<u>Democracy Requires Organized Collective Power</u>

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"Democratic institutions awaken and flatter the passion for equality without ever being able to satisfy it entirely."

Alexis de Tocqueville[1]

"To turn from mechanisms and concepts to the social forces in play…"

Karl Polanyi[2]

<u>Introduction</u>

What is the value and function of democratic institutions? One prominent and powerful answer could be broadly called "liberal proceduralist": democratic institutions, by embodying fair procedures for resolving disagreements, contribute to a politically valuable ideal of relating to each other as equals.[3] As attractive as it is, this view falters because it rests on a flawed understanding of democratic institutions. In place of the liberal proceduralist view, I develop a democratic power approach. The democratic power approach advances a dynamic account of

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[1] Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (New York: Harper, 2006), 198.
[2] Karl Polanyi, *The Great Transformation: The Political and Economic Origins of Our Time* (Boston: Beacon Press, 2001), 206.
[3] Representative defenses of this view include see Elizabeth S Anderson, "What Is the Point of Equality?," *Ethics* 109, no. 2 (1999); Charles R. Beitz, *Political Equality: An Essay in Democratic Theory* (Princeton, New Jersey: Princeton University Press, 1990); Harry Brighouse, "Egalitarianism and Equal Availability of Political Influence," *The Journal of Political Philosophy* 4, no. 2 (1996); Allen Buchanan, "Political Legitimacy and Democracy," *Ethics* 112, no. 4 (2002); Thomas Christiano, *The Constitution of Equality: Democratic Authority and Its Limits* (Oxford: Oxford University Press, 2008); Christopher G. Griffin, "Democracy as Non-Instrumentally Just Procedure," *The Journal of Political Philosophy* 11, no. 1 (2003); Niko Kolodny, "Rule over None I: What Justifies Democracy?," *Philosophy & Public Affairs* 42, no. 3 (2014); "Rule over None II: Social Equality and the Justification of Democracy," *Philosophy & Public Affairs* 42, no. 4 (2014); Daniel Viehoff, "Democratic Equality and Political Authority," *Philosophy & Public Affairs*, 42, no. 4 (2014); Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 2009); James Lindley Wilson, *Democratic Equality* (Princeton: Princeton University Press, 2019).

democratic institutions, one that focuses on how procedures and outcomes, taken together as having effects on the organization of power in society, sustain valuable relationships of equality. Like liberal proceduralism, the democratic power approach affirms that the value of democratic institutions resides in how they help sustain relationships of equality. However, according to the democratic power approach, that equality cannot be realized only by fair procedures or by the internal, formal structure of democratic institutions. Instead, the democratic power approach treats such institutions as simultaneous formal procedures and substantive mechanisms for organizing different actors, interests, and groups in society.

I contend that by appreciating the distinction between democratic institutions seen as formal procedures versus substantive mechanisms, we can overcome the binary that has dominated recent debates about the value of democratic institutions—that is, the debate surrounding whether to emphasize either democratic institutions as fair procedures or as producing reliable outcomes. This either/or obscures the fact that democratic institutions instantiate (virtuous or vicious) recursive feedback loops between formal rules and the broader balance of social forces. Consequently, the binary between intrinsic or instrumental value fails to capture what democratic actors should care about: the integrity of political equality over time, an integrity that is, under realistic conditions, sustained only by virtuous feedback loops between institutional procedures and the ongoing organization of the generally disorganized majority of society's members.

The democratic power approach fills this lacuna left by liberal proceduralism in that it can identify an institutional order as democratic insofar as it both satisfies minimal criterion of inclusion and equal consideration while also organizing popular constituencies such that its institutional order has endogenous tendencies towards equalizing political power. Both are

necessary constituents of a democratic society. Even granting, as the following does, that democratic institutions are intrinsically valuable because of how they help realize the value of political equality, the question remains of *how* those institutions realize the value. Liberal proceduralists argue that democratic institutions realize the value of equality through fair procedures. But this misapprehends the nature of such institutions. Democratic institutions are *both* formal procedures *and* mechanisms for organizing collective power. Further, while at times these two functions of democratic institutions will align, in many cases achieving the organization of collective power will require relaxing the principle of procedural fairness. Evaluating the relationship between democratic institutions and political equality thus requires intersecting normative and empirical analysis of dynamic relationship between the structure of procedures and the context in which those procedures operate.

To advance the democratic power view, I first identify why even those liberal proceduralist concerned with substantive fairness nevertheless fail to adequately address how such fairness is instantiated. I argue that the impoverished liberal conception of power conceals the need for the collective organized power that democratic institutions require. The following then turns to the architecture of the democratic power approach itself, which depends on an alternative view of 1) the people, the agents of democracy, and, 2), of the state, the medium through which the people act, as infrastructures of power. The democratic power approach begins from the sociological generalization that political majorities, as larger groups, face collective action problems and so are less organized than smaller and more cohesive powerful minorities. Given those background conditions, procedural fairness alone cannot constitute political equality. Rather, democratic institutions *both* constitute fair decision-making procedures *and* organize the naturally disorganized citizenry, enabling them against powerful individuals

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and more cohesive and powerful social groups.[5] Organized collective power enables the people

to act on and through the state, even as particular powerful actors threatened by democracy will

use state institutions to seek to assert their interests and disorganize the people. The model is

recursive in that democratic institutions help organize virtuous or vicious feedback loops among

organized collective power, the people, and the state.

Adopting an alternative democratic power approach suggests broader implications for

thinking about democratic institutional design, the relationship between democracy and

liberalism, and about what it means for a democratic theory to be "realistic." My argument

provides a framework for evaluating and comparing competing institutional designs for

democratic procedures. Such evaluations require comparative analyses of how different

democratic institutions facilitate or thwart the organization of popular power. To illustrate this, I

show that the democratic power approach can better justify the importance of majoritarianism for

democracy.

Liberal proceduralist views promised to reconcile liberalism with democracy by showing

how democratic institutions helped realize liberal principles of equal respect and concern. They

argue that democratic institutions are not instruments for protecting more fundamental liberal

rights. Rather, insofar as they enacted fair procedures that treated all citizens equally, democratic

institutions could be part of the liberal ideal itself. I challenge this reconciliation: the

organization of collective power may require systematically biasing democratic institutions

against certain political positions that, from the perspective of liberalism, would require fair and

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[5] My argument builds on recent work emphasizing the pro-wealthy bias of current political institutions and the contemporary threat of oligarchic elites: Gordon Arlen, "Aristotle and the Problem of Oligarchic Harm: Insights for Democracy," *European Journal of Political Theory* 18, no. 3 (2019); Jeffrey Edward Green, *The Shadow of Unfairness: A Plebian Theory of Liberal Democracy* (Oxford: Oxford University Press, 2016); John P. McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011); Jeffery A. Winters, *Oligarchy* (Cambridge: Cambridge University Press, 2011).

equal treatment. Put most bluntly, democracy may be a more partisan ideal—associated with certain political actors and underlying interests, those of the majority as opposed to the relatively powerful and wealthy—than liberal proceduralists acknowledge.

