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Democratic Sportsmanship
Contested Games and Political Ethics

Andrew Sabl

Abstract

One of the central virtues in a democracy is what might be called democratic sportsmanship: a willingness to lose gracefully and still keep playing. Nothing is more common, however, than for different political actors to see one another as bad sports. This essay explores, and distinguishes, three different reasons why conflict can occur. Players can disagree over how the game should best be played; over which game is being played; or over the degree to which settled rules are desirable in the first place. In the first case, arguments among players and spectators are more tractable than they seem, even salutary. In the second, they are less salutary but also less dangerous than commonly thought, due to modern polities' ability to mix games and to adopt side constraints independent of the rules of any particular game. The third case is more dangerous but also an occupational hazard only of leaders, who must be brought to appreciate the virtues of settled rules and institutionalized roles on grounds that most ordinary citizens already recognize.

Key words: Democracy, "democracy as game," "defining democracy," "essentially contested," Gallie, Nomic, Coalection, "democratic sportsmanship," "governing pluralism."

This essay is about what I have elsewhere called "democratic sportsmanship": a willingness to lose in some arena of democratic struggle (an election, a referendum, a social-movement-driven demand for reform) but still keep playing in good grace, with a view to winning the next time. Other kinds of sportsmanship, such as a leader's willingness to help weaker members of the team rather than scorning them, might seem relevant for democracy. My

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focus here, however, is on graceful losing. For this form of sportsmanship is particularly central to preserving the familiar hallmarks of democracy: peaceful alternation in power based on legitimate, and to some extent unpredictable, shifts in popularity, and the fallibilist attitude that goes with that. I have claimed elsewhere that this graceful-loser sportsmanship is one of only three core values, along with nonviolence and toleration, that are essential to any conception or ideal of democracy. What counts as a democratic virtue will depend on how one envisions democracy, but sportsmanship is a virtue under any plausible vision.[1] I have argued as well a thesis of "governing pluralism," whereby different kinds of political figures (chief executives, legislators, human rights activists, union organizers) rightly take on a division of moral responsibility, specializing in different types of political task and to the different values or combinations of values that each task furthers.[2]

In a comparative context, and especially in the context of new democracies, both these concepts must be not just explicated but also altered. While democratic sportsmanship and governing pluralism were intended to be relevant across different polities, both were derived from the politics of the United States. However, the U.S. is not only a very well-established democracy, with durable institutions and diverse political traditions that correspond to them, but also a strange democracy with idiosyncratic institutions. (Democratization theorists spend a great deal of time, nobly though without great success, trying to keep American political scientists from judging other countries' democratic performance by how closely their institutions or norms resemble those of the United States.[3]) Democratic sportsmanship, which seems a simple matter within an established polity, is a complex and dizzying matter when applied to the whole democratic universe, including polities whose rules and norms are unsettled. Governing pluralism, likewise, must be rethought when the tasks and values of politics are being reinvented all the time. To be sure, political roles in the United States and other settled democracies may be less settled

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[1] Andrew Sabl, "Virtue for Pluralists," *Journal of Moral Philosophy* 2, no. 2 (2005): 207-235. The concept of democratic sportsmanship has turned out to require a much more complex analysis than first anticipated. I would like to thank for his invaluable comments Mark Kleiman, as well as the participants at the August 2007 Taiwan Thinktank conference, especially Guillermo O'Donnell and Philippe Schmitter.

[2] Andrew Sabl, *Ruling Passions: Political Offices and Democratic Ethics* (Princeton, NJ: Princeton University Press, 2002).

[3] Among many who stress this problem, see Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace, 1955); Samuel P. Huntington, Political Order in Changing Societies (New Haven, CT: Yale University Press, 1968); Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is…And Is Not," and Juan J. Linz, "The Perils of Presidentialism," both in *The Global Resurgence of Democracy*, ed. Larry Diamond and Marc F. Plattner (Baltimore, MD: Johns Hopkins University Press, 1993): 39-52, 108-126, respectively; and James W. Davis, *Terms of Inquiry: On the Theory and Practice of Political Science* (Baltimore, MD: Johns Hopkins University Press, 2005), 76-78, and the citations therein.

and consensual than they seem. If so, the comparative context, besides being important for its own sake, may help to foster the "sense of relativity, spark of philosophy" that Louis Hartz maintained American thought lacked.[4]

Regarding governing pluralism, my previous suggestion that stepping too far outside a polity's systematic roles risks a "crisis in the polity"[5] now seems wrong—or right only if crisis is used in a positive sense, which was not the original intention. Governing pluralism, in other words, should be expanded to cover more dimensions: not just a division of tasks within the polity, but disagreement, to be sure within limits, over what the tasks are and what the polity should be aiming at. That said, consensus on specific tasks, the institutionalization of certain roles or positions, remains a good thing. We students of stable, if sclerotic, democracies have something to teach about how institutionalized political roles, and the ethical habits that go with them, can be not only necessary but also noble, not a grim concession to the need for compromise but a way of enabling vigorous and exciting politics of different kinds. If elites can be persuaded that regularized role-based politics is less boring that it seems, ordinary people—who probably prefer such anyway, as they prefer most things that allow stable expectations and accountable promises—may hope to enjoy more of its fruits.

As for democratic sportsmanship, in a comparative context it cannot mean *simply* losing with grace. Establishing and fleshing out new democracies involves a willingness to push the rules and an ability to deal with threats by all sides to end the game[6]; and the result is often a game whose players by no means agree on its rules, much less its proper play. Examining what sportsmanship might mean in such circumstances will help to illuminate the range of questions with which democratic ethics must deal in order to be fully relevant to pluralistic democracies as such, not just to long-lived ones and not just to American ones.

So, departing from my original case of sportsmanship in a democratic game with clear rules and specialized players, I shall complicate the case in three ways, progressively more challenging (and my treatment increasingly speculative). I shall address instances of (1) disagreement over how best to play the *same* game; (2) disagreement over *which game* is being played; and (3) disagreement over whether democratic politics should be a rule-based game in the first place. (This still leaves a great deal out, for instance, disputes over

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[4] Hartz, *Liberal Tradition*, 14.

[5] Sabl, *Ruling Passions*, 304.

[6] See the classic treatment of "transitional, multilayered, political chess" in Guillermo O'Donnell and Philippe C. Schmitter, *Tentative Conclusions about Uncertain Democracies*, and in Guillermo O'Donnell, Philippe C. Schmitter, and Laurence Whitehead, *Transitions from Authoritarian Rule: Prospects for Democracy*, vol. 4 (Baltimore, MD: Johns Hopkins University Press, 1986), 66.

who gets to play and how great an area the game will cover.) My theses will be both skeptical and hopeful. I shall argue that the disagreement between radical accounts of democracy that stress participation or "democratic deepening" and more conservative ones that stress authority and governability will never end but that the endless argument is good for democracy; that prominent actors in both new and long-running democracies may not agree as much on the rules of the game as often believed, but that this disagreement, too, is mostly harmless; and that the closing off of political options that institutionalized, stable democracy is often said to involve in fact enables new modes of political accountability to compensate for, and in some respects replace, the lost glories of virtuosic leadership. These claims are wide-ranging and ambitious; they are also admittedly speculative, meant to spur rather than settle a set of questions. As part of this speculation, the argument will consider a variety of different games and sports as analogies to democratic politics. The need to consider multiple analogies, even at the risk of both complexity and indeterminacy, is part of the point.

"Democracy" and Democracy: The Uses of Both

To begin with an easy question: what is democracy? Briefly treating a few answers to this question will not tell us what democracy is. It may illuminate, however, what is gained by endless arguments about what it is.

