

DeVane Lecture Discussion – 2-01-01

AK Good afternoon and welcome again. I am here this afternoon with Professor Ian Shapiro, the Chair of the Political Science Department to discuss his lecture of Tuesday, “Democracy and Distribution.” I thought that, this afternoon, we would follow the format we’ve been following in previous weeks. Ian and I will talk for ten minutes or so and then I will invite those in the audience who have questions to put or objections to raise or comments to make to move to the microphone and do so.

I thought we might begin with this question. Ian, it’s pretty plain to me that the idea of equality is intimately associated in all of our minds with the concept of democratic government, in a variety of different ways: most obviously, I suppose, in the very simple and familiar and widely accepted notion that, in a democracy, citizens ought to have an equal say in the management or administration of their government. One person-one vote—that’s the way we generally summarize that thought. And I suppose we also agree that, in a democracy, every person ought to have, every person is entitled to, the equal protection of the laws, as the Constitution says in the 14th Amendment. These are familiar senses of equality which are very directly connected to our notion of democratic government—so much so that it’s quite difficult for us to imagine a democracy that didn’t exhibit equality in these first two respects. But the subject of your talk was equality, greater equality, and inequalities of distribution—equality and inequality in the distributions of this world’s goods, of the material resources that the members of a democratic community have at their disposal to do with as they wish, to pursue their plans of life. And, of course, in this democracy—in our American democracy—we accept a fair bit (a great deal, really) of inequality with respect to the distribution of resources, and many think that inequality in this sense is not at all incompatible with a commitment to democratic principles. Democracy means equality of citizenship, it means equal protection of the laws. But it doesn’t imply, it doesn’t suggest, it certainly doesn’t require equality in the distribution of resources. It doesn’t require equality in that sense. So my question is this: what is the relationship between democratic equality as we ordinarily understand that notion, and equality of resources? Is equality of resources a democratic value at all?

IS I think that’s an excellent place to begin our discussion today. I think that it may well be the case that equality of resources is not a democratic value. What I would want to defend is the proposition that some limits on the inequality of resources are necessary for the functioning of democracy, so that some limits, if you like, on the degree to which we can have inequality of resources is important. And I would make that case from two different perspectives, I think. One would be a pragmatic political argument about what gives democracy its legitimacy, and the second would be a normative argument about what it is that democracy actually requires.

If you take a step back from contemporary American realities and think of the powerful movements for democracy in the world, if you think of the Chartist movement in the 19th century, arguing for expansion of the franchise; or if you think of the French Revolutionaries; or you think of the people who supported the liberation struggle in

South Africa in the 1960s, '70s and '80s: these were all people who saw around them massive inequalities which seemed to them deeply unjust. And they turned to democracy as the solution to that problem. They turned to democracy on the theory that we saw turned out not to be a very good theory but, nonetheless, on the theory that, if you got greater democracy—at least, if you got democracy-- then the tools of democracy would be used to reduce these massive inequalities in resources. Now, as we saw in the lecture on Tuesday, that often doesn't happen, and there's no necessary relationship between democracy and the reduction of inequality. But it seems to me that there are some democratic institutions that are more likely than others to lead to those reductions. And we ought to be interested in trying to reform democratic institutions in those directions because, otherwise, it's difficult to see why people will continue to have allegiance to democracy. It seems to me that, if you have such vast inequalities that the people at the bottom feel alienated from the social order and unable to change their positions in it—to take some of the extreme cases, such as South Africa or Britain in the 19th century, and so on—then the danger is that democracy will lose its legitimacy. So that would be the political argument.

The normative argument is basically the following: I have argued—not in Tuesday's lecture, but elsewhere—that an important component of the idea of democracy is the notion of non-domination and it seems to me that, if somebody has so few resources that their vital interests are in serious jeopardy—what I call their basic interests are under threat—then people are vulnerable to the exercise of power by others, who offer to hire them at half the minimum wage, who offer to hire them illegally, perhaps, for even less, who could take advantage of their necessity, if you like, in various ways. And it seems to me that if you have that much inequality that people's necessity can be taken advantage of by others, then you have more inequality than democracy can really bear.

And so, although I don't think there is—to come back to your question and answer it specifically—I don't think there is a link between democracy and requiring equality of resources. I think there is a link between it and requiring a reduction in inequality of resources, particularly for those who are in conditions of great vulnerability. And the reason I focus, in this work, on the bottom quintile of the population is that, even in wealthy countries, such as the U.S., this is a population which is either living in or is in manifest danger of living in poverty.