Finally, this approach suggests an alternative democratic realism. Current realist approaches to democracy either insist on beginning from more minimal normative principles, such as legitimacy, or else from a supposedly more realistic estimation of the capacities of ordinary citizens and the benefits of elite autonomy.[7] The following contends that a theory of democracy is realistic, rather, if it encompasses both the normative principles that animate democracy as well as the structure of the political avenues, coalitions, and equilibriums that could sustain the institutional realization of those principles in large-scale, modern societies.

Liberal Proceduralism and the Value of Democratic Institutions

Are democratic institutions valuable because of the structure of their internal procedures or because they tend, over time, to produce outcomes that maximize other normative values?[8]

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[7] For the role of legitimacy in realism, see Illaria Cozzaglio and Amanda R. Greene, "Can Power Be Self-Legitimating? Political Realism in Hobbes, Weber, and Williams," *European Journal of Philosophy*, online first; Robert Jubb, "On What a Distinctively Political Normativity Is," *Political Studies* Review 17, no. 4 (2019); Enzo Rossi and Matt Sleat, "Realism in Normative Political Theory," *Philosophy Compass* 9, no. 10 (2014); Bernard Williams, "Realism and Moralism in Political Theory," in *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, ed. Geoffrey Hawthorn (Princeton: Princeton University Press, 2005); for accounts of democracy that begin from the problem of legitimacy under conditions of deep moral disagreement, see Richard Bellamy, *Political Constitutionalism: A Republican Defense of the Constitutionality of Democracy* (Cambridge: Cambridge University Press, 2007); Laura Valentini, "Justice, Disagreement and Democracy," *British Journal of Political Science* 43, no. 1 (2013); for recent realist critiques of citizen competence and fruitful rejoinders, see Christopher H. Achen and Larry M. Bartels, *Democracy for Realists: Why Elections Do Not Produce Responsive Government* (Princeton: Princeton University Press, 2016); Samuel Bagg, "The Power of the Multitude: Answering Epistemic Challenges to Democracy," *American Political Science Review* 112, no. 4 (2018); Lachlan Montgomery Umbers, "Democratic Legitimacy and the Competence Objection," *Res Publica* 25, no. 2 (2019). For a critic of elitist realism that focuses on the value of popular mobilization for democracy, see John Medearis, *Democracy is Oppositional* (Cambridge: Harvard University Press, 2015). I depart from Medearis in emphasizing the positive role democratic institutions play in facilitating the organization of collective power that is the precondition for oppositional mobilization.

[8] By democratic institutions, liberal proceduralists mean most characteristically electoral and voting procedures that lead to a collective choice. Many also focus on the inclusive and egalitarian quality of the

Liberal proceduralism, as I understand it, is the family of views that defend the first answer: democratic institutions are intrinsically valuable because of how they constitute or contribute to certain valuable relationships or embody a principle, such as equality, that can only be realized relationally. While they variously refine the idea, liberal proceduralists generally agree "that a fair procedure has value that derives from the contribution that the outcome-independent qualities of the procedure make to certain other things that are of value: for instance, treating our fellow citizens with respect, as equals, and so on."[10] Such defenses of the intrinsic value of democratic institutions position themselves against instrumentalist views, according to which democratic institutions, as the distribution of rights to coercion, are justified only insofar as they reliably produce *outcomes* that accord with some external normative standard.[11] Liberal proceduralists contend that such instrumental justifications of democracy miss part of the essential meaning of democracy: organizing decision-making in a way that is fair to everyone is a way of providing equal respect to the members of a democratic society. And it is this realization of a principle through an institutional procedure that explains the obligation to obey the discrete decisions of such institutions, even if we may disagree the decision vis-à-vis some substantive or external standard.

While the debate between intrinsic and instrumental views of democracy focuses on the justification of democracy, it also entails a theory, less overt, of how to apply whatever value

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deliberative and agenda-setting aspect of those institutions. The democratic power approach shares this focus, while also being more open to alternate institutions, such as differential voting rights, group-based representation, and sortition, if they can be shown to enhance the organization of collective power.

[10] Daniel Viehoff, "XIV—the Truth in Political Instrumentalism," *Proceedings of the Aristotelian Society* 117, no. 3 (2017), 277.

[11] See, for example, Richard J. Arneson, "Democracy Is Not Intrinsically Just," in *Justice and Democracy: Essays for Brian Barry*, ed. Keith Dowding, Robert E. Goodin, and Carole Pateman (Cambridge: Cambridge University Press, 2004); Daniel Viehoff, "XIV—the Truth in Political Instrumentalism"; Steven Wall, "Democracy and Equality," *The Philosophical Quarterly* 57, no. 228 (2007).

justifies democracy to political institutions. That is, a theory of *what justifies democracy* also

contains an implicit account of *the characteristic features of the institutions that realize those

principles*. Democratic theories provide stylized descriptions of the facts of political life so as to

show how normative values relate to different institutional options. These competing stylizations

have concrete implications for ranking features of institutions and so evaluating democratic

institutions. Implicit in such a theory is a view of what political institutions are, how they

function, the relationship between formal rules and their actual operation, and, finally, how they

relate to or realize different normative values. In particular, both the intrinsic and the

instrumentalist views of democracy concur that the internal procedure of a democratic institution

can be segmented from the outcomes of the institution, such that they can be evaluated

separately.

Here, we should note that, to varying degrees, liberal proceduralists are attuned to how

different forms of social or economic inequality could undermine the fairness of democratic

procedures. They worry about the gap between the formal promise of a democratic institution

and their actual fairness, with whether such institutions do genuinely guarantee equal

opportunities to influence or roughly equal power over the outcome of a collective decision.[14] I

do not assume that liberal proceduralists take formal procedures at face value. My concern is that

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[14] Elena Ziliotti provides a useful distinction between political egalitarian and relational egalitarian defenses of the intrinsic value of democracy. Political egalitarians like Christiano argue that fair procedures directly realize equality. Relational egalitarians see democratic institutions as a necessary constituent of, but not reducible to, equality. Similarly, contractualists like Beitz admit that both procedure and outcome have a constituent role in realizing political equality. The political egalitarian view would have a harder time accommodating my argument, as deviations from procedural fairness would undermine the public recognition of equality. Relational egalitarians and contractualists, on the other hand, could be more open to such deviations under non-ideal conditions. Kolodny, for example, argues his position could be open to deviations from procedural fairness under non-ideal conditions. But this creates a potential incoherence within the relational egalitarian framework. If what explains obligation is that fair procedures realize relational equality, then departures from procedural fairness would seem to undermine the legitimacy of the legal order for those who are burdened by those deviations. See Kolodny, "Rule over None II: Social Equality and the Justification of Democracy," 309; Elena Ziliotti, "Democracy's Value: A Conceptual Map," *The Journal of Value Inquiry* 54 (2019).

