

Three Conceptions of Democratic Control

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The idea of control or power is central to the notion of democracy, since the ideal is one of giving *kratos* to the *demos*: giving maximal or at least significant control over government to the people. But it turns out that the notion of *kratos* or control is definable in various ways and that as the notion is differently understood, so the ideal of democracy is differently interpreted. In this little reflection, I distinguish between three different notions of popular control, arguing that only one is really suitable in democratic theory.

Under the first conception of popular control, it means that the people have a causal influence on government; under the second, it implies that the people exercise intentional direction over government; and under the third, it requires that the people enjoy an intermediate degree of power: I describe this as institutional control over government. I argue that popular control as causal influence is not demanding enough for the ideal of democracy, that popular control as intentional direction is too demanding, and that the only plausible candidate for interpreting the ideal is that of institutional control. I discuss two ways in which this sort of popular control may be realized, arguing against what I call a 'market' model and presenting the rival, 'condominium' model in a rather more favorable light.

Popular Causal Influence is not Demanding Enough as an Ideal of Democracy

Causal influence is the weakest possible notion of control. One event or factor will have a causal influence on a certain result or pattern of results just so far as it contributes causally in any degree to its appearance. It will have a high degree of causal influence to the extent that it is a condition sufficient to ensure that outcome; at the limit it will be a determining cause. But no matter how far it suffices for an outcome, the causally influential event or factor may not be necessary; there may be lots of other ways in which the outcome could materialize.

What would be required for the people to have causal influence on how they are governed? The most obvious way in which such influence might appear is via an electoral process. Let the people elect government periodically in a competitive context and they will certainly have a causal influence on how they are governed. Let those in government be concerned about their re-election, as they plausibly will be concerned, and that influence will be boosted further. Politicians will take account of opinion polls, focus groups, media responses and popular protests in fashioning their policies. And so the people may have an enormous causal impact on what is done in their name.

Does this sort of causal influence mean that the people will exercise control over government in a sense that ought to encourage democratic theorists? Surely not. The people would have an enormous influence on government if government was highly responsive to pressure and lobby groups that represented certain factional interests, not the common good. And in such a case most of us would balk at the idea that this represented an attractive democratic ideal.

Might it be enough, however, to guard against such inequality of influence, insisting that democratic politics should be organized so that people enjoy equal, non-zero influence, or equal access to such influence: some contemporary version of the *isokratia*, the equal power, that was prized in classical, participatory democracy?¹ I do not think so. People would have equal, non-zero influence on government, if government was conducted, perversely, with a view to frustrating anything they equally supported.

The problem with equating democratic control with causal influence goes deep. It has to do with the fact that a process will count as one in which A exercises causal influence on B, regardless of the effect of that process on B. This is not so with control. A can properly be said to exercise control over B, and not just to have a causal influence on B, only when the influence enjoyed by A is one that tends towards an effect that fits in some way with A's nature or dispositions or interests or whatever. The thermostat does not control the temperature if it influences the temperature but in a random fashion. One person does not control another if he or she influences the other but only in a counter-suggestible way. And the people in a democracy do not control their government if they influence what it does, even influence it equally, but do not secure anything they might as a people value.

When democrats say that the people ought to exercise control over government, then, they do not merely stipulate that the main inputs which shape what government does should emanate from the people, or even that they should emanate under a regime that gives each individual equal access to influence. Explicitly or implicitly, they suppose that not only should the people have an influence on government, they should have an influence that tends in a certain direction, promoting a target that reflects something about what the people endorse or seek. If democrats enthuse about a certain process of popular influence, perhaps seeking to engineer its realization, that will be because they take the process to program for such a suitably popular target.

Popular Intentional Direction is Too Demanding as an Ideal of Democracy

What sort of target might be suitably popular? The traditional answer to the question is that it should consist in the satisfaction of the democratic will: the will of the people. This is the approach that Joseph Schumpeter described in the 1940's as the classical model of democracy.² It is traditionally associated with Rousseau but has a history, as we shall see, that goes right back to the middle ages.

It makes no sense to speak of the will of the people unless the people amount to more than just a loose collection of individuals, such as those who live at the same latitude or in the same zip-code. The people must not be just a seriality, in Jean Paul

Sartre's useful phrase, but what we might call a solidarity.³ They must incorporate as an institutional body, organizing themselves in the manner in which a corporation or church or voluntary association is organized. They must constitute a group agent that is capable of endorsing goals and judgments, and acting on them. It is only an agent, after all, that can form a will on some issue – form an intention or plan about what to do.⁴ We sometimes ascribe a common will to a seriality of people, as when we speak of the mandate supported in a certain election, but this is clearly a metaphorical, even perhaps a mythological, way of talking.⁵

If a number of people are to constitute an agent, forming and enacting a common will on this or that issue, then that will require a surprising degree of organization and commitment. They cannot rely on a spontaneous or electoral process of majoritarian attitude-formation, for example, to give them the coherence that agency requires. Three of us might each have consistent views on whether *p*, whether *q*, and whether *p* and *q*, without the majoritarian views on those propositions being consistent. You and I might support 'p', while a third person votes against. You and the third person might support 'q', while I vote against. And in that case, assuming we each vote our own views, only you will support 'p&q'. Our majoritarian group will hold that *p*, that *q* but that not-p&q.⁶ The problem illustrated here, so it turns out, is quite general; there is no algorithm and no alchemy for ensuring that independent individuals behave as a group agent.⁷ Group agents are made, not born.