AK Let me pursue, just for a moment, the second of those two points. Is the problem of vulnerability and of potential exploitation of those who are vulnerable a consequence of inequality or of neediness? Let me explain what I mean by this distinction. If those at the bottom are desperately poor—so poor that those who have more can take advantage of their situation—then those at the bottom lose their independence and can no longer function in the way that an independent citizenry in a democracy is hoped and expected to act, to be able to act. But the heart of the problem, I would think, is the degree of material deprivation and not the relative wealth of those who are at the bottom of the pecking order. What they need is more of the world's goods. They need enough so they can lead an independent life. This is an old Jeffersonian ideal. You remember, Jefferson said that every citizen ought to have forty acres and a mule, ought to have enough material wealth to lead an independent life, not vulnerable to the overbearing

power and influence of others. But if we could solve that problem, equip those at the bottom with enough material wealth to take them out of this position of vulnerability, why should it matter whether their relative standing *vis a vis* those at the top had improved or, in fact, grown wider?

IS That also, I think is a helpful question, to pursue some of the things I touched on but didn't get into on Tuesday. I would say that there is nothing in the theory of democracy that says that we shouldn't have significant relative inequalities in the economic sense of the word, with two caveats that are important caveats. The first is that, when I think about having the wherewithal to function as an equal citizen in a democracy, I don't think that one should sort of cash that out as not being starving because, clearly, there are other things that one needs to have in order to function as an equal citizen in a democracy. One needs to be literate and well informed to a level where you can understand and participate in decision making about policies that affect you. You need to have access to the structure of opportunities that's available in the world. You know, Marx is famous for the line when he talks about subsistence—that “wages always tend to subsistence, he says, but subsistence is socially and historically conditioned,” by which he meant that what counts as subsistence will change in the society given its level of technological organization and so forth. So it may well be part of subsistence in his sense that workers in America today can afford a car, for example, which, of course, would have nothing to do with subsistence in England in 19 . . . So to some degree one has to think about this idea of meeting one's basic interests in a contextually sensitive way. And certainly now we're entering an age—I mean, perhaps, more pertinent to thinking about the 21st century—we're probably entering an age in which facility with the information revolution is going to be a necessary condition for being able to function as an equal participant in a democracy. Well, that presumes a lot. That presumes quite a lot of education. It assumes the development of a lot of human capital in people as part of that idea of basic interest. So that's my first caveat. . . It's a minimal notion, but it's not a negligible notion. It's a fairly robust set of things that one would expect people . . .

AK And it adjusts over time.

IS And one has to think of it as adjusting over time. And then the second caveat builds from some of the things I talked about last Tuesday with respect to what I was calling the demand side of the problem. And that is the set of considerations I've put under the heading of “Empathy Gulfs”—that, if you have very great relative inequalities in the society, you destroy the possibility of a perception of linked common fate, or at least you undermine the possibility of a perception of linked common fate. That can be extremely corrosive of democratic practices, norms, institutions and ways of life. The metaphor I used was, you can imagine yourself stepping over a puddle, swimming a river, perhaps even a lake, but not swimming the Atlantic. If you're working in somebody's house and your entire lifetime income could never buy you the car that is one of the four cars in the garage of the person you're working in, it seems to me that you are inhibited from the very possibility of aspiring to become such a person. And likewise, and in some ways, perhaps, more importantly, to the extent that willingness to tolerate—on the part of the wealthy—willingness to tolerate downward redistribution to the level that meets this evolving threshold that we talked about before, depends on a prudential calculation by those who are not poor—“There, but for fortune, go I”—if

they're so wealthy that there's no calamity they can imagine befalling them that's going to ever put themselves into the situation of the poor, it's very difficult to think of them as having the relevant kind of empathy for the poor that is going to lead them to be supportive of maintaining the kind of floor that we're talking about—if they never think there are any circumstances in which they're going to need it. So that would be my second caveat—that I would have a sort of instrumental reason, not really a moral reason, for suggesting that, if inequalities become too great that the empathy gulfs will start to create what, functionally speaking, will be a caste society and not a democracy.