they tend to take such potential threats to the fairness of a procedure as *ex-ante* inequalities that are exogenous to the procedure itself. That is, they tend to assume that, even under non-ideal circumstances, democratic institutions stand apart from the organization of inequalities in society. As a result, liberal proceduralists are limited to three potential responses to such threats to procedural fairness: first, to strive to *insulate* the procedure, second, to attempt to *compensate* for such inequalities within the procedure, or third, to provide *ceteris paribus* arguments whereby we could only identify a procedure as fair under conditions of social and economic equality. In all cases, they maintain the distinction between procedure and outcome. Missing is a theory of the *dynamic* interaction between democratic institutions and the organizational structure of the actors that seek to sustain or undermine existing distributional patterns in society.

The very idea of relational equality should lead theorists to question the distinction between procedure and outcome as a description of democratic institutions. Many liberal proceduralists are concerned with both political equality and social equality. Yet they tend not to think that the broad concern with social equality should inform the design of democratic procedures. If we are after the constitution of broad relationships of equality throughout society, then we must inquire into the effects of both procedures and outcomes on the organization of different social groups and collective activities. The question is whether procedures and outcomes together, over time, produce and preserve broad social relations of equality. The following argument focuses then, not just on *what* justifies democracy, but also on *how* democratic institutions realize the value that is taken to justify them. My core claim is that liberal proceduralist views fail to apprehend the conditions under which democratic institutions can realize valuable political goods. The democratic power approach shares the core intuition that there is something intrinsically valuable about the relationships democratic institutions can help

constitute and sustain. But it provides a different account of how democratic institutions to realize such value, and so with the underlying theory of institutions on which the liberal proceduralist view rests—a theory that separates procedure and outcome.

The democratic power approach provides an alternative framework for relating the ideal of equality to democratic institutions. From my perspective, democratic institutions are mechanisms that function through recursive feedback loops between procedures and outcomes. Insofar as the operation of procedures depends on the background organization of social actors and how they relate to the procedure, the general outcomes of the procedure will alter the potential fairness or integrity of the procedure itself. But to bring this insight into democratic theory, we must begin, not from an ideal of procedural fairness, but from a theory of collective power whereby such power gets actualized through procedures that organize the generally more disorganized majority. This view of collective power and democratic institutions points to a revised concept of the people and the state, articulating how both relate to the constitution of political equality over time.

Organized Collective Power

Democratic institutions are always more than just procedures. Like all political institutions, they are both procedures and mechanisms. As procedures, democratic institutions consist of explicit rules that distribute decision-making authority within the institution. But as mechanisms, political institutions are also nodal points in the broader organization of power in society. This section develops, first, an account of political institutions as social mechanisms and then, second, the conceptions of power and organization that inform the democratic power approach. Liberal proceduralists are concerned with how informal inequalities of power or influence could undermine the promise of procedures. What they miss is the collective

dimension of political power—the "power-with" that emerges through ongoing cooperative practices. But to capture this aspect of power requires a more sociological approach to democratic institutions, one that relates formal procedures to the formation of organized collectivities, ranging from relatively formalized organizations like labor unions and political parties to more diffuse actors such as the people.

Institutions are Procedures and Social Mechanisms

Political institutions are social mechanisms as well as procedures. As I understand it, an institution is a social mechanism insofar as it structures patterns of activity both *within* and *outside* of that institution in a relatively stable and predictable manner. For example, while there may be specific procedures involved in acquiring health insurance in the US (eligibility etc.), on the aggregate level the structure of those procedures is going to affect the incentives of large-scale actors, such as insurance companies or hospitals, in a way that then restructures the interests and political power of the actors who either sustain or seek to challenge those procedures. In political science, scholars point to how "policy makes politics"—institutional procedures have broader effects on society, creating new political constituencies who will then seek power to influence the structure of those procedures.[15]

If we want to know what relationship a political institution realizes, we need to examine more than the fairness of their procedures or how those formal procedures interact with individual-level inequalities of wealth or influence. We also need to inquire into how they function as social mechanisms to organize interests and actors—what I am calling organized collective power. Only then can we determine whether the procedure constitutes the sort of relationship in question. The institutions may still be intrinsically valuable—that is, we could still say democratic institutions bring something valuable into the world just for how they

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[15] Andrea Louise Campbell, "Policy Makes Mass Politics," *Annual Review of Political Science* 15 (2012).

structure our relationships with each other—yet we need a broader account of the sort of structuring such institutions enact. As mechanisms, democratic institutions coordinate diverse actors such as to organize ex-ante less cohesive majorities, enabling them to act collectively to determine their common terms of interaction in order to relate to each other as equal citizens. The crucial point is that the effects of democratic institutions are not outcomes, discrete from procedures. Instead, the effects of institutions, in redefining the collective actors that interact with a procedure, affect the ongoing functioning of the procedure itself.

The language of mechanisms is helpful because it reminds us that certain features of institutions will have relatively consistent effects even in otherwise different contexts, even as we must examine more than their formal rules to determine those effects. When examining a democratic institution as a mechanism, we have to inquire into its structuring effects on the organization of different actors in society. These effects are distinct from *both* the internal procedures of those institutions *and* the immediate outcomes of those procedures. Rather, the effects of democratic institutions as mechanisms only becomes clear in the context of recursive feedback loops between procedures, outcomes, and the interests and identities of different social actors. As mechanisms, democratic institutions organize and constitute collective actors that can then work through them – ranging from different groups and constituencies through to the people as a whole. But those actors then exert influence on those same institutions. Democratic institutions constitute political agents like the people insofar as those institutions function as mechanisms that rearrange power in the broader social world, enabling the political activity of different collective actors. But this entails a view of power that extends beyond formal decision-making rights—the sort of power on which liberal proceduralists focus.

