Economic: provide *material* basis for resistance to abuse, contestation in politics, law, society	Open markets, dynamic economy built on diverse assets with unpredictable returns, competition policy	
	Universalism: ensure all access tools + benefits of constitutionalism and competition	**Inclusion**: universal access prevents elite manipulation to entrench position	Universal suffrage, legal equality, universal provision of goods / services	Pretense of neutrality can be beneficial, but can also conceal inequality and need for corrective partiality
		Impartiality: public standards of impartiality / neutrality limit flexibility and elite manipulation	Requirements of publicity, discourse, public standards, judicial / bureaucratic independence	
Radical: structure private power to limit ability of groups to enact capture	**Antimonopoly**: constrain wealthy elites and other hegemonic groups	**Economic**: limit the wealth + coordination rights of those with greatest economic power	Antitrust, intellectual property reform, public utility regulation, wealth + inheritance taxes, pay limits	Judgments about who has most power are contested; policies of corrective partiality open to abuse
		Non-Economic: impose special burdens or limits on actors and groups with most private power	Sanctions applied only to super-rich, citizen tax juries, limits on legal / political spending	
	Countervailing Power: organize among counter-hegemonic groups	**Geographic:** solidarity based in local concerns	Community orgs (e.g., neighborhood, city, watershed)	Discipline + hierarchy needed to wield power at scale, but also invites capture; cross-cutting solidarities may clash
		Material: solidarity based in structural position	Unions (e.g., workers, renters, debtors, welfare rights)	
		Ascriptive: solidarity based in ascriptive identity	Movements (e.g., race, gender, ethnicity, religion, caste)	
	Systemic Redistribution: shift resources top to bottom	**Economic**: redistribute wealth, income, control of production, bargaining + consumer power	*Liberal*: social insurance, education, affirmative action *Radical*: reparations, unconditional wealth transfers *Predistribution*: market reforms (e.g., Meidner plan)	Liberal forms necessary in short term but may hurt long term goals; redistribution + predistribution may conflict
		Non-economic: redistribute control + capacity for creation of culture, knowledge, ideology		