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Andrew Sabl: Ruling Passions

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Introduction

THIS IS A book about how different kinds of politicians ought to act. By this I mean not which policies they should pursue or which interests they should further—in a democracy, the people decide that—but how they should pursue them.

The work is organized around the idea of a *political office*. My use of this phrase needs explaining, since its several everyday meanings contradict one another, and my own specialized use differs from all of them. In British usage, a public “officer” or “official” tends to mean a civil servant. In American usage, the word “official” tends on the contrary to mean an elected politician, and “officer” is mostly limited to military and police use. Michael Walzer’s well-known treatment employs yet a third sense of the word: for him, an office is something one competes for, and attains, based on standards of merit or just entitlement.¹

My usage is based on that of Cicero, whose book on “offices” (*De Officiis*) refers to recurring public duties or responsibilities.² A similar usage appears in the work of John Rawls, who uses “office” to mean any public role stemming from a morally justified social or political practice, including nonpolitical roles such as “promisor” and baseball player.³ So understood, an office may be defined as a social or political position that embodies ethical value: a position, devoted to a characteristic kind of action, whose existence is judged to serve worthy purposes, and whose grounding in those purposes gives rise to particular duties and privileges that derive from the position. Like Rawls, I prefer “office” to terms like “role” and “function” because the usual sense of the latter words is descriptive and value-neutral, while talk of office retains a moral connotation. By an office, then, I mean a position, profession, occupation, or status that has both social and ethical meaning.

Political office means something narrower, of course. What counts as “political” is endlessly controversial: among plausible definitions are those so narrow that they include only formal occasions of state sover-

¹ Walzer (1983: chapter 5).

² Cicero (1991). As the translators point out, Cicero’s *officium*, usually used in the plural, is a Latin rendering of the Greek *kathekon* (appropriate action). Cicero’s usage gives the term Roman associations: Cicero discusses virtue “in terms of the obligations of role and relationships, obligations to other individuals or to the *res publica* as a whole” (xliv).

³ Rawls (1999c: 23, 29, and esp. 33, 36–37, 39–40; 1999b: 47).

eignty and those so broad that all private choices count as political. My own usage is somewhere in between: a political action is one which attempts to influence others on matters that require common decision. In this case my definition does seem to track common intuitions. Surely few people would call civil rights marches or community organizing drives “nonpolitical” (whether one favors them or not); on the other hand, few would call a preference for zucchini over broccoli a political choice, except to be contrary.

To talk of office is to stress the moral character of political action. Each office, even when there are no written rules governing it, involves obligations and licenses different from those of ordinary citizens. The term “office,” with its emphasis on a particular job or task, also stresses the *diversity* of political action and the variety of moral requirements associated with different kinds of action. One office is not like another: different modes of political action have different requirements and should be judged by different standards. This work will argue for an approach to ethics and politics that I call “governing pluralism,” which attempts to do justice to this diversity in political action and to the ethical diversity that goes with it.

I shall address, and distinguish, the habits of governance proper to three offices. They are all taken from the politics of the United States, but with the hope that conclusions reached will apply to modern democracies more generally. One is formal, and elected: United States *senator*. Two are informal and unelected: the hortatory *moral activist*, articulator of high public principles, and the political or community *organizer*, builder of movements and assembler of pressure on the basis of interest. These are not the only political offices in the United States or a similar democracy, but focusing on them has both commonsense and scholarly advantages. Those who fill these offices address issues of fundamental importance in public life, do so with great fanfare and under great public scrutiny, and labor under the burden of great responsibilities. Such officers—as opposed to, say, campaign canvassers or city planners—are the kind of people we think of when we praise great “leaders” or castigate inept or irresponsible “politicians.”⁴

The responsibilities of these offices have received comparatively little attention from ethicists and political theorists, who tend to stress the duties of executive, judicial, and administrative positions. The proper performance of these duties is of course very important. Yet an exclusive focus on such offices distorts our picture of what political life generally involves and what kinds of moral problems politicians most commonly

⁴ One advantage of the phrase “political officer” is that it lacks the positive connotations of “leader” or “statesman” and the negative ones of “politician.” It does not stack the deck.

face. In particular, it encourages the belief that the most important ethical questions in political life involve whether (and when) occupying an office gives people an excuse to do things that are simply unjust or immoral by everyday standards.