Organized Activity and Collective Power

As mechanisms, democratic institutions affect the organization of power in society. But how should we understand this sort of power? In this section, I argue that the power in question here is the power that arises from organization and cooperation and not the coercively backed power of the law on which liberal proceduralists focus. Scholars of power often distinguish between "power-over," in which power indicates the capacity to cause another agent to do something they would not otherwise do, and "power-to," whereby power refers to a more general capacity to realize one's goals, something that can come into existence through co-operation with others.[17] In the power debate, these refer, not to competing concepts of power, but different facets of the social preconditions for one agent possessing power. Liberal proceduralists focus on "power-over" at the expense of "power-to." In part, this is an understandable impulse: legally-sanctioned "power-over," insofar as it implies the potential for coercion, needs particular justification. For liberal proceduralists, democratic institutions realize equality insofar as they guarantee something like equal power over the authoritative rules that arise from collective decision-making. Their disagreement then flows from how narrowly or broadly to define such power—whether it needs to correct for inequalities in natural talents (such as persuasive ability), whether we should focus on equality of actual influence or of opportunities for influence or of the probability of being the decisive influence. Yet if the justification of such coercion resides, even if in part, in how democratic institutions sustain relations of social equality, and if we are examining such institutions under any but the most idealized conditions, then democratic theorists need to expand their purview to also examine power as "power-to." Formal democratic procedures will impact the organization of such power—and so which social actors and social

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[17] For an overview of these debates, see Mark Haugaard, "Rethinking the Four Dimensions of Power: Domination and Empowerment," *Journal of Political Power* 5, no. 1 (2012).

collectivities have their capabilities and organizational capacity enhanced, and which find their power-to impeded.

Power-to, as I understand it, requires organized collective activity. It arises through the deliberate coordination of disparate plans of action and goals. Hannah Arendt puts the point nicely: "What keeps people together after the fleeting moment of action has passed (what we today call 'organization') and what, at the same time, they keep alive through remaining together is power."[18] To take a mundane example, we see that our individual power, in the sense of our capacity to realize certain goals, is enhanced through organized patterns and structures, such as traffic rules. But the power under consideration here goes beyond coordination—it refers to the specific power that comes from being able to unite organization with persuasion.[19] Persuasion becomes effective insofar as there are organized opportunities for collective action that enable people to channel their persuasive capacities in an organized and united direction In this respect, it differs from power-over, insofar as it does not *require* formal sanction, although institutions with such sanctioning capacity may enhance it.

The shift to "power-to" entails a change in how democratic theorists think about equalizing power. Collective power cannot be distributed at the *individual* level because it presupposes an ongoing *cooperative* activity. Organized political power does not necessarily have to mean control over decision-making outcomes. Rather, the power in consideration here is an inter-subjective phenomenon that emerges from the ongoing organization of collective activities. The power that arises from organization does not give any individual or group unconditioned control or probability of control over the course of events or affairs, as is more clearly the case when someone wins a vote. For liberal proceduralism, fair democratic

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[18] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 201.
[19] For the discursive and communicative aspect of power, see Rainer Forst, "Noumenal Power," *Journal of Political Philosophy* 23, no. 2 (2015).

procedures realize equality by giving everyone equal power over a decision. A voting procedure distributes power at an individual level because you can exercise that power *regardless of the decisions or activities of others.* The power is modally robust, in that you retain it and so political equality in all possible permutations of the domain-specific choices of others. In contrast, organized collective power is a form of power that *requires ongoing domain-specific cooperation from others* and so cannot be distributed at an individual level, even if we can analyze large-scale shifts in the balance of organizational capacity and so organized collective power in society.[21]

Take, as an example, the power of a labor union. Some of this power will arise from "power-over," insofar as there is a legal regulatory framework that, for example, sanctions firms if they try to circumvent a legal strike. This legal framework will distribute power on an individual level to each worker through his or her right to vote on the decision to strike. Yet much, if not most, of the power of a union comes not from this legal framework but through their ability to organize and mobilize their members. The significance of each worker's right to vote on the strike is enhanced by the fact that their union has high organizational capacity, workers' have solidarity and will cooperate, etc. The enhanced power of each worker only arises through this ongoing collective activity—as soon as the cooperation ceases, the power vanishes. And while in some broad way this collective organization of power enhances the power of workers as a group vis-à-vis their employer, it would be a mistake to speak of it as a redistribution of power on an individual level, as each individual's enhanced power requires the ongoing cooperation of every other individual. Another operative example is a political campaign. While the voting procedures prized by liberal proceduralism may specify a distribution of decision-making power,

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[21] By domain-specific, I mean cooperation in the particular context of that political activity. Formalized distributions of power-over may presuppose some broader notion of social cooperation as a background condition but is compatible with non-cooperation in the specific context of political decision-making.

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a political campaign spills beyond formal procedures and towards the activity of organizing collective power, so as to ensure people exercise that individual procedural right in an organized manner.[24] An electoral victory then has implications for the organization of collective power that go beyond the structure of the rules that determine a winner.

So if we cannot talk about the distribution of organized collective power at the individual level, how ought we conceive its equalization? I propose we conceptualize the equalization of collective power in terms of virtuous feedback loops between formal decision-making procedures and the collective organization of power-to. The formal procedures of democratic institutions distribute power-over. That is, they ideally give each individual person the equal probability of being decisive over the outcome of a collective choice, thereby giving everyone the equal capacity to exercise power over each other. At the same time, though, such institutions will affect the organization of collective power. Here, we should think not in terms of distribution but feedback loops. Most generally, I understand a feedback loop as any social process where an output of the process is reused as an input.[25] Feedback loops operate through social mechanisms. A *virtuous* feedback loop is one where a normatively desirable result of a process also strengthens one of the causal inputs that contribute to that outcome. Conversely, a *vicious* feedback loop is one where a normatively undesirable result strengthens a causal input that contributes to that outcome *or* weakens a causal input that could lead to an alternate, normatively desirable output. Feedback loops bridge "procedure" and "outcome." This is

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[24] Insofar as they enable this sort of coordination and organization, parties and partisanship may then be a valuable precondition for the constitution of political equality. For a recent defense of partisanship along these lines, see Jonathan White and Lea Ypi, *The Meaning of Partisanship* (Oxford: Oxford University Press, 2016).

[25] Feedback loops have been extensively studied and theorized in the philosophy of biology, complexity and systems theory, economic theories of increasing returns and cumulative causation, and political science theories of path dependency. For a representative discussion that draws together economics and political science, see Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94, no. 2 (2000).

because one of the "outputs" of a feedback loop could be the *actual functioning of the procedure itself*. If a democratic institution rearranges the relative organizational capacity of the different collective actors that interact with a procedure, then the nature of the procedure itself changes— powerful actors could use unforeseen procedural tactics to advance their interests, or conversely less powerful actors could use the procedural mechanism as a site of organization building. To return to the union example, take it as given that unions increase voter turnout amongst less wealthy individuals. If a majoritarian democratic procedure makes it more likely that a polity will create a pro-union regulatory environment, this could then enhance the political organization of the majority of citizens, who will then protect the integrity of that majoritarian procedure— generating a virtuous feedback loop between unionization and political equality. Democratic institutions with procedural rules are then *nodal points* in these larger feedback loops: the site where the organization of collective power intersects with the distribution of formal decision-making power, directing and potentially redirecting such feedback loops.