The lesson for democratic theory is that there is no collective will-formation without collective will-construction. If the three of us are to act as a group agent, worthy of being ascribed a common will, then we will have to work at ensuring our coherence as an agent – if you like, a solidarity – being individually willing to pay the cost required. The cost required with our little group of three is that we will have to agree as a group to disendorse 'p', disendorse 'q', or endorse 'p&q'; that is, we will have to agree that on one or other of these issues we act as a group on an assumption that a majority amongst us rejects. When we act in the name of the group, we will have to be ready to displace our individual viewpoints in favor of thinking from the solidaristic, group perspective.⁸ Even Rousseau was too relaxed about the prospects for the self-government of a corporate people, when he argued, following Hobbes, that an assembly of citizens would be able to form a collective or general will on the basis of majority voting.

The tradition on which Rousseau draws in arguing that there is content to the notion of a common will, and content therefore to the idea of empowering that common will in politics, is one in which the people is cast, precisely, as a unified, corporate agent. According to Rousseau, the people acts through the assembly of citizens when it legislates under rule-of-law constraints and that it then performs as a single, public person. While this way of thinking about the people may fit with Athenian and even Roman practice of democracy, its theoretical origins lie in a tradition established among legal theorists of 14th century Italy like Bartolus of Sassoferrato and Baldus de Ubaldis, and mediated to Rousseau in the work of Thomas Hobbes.⁹ Anxious to establish the fact

that each free republic had a ruler of its own, and was not at the mercy of the emperor, these thinkers held, in terminology that had only recently become available, that such a *populus liber* or free people was a corporate entity, organized via its *concilium* or council so as to act with one voice. And they then argued that as an artificial *persona* or person, such a people could serve in the role of *sibi princeps*, a prince unto itself.¹⁰

If we are prepared to think of the people in a democracy as a unified corporate entity of this kind, then there is going to be no problem with the idea that it has a common will, defined over different goals and policies. And so we will be able to say that what is required for democratic control is that there is a process of popular influence that reliably serves to ensure that government implements the common will of the incorporated *demos*, and only that common will. Democratic control on this image consists, not just in the fact that the corporate people has a causal influence on what government does, but in the even more striking fact that the corporate people intentionally directs what government does, acting like a managing or governing agent in relation to government.

If the model of democratic control as causal influence is not demanding enough, however, this model is altogether too demanding. There may be grounds for holding that the people – at least the mainstream propertied body of males – intentionally directed government in a city republic like the 14th century city of Perugia, with which Bartolus and Baldus were associated, or in the city republic of Geneva, where Rousseau was raised, or indeed in classical Athens or Rome. But there are no grounds whatsoever for maintaining that a people could intentionally direct government, asserting a common will, in relation to the unwieldy states of the modern and contemporary world. The point was already salient among enlightenment thinkers of a more sober disposition than Rousseau, such as Montesquieu and Burke.¹¹ And it was developed into a full-scale critique of the prospects for democracy by later, sociological theorists like Max Weber, who insisted on the difficulties presented by elites and by the recalcitrance of bureaucratic, military and economic life.¹²

Popular Institutional Control as an Ideal of Democracy: The Market Model

The idea behind the third model of popular control is that while things are set up so as to ensure that there are modes of popular influence on government, as in the first model, these modes of influence are not meant to serve a problematic target like satisfying the will of the people: the will of the people, as that bears now on one issue, now on another. This third model comes in two broad varieties, each corresponding to a different conception of the target that popular influence ought to serve. The first version holds that things can be designed so that government policy maximizes the satisfaction of people's private preferences, in an analogue of the competitive market; the second that things can be organized so that government policy tracks the constraints imposed by publicly accepted reasons, as in an organization like a condominium.

The market model of democracy was developed most influentially in the work of the Austrian-American economist, Joseph Schumpeter, about the middle of the twentieth

century, although he himself seems to have been very reluctant to see it as an ideal.¹³ It came to be cast as an ideal only in later developments, associated with the work of Anthony Downs and the public choice school of political economy, led by James Buchanan and Gordon Tullock.¹⁴ The model starts explicitly from a rejection of what Schumpeter described as ‘the classical model’ of democracy, in which the target is held up as satisfying the will of the people. And it then proceeds to elaborate an analogy in virtue of which the electoral machine can be cast as a market-like mechanism for maximizing the preference-satisfaction of voters.

