THE CRITIQUE OF LIBERTARIAN CRITICISM OF DEMOCRACY: CAPLAN AND BRENnan CASES

Abstract

Classical liberals, such as Locke, Tocqueville and Mill, have developed arguments to justify constitutional democracy and defended the spreading out of the suffrage. Classical liberals have defended the democratic developments against its critics in difficult times. However, with the development of public choice theory, some philosophers started to criticize the basic assumptions of democracy very harshly in the liberal tradition. The problems such as the gap between the democratic policies and the popular consent and the wide-spread political ignorance of the voters are frequently given as examples of the democratic failure by public choice theorists. Caplan and Brennan, public choice libertarians, want to restrict political rights of the incompetent voters through establishing a kind of aristocratic political regime where the informed voters only have the right for political rights. Therefore, they want to break the link between political rights and the civil rights in the liberal tradition, and thus, offer a radical proposal. In this article, the reasons of this radical proposal in liberal tradition are examined, and the assumptions of Caplan and Brennan are criticized.

Keywords: democracy, public choice, Bryan Caplan, Jason Brennan, constitutional development
DEMOKRASİNİN LİBERTERYEN ELEŞTİRİSİNİN ELEŞTİRİSİ:
CAPLAN VE BRENNAN ÖRNEĞİ

Öz


Anahtar kelimeler: Demokrasi, Kamu Tercihi, Bryan Caplan, Jason Brennan, Anayasal Gelişme

INTRODUCTION

The relationship between liberalism and democracy dates a long way back from both theoretical and political struggle aspects. Theoretically, John Locke’s claim that government needs to base on the will of free and independent individuals underlies the legitimacy of modern democracies. And his claim that human beings have natural rights that cannot be alienated underlies his constitutional democracy understanding. An important advocate for representative democracy and the idea of extending suffrage, in a way to support John Lock’s normative claims, J.S. Mill also affected the 19th century political theory extensively. Actually, it is quite easy to recite the name of many liberal philosophers. Such important philosophers as A. Tocqueville (2009 [1835]), Mill (2001[1861]) and F.A. Hayek (2011[1960]) are some of those who advocated democracy in a time when democratic governance was being harshly criticised.

However, liberalism did not support democracy unconditionally. Liberals uphold only liberal democracy or constitutional democracy. From this perspective, the legitimate government needs to be respectful to fundamental rights and freedoms and protect the rule of law regardless of the regime. From this point of view, on the one hand, liberals supported wide spreading of democracy and wide range suffrage system, on the other hand, they were concerned about the dictatorship of the majority. Therefore, philosophers like Tocqueville, Mill and B. Constant (2003[1815]) always warned their readers about a lawless democracy.

This criticism of democracy which inherits from liberal theory got ahead towards a different way together with the public choice school. Before the public choice, the basic ac
ceptances of democracy were not criticised in terms of liberal democracy. For example, such common acceptances that democratic governments are formed after having the public consent, that democratic elections have overcome the representation problem that democratic participation contributes to the political education of citizens and that democracy leads to a controllable government model were criticized fundamentally. However, when public choice positively analysed collective decision-making mechanisms in democracies, it revealed that the above-mentioned pre-acceptances did not pass the empiric test from different perspectives (Buchanan&Tullock, 1962; Shepsle, 2010). Such attacks that were made by the public choice theorists on democratic pre-acceptances led to a new kind of criticism of democracy in the liberal tradition. In spite of such a criticism, earlier public choice theorists such as Buchanan insisted on democratic constitution that included more individual preferences instead of desisting from democracy. However, recently libertarians who are fed by public choice are directly against the idea of democracy. They even claim that ruling by a well-informed aristocratic group like epis-tocracy would be much better than democracy (Caplan 2007; Brennan 2016). In this study, it is asserted that although public choice libertarians Bryan Caplan’s and Jason Brennan’s criticism of democracy which only bases on theory is very precious, it is basically wrong because it cannot comprehend the nature of relationship between democracy and liberal tradition.