Seen in this light, democratic institutions do not only distribute power as decision-making rights but also realize power by organizing the disorganized over and against the already organized, such as wealthy minorities and incumbent state actors. The organization of these different political actors will then affect the operation of democratic procedures, enabling some actors to pursue their ends over others. Democracy rests on such feedback loops between procedures and the organization of social power. Part of what gives democracy its dynamic is that these egalitarian modes of organizing power are in constant competition with pre-existing, non-democratic forms of organization as well as with challengers who wish to exert control over democratic forms of organization via formal procedures and the state. Thus, state-formation propels the formation of new political institutions that also seek to organize popular

constituencies as a counter-weight to pre-existing, aristocratic hierarchies. Charles Tilly called

the state a protection racket – but this fact means it is an *accountable* protection racket, one that

supplants other, less accountable rackets.[26] This possibility was recognized by one of the earliest

observers of state formation, Machiavelli, who saw that aspiring princes could forge an alliance

with the people over and against incumbent elites.[27] Similar dynamics have played out

historically because of state actors' dependence on monetary and military resources of the people

(taxation and military conscription, respectively).[28] This dependence meant that those state actors

had to organize the people through taxation or military conscription, creating a new source of

democratic power that could assert itself when the old order collapsed.

The State and the People as Political Infrastructure

So far, I have argued that democratic institutions are both procedures and mechanisms

with predictable social and political effects, effects that will then feedback into the integrity of

the institutional procedure. The full import of democratic institutions, in this view, is not

exhausted not by how they guarantee procedural fairness. Rather, the value of democratic

institutions arises from how the organization of collective power enables the people to act

through the state and preserve, through recursive feedback loops between procedure and

outcome, relationships of political equality. So far, I have argued for the democratic power view

indirectly, both by indicating some shortcomings in the liberal proceduralist view and then

describing the alternative account of institutions and power on which the democratic power

approach rests. This section will further motivate the democratic power approach by showing it

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[26] Charles Tilly, "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985).

[27] Niccolò Machiavelli, *The Prince*, trans. Harvey C. Mansfield, 2nd ed. (Chicago: Chicago University Press, 1998), Chapter IX.

[28] John P. McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011).

can better make sense of two key concepts in democratic theory: the people and the state. The liberal proceduralist theory has difficulty with both. As I will argue in this section, such theories implicitly conceive of the people as just the aggregate members of a society and the state as a delegate that directly implements the outcomes of collective choice. Because of its attention to the interaction between formal procedural institutions and the organization of power in society, the democratic power approach can articulate the importance of both the people and the state for democratic theory. From the point of view of organized collective power, the people stands for the relatively less organized majority of society and the state for an infrastructure of power through which the people can act.

The People

As scholars like Josiah Ober remind us, democracy originally meant something like the power (*kratos*), in the sense of an organized capacity to act together, wielded by the people (*demos*).[29] But who or what are the people? To the extent that the liberal proceduralist view provides a notion of the people, it is a minimal one – the people are simply those subject to the jurisdiction of a particular political community. The people stand for the aggregate members of a political community who owe each other, as individuals, treatment as free and equal citizens. As we will see, the liberal conception of the people mirrors the modern concept of the state, in which the state is a formal-legal ideal derived from a concept like individual right or civil society. In contrast, as an infrastructure of power, the people stands for the political organization of the ordinary, non-elite, and less visible members of a political community—those who abjure

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[29] Josiah Ober, "The Original Meaning of 'Democracy': Capacity to Do Things, not Majority Rule," *Constellations* no. 15, 1 (2008).

or fail to achieve highly visible forms of economic and political power.[30] Once the people as infrastructure of power is brought together with the idea that democratic institutions can facilitate the collective organization of power, we can see how the people exercise a sort of collective power within democratic politics, as well as how that collective power is enabled by the institutionalization of democratic structures vis-à-vis the state. This collective power can be *enabled* and *enhanced* through democratic procedures, but only if those democratic procedures initiate a virtuous feedback loop between formal rules and the organization and mobilization of the people. Because the liberal proceduralist view focuses on equality constituted through the individual-level distribution of political power, their concept of the people focuses on *formal membership*, encompassing all members of a polity, and so not the organized collective activity of the less powerful members of that society.

Liberal proceduralist views are heirs to the notion of the people that arose with the modern concept of popular sovereignty. The development of the idea of popular sovereignty required a reinterpretation of the nature of the people: from the infrastructure view, according to which the people are the non-powerful majority that is one source of power within a political community, to the liberal view, according to which the people are all citizens of the community acting together as an authorizing power. According to early modern theories of popular sovereignty, the people comes into existence insofar as everyone, as an individual, formally authorizes a juridical order. Political legitimacy thus rests on an equal distribution of authority over the laws. The democratic vision of the people is reinterpreted through the lens of individual

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[30] For a recent discussion of the implications of this version of the people for debates about liberalism, democracy, and populism, see Camila Vergara, "Populism as Plebeian Politics: Inequality, Domination, and Popular Empowerment," *Journal of Political Philosophy* n/a, no. n/a.

consent, such that the people ought to be dissolved into a distribution of individual voting rights.[31]

We can see this shift in the reinterpretation of the Athenian understanding of democracy in early modern European thought. The Athenian ideal of the supremacy of the demos did not necessarily imply a notion of absolute sovereignty, one realized through the people authorizing the constitution or the government. Rather, it gained political traction because of a crucial ambiguity in the notion of the demos—an ambiguity between the demos as tyrant and as *idiōtēs*.[32] The demos as *idiōtēs* stood for the demos as ordinary people who lack relative social, economic, and political power. The supremacy of the demos meant not just the supremacy of the Assembly as a legislative body representing the desires or wishes of the demos (demos as *tyrannos*), but also the supremacy of non-elite Athenians over elite Athenians (demos as *idiōtēs*). An implication of this ambiguity is that the regulation of political competition in Athens focused, not on the adequate representation of individual components of the populace, but on the prevention of any one individual or group amassing so much power that they could dominate the demos.[33]

As Kinch Hoekstra has shown, early modern theories of sovereignty deployed an interpretation of Athenian democracy that focused *only* on the tyranny of the demos—the idea of the Assembly as the supreme, authorizing legislative body—while neglecting the other meaning of the demos in Athenian democratic ideology.[34] The rise of the idea of popular sovereignty thus

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[31] On the role of consent in modern theories of democracy, see Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1995).
[32] Matthew Landauer, "The Idiōtēs and the Tyrant: Two Faces of Unaccountability in Democratic Athens," *Political Theory* 42, no. 2 (2014).
[33] Alexander S. Kirshner, "Legitimate Opposition, Ostracism, and the Law of Democracy in Ancient Athens," *The Journal of Politics* 78, no. 4 (2016).
[34] Kinch Hoekstra, "Athenian Democracy and Popular Tyranny," in *Popular Sovereignty in Historical Perspective*, ed. Richard Bourke and Quentin Skinner (Cambridge: Cambridge University Press, 2016).

marked a shift in views of the people: from the people as the less powerful members of the polity

to the people as all individuals within the jurisdiction of the state who retain ultimate sovereignty

whatever specific form the government took. They were sovereign insofar as they retained an

ultimate power to authorize the political community. Such interpretations transformed the demos

from a designation of an organized group that stands in contrast to economic and political elites

and into a collective and unified agent—one that could be a "sovereign" power insofar as they

collectively authorize the laws. Put differently, the modern ideal of popular sovereignty rested on

a singularly one-sided interpretation of the nature of democratic politics in Athens. The liberal

proceduralist view takes this idea of popular sovereignty and gives it a proceduralist twist. The

people are sovereign insofar as there exist fair procedures that mean everyone can view himself

or herself as equal authorities over a legal order.