AK If I could return for just a moment to the question I began with, and the relationship between the various senses of equality that might or might not be associated with democratic government, it does seem to me—this is a very casual observation and, of course, it's a caricature and it doesn't describe everyone, but I think it captures some basic truth about American attitudes—I think that many Americans, while very insistent on the maintenance of a strict equality in the political sphere, are prepared at least to tolerate very large inequalities in the realm of economic life. Or, to put the point more concretely, many say, "We must respect and honor and protect the principle of political equality, that everyone has the same say, exercises the same prerogatives and privileges as a citizen within the political domain but, when it comes to economic life, some prosper, others don't. Some make fortunes, others barely get by for a whole host of different reasons, and we're prepared to live with that in broad limits." Of course, we're not prepared to let people fall completely between the cracks and disappear, and we do have floors and protections and redistributive mechanisms of various sorts, which put limits on how much inequality we'll tolerate. But we're prepared to tolerate a lot of inequality. What we seem unwilling to do . . . Let me put it differently. What makes us very anxious and causes us great concern is the thought that the inequalities of the economic realm may end up contaminating the equalities of the political realm. This is why, among other reasons, we're so exercised about campaign finance reform, which is one of the flash points where this issue of the influence of material inequalities on a domain of political equality is focused. And, by the same token, I think we are, to a very large degree, reluctant to . . . Let me put this differently. There is an ethic against using our political equalities to re-organize the economic world in light of the principle of political equality. In other words, we say, "Politics and the economy—one is dominated by a principle of equal participation and equal representation, and the economy by inequalities of achievement, wealth and material well being." And we accept both. They live side by side. But the crucially important point is that neither interfere in the other's business, that those who have less do not exercise their equal democratic franchise, form a coalition, and compel a redistribution of wealth in the economic domain and that, by the same token, those in the economic domain who have amassed great wealth not use it in pursuit of political influence and the disruption or distortion of the equalities that characterize that domain.

IS Well, I think that's the official story. That's the high school civics story. But I think that the difficulty on the two points you raise, once we get into the reality of how things actually work, is that, first of all, it seems to me, campaign finance reform is one of those things like the Middle East peace process. Everybody can be in favor of it because it goes on forever without actually ever reaching any result. And who could be against campaign finance reform as an idea? But the probability that we'll ever really

enact campaign finance reform that will, in a serious way limit the role of money and politics is, I think everybody knows, exceedingly low. And, indeed, studies have been done in countries like Britain, which have far more strict controls—it's not just the Buckley vs. Vallejo problem. There has been study after study showing that, in Britain, Tories manage vastly to outspend Labour despite publicly financed elections. It's a tremendously difficult problem to actually do anything about because money is power in a variety of ways, and it's also fungible. So when we think about limiting the penetration of economic power into the polity, I suspect, really, it's mostly smoke and mirrors rather than anything else.

And then, also thinking about it in the other way, I think there's a good deal of smoke and mirrors as well, and this is what I was alluding to in my lecture, for instance, in the distinction between tax outlays and tax expenditures. In the official story, we say, yes, the political system shouldn't interfere in the economic realm and if some groups do better and some do worse, that's the story of American capitalism which has broad public support, as we know, and so on and so forth. But when you really get down to it, the difference between a tax expenditure and the government writing somebody a check really, in many cases, simply being a semantic one, you have to ask the question: isn't it the case that the political system is all the time being used for redistribution from one group to another in the society? Billions of dollars are being redistributed through the political process. It's just they're not being redistributed in the kind of proportions that I think are important to those at the very bottom. So, in both cases, I have a certain skepticism of the official story, if you like, that's part of what's motivating my argument.

AK Well, I have a very long list of questions I'd like to put to Ian, but I suspect that some of you have questions, too. So might I, at this point, invite those who would like to intervene in the conversation to do so.

Q At the risk of taking too much of your time, my question is something of a two parter. The first part is, you mentioned the distribution of wealth as the way of guaranteeing everyone's equal participation in the political process. So if we found a way—through legislation or law enforcement—to guarantee a similar right to everyone, for instance, make it illegal for rich people to influence poor people into voting for them without actual redistribution of funds, is that also a valid solution to the problem and does that satisfy the requirements of democracy? So this is my first question, and the second question is: seeing as the American dream emphasizes personal enrichment, with something of an emphasis on superiority to people in your own domain, would trying to satisfy everyone's right and need to participate equally in the political processes be somewhat un-American?

IS Would it be un-American? I think, with respect to your question, I would say, the spirit of my answer to Tony's last question was not to propose something that one might think of as un-American, but rather to think of the ways in which America actually fails to live up to its own ideals in the official story, and then start to think about ways in which one could really get America to live up to its own ideals better. So in that sense this is, I think, an exercise in immanent criticism rather than a revolutionary assault on the status quo. It seems to me what one does is notice the gulf between the official story and what goes on in practice. It's not that there's this one group of people who are good, hard working Americans working for a living, and then there is this other group of people who

are these lazy shifters getting hand-outs from the government. In fact, the hidden welfare state and all the rest of it shows us that many people are getting a lot more from the government in economic terms than the people at the bottom. So it's more a question of trying to make us live up to our own ideals consistently or not, if you like, have us fail to live up to our own ideals consistently .