Today, western democracies outperform many other governments in different parts of the world from many perspectives. Actually, it is not possible to attribute this exceptional performance of western democracies among other democracies only to supremacy of democratic methods as it is indicated by public choice. However, comparing the claims of public choice and performance of western democracies, it is possible to assert that there is a contradiction between the theoretical claims of public choice and its practice. On the other hand, although democratic procedures are in place in many parts of the world, many developments such as rule of law, a controllable government or economic grow which are expected from democracy did not appear. Many problems can be explained from the perspective of public choice. These two research questions indicate another issue that cannot be comprehended by merely theoretical thoughts of democratic theory. It needs to take a closer look at the historical relationship between liberalism and democratic development in order to overcome the contradictions between democratic theory and its practice.

Analysing the democratic development in western history, it is seen that parliaments’ gaining power against kings and acceptance of universal suffrage principle were the consequences of incremental advancement which happened for centuries not a revolutionary development (Congleton, 2011, 1-26; North, 127-145, Rosenberg&Birdzell 1986; Acemoglu&Robinson 2000). Today’s western democracies have developed as a consequence of incremental remove of many political, social, religious and economic privileges as a result of negotiations and –sometimes- conflicts, in the struggle between kings and parliaments. Rule of law was ensured to some extent and the idea that king should be limited was accepted widespread. Parliaments’ gaining power also meant removing the privileges which usually caused inequality in the society. Therefore, because democratic development meant rule of law and economic freedom, many sections gained advantage from democratic policy. In terms of western history, it can be asserted that high ideals which are attributed to democracies really appeared during the democratisation process. It is not surprising that countries which did not undergo the power struggle between kings and parliaments but shifted to democracy with radical legal changes did not reached the ideals which are attributed to democracy merely by accepting democratic procedures.
Within the context of these explanations, first of all, classical liberalism’s view of democracy is analysed through Locke, Tocqueville and Mill in order to analyse the above-mentioned issue more detailed. Then, historical relationship between democracy and liberalism is analysed, especially explaining Colonton’s historical development approach of democracy. And then, public choice libertarians Caplan and Brennan’s criticism of democracy are analysed and some objections are raised. Finally, this new criticism of democracy that has appeared in the liberal tradition is to be assessed in the context of the analyses that are made.

1. ADVOCATING LIBERAL DEMOCRACY

Advocacy for democracy can be categorised in two groups: proseduralism and instrumentalism (Peter, 2016). Proceduralism claims that definite ways to use political power are good regardless of their consequences. For example, for Rousseau (1968[1762]), general will which comes about through the votes of majority is unmistakeable. Today, philosophers like Thomas Christiano (2004) and David Estlund (2008) can be considered as modern proseduralists. For example, to Estlund, monarchy and theocracy should be rejected because they are unjust intrinsically.

Liberal defence for democracy is basically instrumental. Democracy is defended because it results in consequences which are more compatible with liberal principles compared to other regimes; otherwise, the consequences of democratic procedures would not be acceptable in any case. The demand for limiting the democratic government with the individual freedom principle by means of constitution arises from this fact. For example, advocating the idea of depriving a human being from one of his/her fundamental rights with theocratic procedures is not possible for liberals.

It is possible to see this instrumentalism through Locke’s (1689) advocacy for legitimate government. To Locke, individuals have natural rights and the legitimacy of government bases on the consent of these independent individuals. No government that violates natural rights and is not based on the consent of its citizens is legitimate. Locke’s these assertions reminds of what is known as popular sovereignty today. However, it doesn’t mean that Locke advocates a democratic government forcibly. With his book Second Treatise on Government which was published just after 1688 Glorious Revolution, Locke’s basic political aim was parliament’s having more power against the king. Of course, parliament’s gaining power meant a more legitimate government in accordance with Locke’ criteria but it should be remembered that theoretically a monarchy also has implicit consent of society by protecting their natural rights.

Unlike Locke, Tocqueville advocated for democratic institutions directly. In his book Democracy in America which was published in 1835, Tocqueville asserted that the most important political phenomenon was central governments’ being weak but local governments’ being powerful. Tocqueville appreciated the development of civil society because high political participation was conducted on local scale without either support or approval of the central government. Tocqueville claimed that the robustness of local democracies and NGOs prevented the central government from violating individual freedom and individual autonomy (Tocqueville, 2009, 98-128).