Such views are far from the idea of the people as a mode of organized collective power.

In this view, the people is always partially differentiated from both state actors and the members

of powerful groups in society. The aggregate of individual citizens becomes the collective actor

"the people" insofar as democratic institutions organize the collective power of the generally

disorganized majority.[37] Here, the question is: what are the institutional processes and

mechanisms that help sustain the capacity of ordinary people to act in an organized manner? The

people is the result of political organization that coordinates the activities of these constituencies

through broader social movements and over-arching institutional structures, producing a larger,

cohesive, and organized movement that can lay claim to be the people. What this view of the

people loses in conceptual abstraction it gains in both normative desirability and empirical

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[37] To this extent, the *democratic* concept of the people is a gradual concept, as the less powerful members of a society will, depending on their organizational context, exhibit different degrees of "peoplehood." However, a minimal criterion is that the institutions enable a *majority* of citizens to exert ongoing political power in a recognizable way. This can coexist with more juridical concepts of peoplehood, which will operate using binary categories like citizen/non-citizen.

tractability. It is more realistic, better capturing the connection between political institutions and the people, insofar as the people comes into existence through the collective organization of power. But in its realism, it also articulates the connection between the people and the value of political equality, insofar as political equality is sustained through the ongoing feedback between formal institutional procedures and the broader organization of collective power that constitutes the people.

The State

Once political decisions are made, they must be implemented. Liberal proceduralists focus on the integrity of decision-making procedures, identify political equality with fairness in those procedures. But how should we move from simple, direct models of democratic decision-making to democracy at scale, democracy in large, complex societies? Recent liberal proceduralists turn to a model of representation to solve this problem, contending that representation does not undermine political equality insofar as "the relationship between the citizenry and official—say, representative in the legislature" is one of delegation.[38] Political representatives should act as delegates, much like "lawyers, doctors, accountants, and financial planners."[39]

This view fails to appreciate the nature of the state. Political representatives are not just delegates or governed by formal procedural rules—they are nodal points in larger feedback loops, and in particular those that mediate between the organized power of the people and the institutional infrastructure of the state.[40] The state, the institutional context of representatives'

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[38] Kolodny, "Rule over None II: Social Equality and the Justification of Democracy," 317.
[39] Ibid., 317.
[40] Empirically, this is a highly implausible view of political representation, as Kolodny grants. But the issue is not just practical. Representation undermines the idea that relational equality is tied to equal opportunity to influence political decisions. Representation is a temporal relationship. It means abandoning equal influence over a series of future individual decisions. Kolodny's defense of

activity, does not stand to the people as an agent to a principle. Rather, the state is a set of structured institutions that empower individuals to pursue multiple, often contradictory, interests and imperatives. The relationship between the state and the people is one of both interdependence and antagonism. State actors depend on the people for resources, legitimacy, and even existential survival, and yet those actors have a strong interest in preserving their autonomous capacity to implement their ends. State-formation, then, is both a necessary precondition for the realization of political equality under modern conditions of pluralism and large-scale political orders and a continuous threat to political equality.

As with the people, we can distinguish two different ways that one can analyze the state: the first view is of the state as a concept or ideal, one derived from, for example, the idea of right or legitimacy, and the second approaches the state more sociologically and empirically, as an infrastructure of power.[41] The first view is historically specific, referring to the ideological self-representation of the form that concentrations of public power took on beginning in 16th century Europe, while the latter is a broader idea that encompasses all contexts in which the administration of power becomes relatively independent from particular individuals or groups. In this broader view, the state is simply any institution that functions to implement collective

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representation leaves out the losers in electing the representative. In a "direct democracy," if I lose a vote on a single decision, I can still view myself as others' equal as I know my odds of influencing future decisions are unchanged. But why should I view a representative elected by a majority in which I did not participate as my delegate? I have now given up my power over a series of future decisions. Thus, according to Kolodny's own view of equal influence, the delegate view of representation fails. However, it could be that, from the democratic power approach, constructing institutions that approximate delegate representation—imperative mandates, binding party policies, and so on—would enhance virtuous feedback loops. For a further critique of Kolodny's theory of representation, as well as an account of the relationship between political equality and the state similar to the one developed here, see Arash Abizadeh, "Representation, Bicameralism, Political Equality, and Sortition: Reconstituting the Second Chamber as a Randomly Selected Assembly," *Perspectives on Politics*, online first.

[41] I borrow the idea of infrastructure from Michael Mann. Michael Mann, "The Autonomous Power of the State: Its Origins, Mechanisms and Results," *European Journal of Sociology* 25, no. 2 (1984); *The Sources of Social Power, Vol. II: The Rise of Classes and Nation-States, 1760-1914* (Cambridge: Cambridge University Press, 1993).

choices (or enforce them *as* collective choices). It is hard to imagine a political community without some state apparatus, with democracy requiring an administrative state infrastructure that is independent of one family or ruling group. In this respect, Athenian democracy had a state, insofar as there was an institutional system for administering public goods and implementing decisions that did not merge with a single ruling family or group.

As a historically-specific concept, however, the state only took shape in 16th century Europe, alongside the philosophy of popular sovereignty, and stood in contrast to the sort of administration by amateurs and notables characteristic of Athenian democracy. As an ideal concept, the state indicated a permanent apparatus of professional government, one regulated by explicit, formal law and structured by the continuous pressure to rationalize its deployment of coercive power. The modern concept of the state developed in the context of a specific model of European authoritarianism. Scholar-administrators articulated the theory of the state as a way to justify the claims of the central authority against the local principalities under their jurisdiction.[42] Such theories sought to derive the state from the concept of civil order and individual right as a way of justifying the jurisdiction of centralized authorities. The modern view of the people as the aggregate of individuals and of the state as derived from an individual right go together. In both cases, they derive a description of an institution from a conceptual principle—free and equal individuals, in the case of the people, fair procedures leading to authoritative laws, in the case of the state. The concept of the state provided a powerful framework within which to legitimate the new form of power embodied in these rationalized structures of political administration—it had a

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[42] For an overview of these views, see David F. Lindenfeld, *The Practical Imagination: The German Sciences of State in the Nineteenth Century* (Chicago and London: The University of Chicago Press, 1997).