Administrative office involves keeping secrets for the sake of larger goods, denying justice in particular cases for the sake of smooth bureaucratic functioning, and implementing policies one regards as ill-advised, even unjust, but imposed through legitimate channels. Judicial office involves the adjudication of conflicting rights (and inevitably the denial of some rights that parties think they clearly and absolutely deserve), and judicial decisions invoke such distinctively moral arguments having to do with legitimacy, authority, liberty, and equal justice that the occasions for moral and immoral outcomes receive our full attention. Executive office involves, as Weber famously claimed, the authority to use legitimate force—less euphemistically, a license to kill.⁵ On a more mundane level, it involves the responsibility of ordering *all* the administrative tasks that already arouse moral worries when taken individually. The potential immorality of all these roles is so striking that political ethics has become almost synonymous with the “dirty hands problem,” the question of when politicians may do the wrong thing for good reasons, and how both politicians and the wider public should respond to their consciousness that it was indeed wrong.⁶ Or else political ethics involves an insistent denial that such questions are relevant, either from a hard-nosed consequentialist perspective that denies that actions with good outcomes can be morally wrong or from a Kantian perspective that denies that either office or the prospect of good outcomes can justify violations of moral duties.⁷

If hard cases make bad law, easy cases of moral conflict make bad political philosophy. By focusing on cases in which politicians clearly violate (or are tempted to violate) commonsense moral duties, we guarantee drama at the cost of perspective. We portray day-to-day politics as worse than it is. More subtly, we may encourage the lesson that political ethics is only interesting when the prospect of evil-doing is acute. This, however, is very misleading. In a more or less stable democracy, after all, most political hands are sweaty with handshakes, not dirty with clear moral filth.⁸ Everyday political morality involves questions of judgment and rhetoric in which our intuitions of good and bad are not clear. The

⁵ Weber (1946).

⁶ For treatments of the dirty hands problem, see Walzer (1973b); Thompson (1987); and Coady (1993).

⁷ With some trepidation, I would attribute these positions respectively to Hare (1989) and Applbaum (1999).

⁸ A similar point is made by Shugarman (1990).

morality of ordinary life does not tell us how to reconcile good policy and popular politics; which sorts of compromises on legislation and movement strategy are permissible (even required) and which involve selling out too much; how to make strong public appeals without offending people's prerogatives of disagreement, dissent, and simple self-assertion; how to persuade people that their true interests lie in collective action without denigrating the important private projects to which most people naturally devote their lives. Such decisions rarely involve clear "wrongs" by everyday standards. They result in neither death nor dismemberment; even their effects on property are slow and moderate, and take place through legitimate channels. They do not even involve clear lying and insincere manipulation nearly as often as people think, for such acts are remembered and hurt the offender later.

In fact, the kinds of collective reasoning and public appeals involved in legislative and citizen politics have few analogues in everyday life. Some of the nastier kinds of executive action do indeed look like ordinary butchery dressed up in nice words.⁹ But the deliberation and bargaining of the legislator, the hortatory rhetoric of the activist, and the patient listening and persuasion of the community organizer are different: the everyday, "unofficial" analogues of these activities simply do not have moral bite. Speculating about policy, trying to convince others of a moral point in a philosophy study group, or trying to understand why two of one's friends dislike each other are not immoral acts. (One is tempted to say they are *never* immoral.) One reason that politics is interesting, and the ethics of political life counterintuitive, is that it transforms "cheap" talk and mundane virtues into vital questions involving democratic respect, the nature of democratic collective action, and the special responsibilities of those whose daily actions embody power. As Amy Gutmann has pointed out, there is a great moral difference between a mere discussion, which may yield interesting conclusions, and deliberation, which aims at "action-guiding decision."¹⁰

As a way to get at such questions, this work applies the concept of office to both institutional and noninstitutional politics, and seeks a common theoretical starting point for the political actions appropriate to both. This is not usual, and may be controversial. Neither the advocates of "citizen" or noninstitutional politics nor its opponents would normally describe those who practice it as holding an office or facing the respon-

⁹ To claim that what the executioner of Paris performed during the Terror should be called "executions," rather than "brutal killings," is to substitute language for moral argument. As Arthur Applbaum has argued (1999: chapter 2), they were killings as well as executions, and the actions of the office can only be justified if the killings can be defended.