With respect to your first question, I'm not sure I followed it entirely, but I am very much interested in workable solutions, in feasible solutions. So the hypothetical that we could enact a law in which nobody was ever deceived into going into debt against their interest, it's not something that I could engage with. And I would also say that I think . . . I don't think that we should try and say that the ideal of democracy should be aimed at solving every social problem in America. My motivation for this project is more minimalist in the sense that I think that the necessary conditions for a tolerably acceptable democracy to function at all are in danger. And I think, perhaps, I didn't emphasize this enough in the lecture on Tuesday—that I was talking about the failure of democracy to redistribute more to the poor as the sort of core of the problem. But the truth is, often, the core of the problem is limiting the role of democracy in regressive redistribution to the very wealthy and, in you like, slowing down the process by which that occurs when it's reaching the point that it threatens the very viability of democratic practices. So I don't see myself as coming up with the solution to every problem with this argument by any stretch of the imagination. And if you could get some modest increase in the absolute and relative condition of the bottom quintile, I would regard that as a major success.

AK You know, the redistribution of wealth from the well off to the unfortunate through the political process is a time honored practice in the United States, and in this sense, it really is one aspect of the American way of life. I'm thinking, in particular of the disaster relief legislation which was a common feature of congressional legislation in the United States going back into the early years of the 19th century. A town would be flooded or a terrible fire would destroy a neighborhood and the Congress regularly would vote relief funds for the victims of the disaster and the very simple and morally compelling thought behind those acts of legislation which were redistributive at their core—they were taking some funds that everyone had contributed to and concentrating them on the least well off—the victims of this disaster—the justification in each case was, we're all in this together, more or less. We're friends and neighbors or, to shift metaphors, we're in a life boat together and we all have to take care of our shipmates. We've got a common responsibility to look after one another. That argument which was familiar and plausible in the context, as I say, of early 19th century disaster relief, was deployed at a much larger scale in the American Depression of the 1930s when President Roosevelt and his lawyers said, in essence, many of us are the victims of a disaster, the collapse of the economy. And just as we've linked arms and helped one another out in the past, so we need to do so again. Now, this is a familiar strain in American political life and an attractive and honorable one, but it reflects a certain collectivization, if I may put it that way, of responsibility, of burdens and benefits, which sits uncomfortably with the idea of individuality and commitment to individuality, which is also such a central part of the American democratic ethos. I suppose one could put the tension between these two in the form of a question and say: where do we draw the line between collective

responsibilities that we feel we owe to one another as members of a group that's sharing benefits and burdens around? Where do we draw the line between those collective responsibilities on the one hand and our individual protections, privileges and sufferings on the other? And there is no easy or fixed answer to that question and I suspect that the line between what we regard as collective and what we consider to be our own individual responsibility has shifted dramatically over time and will continue to shift. It's something that we fight about constantly.

Q My question is about political participation. It appears to me that to attain policies which favor the well off [he meant to say "the less well off"] requires the participation of the less well off in the political process. There are those of us who feel that it's useful to take our time and register people to vote and get people involved that way—person to person—and those of us who feel that it's not useful to get people to vote when they don't care and aren't educated and when even voting would just intrench a very faulty system. Apathy is clearly a very multifaceted problem. My question is: What do you feel are the most promising ways to deal with it and should we even concern ourselves with dealing with it?

IS I think that it's correct to say that, if there are going to be policies which lead to more redistribution to the people in the bottom quintile of the population, one thing that's important is for them to participate more in politics and to organize and make collective demands from the system in the way that other groups so effectively organize and make collective demands through the system. If you want an illustration of the fact that well organized collective action can produce benefits, you only have to look in the period I was talking about on Tuesday, in the last quarter of the 20th century. The relative position of children in poverty went up quite significantly over that time, whereas the number of elderly in poverty actually declined. And this was a period of extremely well organized activity on the part of the AARP, working in the interest of the group that they had helped to defined itself. And obviously, children are not well placed to organize as an interest group and lobby the political process. So I think that contrast crystallizes the fact that political participation is potentially valuable.