Participants in the market divide into consumers and producers, and interact in the determination of prices; they do this in the way in which bargain-hunters and shopkeepers combine to determine the prices in a mall, or town, or region. Likewise, so the market model suggests, participants in the electoral polity divide into consumers and producers, and interact in the determination of policies. The producers stand for office in groupings of parties, advertising certain policies and policy-programs, and the consumers go to the polls to register their preferences – presumptively, their consumerist, self-oriented preferences – among the parties and programs on offer. Thus, with nothing more than the collaboration required for parties to form, members of an electorate act in concert to shape the policies that prevail in government. And they allegedly do so, as the model of the competitive market suggests, in such a way that the policies ought to track the trend in preferences expressed by voters. Under suitable methods of aggregating votes the policies should be shaped so that they conform to the majoritarian preferences of voters.

This model offers an interpretation of the democratic ideal as a process of institutional control and presents a clear alternative to the first two models of democratic control. But it confronts three major sorts of problems that make it hard to take seriously.

First problem. In the commercial market, products vary continuously with more or less incremental improvements being introduced by producers; they vary independently, with the products chosen by a consumer in one domain having little or no influence on the products the consumer can buy in another; and opting for a product means getting it. But in politics, as a matter of institutional necessity, things are quite different. The policies that voters are said to purchase at the polls do not vary continuously but come in pre-sized varieties with one party touting one sort and a second or third another. The policies do not vary independently but come in pre-packaged lots; if voters go for one policy that a party offers they have to go for all the other policies offered in that same party’s platform. And the policies promised by a party are not necessarily promises it will be able to deliver. The market in politics resembles the sort of department store that used to characterize communist regimes: most shelves are bare and empty; the well-stocked ones boast only the familiar, approved products; and ordering those products does not even guarantee getting them.

Second problem. But not only do voter choices contribute only to the selection of crude policy-packages, not particular policies. They won’t even contribute equally in this selection. Voter impact has to be mediated by electoral rules and the division of the electorate into districts, and this will almost always give some voters more influence

than others.¹⁵ But, even if districting problems can be avoided, some people's influence is always going to be more effective than that of others, so that we cannot think that voters have equal purchasing power.¹⁶ The more influential individuals may be the people who belong to the majority, mainstream population, since majority support will be enough to get a party elected. Or they may be those who are lucky enough to live in more marginal constituencies; they will be courted by all parties in that case, in cynical indifference to the idea that electors should be served equally. Or of course they may be those who have enough financial and other leverage to be able to command a special, lobbying influence on the party in power.

The third problem with the market model is that not only do voters have to choose between pre-sized, pre-packaged policies, and without enjoying an equal influence on what is selected; it is not even clear that what they do deserves to be described as choosing, where choice is taken to manifest preference. When I make a choice among a set of options, the assumption is that I select one of those alternatives on the grounds that it has some properties that make it more desirable or attractive than others. Thus I reveal my overall, consumer preference as between the options. But no one in a large electorate is rationally positioned to make that sort of choice between electoral outcomes, let alone specific policies; and what no one in the electorate is rationally positioned to do, the electorate as a whole is not positioned to do.

The problem here is that individual voters in a large-scale electorate are vanishingly unlikely to be pivotal and if they are rational, they are going to be moved by preferences, not over the electoral outcomes that lie beyond their influence, but over the stances they strike in voting, with the personal, expressive satisfaction these postures yield.¹⁷ How people vote may not be a function of the way that the politically relevant alternatives – the possible electoral outcomes – present themselves. It is as likely to be determined by something much more personal, random and strictly irrelevant: the feelings they have about striking one or another voting stance. If this is right, then we can say that the voters certainly do something at the polls – at the least, they assume satisfying stances – that select the government that will eventually rule. But they cannot be said, individually or collectively, to make a consumer choice for that government on the basis of the policies it holds out as potential outcomes.

Popular Institutional Control as an Ideal of Democracy: The Condominium Model

Let us agree that the people in a large-scale democracy are not corporately organized in such a manner that it is legitimate to posit such a thing as the will of the people, formed now on this matter, now on that. And let us agree that while it may be legitimate to posit the idea of a net balance of preference-satisfaction among voters, this does not constitute a suitably egalitarian target for the democratic control system, nor one that any electoral arrangement is likely to maximize. The question now is whether there is any other sort of goal that we might identify as a suitable target for the popular control that democracy is meant to establish.