¹⁰ Gutmann (1999: 233–34).

sibilities of office. Advocates would find the label demeaning: to call Martin Luther King or Gloria Steinem an “officer” is to associate them with the duplicity and corruptions of power that the holders of office are assumed to embody. Opponents would find the label too flattering: conservatives and others have often argued that protest politicians lack moral standing since “nobody elected them.” Both responses, I think, start from the association of *office* with *authority*: elected officials have the authority to make law; elected and appointed officers have the authority to enforce it; and both kinds of authority stem from institutions that cannot easily be questioned or challenged. Those who distrust authority do not want citizen politics tainted by association with it. Those who value authority do not want formal politics debased by association with activities that have lesser dignity and that in fact seem to undermine authority.

Without denying the link between formal office and authority, a work focused on political action rather than the design of formal institutions has reason to place questions of authority to one side and focus instead on how power of all kinds may be responsibly exercised.¹¹ As I shall argue, the test for political officers is not only whether they cause the right outcomes but whether their actions stand to make democratic politics as a whole better or worse. So understood, the relevant question is not “Who has the authority to make and enforce law?” but “Who has the power to help or harm the democratic polity through his or her actions?” The latter question clearly involves broader issues than the former. To the extent that political ethics has focused on the actions of law-makers and law-enforcers, it has ignored not just an important set of theoretical questions but important kinds of political action that have serious implications for the quality of our public life. In my discussion of office I shall retain the everyday sense that an office involves difficult work and distinct moral responsibilities, while avoiding the natural but hasty assumption that only formal or institutionalized roles embody these qualities.

When we try to judge the behavior of politicians, or consider whether to take a more active role in supporting or opposing them, we immediately encounter problems. To judge politicians, we must balance democratic accountability against governing discretion. We must grapple with contradictory intuitions—that politics is at once a distinctively immoral business, that it is (or can be) somehow nobler than other ways of life, and that it is simply one kind of human action among many, subject to the same ethical rules. And we must decide what it is we fear most from

¹¹ In this context one might think of the distinction between citizen “power” and state “authority” stressed by Arendt (1961b, 1972b). I do not endorse Arendt’s argument as a whole.

political action: fanaticism, selfish indifference, gridlock and inefficiency, baseness and ignobility, unthinking cruelty, incompetence.

At least three different fields of inquiry claim to be helpful on these issues: leadership studies, political ethics, and political theory.

Leadership studies, a branch of political science, is concerned with political success and failure. A good leader is one who succeeds in getting done what she wants to get done: she is good at using power.¹² Some leadership theorists argue that the things conducive to success and power are also conducive to “viable policy,” meaning effective, durable policy.¹³ Others, more confident in moral progress and more romantic in their picture of how leaders are linked to followers, call for “transformational” leadership: they hope for leaders who will empower the inchoate moral strivings of the electorate in opposition to the self-interested demands of bureaucrats and political hacks.¹⁴ Both outlooks are forceful, as well as moral in their own terms, but neither is good enough. Constitutional, pluralistic government aims at limiting political power, not just promoting its effectiveness. Leadership studies, generally written as advice to princes, should always provoke the question about when we should root for princes to succeed and when we should cheer their failures. When it avoids talking about the ends and principles of governance, leadership studies stacks the deck in favor of the politicians it counsels. It is insensitive even to the claims of opposing politicians—let alone to the claims of ordinary citizens, who lack power and whose ability to control the top leaders may be more notional than real. To the extent that leadership theory claims to fill this moral gap by borrowing from psychology, or by making appeals to the needs of democracy, it does not (I shall argue in chapter 3) put forth well-supported theories of the psyche or of democracy to back these claims up. This weakness in theory is more or less fatal, and the current project will take only three things from leadership studies.

First, a concern with cases. To force clarity and avoid ambiguity, ethical statements about political action should cite concrete examples of when the rule has been broken, the office disgraced, as well as concrete examples of when the rule has been followed, the office done credit to. Second, a concern with character. As citizens, we must select which politicians to trust with power before we can judge actual actions in office.¹⁵

¹² See, for example, Neustadt (1990). By the way, in what follows I shall often use “she” as the generic pronoun. This departure from common usage represents a modest blow for gender equality that harms no one and makes for better style than common alternatives (such as using “he or she” or pretending that “their” is singular).