Now, when we start to think about the poorest 20% in the society, obviously, this is, first of all, a minority. Secondly, it's a minority that, in many ways, lacks political resources. It can't give money to campaigns and so forth. What it could do is be part of coalitions with other groups that also would have an interest in downward redistribution and so it seems to me that, when one thinks about the demand side of this whole problem, one should think about what the obstacles are to the formation of alliances between the very poor and the people above them in the socio-economic order. Remember what I said on Tuesday about the divide-a-dollar game—the notion that, if you have three people voting by majority rule on how to split up a dollar, just as a logical matter, there's no distribution of that dollar that won't be vulnerable to being upset by some majority coalition. If that's true, what follows from that is that there are no natural coalitions in politics. Which ones formed are going to largely be explained by human agency, political organizing, what sorts of issues get put on the agenda, whether people pursue segmented sorts of issues, or whether people pursue issues that put them into alliance with other people. And I think that one of the things that—perhaps somewhat controversial—that people who have an interest in advancing these goals need to think

about is, for example, the way in which affirmative action politics functions to divide the sorts of constituencies that one would want to see united. Affirmative action becomes a sort of constant sum problem, if you like, very often between lower middle class whites and minorities, when really what one would hope would be that lower middle class whites and minorities should actually be on the same side of the question. So that's an area where I think a lot of creative thinking needs to be done—about how to frame policies like affirmative action so that they don't have that result. For example—again, just to pursue the logic of this for a second, if you have the University of California at Davis Medical School has a hundred places for medical students and they set aside for minorities in an affirmative action plan, and let's just say by hypothesis—as was the case in the famous *University of California vs. Bakke* decision, let's just say by hypothesis that the test scores of the five minorities who were accepted into those spots were all lower than the test scores of the five non-minorities who didn't get those spots. Well, then, clearly, you're going to have the kind of situation where those five who didn't get the spots are going to feel aggrieved. They're going to say, "Why are all of the injustices that affirmative action is supposed to be responding to, why am I internalizing all of those costs? I didn't have slaves, or whatever," they're going to say. And so one might want to think creatively—if you really want those people to be on the same side—about how one might not have constant sum problems, that you could turn them into positive sum problems. Because, after all, most of the real battles in the real world about affirmative action have to do with promotions in the police department and the post office. They don't affect people who live in Scarsdale one way or the other. So you might, for example, just to play back the logic of that example . . . Suppose you said that instead of setting aside five places for minority applicants, we're going to have 105 positions, instead of 100. And the 5 new ones are going to be financed either by a tax on the wealthy or, if we want to make a fairness argument, it's going to be financed out of tax revenues on everybody. So we'd say there's a collective responsibility to undo the injustices of the past. There's no particular reason why this should all fall on the shoulders of one person or five people in the case of this example. And then you have a situation where, instead of five people feeling aggrieved and organizing a campaign to divide the coalition that you're trying to build, you can have a united group. Those are the sorts of things we have to think about—things that, in the vernacular, get labeled wedge issues in politics. You don't want the wedge issues to be driven through the coalitions that you're trying to build. And I think that a lot of identity politics and a lot of the politics of group recognition that's become so trendy in America in the last couple of decades has this unfortunate byproduct, of being a wedge issue that divides the sort of coalitions that, really, we should be trying to think about uniting.

AK But to just stick with the case of affirmative action for the moment—it's a nice, concrete illustration of some of these issues—the wedge that it drives, it drives not just between the competing interests of two groups but between the two philosophies those groups typically offer in support of their positions and claims. On the one hand, minority groups who demand and defend affirmative action programs do so on the basis of a collective conception of suffering and responsibility, and those who oppose those programs, the groups that are the most likely to feel their pinch immediately, attack them on individualistic grounds and claim that the collectivizing of responsibility is the very evil they're objecting to, that individuals should be measured and rewarded on the

basis on their own distinctive talents and accomplishments and we oughtn't to lump people together, and to assign rewards and parcel out benefits in that collectivist way. So we're brought back again to the question—I think that anyone who has paid any attention to this debate as it's evolved over the last 30 years must feel some degree of sympathy with both of those positions and be moved by each of them to some degree at least, regardless of where the balance of your sympathies lie. And that suggests again, I think, that these two notions—the collectivist and the individualist, if I may put it in that way—are perennial combatants for the American soul—for the center of the American soul.