"state effect" in drawing new boundaries between public and private and providing public power with new justifications.[43]

The distinction between state as concept and state as infrastructure of power matters, because the liberal proceduralist view presupposes the modern concept of the state, taking it as, if not a reality, then a regulative ideal.[44] Only with such a concept of the state can theorists like Kolodny argue that procedural fairness can realize political equality at scale, with the political actors in the state (representatives) being delegates who implement collective choices in a linear and seamless fashion. In contrast, the state as infrastructure helps to capture the relationship between organized collective power of the people and the authoritative enforcement of legal norms, with the state instead standing as particular nodal points in the uneven organization of power throughout society. Against the liberal proceduralist ideal of the state as a neutral medium for implementing the results of egalitarian procedures, the state itself is an infrastructure of power that reshapes society. The activities of the state are going to affect the structure of democratic procedures themselves. Here, again, the distinction between procedure and outcome breaks down.

To the extent that the state figures into liberal proceduralist views, it is only under the auspices of the modern concept of the state. Yet the modern concept of the state is an idealized and ideological portrayal of the state geared towards the needs and aspirations of state-building authoritarian regimes in continental Europe. Political actors sought to portray themselves as

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[43] Timothy Mitchell, "The Limits of the State: Beyond Statist Approaches and Their Critics," *American Political Science Review* 85, no. 1 (1991).

[44] The formal concepts of both the state and the people could still serve useful theoretical purposes. It may be preferable to live under a well-functioning administrative system, just as it may be better to secure the formal membership of all residents of a territory. I have two worries. First, these concepts have a tenuous at best connection to the ideal of democracy and political equality. Second, and more important, they are not sufficiently examined *as an ideal* within liberal proceduralism and so are taken as an empirical starting point for their institutional prescriptions.

engaging in the "depersonalization" political power by dissolving it into the concept of right, on the one hand, or a functional, rule-governed administrative system, on the other. In reality, the construction of the modern state was only ever a partial, uneven process. There never was nor could there be complete depersonalization of power. The depersonalization of power simply means that the individuals exercising power have their field of activity increasingly structured by legal norms and demands for horizontal and vertical accountability, even as these norms and accountability structures are always underdetermined relative to specific choices and actions.

This realist point does not vitiate the importance of legality or representation. But it does mean that the state is always a site of struggle between competing political interests and not simply a linear instrument for implementing collective decisions. Even when it has been influenced by the modern ideology of the rational state, the state remains an infrastructure of concentrated power. The state is a (by no means seamless and coherent) agglomeration of political offices held together as much by inertia and informal practices as by conceptually derived legal or political principles. Indeed, democratic polities are often marked by a surprising lack of both rationalized administrative capacity and a weak, if non-existent, resort to Kantian constitutionalism as a legitimating rationale. This power is "public" insofar as it is relatively autonomous from continuous control by specific individuals and groups in society.

What does this mean for political equality and democracy? It challenges the implicit background of the liberal proceduralist view—the idea that one can segment procedure and outcome. The state is not a neutral medium for implementing collective decisions arrived at through procedures that, under suitable conditions, constitute political equality. Rather, the state is both a precondition for and a constant obstacle to realizing political equality—a set of institutional structures that shape the course of potentially virtuous egalitarian feedback loops.

States are under pressure to respond to the people and even to help constitute the people through democratic mechanisms and institutions. Yet, at the same time, actors within the state seek to shield their power from public accountability so as to pursue their ends as autonomously as possible. Political equality, then, requires more than just the equalization of collective decision-making procedures. It requires the ongoing organization of the majority that can enable the people to act on and through the state.

Conclusion: Evaluating Democratic Institutions

Procedural fairness is an important component of how democratic institutions constitute political equality. But liberal proceduralists risk fetishizing procedural norms as such. They abstract institutional procedures from the broader social balance of forces in which they operate, investing those procedures with a political purpose they cannot realize. To the extent that they bring such sociological considerations into their theories, it is to observe how various inequalities in wealth, education, or persuasive ability undermine the individual right to equal contribution to collective decisions. That is, they miss how those individual capacities are enabled or undermined by the constellation of larger social organizations that facilitate and shape individuals' participation in democratic institutions. Democratic procedures do help to realize political equality, but only insofar as they enable, rather than undermine, efforts to organize the people over and against entrenched, powerful elites and the state. Kolodny imagines democratic procedures scaling through relationships of delegation, yet once representatives are taken to be part of the state, the idea of representation as delegation breaks down. Instead, we should see representatives as perched between the collective organization of popular power and the interests of the state. Astute empirical observers such as Peter Mair have shown how, over time, representatives and parties can become entrenched in the state, surviving off of collusion and

cartelization rather than popular mobilization, and so undermining the collective organization of power.[48]

Taking democratic institutions as mechanisms that organize power in society, and not just decision-making procedures, undermines the distinction between procedure and outcome. The post-Rawlsian debate between instrumental and intrinsic views of democracy assumes that the intrinsic/instrumental distinction aligns with that between the internal structure of decision-making institutions and the outcomes of those procedures. I contend that we can accept the intrinsic value of democracy and the constitutive role of democratic institutions in realizing political equality without this divide between procedure and outcome. As also substantive social mechanisms with predictable effects, the outcomes of procedures will be inflected by, even as not reducible to, the way those procedures organize and mobilize different groups in society. These political actors are constantly working within existing procedures as well as trying to advance policies and mobilize supporters in a way that will alter those procedures going forward.

Why should we prefer the democratic power to the liberal proceduralist view of democratic institutions? At its core, my argument is that the democratic power approach better articulates what institutions are necessary to secure political equality under the conditions of modern politics. The democratic power view affirms the conditional importance of formal and substantive procedural fairness, but given the facts of modern political life, my theory will subordinate those procedural ideals when they undermine the organization of collective power in the pursuit of equality. Insofar as democratic institutions are more than formal procedures, then the justification of democracy should involve a comparative evaluation of different institutional

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[48] Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (London and New York: Verso, 2013). Such dynamics also undermine the sort of equality with which liberal proceduralists are concerned, yet democratic power and liberal proceduralists may disagree about the best institutional prescription: whether to try to strengthen and insulate formal procedural rights or whether to look to institutional innovations that would enhance popular mobilization.

options and the extent to which they will further or thwart the ongoing feedback loops that sustain the valuable relationships between equals that democracy requires. Democratic theorists need to evaluate democratic institutions based on their substantive effects on the organization of power in society and not just their formal structures.