¹³ Neustadt (1990: 153–56).

¹⁴ Burns (1978).

¹⁵ The United States political system, with its weak party discipline and entrepreneurial

To do this we need an idea of which qualities of character are conducive to acting well in office, and how to discern these qualities. Third, a wide definition of what an examination of office should concern itself with. Politicians can and do lie, solicit bribes or more subtle forms of influence, embezzle, abuse their offices, and break laws; we want to know when we should condemn them for such things. But in talking of “ethics,” which Bernard Williams has rightly returned to its ancient and broad sense of “how one should live,”¹⁶ we should consider not just what it means to act badly but what it means to act well. Political ethics must address the substance, as well as the form, of a political life. How politicians should aggregate interests, engage in complex policy negotiations, or make public appeals are *ethical* questions, not just pragmatic ones. Plain corruption is morally wrong but also morally simple: where we most need guidance is in judging more complex actions, which offend no formal law or ethics code but affect all our fortunes. I shall focus in this project on the *affirmative* duties and proper habits of political life, both because corruption has received more attention than these questions and because it is easier to recognize betrayal or malfeasance when one knows what one means by trust and good service. Leadership studies, then, asks many of the right questions about political life, though it often gives inadequate answers.

The relation of the present project to moral philosophy is more complex. In a sense, of course, all moral reasoning about politics and society (or at least all careful reasoning that makes serious arguments and rebuts objections) is moral philosophy. Yet the field of moral philosophy as currently constituted tends to embody not only a set of approaches but a characteristic set of premises. First, moral philosophy tends to be *universalist in scope*: the standards of morality are assumed not to vary among different spheres of life. Second, moral philosophy is *universalist in justification*: a moral action is one that can be justified from the standpoint of the rights and/or interests of the whole human race (and on some accounts animals as well); to favor some people’s interests over others’ is precisely the kind of selfish and narrow impulse that moral philosophers regard it as their duty to oppose. Third, in making exceptions to general rules, moral philosophy *prefers instrumental to intrinsic arguments*: even those philosophers who justify occasional violation of people’s rights, or occasional preference for one group’s interests over another’s, find such actions justified only when carrying them out will ultimately serve the rights or interests of all. That certain special relationships or practices

political culture, makes this particularly necessary. Parties and movements in all countries, however, know that the character of their top leaders is crucial to their public appeal.

¹⁶ Williams (1985: chapter 1).

might overrule universal rights and interests permanently and in principle is not seriously considered. Finally, moral philosophy *distrusts political compromise* as a response to moral diversity. Starting from the natural (but perhaps mistaken) assumption that only one moral position can really be best on a particular question, the moral philosopher tends to regard deep moral disagreement as a problem or a tragedy, and to regard most everyday compromises as potentially dangerous concessions to “simple human badness.”¹⁷

I shall dissent from all these positions. I shall argue that politics involves special relations between politicians and the constituents or followers on whose behalf they act. These relations acquire particular moral force in democratic politics, where equal democratic respect for each citizen’s opinions requires that politicians limit their reliance on their own personal, fallible judgment. I shall claim that politics rightly involves links between politicians and particular groups (constituencies, voluntary political associations, parties, local neighborhoods) and that in respecting these links politicians normally should give partisan and partial attention to the claims of those to whom they are connected. I shall defend these partial attachments on intrinsic grounds—having to do with democratic values and the special vulnerability of the unaffiliated citizen in the face of collective power—rather than claiming that they always lead to good consequences (though they may). Finally, I shall defend in principle, and not only as a second best, the goods of pluralistic, constitutional politics as “made for people of fundamentally differing views.”¹⁸ Once a moral position has proven persistently appealing and incapable of clear refutation, the only way to show respect to those who hold it is to accommodate them, and their views, into the democratic polity as much as possible—while looking for ways in which the pursuit of their views can be made maximally compatible with the legitimate claims of others. At some point in moral disputes, the highest moral imperative is not further moral remonstrance but an effort to reach principled compromise.