The most important reason why democracy controls central government is that all citizens are considered to have equal status. Unlike aristocracy, there is no legal, economic or political privilege that distinguishes citizens from one another. It means that Tocqueville saw clearly that what was asserted in Locke’s writings as being equal before law also created a new social order. Removing privileges which determine a hierarchical social order supports democratic political order. To Tocqueville, being equal before law results in the fact that social relations are automatically shaped based on mutuality and voluntarism. An active civil society has influence on government and separates it so that it is decentralised. It is emphasized that political decisions’ being affected by as many different people and groups as possible strengthens...
freedom and autonomy as much as possible under an equalitarian law system (Tocqueville, 2009, 302-309; Kahan, 2013, 137).

In the context of these explanations, it can be claimed that Tocqueville handled democracy through stressing on the importance of the equal civil and political rights. Therefore, the importance of democracy is that everyone can be represented for their interests and freedoms in political decision mechanisms in the context of equal social and political relations. From this perspective, when citizens distance themselves from public service organisations, this situation strengthens the central government further and eliminates the benefits expected from democracy. In such a condition, democracy has similarities with a tyrant regime and becomes unimportant in terms of freedom. In conclusion, Tocqueville’s advocating democracy is not based on the claim that public services are rather based on better knowledge but it emphasizes that central governments needs to be limited and citizens should take part in public works actively (Tocqueville, 2009, 393-401).

Unlike Tocqueville, Mill attaches more importance to the knowledge of rulers and the voters in democracies. In this context, he asserts that basic education must be provided to all citizens and that citizens should participate in democratic policy actively based on their illuminated opinions. However, Mill’s stress for knowledge is against an aristocratic social order. Believing that a priori knowledge is impossible, Mill paved the way for democratic policy, rejecting the idea that aristocratic class have skills and ability to rule. Supporting political movements that claimed political rights for large mass of people in 19th century, Mill believed that extending suffrage was an opportunity for people to improve themselves in public works (Mill, 2001, 32-47). In this context, for example, he defended a radical position in his age, claiming that there was no reason to prevent the legitimacy for women’s having equal rights with men (Mill, 2001, 115-116).

However, Mill, who was a utilitarian, upheld the wide-spreading of democratic political rights to the extent that these rights support personal development and autonomy. Democracy is meaningful as much it helps more people to improve themselves and discover truth as this is the case in freedom of speech. Therefore, he did not consider it right for mob to have political rights before they have adequate knowledge. Although Mill upheld proportional representation principle far beyond the standards of his time, he warned that it would not have positive consequences for mob who acted not based on objective knowledge but based on their biases. Therefore, Mill claimed that public education should be increased as well as extending the suffrage, hoping that individuals would have more meaningful political decisions by that way (Mill, 2001, 106). However, democratic development is also approved in Mill’s writings because development of democratic rights meant removing aristocratic rights. The basic issue was to have people elect the most informed candidates as their representatives while representative democracy developed. However, Mill did not raise objection to decision-making methods directly.

2. THE MOVEMENT OF CONSTITUTIONALISM, DEMOCRACY AND LIBERALISM

In the context of these explanations, liberalism prioritises limitation of central political government and organising social and political relations of citizens in civil society which is based on equal legal relations. Because the developments in line with this ideal proceeded in parallel with the development of parliamentarism in Western Europe, liberal theorists advocated democratic systems more explicitly in 19th century. In this respect, although parliamentarism and state of law are different things, it is hard to imagine one without the other in terms of the West’s democratic experience (North, 127-145, Rosenberg&Birdzell 1986, 113-143, Conacher, 1971). Reforms which extend democratic rights helped limit the political authority, having an affect like that of constitution.
Congleton shows with historical data that this overlapping between liberalism and democracy came out as a result of constitutional negotiations between kings and parliaments. Constitutions usually progressed in the form of peaceful reforms and they have had today’s form. Among these reforms, such reforms as reductions in censorship penalties, reductions in domestic trade quotas, reductions in foreign trade quotas, removing king’s monopolies in time, progressive political rights and increasing the budget separated for public education gave citizens further freedoms and supported democratic developments. Moreover, such radical reforms as abolition of slavery and individualization of the land ownership helped abolishment of the inherited discriminations greatly. It is clear that all of these reforms were supported by liberal writers and politicians at the time (Congleton, 2011, 232). It also should be emphasized that liberals also played an active role not only in these reforms but also for the acceptance of religious tolerance as a constitutional principle. Such reforms as protecting different religious groups’ right to worship and banning the religious requirements for high office could not be made without liberal understanding of tolerance (Congleton, 2011, 242).