There are two basic approaches to defining democracy. By this is meant not two basic definitions, or two sets of definitions, but two different ways of attacking the question as a whole. The first might be called the standard social-science approach. Investigators start by asserting a definition and seeking agreement on it. The aim, explicit or not, is a concept that defines democracy precisely rather than capturing it fully. Once such a concept exists, we can then form proper causal hypotheses, with democracy studied as either cause or effect. The researcher presumably has a normative interest in helping democrats succeed, but this purpose—on the social-science account—will be best served by getting the social science right. Political scientists playing "democratic Machiavelli," advising would-be democratizers,[7] will do this best if the definitions used are rigorous. Only then can the social-science research program hope to be progressive; only then can political scientists aspire to ever-better statements of what will get us more, and more stable, democracies. The social-science approach is, in theory, consistent with any definition of democracy, however maximalist, but as a matter of intellectual history and elective affinity, it has tended to be associated with "procedural minimum" definitions: democracy is present when, and only when, there are periodic free

[7] Samuel P. Huntington, *The Third Wave* (Norman, OK: University of Oklahoma Press, 1991), xv.

elections resulting in governments that effectively rule for a limited time and may be replaced.[8]

The second way of approaching the question starts with Wittgenstein's well-known argument that all real-world objects have indeterminate definitional borders. Nothing one could define as necessary and sufficient for the concept's existence captures all the ways we use it. Wittgenstein's classic example is "game." If we try to define what a game is, we will be doing so with certain games in mind, but as a result, we will always define as not-games things that our everyday speech calls games as a matter of course. To say that games are amusing, involve winning and losing (or at least competition), involve multiple players, involve skill and/or luck, and so on, will capture some games, but not all. There is no comprehensive definition, only a "complicated network of similarities overlapping and crisscrossing," like a "family resemblance" in which no precisely defined set of characteristics defines that resemblance.[9]

This is not a counsel of despair. On the contrary, Wittgenstein urges us to see that we use concepts all the time, without being misunderstood, without either needing or missing conclusive definitions. Only when philosophizing badly do we demand precise definitions; only when philosophizing well do we notice, or need to notice, that our usages are relative to particular contexts and purposes. Of course, while it is merely a philosophical mistake to think that we can give an accurate, perfect definition of what a game is, Wittgensteinians argue that thinking something similar about democracy is not only a mistake but also can cause great mischief and misunderstanding. Moreover, it can hide ideological bias. James Davis has recently argued that much of the confusion around "democratic peace" theory stems from the assumption that we know what democracy is and that the paradigm democracy is the United States—not only now (when its institutions are odd enough) but also in the past when the franchise was limited to propertied white males and the country could hardly be called democratic by any contemporary standard.[10]

The two approaches can be mixed. One might stipulate that democracy always contains certain core elements but stress the extent to which a great

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[8] Antecedents of this definition include Joseph Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper and Row, 1942), and Robert A. Dahl, *Polyarchy* (New Haven, CT: Yale University Press, 1971). More recent defenders, many maintaining that only some form of procedural definition could possibly serve the purposes of social science, include Huntington, *The Third Wave*, 9-10, and, with caveats, Schmitter and Karl, "What Democracy Is…." The "effectively rule" criterion represents the "expanded procedural minimum" proviso suggested by David Collier and Steven Levitsky, "Democracy with Adjectives: Conceptual Innovation in Comparative Research," *World Politics* 49, no. 3 (April 1997): 430-451.

[9] Ludwig Wittgenstein, *Philosophical Investigations*, 2d ed., trans. G.E.M. Anscombe (Oxford: Blackwell, 1958), sections 67-68. Davis, *Terms of Inquiry*, 33-34, cites this passage in a different translation.

[10] Davis, *Terms of Inquiry*, chaps. 2 and 3.

many democratic models should be allowed beyond this minimum.[11] However, as long as one gives some role to a minimal necessary definition, one is in spirit adopting some version, however sophisticated, of the social-science approach. A true Wittgensteinian would reject any such core as untrue to the range of ways in which a concept like democracy is used. For instance, if one's interest in democracy involves the ability of the people as a body to exercise full sovereignty and agency, or to act as one in the joyous knowledge that a leader represents the people's true Will, or to control the means of production and bring equality to economic relationships, regular elections to choose between competing governing elites will not be a minimal definition of democracy but something antithetical to democracy.[12]

Each approach, I would submit, serves a different but valid purpose, and each should admit the other's legitimacy for that purpose. One seeks conceptual clarity with admitted violence to everyday speech; the other demands fidelity to the variety of everyday uses and is willing to pay the cost in social-science rigor (whose possibility it tends to question anyway). Social scientists can explain why democracy in a certain technical sense is sometimes achieved and sometimes not, without claiming that democracy in any other sense has been captured; Wittgensteinians can explicate the many ways in which democracy is used as a description or an ideal, without claiming to be able to provide precise causal hypotheses, if those are sought by political actors seeking to achieve or stabilize democratic institutions narrowly understood.

Granted, this benign division of labor is hard to sustain. Social scientists sometimes fail to admit the artificial, technical character of "democracy" as they define it, and the fact that democracy defined for some purpose (such as democratic peace) might be useless for another (such as comparative democratization theory). But at the same time, Wittgensteinians sometimes fail to admit, or at least fail to stress, that such technical categories can still be extremely useful for limited purposes, whereas fuzzier categories render much more difficult the building of causal knowledge that might help those making decisions to accomplish worthy ends.[13] To take an example that seems

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11 An example is Schmitter and Karl, "What Democracy Is…."

12 For an especially strong statement of this point, see C.B. Macpherson, *The Real World of Democracy* (Oxford: Oxford University Press, 1972). Partisans of Athenian "participatory" definitions of democracy represent another case.

13 William Connolly, *The Terms of Political Discourse*, 2d ed. (Oxford: Martin Robertson, 1983), 34, admits that one can mark off any *single* concept with quotation marks to mark a nonconventional usage, but rapidly moves from this to the point that one cannot simultaneously mark off *all* such concepts and still hope to describe anything in a meaningful way. (His example: "In the 'politics' of the united State, the intensification and spread of 'corruption' led to a decline in 'democracy' and the 'threat' of 'oligarchical' controls.") But this is mischievous. In practice, though perhaps not in theory, social scientists use a specialized sense for one word at a time, rather than all at once, and learn a great deal by doing so.

to favor the Wittgensteinians, let us stipulate for argument that "democracy" on the procedural minimum or a similar definition stands to real democracy as understood in everyday speech and judgment more or less as "the status of having won at least one beauty pageant" stands to beauty. In each case, the former concept, unlike the latter, can be measured with high reliability. The former captures some quality or qualities that are plausibly involved in the latter (while remaining quite unrepresentative of its variety and unable to illuminate why people prize it). And the former remains useful as both a dependent and an independent variable—just as the beauty-pageant definition of beauty, if investigated causally, would be useful both to advertisers seeking a (merely) conventionally attractive model at short notice and to would-be contestants seeking to improve their winning chances. It remains true that the value of democracy, or more dubiously of pageants, cannot be addressed by such inquiries. And, in the Wittgensteinians' defense, any researcher who only perceived beauty-pageant "beauty," or social-science "democracy," while ignoring how narrow and biased the standards for each were, would end up thinking and acting more or less insanely.[14]

Democracy with Adverbs

There is, however, a bigger issue. Neither of these ways of defining democracy explains why persistent *disagreement* over what it is should be either inevitable or good. From a social-science perspective, we should settle on an agreed-upon definition and be done with it so that research may progress. Different kinds of democracy should simply be given different names and research done on the causes and consequences of those things ("social democracy," or "*Herrenvolk* democracy," or "massively pluralistic democracy," or whatever). On the second view, Wittgensteinian insight shows disagreement to be pointless: our arguments stem from our varying contexts or purposes, and we should come to accept both our ability to use loose concepts in everyday speech and the inevitable profusion of concepts for more specialized needs.

On a third view, disagreement about democracy is far from pointless, but those who engage in it are likely not to understand the point. They think that they have a good case for unique insight into what something is, but in fact are emphasizing certain aspects of how a certain paradigm case might best be imitated and improved. What they think is an argument about nouns is really twice removed from that: it is about adverbs. This is, I submit, the best way of understanding W.B. Gallie's "essentially contested" concepts. Gallie does

[14] A heroic but to my mind not quite successful attempt to synthesize social-science and Wittgensteinian modes of inquiry is David Collier and James E. Mahon, "Conceptual 'Stretching' Revisited: Adapting Categories in Comparative Analysis," *American Political Science Review* 87, no. 4 (December 1993): 845-855.

not claim that all concepts are contested, but names democracy as an example of one that is. Gallie's analysis, often cited but rarely read closely (it is often treated, oddly, as akin to Wittgenstein's, perhaps because they have similar social-science enemies[15]), deserves some discussion, especially since I will claim that his own explanation of what he means, which misplaces the stress of what is contested, is likely to mislead.