All of these dissenting positions, to be sure, have vocal defenders from within moral philosophy, and I shall have cause to mention them. But these defenders are often seen by both themselves and their opponents as marginal or exotic, their works regarded as interesting and provocative japes at mainstream moral philosophy positions rather than threats to the ultimate status of these positions. Departures from austere moral universalism are taken seriously, by and large, only in the applied fields: professional ethics and political and constitutional theory. As I shall claim in

¹⁷ Nagel (1991: 26). Nagel’s use of this phrase is all the more striking because his work is much more pluralistic and nuanced than many.

¹⁸ *Lochner v. New York*, 198 U.S. 45 (1905). Holmes, J., dissenting.

chapter 1, these fields should in fact be regarded not as poor or inexact cousins of “real” ethical theory but as containing their own independent and subtle insights, which respect the complexity of our moral experiences and political lives.

For such reasons, the study of political office turns naturally and all but inevitably to political theory, with its focus on more or less acceptable political orders and more or less salutary political actions. Political theory starts where the admittedly more ambitious aims of moral philosophy are left at an impasse. In the second chapter, I shall argue that a certain account of the relation between political office and the purposes of a democratic polity provides better answers to the ethical questions surrounding political action than do the simple and uncompromising theories of both ethical universalists and their particularist critics. I shall defend the merits of deriving the privileges and limits of a political office from an analysis of the purpose that office serves in a democratic and constitutional political arrangement.

This is not to claim that political theory solves these questions easily or immediately. For the clash between moral universalism and democratic particularism affects our political intuitions as well as our philosophical debates. Not just moral theorists but ordinary citizens want politicians to respect everyone’s rights and interests equally—at the same time as we all want special attention paid to our own. A political-theory treatment of office, therefore, cannot start with “ordinary” opinions or a supposed consensus on political norms. Something more is needed if political theory is to avoid merely replicating the interminable disputes over principle that wrack political life—disputes between populists and elitists, fervent activists and determined insiders, instinctive purists and instinctive compromisers. As with the conflict between vocationalists and universalists in the sphere of ethics, this work will try to settle these political disputes in the political sphere through a third alternative that recognizes and accounts for the appeal of each perspective while finding well-grounded principles to settle unavoidable disputes between them. This does not mean bloodless compromise, but a new account that accommodates more concerns than either unmodified perspective yet captures some of the appeal of each.

What this means will be fleshed out in chapter 2 through a reading of three theories of the democratic political order: Aristotle’s *Politics*; Hamilton, Madison, and Jay’s *Federalist*, and Tocqueville’s *Democracy in America*. The basic conclusion will be that political officers must in different ways embody, and promote in the populace, the half-virtue I shall call “democratic constancy,” which resembles not so much ancient “virtue” as the effective pursuit of interest. Democratic officers’ function is not to tell ordinary citizens how to live but to restrain us from overhasty and ill-

advised methods of getting what we want, while prodding us to pursue difficult and farsighted projects whose worth we might not see on our own. Senators embody constancy directly in the course of governance, by responsibly listening to, evaluating, transforming, and enacting into good laws public passions and desires that already exist. Moral activists and organizers encourage constancy in the population by using the moral appeals and organizational structures that Tocqueville noted were so important for fighting individualistic and shortsighted tendencies in democratic life.

Thus, against current trends in democratic theory to define democracy in very demanding terms that stress deliberative rationality, human perfection, and/or universal participation, this work argues for a view of democracy grounded in competing interests. Aspects of this interest theory can be derived from the political philosophy of theorists like Madison and Tocqueville, from the old pluralist tradition in democratic theory and political science, and, in a different and more recent version, from certain sophisticated forms of rational choice theory. Interest theories are often criticized for being reductionist in their view of human nature and indifferent to questions of power and social justice in the portrait they paint of human affairs. This work seeks to address both criticisms by stressing a complex definition of human interest that incorporates Humean sympathy for others and Tocqueville's "self-interest properly understood," as well as a complex definition of democracy that stresses how citizen politics and social movements are needed to challenge the tendency of interest politics to favor the powerful and connected. The work seeks to generalize Madison's insights in *Federalist* No. 10: democratic politics, if it is to avoid tyranny and factional domination, needs not only the checks of representation and geographic diversity within formal governing structures but effective mechanisms for enabling moral critique and organized pressure from powerless people who stand outside those structures.¹⁹