As it is understood from these reforms, government officials were increasingly subject to penal law, and the failed governments resorted to the sanctions of legislative power from 18th century to early 20th century. Liberal reforms provided parliament with more authorities with regards to budget and public policies. These developments happened in parallel with extension of suffrage and putting members of parliament on salary (Congleton, 2011, 254).

The fact that parliament which was representing wide masses of people based the government incomes on taxes when monarchs who based on the land-based economy in middle age was a big reform on its own in terms of democratic developments. Thanks to this development, the coalitions in parliament defended new reforms against kings in turn for tax increase (Congleton, 2011, 258). The fact that government was funded with direct taxes led the way to establishment of a bond between taxation and democratic representation. Middle class who widened and gained power especially after industrialisation benefited from parliament’s gaining power against king. By the turn of the 20th century, the privileged families had lost their influence on politics and there was a more intense competition for the seats in parliament in Western Europe.

3. LIBERTARIANS’ CRITICISM FOR DEMOCRACY: CAPLAN AND BRENNAN

Considering historical explanations, it is clear that democratic development increased an extraordinary public interest in Western Europe. However, public choice theory claims that many ideals which are attributed to democratic procedures actually do not have direct relationship with democratic procedures when the relationship between democracy and liberal entitlements is ignored. The first objection about this issue is that it is not easy to reflect the individual priorities of citizens into collective decisions significantly in democratic elections. Especially Arrow’s impossibility theorem is important in this respect. Arrow (2012[1963]) indicated that it is impossible to create collective-social priorities out of rational individual priorities mathematically under definite appropriate conditions, which means that it is not possible to take political decisions addressing everyone’s priorities in democratic societies. Therefore, taking democratic decisions causes a sort of power concentration.

However, according to Buchanan, the only fact proved by Arrow’s theory is that groups cannot make decisions in the same way individuals do. Therefore, it has been asserted that Arrow’s findings are not directly related with democratic theory. Power concentration, to which Arrow draw attention, was then reformed so that the constitutional order would be in a state that the political power was prevented from abusing power, which was right thing to do according to Buchanan (1954). To Buchanan, a perfect constitution is the one that is accepted unanimously and does not put external externalities on individuals without their consent. Buchanan upheld that the scope and methods of public goods and service production needs to be accepted unanimously by citizens at constitutional political level (Buchanan&Tullock, 1999 [1962]). The more
the politics approaches this ideal, the fewer reasons will be for being afraid of power concentration.

This problem about collective priorities which appeared in public policies caused to have a closer analysis on how public policies are really made. Many studies that are fed, especially, by Olson’s (1965) group theory indicated that, in democracies, large groups that have poor skills for organisations are exploited systematically by small groups that have high skills for organisations. For example, small groups that have a common interest have influence on political decision-makers in order that economic resources are redistributed in favour of their own interest but at the expense of the public interests. A special economic interest gained by political decisions is called economic rent (Tullock, 1993). According to Buchanan, western democracies have turned in to rent-seeking societies to a large extent. As a result, groups which have influence on political decision-making mechanisms are not relatively poor groups with poor education; on the contrary, they are well-educated rich groups.

Public choice’s another important criticism of democracy focuses on rational ignorance phenomenon. According to Downs’ theory, citizens have weak motivation to have significant information about political issues because a vote casted by a person will not change the result of democratic elections. Because citizens are not effective with regards to political issues, they do not spend resources and time for learning sophisticated political issues but they spend them for some other purposes (Grofman, 2008, 91-96). Especially researches made in USA indicate that common voters are very ignorant with regards to political issues (Ilya, 1998, 2013). Moreover, the fact that voter turnout is very low in Western Europe is explained with rational ignorance phenomenon.

These findings of public choice generally underlie more powerful constitutional reforms. But some libertarian writers raised objection against democracy fundamentally as it is seen in Caplan and Brennan cases. Here, libertarians refers philosophers who want the state functions to be limited with justice, security and basic infrastructure investments and who are vigorous advocates of natural rights doctrine.