Gallie did not intend to describe most concepts, only a few that were natural objects of "philosophical enquiry" precisely because the methods of "commonsense or of the natural sciences" (more or less the two cases I just treated) could not capture how people used them. Gallie noticed that a few concepts—he mentions "work of art," "democracy," and "Christian doctrine"—lacked agreement on a "clearly definable general use…which can be set up as the correct or standard use." Nor were the various uses obvious and agreed-on, as in Wittgenstein, once purpose or function was specified. On the contrary, different uses served

> different though of course not altogether unrelated functions for different schools or movements of artists and critics, for different political groups and parties, for different religious communities and sects. Now once this *variety* of functions is disclosed it might well be expected that the disputes in which the above mentioned concepts figure would at once come to an end. But in fact this does not happen. Each party continues to maintain that the special functions which the term "work of art" or "democracy" or "Christian doctrine" fulfils on its behalf or on *its* interpretation, is the correct or proper or primary, or the only important, function.[16]

So "Democracy," as well as other contested concepts, is thus not only a partisan concept but also one which in no way loses its partisan flavor when the fact of disagreement is pointed out (not that it needs to be: the disagreements are

[15] For example, by Connolly, *Terms*, 22, who, however, seems to intend a recasting of Gallie rather than an interpretation; also Gavin Williams, "Democracy as Idea and Democracy as Process in Africa," *Journal of African American History* 88, no. 4 (Autumn 2003): 339-340. Steven Lukes, *Power: A Radical View*, 2d ed. (Houndmills, England: Palgrave Macmillan, 2005), is ambiguous, clearly distinguishing Gallie from Wittgenstein on pp. 61-62, but treating the two theories as very similar elsewhere.

[16] W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1956): 168 (all emphases in original). Gallie stresses elsewhere that specialized, technical theoretical discussions of democracy are not his subject; these, in fact, "presuppose a more elementary use in which [the term "democracy"] can be said to express (and usually to-day to express approval of) certain political aspirations which have been embodied in countless slave, peasant, national and middle-class revolts and revolutions, as well as in scores of national constitutions and party record and programmes" (ibid., 183-184).

rather obvious). Disputes over what democracy is, are "perfectly genuine," the products of neither psychological limitations nor metaphysical laziness.[17]

Gallie draws an analogy to a game (he uses skittles, a kind of English bowling resembling North American candlepins or ninepins). He asks us to imagine that we are keeping score, *and that a certain decent score is necessary to be taken seriously*, but that the important disputes are not about who scores best. Rather, each of several teams aspires to be judged "the champions" "in virtue of level of style or calibre," hoping to be judged "to have played the game best."[18]

> [E]ach side has its own loyal kernel group of supporters, and in addition, at any given time, a number of "floating" supporters who are won over to support it because of the quality of its play—and, we might add, the loudness of its kernel supporters' applause and the persuasiveness of their comments.[19]

Gallie stipulates several conditions for an essentially contested concept, most famously that a concept like "the champions" (of skittles) must be "appraisive," a matter of value. This does not mean that judgment is anarchic: all the spectators must be judging plays, and players, of the same game. (This must be stressed strongly: they are not disagreeing about what the game is, or about the rules![20]) Moreover, they must agree that various things are important to playing it well; they just disagree, very sharply, on these qualities' *relative* importance. A real champion, each team's partisans says, is one who shows what speed-bowling, or good direction, can do,[21] though of course (we might add) bowling merely with speed in the wrong direction would win no supporters at all.

Now, it is clear why such a concept is essentially contested. Pointing out disagreements does not deflate the argument but is part of the argument, in fact its whole point.[22] And the reason why I am calling the case "democracy with

[17] Ibid., 169.

[18] Ibid., 170. Of style or calibre, Gallie notes, "*No doubt for this to be manifested a certain minimum number of successes* [i.e., a certain score] *is necessary*" (ibid., emphasis added). This is often missed, and suggests some sympathy for a "minimum" definition of democracy, though perhaps not a *procedural* minimum.

[19] Ibid., 171.

[20] There are many local variations in the rules of skittles, but Gallie makes no mention of this fact; variation in the rules is not his subject. One might note that fans and players from different regions might agree on adverbial questions, on *how* skittles should ideally be played, while disagreeing about the rules.

[21] Ibid., 173.

[22] "…[T]o use an essentially contested concept means to use it against other uses and to recognize that one's own use of it has to be maintained against these other uses" (ibid., 172).

adverbs" is that in arguing about whose play best represents "skittles" (noun) or "championship skittles" (adjective), the players and spectators are really arguing about *how skittles should ideally be played*: about the adverb, with perhaps almost total agreement on both the substance of what skittles is and the exemplar of good skittles. Put differently: the essentially contested concept here is not *skittles* but *the champions*, which immediately involves questions of how best to play. What is being contested is not a noun but an adverb.[23]

Thus Gallie to be consistent might better have said that the contested concept is not "democracy" but "the best democrats" or "the true heroes of the democratic polity." This argument about an actor-noun, about *who* is acting most democratically, automatically entails or requires an argument about an action specifier, an adverb; about *how* one acts most democratically.[24] Noisy, perhaps civilly disobedient activists, heads of the state security police, and everyone in between, along with their supporters and critics, may agree on what democracy is—the procedural minimum, or something more—but this does not settle the argument about how to *do* democratic politics. Agreement on the rules of the game does not settle the argument but is, on the contrary, the precondition for starting it.

The obvious objection is that the different teams are trying for different things, for excellence at different kinds of game (one trying to excel at speed-bowling, another at good placement, and so on) and that their supporters are arguing at cross-purposes. They are disputing not about champion play as such but about excellent achievement *of one style* as opposed to another—about nouns rather than adjectives after all. Against this, Gallie replies that we can tell that a concept is essentially contested (not just confused) if the various teams and supporters all agree on an exemplar, in the form of either a single team or "a succession (or tradition) of teams," that represents "the way the

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[23] This reading solves many of the puzzles about which those who have explored "essential contestedness" have worried. In particular, the common practice of associating Gallie's essential contestedness with John Rawls' distinction between a general concept and a particular conception involving interpretation of the concept (e.g., Christine Swanton, "On the 'Essential Contestedness' of Political Concepts," *Ethics* 95, no. 4 [July 1985]: 811-827; Andrew Mason, *Explaining Political Disagreement* [Cambridge, England: Cambridge University Press, 1993], 53, 68; John Gray, "On the Contestability of Social and Political Concepts," *Political Theory* 5, no. 3 [August 1977]: 334) would on this view be misleading. And Gallie's concept of the essentially contested would seem to apply only to a few concepts: those implying verbs, an activity of performance—as "democracy" does but "social justice," a much more static term, probably does not. But I lack the space here to pursue this idea fully.

[24] The politician in the United States with the highest "score" in the democracy game is, as of this writing, George W. Bush. He achieved more popular and electoral votes than his opponent in the last election and more popular votes than any politician in U.S. history. But this does not in itself make Bush the most democratic politician in America or the one who best embodies the ideals of democracy. Making the case for the latter would require an argument about something other than votes (i.e., Bush's political style or virtues or distinctive leadership qualities). I thank Phillippe Schmitter for forcing clarification here.

game is to be played." The various partisans simply disagree on which qualities make it the exemplar, and must disagree "because of the internally complex and variously describable character of the exemplar's play."[25] When such exemplars exist, the debate is over how to match the exemplar's performance, not what the game is.

Gallie's final point, one crucial for political ethics, is that only the process of contesting the concept lets the game develop, through competition and argument, to its highest or optimum extent.[26] Partisan arguments over how skittles is "really played" are, on the most instrumental and practical level, necessary for serious skittles, "in optimum fashion," to survive. Mark Philp has argued that politics cannot, in the end, be compared to a game because in politics the point of the game, and therefore the standards that let us judge excellent play, are themselves settled by the game.[27] But if Gallie is right, this is inexact, not because it gets politics wrong but because it portrays games too simply. Once we go beyond counting the score and start talking about the styles and feats that make for outstanding or model play, *every* game's point and standards for judgment are settled by a complex interplay between players' efforts and fans' debates.

Gallie admits that his example may mislead. Arguing about skittles has few costs, while arguing about democracy or religion might involve a waste of valuable time and attention better spent on the activity itself. Moreover, while the link between good sports and avid fans may be clear, it is not nearly so clear whether citizens arguing about democracy is automatically a good thing: "Is it not, rather, more likely to help fan the flames of conflict, already sufficiently fed by other causes, between those groups of men and nations that contest its proper use?"[28] Though vaguely optimistic that more knowledge of alternate meanings of democracy will be good for democracy, Gallie does not give detailed reasons why this should be so.