In chapter 3, I shall address the objections of those who concede the link between political office ethics and larger theories of democratic politics, but whose accounts of democracy, and hence of office, differ from mine. My claim will be not that opposing accounts of democracy are incoherent or simply wrong, but that my account makes fewer controversial assumptions, is less time-bound in its judgments, and is more helpful for guiding practical assessments of political figures given people and democratic politics as they are. First, I shall examine the attempt of moral perfectionists to claim authority over office ethics, not (as some moral philosophers do) by claiming as an axiom that moral philosophy

¹⁹ I am indebted to Peter Euben for this way of characterizing my project.

defines the only legitimate framework for practical ethics, but by claiming that a certain portrait of moral reasoning can best define what *democracy* needs, what true egalitarian political principles look like. I will argue that the proponents of this view cannot and do not consistently hold it. Once they examine actual political examples, it becomes clear that moral philosophers who seek to avoid political irrelevance (or worse) must acknowledge the importance of politics, must acknowledge that philosophic truth and moral perfection are not always the standards that motivate political argument. Once we realize this, moral philosophy ceases to have any special claim to distinctive expertise about political discussion (though it can give us useful starting points and questions for political inquiry). Second, I shall examine three works on leadership, which put forth explicitly or implicitly “functional” definitions of leadership success but whose notion of good democratic functioning differs from mine. I will argue that these theories combine, to a greater or lesser extent, dogmatic and time-bound theories of psychopathology with unexamined and utopian ideals of democracy, using arguments from one of these standpoints to cover up weaknesses in arguments derived from the other. Democratic constancy theory is more credible, more durable, and more honest. Finally, I shall examine “economic” theories of democracy that lay claim to a hardheaded understanding of the incentives that drive political action. While sophisticated versions of these theories do tell us much about how politicians and ordinary citizens can be expected to act and to respond to each other, and remind us not to make moral suggestions that contradict democratic realities (especially the need for politicians to maintain public support), they also leave room quite explicitly for considerations that they cannot themselves address. Within the bounds of electoral reality and voter preference, there remains room for ethical action, political judgment, and voter deliberation, and on these subjects economics provides less insight than political theory.

Three succeeding chapters will examine the three political roles I have selected for inquiry. As mentioned, one of these, the senator, holds formal office and has special obligations of governance; the other two, the moral activist and the organizer, do their work in civil society, that is, by rallying ordinary citizens outside formal institutional roles. This work will argue that the last two offices should be treated much like the first. They are political offices, no less real for being informal and voluntary. They are needed for the good functioning of the polity, and their occupants should be scrutinized with the same mix of hope and skepticism that we apply to elected politicians.

First I shall address the office of senator. The office obviously involves representation, often considered the most difficult single issue surrounding the discussion of political office. I will argue that an analysis of dem-

ocratic and constitutional purposes provides a persuasive account of representation in the particular case of legislative representation (though other accounts may be better suited to other political and nonpolitical roles). Senators, in a constitutionalist analysis, contribute two distinct functions to the regime: deliberation and interest mediation. Deliberation requires that senators force a second look at proposals that are politically popular but perhaps unwise or badly formulated. Interest mediation requires that senators find some way to reconcile both the objective interests of their own states and the deeper fears and concerns of the states' voters (not necessarily the same thing, but both necessary for legitimacy and stability) with the interests of other states and the concerns of other voters. These might seem like two different functions, or three, but I will argue that the same process, or habit of action, serves all of them. Senators who act well will frustrate, as much as possible, unwise or evil public passions while seeking to articulate and address the legitimate concerns and fears that promote these passions. They will look for sets of policies that the electorate may not feel strongly about now nor even understand, but will accept in time (six years being a long time in politics) as conducive to their long-term aims. A bad senator will do the opposite: she will indulge constituents' most ill-advised passions and create new and more dangerous ones, will avoid opportunities to recast debates when demagoguery is easier, and will let an inordinate obsession with reelection overwhelm any concern for longer-term goods of a state or country. The difference is neither obscure nor partisan in nature, as I hope to show by a comparison of Everett Dirksen's senate career with that of Joseph McCarthy.