3.1. Caplan: Rational Irrationality

In his book The Myth of Rational Voter, Bryan Caplan (2007) alleges that rational ignorance phenomenon has created four types of biases about free market economy and these biases cause electors to support economic policies which are against their own interests. Incompetent voters are abused systematically by the interest groups and irrationally support the economic policies that are not in favour of them. Caplan calls this phenomenon as rational irrationality (Caplan, 2007, 123).

The four biases are: anti-market bias, anti-foreign bias, make-work bias and pessimistic bias. Anti-market bias claims that individual interests cannot be harmonized with collective interests through market relations. Anti-foreign bias claims that developing economic cooperation with foreigners does not benefit national economy. Make-work bias claims that richness is possible not with production but with employment. Finally, pessimistic bias usually claims that economic conditions are bad and they get worse and worse (Caplan, 2007, 23-49).

Explaining how these biases cause wrong economic policies throughout his book, Caplan tries to show US citizens’ loss in welfare. However, even though it is assumed that this is the right way to explain the difference between current national wealth and the national wealth that should have been, Caplan’s claims cannot explain why USA is still the biggest economy in the world. In the end, society who are ignorant with regards to economic issues and have limited skills for organisation were expected to leave the nation to degenerating interest groups, weren’t they?
Apart from this criticism, Caplan also makes a systematic mistake which is revealed by public choice, making assessment about individual behaviours. Individuals do not head for national good just because they have right knowledge. Even a voter whose economic liberation will serve his/her interests in the long run will try to save his/her job when he/she has to make a choice between losing his/her job and free foreign trade. Aggregated results of macro policies do not make a sufficient reason for individuals to change their choices in specific conditions. In this condition, the fact that voters support policies which are in favour of their own interests against bigger public interests is not an irrational phenomenon. Especially the public reasons shown by Buchanan as a result of the cooperation between political processes and market processes explain the policies that are not inclined for Pareto optimal, and they are more successful than rational ignorance argument (Buchanan, 1999b).

3.2. Brennan: Epistocracy Argument

After explaining rational ignorance phenomenon with theoretical and empirical evidences in his book Against Democracy which was published in 2016, Brennan claims that democracies impose incompetent political decisions on innocent people. From this perspective, Brennan upholds that the decisions taken by a government of an informed minority, epistocracy, would be far more effective than democratic methods. Brennan recites four types of epistocratic decision-making systems: plural voting, enfranchisement lottery, epistocratic veto and weighted voting.

Brennan does not offer only one of these epistocratic methods but he believes that such an epistocratic interference with democracy is necessary. According to this, plural voting upholds that each and every citizen has a vote but some competent and well-informed citizens have additional votes. Enfranchisement lottery upholds that the electorates to participate election are determined by means of a lottery system and these voters take part in a deliberative forum that increases their competence about election. Epistemic veto upholds that after decisions are taken through normal democratic processes they can be vetoed by an epistocratic body if deemed necessary. Weighted voting upholds weighting votes after measuring the objective political knowledge of electorate through an examination (Brennan, 2016, 35-37).

Brennan’s offers can be widely criticised; however, the association he made between the decisions given by competent people and public interests will be criticised here. Brannan takes electorate’s failure to determine the result by themselves as an advantage in the epistocratic system. Because, he claims, the voters who fail to determine the result by themselves are inclined to support the policies which are in favour of public interests (Brennan, 2016, 96-97). This offer means that well-educated white people should have additional votes in USA. Accepting that such a situation will cause policies which have definite class biases, Brennan asserts that some arrangements can be made based on some class and cultural features (Brennan, 2016, 236). Stating that definite class and cultural groups have poor education level as a result of historical inequalities, Brennan asserts that equal voting right fails to increase the education level of these groups. Brennan makes an association between having political rights and a doctor’s having authority to care his/her patients. A doctor who is incompetent because of his/her class roots cannot examine patients; likewise, a person who is not competent in politics cannot has political rights just because of his/her class roots. The right thing to do is that these people should improve their education before having political rights (Brennan, 2016, 151-153).