IS I think that's correct. I wouldn't disagree with that. The sort of suggestion I'm making is precisely meant to make concessions to both sides in that argument because, if you say—if you turn back to the individualist and say, "Well, it's true that people should be rewarded for their own merits and so forth, but you grew up in a relatively privileged set of circumstances and others didn't, and so there wasn't starting gate equality and one of the reasons there wasn't starting gate equality is the inherited system of injustices. So we have to do something. You shouldn't bear the full burden of it. So we're not going to make you internalize the full burden of it." That's exactly the spirit in which this sort of suggestion is being put forth.

Q You said in the lecture on Tuesday that one way which we could possibly effectively redistribute goods in society would be, if instead of having the government write actual checks to people, which are outlays, which are sort of obviously noticed by everyone in society, instead we could give tax credits to, for instance, employers who would employ people who didn't have jobs, and so we could sort of, by a somewhat underhanded method—or if not underhanded, at least a somewhat disguised method—redistribute goods in society. My question is, if one of the most effective methods to redistribute goods would be sort of by trickery, would we be able to effectively mobilize the lower classes to vote for it? Would we be able to make this position palatable to people? Would this be some cause that they would believe in, or would this just increase voter apathy? And then, if we were able to show the lower classes that this was something they should vote for, would the very fact that we were passing it off as a blatantly redistributive program, would that automatically make it unpalatable to other groups in American society?

IS I think that's an excellent question. The question really is: Should trickery be responded to with trickery? If it's the case that most of the redistribution that occurs through the state is actually disguised in one form or another as not the government writing checks to people, but appears in various other guises, isn't the right strategic response to that to try and do the same thing with respect to the poor? And so you would have sort of endless shadow boxing in the political process and it may well be that there were strategic reasons not to go down that path because it seems unlikely that the representatives of the least advantaged in the society would be particularly good at that. And, indeed, if they were particularly good at that, we wouldn't be looking at this situation to begin with, you might say. I guess I'm also enough—at the end of the day—enough of a believer in the enlightenment that my hope is real that, if you expose the reality enough, if you shine enough light on the reality of what actually goes on, that you might be able to persuade people to accept that the relationship between the state and what people believe that they're doing for themselves isn't what they think it is and

that people who think they're utterly self sufficient are actually getting all kinds of support all the time through government, that if you can drive that reality home that you will then have an easier road to hoe with respect to worrying about the problems of the poor. But at the end of the day, I think that it's basically a statement of hope rather than a statement of fact. I mean, one doesn't really know that that's going to happen. It just seems to me that going down the alternative path is so fraught with problems and unlikely to be successful in any case that I guess that's why I would come out on that side.

Q I was so grateful, Professor Shapiro, that you included in both your talk and your paper, in our reading, so much data about what people are actually thinking and doing and I think what that data offered me at least was a very simple answer, and also a rather interesting one to why there isn't more downward redistribution in democratic countries and, especially, America. And the simple answer is: people don't want it. They don't believe in it normatively, they don't support it in their voting or pragmatically, so it just doesn't get through. And it leads to an interesting conflict between one's political ideals—I think your political ideals, since you're for downward redistribution—and the ideal of majoritarian rule in a democracy because you believe in something that the people don't support. And, of course, one way to deal with that is to try to persuade people to support it so there's no conflict anymore. But, of course, that's not always what happens. There's an ethical question of what happens when . . . what you should do if you get control of policy. Let's say you're a clever lawyer and you're doing some sort of class action suit—or if you're a judge who's got a class action suit in front of you—or if you're a politician who's been elected and didn't particularly talk about your redistributive stands, you got elected on other issues. And you know that the people don't support redistribution but you can pass it and you believe that it's the right thing to do. Now, this is coming up in the local area of downward redistribution vs. majoritarian rule, but actually this problem comes up in democracy all the time. It's one of the basic problems: what do you do when you disagree morally with the majority? And I'm just curious how you would respond to that in this case? What would you do if you were a policy maker, in particular?

IS I think there's one respect in which you're clearly correct, which is what people feared all along about democracy—what Mill feared, what Toqueville feared was there would be the tyranny of the majority and what they got wrong was what they had in mind was the majority who were largely poor tyrannizing over the small propertied elites from which they came. That was what leapt into their minds when they spoke of the tyranny of the majority and the notion that the tyranny of the majority would actually be the tyranny over a very vulnerable, poor minority was simply not on their scanner. But the logic of what they were saying, of course, was absolutely correct and for the reason that you say. Most people don't want substantial redistribution to the poor. And so if we have a majority rule system, it's not surprising, in many ways, that you don't get it. And I think that all of that is correct. But if you, nonetheless, are persuaded that some increase in redistribution to the people at the bottom is an important thing to achieve, not just for independent justice reasons that you might have that others might not share, but also for the very viability of democracy itself. Then you have to think about, how could democracy be reformed so that the people will think of it as being more in their interest to enact things that will lead to more redistribution to the poor? And that's the

spirit of what I'm arguing. To use another of Toqueville's phrases, I'm not a big believer in preaching to people. I'm sort of trying to use more the notion of self interest rightly understood. That was his phrase. You want to think of ways in which people who are not in that bottom quintile can be brought to see that it might be in their interest to support greater redistribution to that group. And if you can't do that, if you can't be successful at persuading them of that, I think you're absolutely right. The puzzle will continue.