In thinking about this issue, a useful analogy is provided by the sort of association exemplified by the condominium, in which the owners of apartments in the same building combine to run their affairs after what will intuitively count as an acceptable manner. The condominium will not usually operate as an assembly but will elect a committee on a periodic basis to discharge its business. To the extent that members elect the committee they are bound to have an influence on how their common affairs are pursued and under common or at least readily imaginable arrangements, they will have an influence that promotes a very specific target. The target is that of forcing the committee to act according to terms of reference endorsed by the members as a whole.

Broadly considered, what are those terms of reference likely to be? First, the committee will be charged with promoting certain goals that are important from all points of view, such as maintaining the quality of the building and surroundings, preserving the value of the apartments within the building, fostering civility in the relations between residents in the building, dealing with outside bodies in a way that promises to promote the presumptive interests of the condominium, and so on. Second, the committee will be charged with pursuing no goals other than these, unless they happen to be related as means to the realization of the primary goals. And third, the committee will be charged with treating all members more or less equally, both in giving them a hearing and in selecting policies that deal fairly with those in different categories of membership; it should achieve a local version of the *isonomia* that is hailed in classical democracy.¹⁸

Where will such terms of reference be established and interpreted? Formally, they may be recorded in a constitutional document or a mission statement or something of the kind. But less formally they will be valorized and given more specific substance in the sorts of arguments that pass muster in discussions among members as to what on any issue the condominium ought to do. Members will argue with one another, both on and off the committee, as to what line should be taken by the corporate on this and that matter. While they will disagree with one another as often as they agree, they will do so via a process of argument in which certain considerations are accepted on all sides as relevant to the collective decision-making, even if members weight them differently, while other considerations are identified as factors that carry no weight or relevance with some. Considerations that are likely to prove totally irrelevant are arguments for giving privileges to those on the top floor, or to those who bought in early. Considerations that are likely to pass muster generally will often bear on the provision of public goods that all want and that all can have, if anyone has them. But considerations of fairness may also have this status, as in the argument that if those on a particular floor are subject to an effect of bad luck, say in the occurrence of flooding, then the body as a whole should help.

What might it mean for such terms of reference – such public or civic reasons¹⁹ – to constrain and channel what the committee does in the condominium's name? If the terms of reference rule out some policies, or just fail to rule them in, then the committee will reliably avoid such measures; if the terms of reference unambiguously require some policies, then the committee will reliably implement those proposals; and if the terms of reference are equally satisfied by a number of policies in an area where they require

policy-making, then the committee will select the policy to be implemented on the basis of a procedure that is itself supported or at least allowed by the terms of reference. The sort of procedure used might involve a vote on the committee itself, a vote among the members as a whole, reference to an outside consultant or expert, or even resort to an impartial lottery of some kind.

How will the members of a condominium ensure that its committee acts so as to satisfy such terms of reference, acting in all and only those ways that are supported by the reasons that pass muster in the group? They will certainly want to be able to select or deselect members of the committee in periodic, open elections. But given the abuses that elected officials may practice, they may also be expected to implement other institutional devices for ensuring that the committee operates according to the terms of reference under which it is appointed.

The devices we might expect to be established fall into five categories.

- The assignment of certain rights to the members of the condominium, say in respect of how they furnish their apartments, that the committee may not breach.
- The requirement that any committee rulings have a rule-of-law form, applying equally to all, and only from the time of their introduction, not retrospectively.
- Provisions that force the committee to record its proposals, give members a right to object, and time to object, thus enabling members to invigilate its doings.
- Provisions that force the committee to declare conflicts of interest and submit its performance to independent audit, thereby reducing the danger of abuse.
- Arrangements for adjudicating and disciplining the committee in the event that there is evidence of any breach of such rights or rules or provisions.

The condominium model suggests a parallel for how the people in a democracy, even a large-scale democracy, might – and in some measure do – exercise popular control over government. The rather idealized picture of the condominium suggests an image of how a democracy, itself rather idealized, might also work. Specifically, it suggests an image under which the democracy will give the people control of a sort that forces government to satisfy a demanding set of constraints: those associated intuitively with what we might call its terms of reference.

Think of the government as relating to the citizens and residents of a polity in the way in which the committee relates to members of the condominium. Think of the goal that requires the government to be responsive to the terms of reference given in the constitution, and valorized across public debate, as a counterpart of the goal of constraining the committee by the terms of reference accepted in the condominium. And think of the means whereby government is electorally, constitutionally and more informally monitored by the people as parallel to the electoral and non-electoral measures whereby the members of the condominium keep the committee in check.

I suggest that these lines of thought point us towards a polity that has a good claim to count as democratic, instituting a mode of suitably popular control, electoral and non-electoral, and a mode of control that programs for a suitably popular target. This is the target of tying government to the exclusive service of considerations which pass muster

across the society, counting as the reasons of the public, the considerations that rule in civic consciousness. This is not the place to explore this ideal of democracy further but I hope that the argument at least makes the exploration look worthwhile.²⁰

NOTES

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