We may add that there is less agreement on an exemplar or paradigm case than Gallie's model implies. Writing in a more egalitarian age than ours, Gallie suggests the French Revolution as an exemplar,[29] but many advocates and students of democracy today would recoil from this suggestion, preferring the more "American" and decentralized model associated with Tocqueville. Gallie's account helps flesh out what Samuel Huntington called "backward

[25] Gallie, "Essentially Contested Concepts," 176. Like most commentators, I have altered Gallie's eccentric spelling "examplar."

[26] Ibid., 178.

[27] Mark Philp, *Political Conduct* (Cambridge, MA: Harvard University Press, 2007), 8. Philp's wise and erudite work, though disputable on some points, is to my mind the best single book on political ethics in the widest sense that we now have.

[28] Gallie, "Essentially Contested Concepts," 179-180, 186.

[29] Ibid., 186.

legitimacy," whereby reformers can defang authoritarian elites by pointing out the continuity between their reformist proposals and the old regime's legitimating ideals.[30] It is less good at dealing with the possibility that such continuity can later, once opposition becomes legal and bolder, make the regime's old opponents hate the reformist settlement for the same reasons that its supporters tolerated it. That is, the opposition may hate the old ideals, and may prefer exactly the counter-exemplars from which the reformers tried so hard to disassociate themselves.[31]

In certain circumstances, however, this last problem, not noted by Gallie, in fact helps mitigate the first two. Disagreement about which model of democracy to follow makes it imperative that people know what they are doing, and makes the process of arguing about how to do it well both less dangerous and less costly than the alternative. While there is no room for full argument here, one can posit that the existence of rival models gives fans of each one incentives to praise those parts of the game that are attractive *not just to fans but also to those inclined to prefer other models*. In the process, arguments over the optimum instantiation of a model may imperceptibly bleed into tacit admissions that one's preferred model must be altered so as better to resemble another. Alternatively, partisans of each model may come to admit that their preferred model is most appropriate in certain domains or on certain occasions, less suited to others.

Consider chess (more familiar to me, and probably to most others, than skittles). Tournament chess involves games of several hours' length in a hall shrouded in absolute silence; it classically or theoretically puts a premium on deep thought, masterly judgment, and profound strategy, and requires leisure for its play and practice. Speed chess, as the name implies, is played with little time on the clock—five minutes per player for all moves is typical—and other external constraints are usually absent. While playing speed chess, one may smoke, talk, bang pieces on the board while moving, and even insult the opponent. The result is a game that rewards tactical tricks, bravado, and unusual and exciting moves, and whose accessible and informal aspect appeals alike to drug addicts, preteens, and slumming grandmasters.

What does it mean, given these two different models, to play "good chess"? Left to their own devices, partisans of each model might strive to make

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[30] In Taiwan's case, these involved Sun Yat-sen's Three Principles. Huntington, *The Third Wave*, 138, 141.

[31] Hung-mao Tien and Tun-jen Cheng, "Crafting Democratic Institutions in Taiwan," *China Journal* 37 (January 1997): 1-27, cite agreement on "rules of the game" as a hallmark of democratic consolidation (2, citing *Elites and Democratic Consolidation in Latin America and Southern Europe*, ed. John Higley and Richard Gunther [Cambridge, England: Cambridge University Press, 1991])—but then say that in all rights Taiwan, which lacks such agreement due to competing constitutional and national narratives, should be in more danger of losing its democratic institutions than it in fact seems to be.

it a more perfect version of itself. Tournament chess might adopt longer time limits and ever-stricter codes of formal dress, while speed chess would become an extreme sport. But that is not what happens. Under threat from partisans of speed chess who consider tournament chess boring and effete, promoters of tournament chess (e.g., Web sites and magazines that follow it) tend to showcase players whose style is slashing, risky, and tactical. Under suspicion by those who consider their game ridiculous, partisans of speed chess stress the outstanding grandmaster games that have been played under tight time controls and try to sponsor more of them. Most of them also admit that "real" progress in chess requires more careful study than can be accomplished in ten minutes, and direct young speed-chess players, who might still benefit from such study, to more regular and tournament-oriented coaches.[32]

This might seem a matter of market competition or unwilling compromise—partisans of each game would like to keep it as it is but do not dare—but this is not all that is going on. Those who follow tournament chess tend to regard an aggressive, innovative style of play *as real chess*. Tournament chess renders a bloodless, maximin style possible but not therefore optimal. Likewise, nobody who plays speed chess actually thinks that his or her "best game" is one that was won because a well-placed insult or smoke ring distracted the opponent, nor even, slightly less dishonorably, because an obvious checkmate was missed under time pressure. Such victories are possible and perhaps lucrative if money is at stake, but the best game is one in which complexity and beauty are achieved despite the short time control. What occurs through comparison of the different models is neither compromise nor market competition but a kind of esthetic contagion. Each version of the game comes to incorporate some of the values that make the other attractive. In the process, partisans of each version come to downplay the least appealing aspects of their own preferred models. As Christine Swanton's commentary on essential contestedness puts it, "While affording no criterion for determining the best wheat, contests have point because they separate the wheat from the chaff...."[33]

Partisans of democracy's different models have, whether they realize it or not, done something similar—at least, they have done so in places where they have managed to coexist with different models rather than fight to eradicate them. Leftists who once looked to the French Revolution and Paris Commune for inspiration no longer advocate terror, centralized party control, or the elimination of self-interest. They stress the milder virtues of solidarity and social democracy that those more or less indifferent to revolutionary ideals can find somewhat appealing, and they certainly do not take aim at

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[32] The film *Searching for Bobby Fischer* (Mirage Entertainment, 1993) revolves around a useful synthesis between a boy's two chess mentors, one a tournament grandmaster and the other a charismatic speed-chess player who may well be homeless.

[33] Swanton, "On the 'Essential Contestedness,'" 815.

civil liberties.[34] Conservatives have done something similar: authoritarian, religiously intolerant, or racist programs, all thoroughly respectable in Europe in the first half of the twentieth century and in much of the world until much more recently, have been subordinated to much milder programs appealing (at least in theory) to an entire nation. These facts are obvious, worth mentioning only as a reminder of how politics can fool theory.

Of course, democracy, unlike chess, is not just a game. Most people care less about the purity of play than about concrete returns, the political scientist's "outputs." This factor—which guarantees that there will be competition for votes, not just esthetic contamination—provides an added constraint on which aspects of the classic game one may emphasize. Once respectable exemplars of democracy such as orthodox Marxism, nineteenth-century pure capitalist liberalism, and racist or nationalist imperialism—all compatible, both theoretically and historically, with procedural democracy—have all lost favor partly for intellectual and moral reasons but largely because they seem not to deliver the goods that most voters value. Those who admire them now are like would-be players of professional sports who lack paying fans: they may of course play, but lose all the benefits not just of office but also of being part of a larger, society-wide discussion concerning how they play.[35]

Unlike with chess, democracy contains a normative imperative that helps this benign contagion along. To the extent that they care about keeping ideological pluralism peaceful and rivalries productive rather than risking paralysis or civil war, political players *ought* to aim at correcting their own models in ways that appeal to fans of competing models. This normative demand, however, provides relatively little constraint, and we need not place too much faith in its force, since a very wide spectrum of political action and agitation remains consistent with it. Fans of democratic "deepening," of multiplying opportunities for participatory politics and new social movements, may seem deeply at odds with "crisis of democracy" theorists who back legitimate authority and stress the need to moderate social demands.[36] Yet, few in the former camp want to end legislative, executive, and judicial authority

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[34] Compare Roberts, *Deepening Democracy*, 3.

[35] Examples include splinter Marxist or Objectivist "parties" limited to college campuses, and more interestingly, the rigidly hierarchical political parties described by Panebianco, which uphold internal structures and traditions of internal governance at the cost of adapting to external circumstances. Angelo Panebianco, *Political Parties: Organization and Power*, trans. Marc Silver (Cambridge, England: Cambridge University Press, 1988).

[36] See, respectively, Joseph Wong, "Deepening Democracy in Taiwan," *Pacific Affairs* 76, no. 2 (2003): 235-256, referring back to Latin American theories of democratic deepening discussed by Kenneth M. Roberts, *Deepening Democracy?* (Stanford, CA: Stanford University Press, 1998), chaps. 1 and 2; Michel Crozier, Samuel P. Huntington, and Joji Watanuki, *The Crisis of Democracy* (New York: NYU Press, 1975), and Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge, MA: Harvard University Press [Belknap Press]), 1981.