Q It sounds like for you, democracy comes first. If you can't persuade people and you can't restructure democracy so that they sort of naturally bring themselves to the conclusion that there should be more downward redistribution, you kind of give up the ideal—or you keep fighting for it. But you don't push it in the face of majority opposition.

AK It seems to me there's no one type of democracy. There's a huge array of democratic institutions, some of which are more and some of which are less likely to redistribute to the poor. At the margins, I would constantly be arguing for changes in the direction of those sorts of institutions that would be more likely to. I gave the example on Tuesday of proportional representation style systems vs. first past the post style systems. There are a lot of good reasons to think the former are more likely to redistribute downwards than the latter. And so I would generally, in the creation of new democracies, for example, when these things are up for grabs, that it would be better to choose PR systems than the sort of electoral system we have. But in the U.S. context, it seems to me . . . I mean, we talked about campaign finance reform earlier. The argument I would like to see put forth in the campaign finance reform literature is along the lines of the anti-trust logic I was talking about on Tuesday. I'd like to see a reform which said that you can't give money to both sides in the same campaign because it seems to me that is one of the mechanisms by which candidates are induced to put forth policies that are a long way away from what the median voter would want. But I'm an incrementalist. As I said at the very beginning of my lecture, I think it's a mistake to think of this as one problem. This is sort of 19 problems. There's not going to be a magic bullet but that doesn't mean you should throw your hands up either because there are lots of choices to be made at the margins and wherever there is a choice to be made, I would argue for making it in the direction that would make the system create the sorts of incentives that are going to be more friendly to downward redistribution than the system we now have.

Q My question surrounds the idea of equal opportunity, the idea that each individual born into this world should have an equal opportunity to pursue his or her own individuality and achieve success in society. Is that really a democratic principle and, if it is, can it fit into our democratic system, and if so, does it require redistribution of resources?

IS I don't think that the full idea of equal opportunity is required by democracy. It seems to me, rather, a justice value. I think democracy certainly requires equality of opportunity to influence the political process and that's clearly a kind of equality of opportunity that we don't have in America today. But equality of opportunity to go to Yale? I don't think that's required by the idea of democracy. I would say it may be required by many theories of justice, but some theories would reject it. I don't want to load everything . . . I think it's a mistake to equate democracy with all good things. Again, I want to emphasize that, on the one hand, I'm talking about minimalist

requirements. I'm talking about people who are living in poverty. I'm not sure we even know much about how their daily lives are. I'm talking about people who are finding it enormously difficult to get through the week, and the notion that they're participating in the political system is a long way away from what's on their agenda. I'm talking about those. So it's minimal in that sense. It's not negligible because there are millions and millions of people, even in this country, who are in that circumstance.

AK If I can just follow with one comment. The idea of equality of opportunity is a complicated notion which includes many subparts. It includes, for example, a formal component as well as a material one. By that I mean that equality of opportunity, formally speaking, requires that opportunities not be barred as a matter of law to certain groups or classes on account of their group or class characteristics. If we permitted a law which said, "These jobs will be open to men but not to women, open to those with one skin color but not to those with another," we would say that is a terrible offense against the principle of equality of opportunity. And that offense seems to me to be very closely connected to a core democratic value which is the value of equal respect and concern for individuals in their capacity as members of the political community. So equality of opportunity, if what one meant by it was only formal equality of opportunity—that all offices and jobs and opportunities be open in a formal sense, but everyone competing for them must be equally well equipped in the competition, must have an equal share of resources to bring to bear in the race for the position or the opportunity—there may be good moral arguments that can be offered in defense of that view, but it's not a view which is so closely and clearly linked up to our core democratic convictions which seem to permit quite a fair degree of material inequality in the race for positions which are open as a formal matter, as a legal matter to everyone who is competing for them.