The moral activist and the organizer do not control the coercive power of the state. This gives them (in comparison to senators) more freedom to make the kinds of appeals we do not want our rulers to make. But it also gives them duties to improve the quality of public desires and demands in ways consistent with democracy, and to limit their ambitions for themselves and their offices lest they become new sources of coercive rule—"antidemocratic" officers in the double sense of unelected and acting contrary to democratic principles of freedom and moral diversity.

The moral activist seeks to achieve social reform primarily by making public appeals (spoken, written, or both) to widely shared public values. Having no direct power over law, the activist seeks to improve society by improving mores—the "habits of the heart" that shape our daily life and personal aspirations—and public opinion, the force that enforces mores. The difficulties and dangers of doing this can be seen from a reading of Rousseau, who claimed that mores could not be altered by force and could only be affected by enlisting those with social prestige on the side

of change. The moral activist enlists the *prestige of numbers* in order to buttress a moral argument for changing mores. Combining the two roles that Rousseau called “minister” and “tribune,” she uses her standing as a leader of a voluntary moral community to gain a hearing for her appeal to civic values. To combine the two roles requires a subtle understanding of democratic political theory—an ability to distinguish old or new versions of the City of God from the City of Man—and a great deal of personal restraint in keeping one’s ministerial ambitions within the bounds of a moral association and one’s political ambitions outside it. Martin Luther King Jr. exemplifies the best case. He is to be valued not only for his moral stature and rhetorical nobility but for his subtle perception of constitutional powers and limits, which his own soaring rhetoric often concealed. King not only combined the minister and tribune roles but used each to enrich the other. At the other extreme, however, activists are tempted to try at remaking society in the image of their religious ideals, and to deform the principles and wisdom of their religious and moral traditions out of political impatience with their restraints. Frances Willard, the prohibition activist and social reformer of the nineteenth century, will serve as an example of the harm that can be done to our liberty and our democratic structures when moral activism is done badly.

Finally, there is the office of organizer. The organizer, as distinct from the activist, displays little interest in the question of shared values and in the method of moral appeal. An organizer’s function is to exert pressure on the political process (or on private organizations) in order to promote the interests and civic activity of a class, neighborhood, or social group. She does this by enlisting the allegiance and participation of that group. “Pressure” here means the attempt to force change through fear of political damage or economic losses. And the means of building organizations and adding pressure generally involve unabashed appeals to self-interest, pride and ambition, and constructive anger. Any interest theory of democracy must make room for this office, both because the free pursuit of interest allows it inevitably to arise, and because without organizers those who lack power would be treated unjustly and in ways that endangered the values and peace of the democratic order. Even though organizers must be allowed and encouraged to operate, however, the tactics of pressure, when effective, are crude and dangerous. Once again, an account of democratic constitutionalism provides ethical limits on action even in the absence of formal laws. A good organizer seeks to extend either the formal tools of democracy—voting and pursuit of interest—or the effective exercise of these tools, to groups who have previously seen little benefit from such mechanisms. The goal is full and equal integration into the life of the polity. Good organizers want those they are organizing to

develop their civic capacities and improve their material opportunities (this does not require a narrow “bourgeois” attitude, though it is consistent with one). The degenerate organizer has no such goal. Driven by anger and pursuing hatred as an end in itself, he—for he is generally male—is accurately accused of “loving the ghetto,” or slum, or sweatshop, for the hatred it fosters and the angry audience it provides for the organizer. Because the end is the glory of the organizer, not the civic development of the community, the intelligent interests of the community are soon abandoned as the organizer seeks out meaningless confrontation. Ella Baker, the unsung hero of civil rights organizing, provides a fine example of hardheaded organizing in the service of human ends; Black Power leader Stokely Carmichael demonstrates the danger of an organizer whose hatred led him to miss the difference between real progress and flamboyant self-promotion.