(as opposed to challenging individual decisions by lawful means). And few in the latter camp are willing, in their quest to prevent democratic overload, to limit freedom of speech and association, arrest political radicals, or censor university curricula. The opposing camps are willing to play the same game—mass representative democracy—though the deepeners stress the *demos* and the conservatives the *kratia*. A few years from now, they will probably even claim the same exemplars (as American conservatives now quote Martin Luther King and radicals cite Thomas Jefferson). Once again, the certainty felt by each side's players and fans, each side's insistence that only its team knows how politics is played most democratically, should not obscure the larger perspective. The game is safe. The debate concerns adverbs, not nouns.

Coalection vs. Nomic

It is time to take up the case of disagreement about the noun, about what the game of democratic politics is. Such disagreements are legion and discussing them all is impossible, but one that seems crucial is whether proposals to change the framework rules of politics—constitutions, written or unwritten, or the strong norms that serve the same function—are legitimate moves in the game itself.

In one model of stable democracy, institutions are given and the stakes of politics are real but akin to poker chips: material or quasi-material interests to be bargained, bought, wagered, gained, or lost. In another picture, equally respectable but very different, the essence of politics is disputing the institutional rules, which can and do change radically by the force of the better argument or, more realistically, when social and political forces shift in their relative influence, status, or legitimacy. These are, of course, stylized models, constitutions and political norms being neither completely fixed nor in constant deliberative flux. But both models have been very influential, so much so that those who hold to one of them are often astonished to hear that others continue to believe in the alternative.

Consider two masterly portrayals of political games, Peter Suber's Nomic and Michael Laver's Coalection.[37] In Nomic, the rules are initially simple, consisting of immutable and mutable rules (analogous to constitutions and ordinary laws) that define the order of play and the proper procedure for

[37] See respectively Peter Suber, "Nomic: A Game of Self-Amendment," in *The Paradox of Self-Amendment* (New York: Peter Lang, 1990), 357-371, and Douglas R. Hofstadter's summary of an earlier version in "Nomic: A Self-Modifying Game Based on Reflexivity in Law," in *Metamagical Themas* (New York: Basic Books, 1985), 70-86; and Michael Laver, *Playing Politics: The Nightmare Continues* (Oxford: Oxford University Press, 1997). In Coalection, the players are all party strategists and voters' preferences are exogenous. But Laver proposes other games in which voters are strategic players, too. I intend Coalection as a shorthand for Laver's set of political games as a whole, not for any of his admittedly stylized simplifications.

proposing rules and constitutional amendments. Scoring is by chance: each player, on his or her turn, roles a die and scores the number of points the die reveals. The fun, as well as the complexity, comes from the fact that before rolling the die, each player proposes a rule change. Even immutable rules may be made mutable by a unanimous vote[38]—and this procedure, requiring a unanimous vote, may itself be changed, a change that the game's author, in fact, suggests. With each player able to propose any rule that seems either just or advantageous to herself or any allies she chooses, knowing that others can do the same, the game is guaranteed to evolve from one so simple as to bore a child to one of infinite complexity.

In Coalection, on the other hand, the institutional rules are completely fixed. The game remains dizzyingly complex, but the complexity comes from constant shifts in how voters and politicians calculate their interests and form coalitions in pursuing them. Different parties compete to both win elections and to maximize, through coalition-building, the extent to which the governing coalition's actions will match that party's preferences. If multiple issue dimensions are allowed (for example, parties may be Left on economics but Right on moral issues), the game famously lacks dominant strategies for winning even one election, let alone a series of elections. Winning strategies might involve proposing, striking, and reneging on any number of policy and coalitional commitments, while trying to conserve scarce campaign funds.

Laver, a gleeful and extreme member of the rational choice school, assumes cynical motives. Politicians seek to enact their own preferences and will say anything to get elected; ordinary voters must assume that political promises are purely strategic and easily disposable. Suber's Nomic, in contrast, makes no such assumptions. Its roots lie in a formalist constitutional tradition (though also implying a subversion of that tradition) and its premises may seem high-minded, even fair. And while the scoring rule may start out as a matter of chance, it can quickly become more noble: it takes only a minor rule change to turn the game into a contest of skill in singing, running, philosophy, or whatever. Or, if one prefers egalitarianism, one can pass a rule giving each player a fixed and equal payoff on his or her turn (or perhaps pay everyone on everyone's turn), or, even more radically, a payoff inversely proportional to his or her existing points: true redistribution. The goal of the game could even be made cooperative rather than competitive; all it would take is a rule change.

So, should we all strive to make politics more like Nomic than Coalection? This conclusion would be too quick. Coalection may seem cynical, but it has

[38] There is a strong check on changing immutable rules, namely that changing an immutable rule takes two votes: one to make it mutable and another to change the mutable rule. The player who wants to play with the constitution cannot on the same turn control the consequences of doing so. This, indeed, sounds like politics. Of course, players can agree to change the immutable rule requiring these two votes….

built-in limits. Equal voting rights are guaranteed—if voters are exploited, they are *equally* exploited and have the power collectively to unseat any coalition—and the stakes are limited. Losers lose only money; rule-breakers risk only expulsion. Nomic has no such guarantees. Voting rights begin as equal but may be changed. While there is a constitutional rule saying that no penalty greater than having to leave the game may be assessed, that rule, too, can be changed.[39] It would be perfectly within the rules to make the process for gaining points involve racial ancestry, religion, or brute force, or to change the penalty for losing to death. This captures something crucially important about politics. State-of-nature metaphors typically contrast political order to primal chaos. But in reality, authoritarian political states very often (always?) start from an initial condition of at least rough law and legitimacy that elites then turn to their own brutal advantage through institutional changes that seem rational at first.

I would claim that, although no decent person would want the democratic game to look like pure Coalection, no sane person would want it to look like pure Nomic. Those who hold out for pure Nomic or Coalection typically do so on the grounds that the other model is literally impossible. Some might say that Nomic is the only game on offer in the real world: while Laver jocularly writes in a "Game Overall Director" (GOD for short) to enforce rules against force and theft,[40] no such entity in the real world seems capable of preventing coups or genocide. Meanwhile, Coalection (it might be said) is so cynical and dispiriting that citizens in a polity that operates by its rules are likely to forsake it for some dangerous form of Nomic, and many demonstrably do.[41] On the third hand, in Coalection it is much easier than in Nomic to be a bystander, to find someone of similar preferences and to guide one's vote accordingly, thus at least limiting one's losses. In Nomic, one is constantly being asked

[39] Rule 207, "Each player always has exactly one vote," is a *mutable* rule; while mutable rules originally are designed as hard to change, this procedural rule would probably be changed quite early in the game and the author recommends doing so. Another mutable rule is rule 202, which puts forth rolling a die as the way to gain points. Even if one wrote equal voting rights into the list of immutable rules, those, too, can be made mutable by unanimous vote—or, if one first changed the rule for changing immutable rules, by a lesser vote, a feat of skill, or force, or whatever. Rule 113, "A player always has the option to forfeit the game rather than continue to play or incur a game penalty. No penalty worse than losing, in the judgment of the player to incur it, may be imposed," is an immutable rule, but that, too, may of course be changed. Even rule 101, stating that "all players must always abide by all the rules then in effect," is deliberately immutable but not therefore absolutely immune to amendment. "Rule 101 is included precisely so that it can be amended; if players amend or repeal it, they deserve what they get" (Suber, 359). All citations of Nomic rules are from Suber's version of Nomic, not Hofstadter's summary.

[40] Laver, *Playing Politics*, 21-22.

[41] Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge, MA: MIT Press, 1985) can be seen as a manifesto by an avid fan of Nomic, who prefers any game to pure Coalection.

to deliberate and vote on things, with potentially stark consequences. These are all very uncompromising claims. Actual political debates more typically involve the possibility and desirability not of either extreme but of various weightings, embeddings, or compromises involving them.