Q Professor Shapiro, your talk and this discussion seem to be operating under the assumption that it's just for the government to redistribute wealth. Some might question that assumption, but not I. Instead, I think that offers a very simple solution to the problems we're talking about which is that, why not have the government simply seize all material wealth and redistribute that wealth according to the number of people in America and then, should anyone begin to accumulate more than anyone else, that additional wealth should be seized and redistributed according to the number of people in America. And my only concern is who will do all this seizing and redistributing and how can they still be thought of as equal to the rest of the population?

IS I guess I would say a couple of things in response to that. I think it's an artificial question in the sense that the premise of the question is: Is it a good idea for the government to engage in redistribution of wealth or not? And the danger, of course, is who's going to do the redistributing and who's going to monitor the redistributor? That is, who's going to monitor the monitor and who's going to monitor that monitor? A sort of parade of horrors. And that is what always floats the sort of libertarian critique of redistributive governments. The difficulty I have with it is, I don't believe the question is: whether the government should redistribute or not? Because the government already does redistribute massively from one group to another in the society under the guise of doing many other things and under the guise of tax expenditures and tax exemptions and subsidies and various infant industry clauses and so forth—vast millions and millions of dollars are constantly being redistributed by democratic governments. So my

view is that the correct question to ask is not whether or not the state should distribute, but how the state should redistribute. If we didn't have a state, it's not the case that the wealthy people would have their wealth and the poor people would starve. If we didn't have a state, we wouldn't have a system of property rights, we wouldn't have a system of contract law, we wouldn't have all of these public goods that are financed out of the tax system and operate to the implicit detriment of those who would prefer some alternative system. So I've never been impressed by the argument: should we have collective action or not? The reality is, we're going to have collective action, and the question is: what sort of collective action should we have? It's within that context that I want to advance the case for greater redistribution to the bottom quintile of the population.

Q I think you've established well that the main problem with the economic disparities that exist now is that they're so great that they're keeping this bottom quintile from an equal participation in things and, in a sense, done away with this equality of opportunity. And my question is more of a pragmatic one: how do we determine the line where we say, "OK, we've redistributed enough and all things are pretty much equal now where we can tolerate these disparities"?

IS How do we determine the line when we've redistributed enough and we can stop? That's a good question, in a way. I'll answer it obliquely. When I first became Chairman of the Poly Sci Department, we have a system at Yale where you're supposed to . . . You can use the telephone and, every month or so, you get sent a bill by the Business Manager and you're supposed to figure out what were your personal calls and write a check to the University for those and the University pays the rest, the presumption being that they're your professional calls. And we don't actually have a rule about how much the University will pay for your telephone bill every month. So a colleague, who, I'm happy to say, is no longer working at the University, came into my office looking extremely upset because the Business Manager had told this colleague that his phone bill was so high that it was going to have to be paid out of his research fund rather than being picked up by the Department. And I said, "Well, how much was it?" And he said, "Well, it was \$3,500 last month." And he said, "What's the rule? What's the limit?" And I had to say to him, "Professor X, there's no limit, but this is way over it."

So what I would say in response to your question, if we were anywhere remotely near the threshold where we were in danger of actually vindicating the basic interests of the bottom quintile of the population, I would worry about it more. But it seems to me, we're such a long way away from there that it's a red herring at the moment. Now, that may not be a philosophically satisfying argument but, as a practical matter, I guess . . . In my *Democratic Justice* book I have a philosophical definition of basic interests which has to do with having the human capital to function as an autonomous adult in a democracy, in the economy as it's likely to exist for your lifetime, governed as a democracy for the foreseeable future. And I could unpack the philosophy of all that if you wanted me to. But I think the story about the telephone bill is actually closer to where we are.

Q I don't mean to open a liberal can of worms, but it seems to me that, if we're going to talk about exercising civil and political rights, we should talk about economic, cultural and social rights that are necessary in order to exercise civil and political rights in this country. What do you think about the right to shelter, the right to food, the right to

health care, which I think are necessary if we want individuals to achieve collective organization?

IS In *Democratic Justice*, which I just alluded to, I have the notion that people have certain basic interests and I just glibly ran through it . . . The notion that people have a basic interest in the wherewithal to develop and operate as relatively autonomous beings in the economy as it's likely to exist for their lifetimes, and that includes things like the things you mentioned—health care and so forth. But I think that would be another lecture at this point.

AK Well, I'm happy to say that many of these themes—at least, I think—will come back next week when President Levin lectures on “Democracy and the Market.” I wouldn't be surprised if there's a fair bit of overlap between this week's discussion and next. Thank you, Ian. Thank you all for coming, and I'll see you next week.