Take, as an example, the import of majority decision-making rules for democracy. Kolodny contends there is no inherent connection between political equality and majoritarianism. The typical argument for majoritarianism is that supermajority rules make one outcome (the status quo) more likely than alternatives.[49] Yet, from the perspective of liberal proceduralism, such a public justification for a majoritarian procedure would unfairly burden certain citizens—namely, those who support the status quo. Under a supermajority rule, everyone still "has the same opportunity to influence the adoption of [a] decision as any other person." "What matters for social equality," Kolodny writes, "is that people have equal opportunity to influence decisions, not that decisions have equal opportunity of being made."[50] Supermajority rules are compatible with this principle, as would be lottery voting, in which everyone casts their vote and the winning vote was randomly selected.[51]

I believe Kolodny is correct that, from a procedural perspective, majoritarian and supermajority decision rules are equally fair. However, this is not so when it comes to the broader effects of democratic institutions on the organization of power outside of the procedures. The democratic significance of majoritarian democratic institutions resides in how they enable the collective organization of power.[52] They help realize political equality, not understood as

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[49] Melissa Schwartzberg, *Counting the Many: The Origins and Limits of Supermajority Rule* (Cambridge: Cambridge University Press, 2014), 121-25.
[50] Kolodny, "Rule over None II: Social Equality and the Justification of Democracy," 323.
[51] Ben Saunders, "Democracy, Political Equality, and Majority Rule," *Ethics* 121, no. 1 (2010).
[52] If the status quo realizes social and political equality, could a supermajority rule contribute to collective empowerment by protecting that egalitarian status quo? Only if we assume there are no intermediating

fairness *within* the procedure, but understood as the people's capacity to sustain and exercise their organized power. One of the primary effects of majoritarian institutions is to enable the organization of the otherwise inert majority as the people with organized collective power. Majority-based voting procedures—both referenda and ballot initiatives as well as more majoritarian models of representative institutions—create incentives for intrepid actors and concerted social movements to constitute and mobilize political majorities, such that they can then exercise power through majoritarian institutions as part of virtuous feedback loops. The concern here, of course, is that the likely outcome of general majoritarian procedures will be democratic action against vulnerable, weaker minorities rather than justifiable targets like the wealthy (justifiable insofar as targeting them fosters virtuous feedback loops). My argument leads to a presumption in favor of majoritarianism that could be overridden by specific historical circumstances. We see this, for example, in consociational, power-sharing institutions in societies with deep histories of religious strife. But such deviations typically specify the minorities in question to prevent generic counter-majoritarian institutions from undermining the organization of collective power. Generalized procedures to protect minorities fail to distinguish between vulnerable minorities and powerful minorities, and so they will generally undermine political equality by enabling the political organization and activity of powerful minorities.[53]

Overall, my argument points to a much broader tension between liberal norms of procedural fairness and democratic notions of substantive political equality than liberal

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institutions like the state—but the democratic power approach starts from the sociological assumption that those institutions will persist even in a highly egalitarian polity. Under such conditions, majoritarian institutions will be more likely to contribute to the organization of democratic power vis-à-vis the threat that representatives acting within the state will, over time, undermine political equality.

[53] See the discussion in Schwartzberg, 172-79.

proceduralists currently allow.[54] Once we assume democratic institutions will coexist with the

state and large-scale political actors—ranging from lobbies and interest groups to global

corporations and labor unions—then liberal ideals of procedural fairness will have to take a back

seat to the pursuit of substantive organized power. Insofar as democratic institutions interact with

the organization of power in society, there are conditions in which the realization of substantive

political equality could require relaxing, if not violating, principles of procedural fairness. For

instance, from the democratic power perspective, the connection between democracy and equal

suffrage is contingent, not necessary, and dependent on the likely effects of changes in the

structure of voting rights.[55] Differential voting rights or special vetoes for the less powerful or

wealthy could both help augment the collective organization of power.[56] Evaluating institutions

based on these sorts of likely effects on these political projects, for liberal proceduralists, would

be a failure to treat individuals as free—it would associate them with a particular social group or

interest.[57] If we see political equality as realized by the collective organization of power—neither

intrinsic to procedures nor instrumental to their outcomes but the result of ongoing feedback

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[54] The issues I raise here speak to broader questions about the role of democratic popular mobilization and collective power under non-ideal circumstances in broadly Rawlsian political theory. As Lea Ypi recently argues, for example, that under non-ideal circumstances it would be wrong to identify existing state institutions with an ideal of public reason. Lea Ypi, "The Politics of Reticent Socialism," *Catalyst* 2, no. 3 (2018). Similarly, my argument is that under non-ideal circumstances we need to examine how such institutions intersect with the organization of power in democratic political movements.

[55] For example, the expansion of suffrage could be democratically disempowering if it is done in exchange for electoral institutions that preserve the dominance of traditional political and economic elites—as, indeed, there is evidence was the case historically. See Amel Ahmed, *Democracy and the Politics of Electoral System Choice: Engineering Electoral Dominance* (Cambridge: Cambridge University Press, 2013). However, in most contemporary societies, a move away from universal suffrage would most likely undermine the organization of collective power.

[56] For defenses of both, see John P. McCormick, *Machiavellian Democracy* (Cambridge: Cambridge University Press, 2011); Dirk Jörke, "Political Participation, Social Inequalities, and Special Veto Powers," *Critical Review of International Social and Political Philosophy* 19, no. 3 (2016).

[57] Thus, in his rejection of arguments for majoritarianism, Niko Kolodny argues we must view individuals as "not bound by, or identified with, any particular choice, judgment, or outlook." Kolodny, "Rule over None II: Social Equality and the Justification of Democracy," 324.

loops between procedures and organized social actors—we have to include knowledge of the different political projects in our evaluation of institutional alternatives.

A final implication of the democratic power view is that no single institutional procedure will guarantee the stable realization of the value of equality. Instead, democratic communities must rely on potentially unstable institutional feedback loops between procedures and outcomes. This follows from the theory of the second best: in a world in which the ideal preconditions for liberal proceduralism do not hold, there is no reason to think every move towards fairer procedures will help realize political equality. Rather, we need to incorporate empirical knowledge of the likely effects of such moves, holding other factors constant, and it could be that given our current conditions more perfectly neutral procedural fairness will undermine, not further, political equality.[58] To aid in such comparative evaluations of democratic institutions, the democratic power approach introduces concepts, such as democratic institutions as mechanisms for organizing collective power, the people, and the state, that help synthesize the modern conditions under which institutional procedures operate. But the democratic power approach also contains a substantive lesson: democratic institutions will, at times, have to treat unfairly the projects of those who want to undermine the collective organization of power. As a result, democrats will more often than not have to choose between procedural fairness and substantive political equality—and they should choose the latter.

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[58] For more see David Wiens, "Assessing Ideal Theories: Lessons from the Theory of Second Best," *Politics, Philosophy & Economics* 15, no. 2 (2016).