Seeing politics as an argument about the relative merits of Coalection and Nomic models for politics may do a better job than Left-Right or populist-elitist categories at explaining disagreements in both political theory and everyday politics. Intellectuals prefer Nomic, which stresses orderly argument: all proposed rule changes must be written down, and voting, at least initially, is public rather than secret. Businesspeople prefer Coalection, where talk is cheap (Laver proposes a loud soundtrack so that players must strain to speak and listen), play is quick, one's preferences and payoffs are secret, and bravado and salesmanship win out over logic. Aristotle's *Politics* is Nomic where different classes of citizens fight to the death over scoring rules; Hobbes is Coalection where the Leviathan plays GOD; Locke is more or less Nomic with a strong norm against rule changes and dice roles replaced by scoring proportional to labor; Adam Smith is Nomic in a very narrow sphere while most of life involves (if we are lucky) no political game at all; Hegel is Nomic without keeping score (obscuring the fact that the rich score more); Marx is Coalection after one has killed GOD. In the United States and I gather many other countries, high school students learn that politics is Nomic, while college students are taught that it is Coalection. Religiosity is always correlated with a taste (benign or dangerous) for Nomic. Classical liberals or libertarians play Coalection without illusions; conservatives, Coalection with illusions (believing, perhaps, in GOD); socialists claim to aspire to Nomic, though their opponents think these claims a clever strategy to win at Coalection; and squishy or moderate liberals, of course, want to tolerate all games at once and therefore are likely to master, and win at, none of them.

This parlor game (or meta-game) of Nomic vs. Coalection is meant to amuse but has a serious point. If different social subgroups, commentators, and academic, religious, and political leaders, living in the same polity and well informed on public issues, can disagree about whether politics most resembles Coalection or Nomic, it must be that *the rules matter less than we think*. Whatever is producing legitimate government, effective policy, liberty, social equality, or the other desired results of politics must not require detailed agreement about what is allegedly fundamental. This has, I submit, two causes. First, stable democracies mix the two games and delimit the domain of each. Second, contemporary human rights standards place limits on whatever game we are playing, limits that need not be part of the rules of any game and therefore do not require agreement on those rules.

Peaceful democracy legitimates both debate over laws, ordinary and fundamental, *and* the pursuit of interests in ways that violate no law (but also need not explicitly acknowledge any: the "legal framework" may be both authoritative and ordinarily invisible). It is therefore a relatively stable

combination of Nomic and Coalection, or perhaps each game viewed as occurring inside the other. From the perspective of Nomic, the scoring rule has been changed so that each player scores something at each turn (the welfare state), as well as gaining some points from prior wealth, talent, luck, connections, ruthlessness, and hard work (the market) and from the vagaries of political charisma, cooperation, and strategic skill (politics: a game of Coalection within Nomic). From the perspective of Coalection, all political actors may pursue their interests or other ends—noble in my eyes, rationalizations in yours—while ignoring, or taking for granted, the presence of moral side-constraints that are, because they come from Nomic, very hard to modify (and therefore seem GOD-given). The two games can both articulate matters of ethics or principle, but do so in different ways. In a stable democracy, we see both operating, in tension and sometimes contradiction. To oversimplify, Coalection stresses the preconditions of political equality; Nomic, the imperative of legal orders and immunities. Coalection, despite its cynicism, makes strong assumptions of political equality, and various political institutions—especially in ancient Athens, where Nomic was weak—can be seen as attempts to maintain this equality against the persistent threats of economic hierarchy and political oligarchy.[42] Nomic is typically less concerned with such things: it posits legal equality rather than asking about its preconditions. Conversely, appeals that are thinkable in Coalection (e.g., explicitly race-based coalitions, or proposals simply to confiscate opponents' property and distribute it to supporters) are not impossible in Nomic but very hard to maintain given its constitutional restraints and demands for argumentative justification. And as said, certain scoring rules in Nomic, in practice, will be made super-immutable—nobody will propose a total elimination of the welfare state or public education, even if most of the players on the board would, in the short run, thereby benefit.

Where the borders of these games clash, confusion will be common and accusations of bad sportsmanship will be rife. Those who assume a Coalection game is operating in a certain domain will think it fair play (perhaps a duty, if they are representing others) to bargain for as much as they can. In doing so, they will offend those who assumed that a more impartial Nomic rule was in force and agreed on by everyone. Conversely, those who think that Nomic is the model of all politics will seek to address all social problems or abuses through formal law and regulation, seeing themselves as imposing fair rules. The Coalection players on the other side, however, will see these actions as a power grab, perhaps even an offense against GOD, whose rules are minimal and specifically designed (evolved?) to minimize claims of justice for the sake

[42] Josiah Ober, *Mass and Elite in Democratic Athens* (Princeton, NJ: Princeton University Press, 1989), and id., *Political Dissent in Democratic Athens* (Princeton, NJ: Princeton University Press, 1998).

of democracy. Many apparently unconnected facts can be explained by the phenomenon of good sports according to one game being censured by those who assumed a different game was in force. Michael Walzer has described social ethics as a matter of "blocked exchanges": we resist the entry of bargaining power valid in one realm into another.[43] This can be seen as Nomic pushing back against Coalection, impartial rules against the power of either markets or political coalitions. Similarly, populist campaigns against the power of unelected judges or bureaucrats can be seen as an attempt to expand the scope of Coalection—where all, regardless of legal training or political status, have one vote—and shrink that of Nomic.

Still, these disputes are on the margins. In practice, we play both games at once, and it does not matter that doing so makes no logical sense. Thus, democratic sportsmanship is universally thought to be essential to the democratic game, but it is also endemic to that game that each player believes that certain others lack it. For a conscientious player of one game is violating rules of another. This is why respect for political opponents does not track the extent of policy disagreement. Opponents with divergent policy preferences playing the same game *disagree* with each other; those with similar policy preferences playing at different games (unwittingly) *disrespect* each other.

However, certain side-constraints are largely unaffected by the choice of game. These are represented by basic human rights standards, at least the political and legal ones. Whether the currency of constitutional democracy is taken to be law or interest, the stakes are never supposed to be death, torture, or mass deportations. Toleration and nonviolence, therefore, are virtues under any account of democracy because they are conducive to keeping any game a game, limiting the consequences of losing. That many of these standards have become international norms, often among those with little interest in "politics" in its classic sense, deeply alters the consequences of disagreement. The implicitly Hobbesian thesis that only agreement on the rules can prevent a bloody revolution or a dirty war was truer a few decades ago than it is now. While some of us were sleeping, a global human rights culture made *these* bad outcomes less likely.[44] Any broadly consensual polity in a largely middle-

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[43] Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983). Walzer, writing in a U.S. context, stresses the danger that the market will take over other realms, but much legal thought can be seen as an attempt to vindicate Nomic against *political* interest-brokering. See, for example, Cass Sunstein, "Naked Preferences and the Constitution," *Columbia Law Review* 84 (1984): 1689-1732.

[44] Compare Paul Berman's thesis that U.S. political elites, who paid little attention to the rest of the world during the 1990s, were little able after September 11, 2001, to appreciate the high worldwide status of human rights and the widespread appeal of Europe—rather than the U.S.—as the paradigm of democratic success. *Terror and Liberalism* (New York: W.W. Norton, 2003). The period in question was also when American democratic theory, in both its comparative and political-theory versions, proliferated.

class society will tend to avoid horrific violence, even if its citizens can agree on few other norms. At the risk of offending the founders of democratization theory: *liberties* as a constraint on politics no longer require as surely as they did *liberalization* as a deliberate process or *liberalism* as an agreed-upon part of the game.[45] Such liberties are good in themselves, preventing cruelty and providing the security needed for individuals to plan lives, but they are also distinctively good for politics. The recognition of such liberties, largely though not completely game-independent, gives political actors the scope to try out new roles and consider new rules without fear of making themselves murderers or victims. Political theorists often talk as if politics is a game played for limitless stakes (or wish it were so). In fact, it is exciting rather than merely terrifying precisely when, and because, the most vertiginous options are off the table.

Institutionalized Virtuosity?

"At societies' birth," wrote Montesquieu, "it is the leaders of republics who make the institution; from then on it is the institution that forms the leaders of republics."[46] This is a bit of a political theory cliché, but its implications for those working to build new democracies are not always fully appreciated. Building new democracies means setting up institutions so that they will promote the kind of habitual behaviors (call them "virtues," "norms," or "persistently rational actions," according to one's disciplinary taste) that will be good for democracy, however one defines that.

Political offices in a stable democracy involve a sort of career counseling, sorting would-be politicians into roles that suit them. Democratic transitions, however, contain few predefined roles. Various old and new actors are feeling their way, trying on new principles, making and answering threats, mobilizing resources that did not exist before. Institutionalizing stable democracy requires moving from the latter state to the former. The leaders who find themselves holding the power to make new institutions must also make new roles, new norms, and new ways of doing politics. They must routinize their own charisma and divide their protean political labor into specialized jobs. They must choose the beds in which they and their successors will lie.