Although it is possible to criticise Brennan very inclusively, Brennan’s ideas are handled within his own claims. Even if it is accepted that democracy discourages voters to have political knowledge, it is not a reasonable justification for the shift to epistocracies. Because ordinary people will prefer to remain ignorant again in epistocracies. Furthermore, those who have political rights will have extra incentives to protect the rights from others. Voters can act together if they have a class feature at least based on the cultural basis. The motive to have economic interests also encourages minor electorate groups to act together in order to support public policies.
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against the majority. Actually, all these limited deductions can be supported with simple claims of public choice theory. Moreover, it is an appropriate expectation that such elitist political applications can be used as a pretext to violate the fundamental rights of people in countries where rule of law is not ensured but democratic procedures are in place.

From this perspective, although Brennan justifiably proposes some issues about democracy as agenda, it is highly probable that his proposals will make the problems deeper. Moreover, the epistocratic method that is proposed by Brennan for political rights can be proposed to be applied for any other area according to Brennanist mentality. For example, there is not any justification to assume that people who just have economic resources are competent to make economic investment. In this case, it is also possible to claim that people who are only competent regarding economy and entrepreneurship should use economic resources. The claim that market place will eliminate unsuccessful economic initiatives does not invalidate the proposal for epistocratic administration in economy. Because the claim that more competent people should make economic investment can be justified from the perspective of Pareto optimality. Actually, Brennan has no robust rejection to prevent the epistocracy proposal from getting wider to include the use of all religious, social and cultural resources. It is understood that separating political rights from other rights and freedoms is not as easy as Brennan thinks. Historical development of democracy provides us with sufficient evidences regarding this issue.

CONCLUSION

It is almost a universal truth that voters have lack of knowledge about political issues. Another truth is that complex decision-making mechanisms of democracy and extreme centralisation have caused voter apathy for political issues. However, it is possible to find a solution for all these problems within democratic political mechanisms. To launch an educational campaign in order to eliminate knowledge deficiency regarding political issues or strengthening NGOs through local democracies are two of solutions to address the above-mentioned problems. But offering proposals to destroy democratic system in order to reform the rational ignorance phenomenon in democracies indicates that libertarians who use findings of public choice have a systematic problem in their theories.

Making distinction between political rights and freedoms and economic and civil rights and freedoms either explicitly or implicitly, libertarians claim that the former one may not be included among fundamental rights. Such an approach generally comes from the fact that political decision-makers can violate or eliminate economic and civil freedoms in an illegitimate way from liberal perspective. Hence, political action often may have pejorative meanings for libertarians who offer to bring a solution by limiting political area or political participation. However, as it was explained above, non-democratic radical offers to restrict political area not only leads to theoretically undesired consequences but also overlook a very important source of information by reflecting historical relationship between liberalism and democracy.

It can be claimed that public choice’s criticism of democracy reveals the problems of underdeveloped democracies better. But it should be reminded that the constitutional negotiations which had been made by and between kings and parliaments in western countries were not generally experienced in underdeveloped countries and legal regulations do not eliminate many of de facto anti-democratic and illiberal privileges. Therefore, claiming that only democratic methods are mainly responsible for political and economic problems in these countries is not a reasonable approach.

Although liberals’ approach to democracy is an instrumental approach, democratic procedures have a value to some extent, regardless of its consequences. This value comes from the fact that democratic political rights traditionally depend strictly on many civil and economic freedoms. There is not a priori information proving that destroying political equality principle
can be a method to be used for solving systematic problems of democracy. Moreover, constitutional democracies which have protected civil and economic freedoms for centuries in Western Europe better than other regimes had the systematic problems that are mentioned by libertarians. However, this fact did not prevent western democracies from improving rule of law incrementally. The golden rule in democracies is to persuade voters for specific policies. Disfranchising the rights of voters who are not in favour of the policies you support means rejecting a very old and established political practice. It should be kept in mind that many liberal policies were realised throughout history by means of mass political campaigns and educational activities. The campaign started by John Bright for abolishment of Corn Law for the sake of free trade, abolitionism campaign or campaign for women’s political rights are the main reasons why liberal ideas are widespread in western democracies. If liberals cannot disseminate that their ideals are beneficial for large mass of people, they cannot wide-spread liberal values, either. None the less, it can be alleged that traditional insights of classical liberals comprehend the relationship between democracy and liberalism more consistently than the public choice libertarians.

REFERENCES


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