I shall close with two wider points about the project. First, a functional or purposive analysis of democratic office need not imply a quietist acceptance of the status quo or even the assumption that only minor changes are needed. The functionalist political analysis pursued here is distinct from the kind of functionalist *sociology* that sees society as an organic whole with well-designed and well-ordered parts contributing to the good of that whole. While it claims ethical neutrality, such sociology contains a tacit moral preference for keeping social structures the way they are: in a vulgar form of Hegel’s “the actual is rational,” we are supposed to accept the system, and the roles within it, as the best possible, or at least avoid fundamental criticisms lest the whole edifice come crashing down. To speak of function in political philosophy or legal theory, however, is only to suppose that political offices exist for *good reasons*, and that filling them well means acting according to, and with attention to, those reasons. A democratic constitutional order is a good thing, but it will not work well, or at all, unless the people who run it—including ordinary citizens—act, in some sense, decently.

The actions suggested by political ethics must, if they are to be taken seriously, be politically *possible*, but that does not mean that they are easy or that the habits supporting them are common. An office can be said to have an ethic appropriate to it even if few people currently appreciate this ethic or act according to it. In fact, it is very likely that political offices will be filled by the wrong people, and be performed rather badly, much or most of the time. All we can do is set forth the best possible arguments and examples as standards, so that we have something clear to look for in our officers and yardsticks to assess when they are falling short. In sum, this work shall try to abide by the first rule of good political theory: “be pessimistic.”

Second, the animating spirit of the whole inquiry should be made clear. While it aims to provide useful insights to members of all democratic polities, this work frankly values the special genius of American political thought and practice, which I shall call *governing pluralism*. Americans insist, both in theory and in practice, on denying that any organ of government is sovereign.²⁰ Different state, county, local, and national levels of government have different duties and functions; within the federal government power is not concentrated in a parliament but dispersed among branches; and we expect the voluntary institutions of civil society to play a role in political affairs that in other countries would be monopolized by the state. This principled plurality of governing institutions implies a principled plurality of office ethics: since the functions of governing offices are diverse, so are the characters and habits that conduce to the good performance of each office. Our representative and voluntary institutions not only allow diversity of character, by letting citizens live various nonpolitical lives and not requiring citizens to subscribe to a single national ideology. They also *require* diversity of character even within the broad class of politician, since the good functioning of the polity demands diverse political officers who vary (systematically, not arbitrarily) in their outlooks, styles, and temperaments.

Doing justice to governing pluralism is more radical than it sounds, since many thinkers talk of pluralism without having this governing pluralism in mind. Theories of *moral* pluralism, in particular, can recognize a plurality of moral beliefs and ideologies in the population while still thinking of politicians as having a single function: to create order amid this Babel. (After all, one undeniable moral pluralist is Thomas Hobbes.) A concern with *cultural* pluralism is consistent with having nothing to say about the different modes of government. A theory of *interest-group* pluralism can lead to conclusions opposite to those of this project: while interest-group pluralists often claim that clashes among groups will lead to order, liberty, and approximate justice if left alone, this work denies this and claims that at least a certain attention to the principles and purposes of the whole polity must animate the actions of all political officers.

Finally, it is often thought that theories of *universal democratic participation or deliberation* by their nature do justice to all the different viewpoints present in the regime. But one can speak of democracy as a standard

²⁰ “To the Constitution of the United States the term SOVEREIGN, is totally unknown”: *Chisholm v. Georgia*, (1793), 85 (opinion of Justice Wilson). Justice Wilson also notes that the framers could have proclaimed *themselves* sovereign in the name of the people, but avoided doing so. Compare the use of this conclusion, slightly misquoted, in Arendt (1972c: 100ff.). Of course, various forms of constitutional theory regard the people as sovereign in some ultimate sense, but constitutionalism of all kinds seems incompatible with their personally and continuously running the government.

while using this concept in a rigid way that denies governing pluralism. Kantian and deliberative ideals of democracy sometimes argue as if a modern democracy were, or should be, a single rational conversation among the whole citizen body.²¹ I shall defend instead the mix of barter, persuasion, moral appeal, group power struggle, and limited rational deliberation that at its best gives modern democracies both vitality and stability—and is in any case the only way democracy is ever likely to be practiced. To engage in political life is not to join an austere Kantian or deliberative order, but to play one of several different positions in a loud, democratic contest where power and persuasion are hard to separate and rarely need to be separated. This is not to deny that the contest has rules, reasoned rules. What follows will aim to do justice to both the reasons behind the rules and the excitement of the game.

²¹ Thus Sunstein (1984: 1732) calls for a “unitary theory of the constitution,” which would explain all its provisions by reference to a single goal.