There are many ways of doing this, and, of course, each polity's leaders and citizens will make different choices. But some instrumental maxims may be universal: if one wants in the future the kind of politicians prone to act in

[45] Contra O'Donnell and Schmitter, *Tentative Conclusions*, 9-10.

[46] Charles de Secondat, Baron de Montesquieu, *Considérations sur les causes de la grandeur des Romains et de leur décadence* (Oxford: Voltaire Foundation, 2000), chap. 1, 90 (alternate reading). My translation. Montesquieu's verbs are crucial: leaders or rulers *font* (make) an institution, but that institution then *forme* (forms) leaders. Leaders determine institutions, but institutions then only condition leaders—and not ordinary citizens—without determining them.

matter X, one should institutionalize political structure Y. The question is not just whether a certain political action is good for the polity but also whether it will serve to institutionalize the kind of political action that in the future will be good. The relevant maxim might be stated, “Produce institutions whose careerist occupants you would be proud to be governed by.”

This is often stressed at an elite level (e.g., in the thesis that national self-assertion—whether one favors or opposes it—is easier with a strong executive).[47] But the same is true of citizen politics. A founder who values citizen participation can decentralize authority; one who prefers efficient administration and habitual deference to the State (at least in the short run) can do the opposite. Such considerations, as per Montesquieu, “form” leadership rather than determining it. No institution can guarantee or forestall a given political outcome, but the structure of governing institutions can make it more likely, for instance, that the opposition will, or will not, have local or other government experience as opposed to erupting out of other social sectors, or the army, or the street (this is not intended as a hidden value judgment: many prefer the latter).

On a more mundane level, consider the problem of accountability, of making sure that elected leaders do not violate widely-agreed-upon standards of public trust for the sake of bribes or their own power. Mark Philp has recently pointed out that the classic formula of checks and balances to prevent government abuses—“ambition must be made to counteract ambition”[48]— has a serious flaw. The problem is that competing politicians have as their object not checking abuses or rooting out corruption but gaining office. While happy to use government misconduct as an issue, they will be just as happy to ignore it (or, conversely, exaggerate it) if that helps them win.

Those who distrust elite competition, for this or other reasons, often present universal and constant civic vigilance as an alternative, but Philp rightly doubts the utility of this suggestion as well. Instead of elite ambition and civic virtue as sources of accountability, he proposes “surrogate participation,” a reliance on professionals. If politicians are too ambitious to check abuses by their fellows and citizens too busy, certain professional groups may, under the right conditions (a well-designed “competitive market for integrity”),

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[47] “Do you want to give a certain loftiness to the human spirit, a generous way of viewing the things of this world? ...Do you intend to organize a people in such manner as to act strongly on all others? Do you destine it to attempt great undertakings and, whatever may be the result of its efforts, to leave an immense mark on history? …[D]o not take the government of democracy; it would surely not lead you to the goal.” Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), I.2.6, p. 234. Compare Harvey C. Mansfield, Jr., *Taming the Prince* (New York: Free Press, 1989).

[48] James Madison, *The Federalist*, No. 51, in Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. J. R. Pole (Indianapolis, IN: Hackett Publishing, 2005), 281. The editor notes earlier sources for the idea, especially Montesquieu.

develop norms of professional status, pay, and other rewards that directly track the ability and willingness to hold politicians to account. The rest of us may quite easily benefit from the hard work of investigation and assessment that those professionally devoted to such things have as a special vocation.[49] Philp mentions lawyers, journalists, certain civil servants, and examining magistrates as professional groups that may be relevant in this context. We may add that if not just accountability but also speaking out against injustice or social evils more generally is considered an important goal, academics, religious figures, artists, and other professional or quasi-professional groups may take on similar roles. This will, admittedly, depend on the relative status such groups have at a given time and place and the nature of their professional norms. (Academics in the United States, for instance, have low social status and no political importance, but they play a much more important civic role in other countries.)

Philp rightly articulates a middle position between those who hope to base good democratic functioning on a near-universal set of civic virtues or habits and those who think that self-interest alone can do the job if institutions are well-structured. The relevant conduct is "responsible and professional," not altruistic: those who engage in it expect predictable rewards in respect and professional success.[50] The mid-range virtues and institutional norms of quasi-political social bodies can be drawn on to provide the sustained effort and general political credibility that actors acting merely out of self interest or power-lust could not sustain.

This implies lessons for institutional design. Surrogate participation has at least an elective affinity with institutionalized grants of substantial professional autonomy. Broadcast media may ask tougher questions of political leaders if funded by tax money so that reporters' professional status involves serving the public good rather than competing to be the first to break a sex scandal or print a friendly official's leak. Taiwan's Control Yuan is, on paper (I say nothing of current practice), by no means an absurd institution, if one wants the responsibility for investigating and impeaching government officials to be separated from legislative ambition on the one hand and ordinary law

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[49] Philp, *Political Conduct*, 107, 213-241. "Surrogate participation" appears on 231; "Competitive market for integrity" on 233.

[50] Ibid., 228. Schmitter and Karl, in "What Democracy Is...," for instance, present a strong dichotomy between "Civic Culture" theory and their own stress on the "contingent consent and bounded uncertainty" produced by "the interaction between antagonistic and mutually suspicious actors" (47). But it seems a pity to present universal civic virtue, inculcated for generations, and universal, anarchic suspicion as the only alternatives. For one thing, civic virtues may be crucial but also quickly learned (like battlefield courage). For another, the civic purposes of professional ethics—Tocqueville's lawyers (*Democracy in America*, I.2.8, 251-258) or Hegel's "corporations" (really professions)—deserve more emphasis than political theorists and students of democracy have recently given them.

enforcement on the other.[51] These are empirical matters for political and sociological investigation. But theories of political ethics can illuminate the need for such investigation. Civic culture needs to be disaggregated; the norms of particular professional and political roles are almost certainly more important, as well as more easily studied, than norms allegedly required of all citizens.

In such cases, as often, divisions of professional or political labor can help solve collective action problems. While no politician has an interest in ethical investigations directed at herself or her party, all politicians potentially have an interest in the greater public respect that they would gain as a group if high anticorruption standards were applied, and known to be applied, to all parties. But politicians can achieve this collective benefit only by delegating this task to a more or less independent body that they or their colleagues will not be able to undercut when investigations hit home. An institutionalized anticorruption body can also provide an outlet for a certain kind of political character: moralistic or "civic-passion" types whose uncompromising attitude toward the brokering of interests might serve the end of preventing abuses, but who might be better employed outside legislative politics than within it.[52]

Regardless of these counsels' specific validity, the larger point stands that a choice of institutions is also a choice of political ethics, of the likely institutional support for a set of norms. No proposed institution will shape the same sorts of political leaders as alternative institutions would, nor will the variety of civic and quasi-political institutions within a given society produce the same sort of citizen politics as those of another society. A division of moral responsibility in an old, ossified constitution is a matter of chance, to be chronicled but not easily altered. In a new polity, it is a matter of reflection and choice.

Virtuosity and Virtue: The Romantic Case for Political Boredom

Resistance to the questions treated in the previous section may reflect nostalgia for lost agency. Students of democratization often come, in spite of their

[51] Sun Yat-sen, "The Three People's Principles and the Future of the Chinese People," in *Prescriptions for Saving China: Selected Writings of Sun Yat-sen*, ed. Julie Lee Wei, Ramon H. Myers, and Donald G. Gillin, trans. Julie Lee Wei, E-su Zen, and Linda Chao (Stanford, CA: Hoover Institute Press, 1994), 50. Cf. Sidney H. Change and Leonard H. D. Gordon, *All Under Heaven: Sun Yat-sen and His Revolutionary Thought* (Stanford, CA: Hoover Institute Press, 1991), and Audrey Wells, *The Political Thought of Sun Yat-Sen* (Houndmills, England: Palgrave, 2001), 36, 81, 87-88, 168. The latter at p. 200 notes that the Control Yuan idea may be superior to imperfect structures of accountability (committees, independent counsels) in other countries. No country has fully solved the problem of making investigations of political figures independent of partisan pressure but still responsible to norms of fairness and frugality.

[52] I take the term "civic passion" from Samuel P. Huntington, *American Politics*, but do not share his exclusively negative attitude toward it.

best social-science training, to stress personal responsibility, leadership, and choice. Impatient with modern social science's goal of finding regularities and stressing impersonal causes, they come, at least for this limited purpose, to respect an older idiom where chance situations and virtuosic individual leaders demand their due:

> Unexpected events (*fortuna*), insufficient information, hurried and audacious choices, confusion about motives and interests, plasticity, and even indefinition of political identities, as well as the talents of specific individuals (*virtù*), are frequently decisive in determining the outcomes.[53]

Many political theorists (including this one in the past) melt with joy at such language, which seems much more stirring than boring social-science talk of hypothesis testing, covering laws, and case selection. The relative neglect of role design by students of political theory and political ethics might reflect a similar response. It seems sad, an admission of defeat, to tell democratic founders that the rules will one day become largely static, the room for *virtù* and *fortuna* becoming more narrow. Political theorists are romantics by nature, for the most part dangerously so. We often sympathize with programs of social equality because they hold out prospects of political revolution, not the other way around. We do not want to hear that the daring *virtù* of uncertain times—virtuosity, as Hannah Arendt rendered it—aims at making itself semi-obsolete, aims at yielding to the variety of everyday political virtues. We want to deny that the pursuit of glory, not just inevitably but also rightly, yields to the pursuit of status, the love of political risk to that of steady advancement.[54] However, there are at least three reasons for preferring the virtues of ordered democracy to those of transitional chaos. Again, a stress on adverbs rather than nouns may cast new light on an old question.

First, virtuosity has preconditions. The best performance, the one expressing

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[53] O'Donnell and Schmitter, *Tentative Conclusions*, 5. Compare Huntington, *The Third Wave*, 106-107, 164-165. O'Donnell and Schmitter, of course, temper their language with the caveat that, of course, causes and laws still matter. Yet, the passage on *virtù* and *fortuna* remains the one most often quoted.

[54] For the rendering of Machiavelli's *virtù* as virtuosity, see Hannah Arendt, "What Is Freedom?" in *Between Past and Future*, enlarged ed. (New York: Viking, 1968; reprint, Penguin, 1987), 153. Compare Quentin Skinner, *Machiavelli* (Oxford: Oxford University Press, 1981), 30, 35, and *passim*, whose use of the Italian *virtuoso* to describe the man of *virtù* seems independent of Arendt's, and Philp, *Political Conduct*, 40, 76, possibly following Arendt. Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca, NY: Cornell University Press, 1993) is fascinating on the relationship between *virtù* as a response to contingency, on the one hand, and more regular and predictable forms of virtue, on the other. Contra Philp and Honig, I stress the costs for ordinary people incurred by politicians' constantly seeking out opportunities to show virtuosity, rather than the potential gains for politicians' freedom and agency involved.

artistic creativity and spirit as well as skill, is not usually the one that stems *only* from creativity and spirit. A virtuoso performance of Beethoven's "Waldstein" Sonata will always be more impressive, and will seem more expressive of the keyboardist's individual genius, than what the same keyboardist could do improvisationally. Nor do those seeking outstanding dramatic performances frequent improvisation troupes. It might seem as if individual genius is a compromise between following existing patterns and forging new ones, but that seems inaccurate, too. It is more like a surrender. The virtuoso pianist aims to play *all* of Beethoven's notes correctly, not to change one in twelve; the genius is in the expression, not in seeking to seize full control. In politics, too, there is no lack of individuality or genius involved in trying to keep existing political institutions going while improving the standards of performance in them. Churchill was more honorable than Mosley while remaining no less free.

Second, virtuosity has limits. It can think of new expedients but establishes no new patterns or institutions. It is, in fact, parasitic on *fortuna*, unable to contribute constructively to a state in which patterns of action become more regular. Even in art forms often thought to thrive on spontaneity, the most virtuosic are not always the most creative. (The late Oscar Peterson, perhaps the most virtuosic jazz pianist of our time, was responsible for no fundamental innovations in jazz's basic modes or structure, and favored blues patterns that are at least a hundred years old.) Hannah Arendt, whose followers often stress unplanned and fleeting spontaneity, herself stressed that revolutionary politics was pointless unless it looked forward to a durable founding—albeit one that preserved spaces for public freedom.[55]

Finally, what we lose in virtuosity we gain in the dignity and honor of office. Peter Berger has called honor obsolete in a modern society, because it "implies that identity is essentially, or at least importantly, linked to institutional roles," while the thrust of the modern world is toward holding that identity is independent of such.[56] But few observers of politics think that *political* identity is independent of roles. The categories of duty, service, responsibility, and accountability that define political life are incomprehensible without such roles, whether they are formal offices or not. (The head of a human rights group is in no way free to act as she pleases: she bears acute and detailed responsibilities to her followers and her professed principles.[57]) Moments of political founding provide opportunities to affect how honor will reappear in the polity. The task requires virtuosity, but the purpose of this virtuosity is to

[55] Hannah Arendt, *On Revolution*, revised ed. (New York: Viking Press, 1965), chap. 4.

[56] Peter Berger, "On the Obsolescence of the Concept of Honor," *European Journal of Sociology* 11 (1970): 343. Emphasis in original omitted.

[57] On informal offices, see Sabl, *Ruling Passions*, chaps. 5 and 6.

make itself increasingly obsolete. *Virtù* will never be completely obsolete, of course: there are always foreign policy dragons to slay, once-excluded groups whose claims will erupt into prominence, conflicts to be settled at the cost of creating other conflicts.[58] There will always be plenty of scope for modest forms of *virtù*, especially since there will never be an end to *fortuna*: it is "within the nature of democracy that no one's interests can be guaranteed."[59]

That said, a successful democratic transition largely guarantees a great *many* interests.[60] And transitional virtue involves a willingness to restrict the autonomy of political action more than current leaders (perhaps forgetting that they turn back into citizens at midnight) would like. Machiavelli's prince would be, the teacher hoped, a good man who learned how to be bad. A good founder must be a virtuoso willing to plan a society of studio musicians, and perhaps to become one himself. It may be necessary for a stable democracy that elites learn to lack Machiavellian *virtù*: that they become tired of using, and needing, initiative, guile, and force to stay alive and prosper, that they be willing to give up guaranteed power for the sake of guaranteed peace.

One final point: such arguments are meant for would-be grand leaders and the political theorists who encourage them. Most ordinary citizens do not need the lesson. As in Machiavelli's time, they only "want not to be oppressed."[61] The virtuoso joys of making up the rules as one goes along are almost always more fun for players than for spectators. As the thrill of democratization wears off, and citizens (quite reasonably) take democratic institutions for granted, common hypotheses regarding charisma and discipline may have to be reversed. It is frequently said—often, it should be remembered, by those at least mildly contemptuous of democratic citizens—that charisma is what wins over the masses, while good policy takes the kind of slow work that only experts can appreciate. I submit that the opposite is often more true. Virtuosic political skill is what impresses political leaders, would-be leaders, and particularly avid followers. What average citizens of a secure democracy mostly want over time is to secure concrete interests—safety, prosperity, opportunities, cultural

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[58] Philp, *Political Conduct*, 14, 63-64. Compare Adam Przeworski's comment in "Some Problems in the Study of the Transition to Democracy," in O'Donnell, Schmitter, and Whitehead, *Transitions*, vol. 3, 56 (following Lewis Coser), that agreed-upon rules define how conflicts are "terminated" but not "resolved." Here, as elsewhere, students of comparative politics and political ethics could greatly benefit from reading each other's literatures more than we usually do.

[59] Przeworski, "Some Problems," 59.

[60] O'Donnell and Schmitter downplay a deep disagreement with Przeworski here. The former regard the stability of bourgeois property rights as both good for democracy and good in itself; the latter welcomes democracy to the extent that it destabilizes property and unnerves the bourgeoisie.

[61] Machiavelli, *The Prince*, trans. Harvey C. Mansfield, Jr. (Chicago: University of Chicago Press, 1985), chap. 9, 39.

rights, and recognition in prosaic forms (nondiscrimination, job opportunities, reforms in family law, etc.)—and then to be left alone to pursue their own ends or those of their chosen social groups.

Whatever the game that is assumed, played, promoted, or criticized by political actors and those fascinated with their play, most ordinary citizens, very unlike us, dream of a life in which politicians restrain, and perhaps abolish, their abnormal love of playing games. We all know that these citizens will not get what they dream of. But we disparage the dream at our peril.