Professor Ian Shapiro: But what I wanted to do today was pursue the discussion of democratic justice. I talked about it as a semi-contextual idea that there's a general argument, which we discussed on Monday, that recognizes the subordinate character of democratic constraints on the superordinate goods that people pursue in different walks of life.

And I said it was a semi-contextual argument with the implication that the way you work that out varies with time and circumstance. It varies at different times in the same setting, but then also it varies across settings. So if we think about the traditional family in America in the 1950s, which is more or less captured, I think, at least with respect to governing children in this picture, that's, of course, very different than the traditional family life we might find in South Africa in the 1980s.

And where you go depends upon where you start, and the basic impulse behind democratic justice is a kind of democratized Burkeanism. That is to say it recognizes that along with the anti-Enlightenment theorists that we never design institutions afresh, rather we redesign institutions that we inherit and reproduce into the future. But rather than just reproduce them into the future in a conservative fashion, the impulse of democratic justice is to democratize them as we reproduce them into the future. And so when we think about restructuring the family, or restructuring the system of education, or restructuring any realm of collective activity, the idea is to take the inherited systems of norms and practices, imbue the values that are embedded in them, learn about them, but then not be uncritical.

Think, rather, as we reproduce them into the future how they could be restructured in accordance with the basic impulse of democratic justice which is to democratize the power dimensions of those relationships while leaving the other dimensions as unsullied as possible. We want to democratize. Democracy is a subordinate good, but we do not want to interfere with the superordinate good any more than necessary.

So that is a summary statement of what we did on Monday, but to put some flesh on it I thought I would walk you through a couple of examples of what this means when you start actually to apply it. And I'm going to talk today about two such examples. One concerns governing children and another concerns governing the workplace, and I'm going to walk you through the kind of reasoning that gets generated if we try to think about the exercise of democratizing these spheres of life within the constraints of democratic justice.

Now I thought it would be good to start with governing children because on the face of it, it presents the most difficult challenge for the argument that I sketched on Monday. Namely, if you want to have some notion of collective self-governance, that is that people have a presumptive say when power is exercised over them, how is that going to work with children? And if you want to have some notion of opposition, how is that going to work with children? Because after all we don't want simply mindless opposition. We want loyal opposition. We want informed opposition, but young children are incapable of that. They're certainly capable of opposition, but not exactly the opposition that we're looking for.

So if you want to say that democratic justice should apply in all domains where power is exercised this looks like a pretty hard case, and I think it presents unique challenges. For one
thing, the hierarchies that exist over children are inevitable, and so we have to think about the opposition side of democratic justice in a way that takes that into account. On the governance side, too, we're dealing with a situation where it's impossible for children to make decisions about their own lives, certainly at the very beginning. Others are going to have to make those decisions for them. So on the governance side of the equation John Locke had this, I think, exactly right when he said that the only basis for disenfranchising people is necessity. So if somebody is unable to participate, then they should be deprived of the franchise, but only to the extent that necessity requires. So for Locke he said children should be disenfranchised for their "ignorant non-age" and once that expires they should be enfranchised.

And he also thought that with respect adults we shouldn't disenfranchise people until absolutely necessary. Perhaps we find it necessary to take away people's driving licenses once they turn 85 or at least start subjecting them to annual driving tests, but that doesn't necessarily mean we would take away the vote from them. So the basic Lockean impulse is only to disenfranchise when necessary and no more than is required by circumstances.

Now that too presents something of a challenge when you start to think about children because if you read some books on the history of childhood one of the things you will quickly discover is that over the past hundred years or so, there's been a huge lengthening of childhood. We have invented adolescence. Adolescence is not a category that existed a hundred years ago. Children were thought to be miniature adults at a much earlier stage. So if we have lengthened childhood, lengthened the time at which people are disenfranchised, after all the incidence of adulthood begin to accrue around sixteen and seventeen when people get driving license and so on. They can vote now at eighteen, but we still prohibit the imbibing of alcohol until twenty-one. So it's a gradual exodus to adulthood and it's an elongated status.

Now there might be justifications for that. When you move from an economy that's based on physical brawn to an information-based economy that's based on education, it may be necessary to lengthen childhood because it may be necessary for people to acquire different kinds of skills that were not needed in the eighteenth or nineteenth century. So there may be a justification for lengthening childhood and I'll come back to that, but it needs to be supplied. The presumption is that you only disenfranchise out of necessity.

Now there have been movements from time to time to treat children as miniature adults from the earliest possible age. There's a famous British school called Summerhill founded by a man called A. S. Neill who died recently. And Summerhill was famous for not having any rules. And the kids could do whatever they wanted. They could go to class or not go to class. They could go to bed whenever they wanted. They could come and go. There simply were no rules. And Neill used this as an example. It was always held up as a banner by the Children's Rights Movement as an example of what could be done, and the implicit argument against authority who structures over children from a very young age.

But I think it was rather artificial, because after all Summerhill was a private school where the well-to-do could send their children. In England it's euphemistically called a public school, which means a private school, and it was a cocooned environment where children could make mistakes without suffering horrendous consequences of those mistakes. Whereas if you go down to the Hill district of New Haven and you imagine eleven- and twelve-year-old children making the sorts of mistakes that you could make in Summerhill School without consequence for those kids in the Hill district of New Haven the results would be life-changingly catastrophic and often are. So the Summerhill story is, I think, in that sense naïve about the larger context of power relations within which education takes place.
And as we'll see even more explicitly when I come to talk about democracy in the workplace you always have to look both at the system of power relations within an institution, but then also the larger power context, the power externalities as I call them, within which the institution operates. And so I think the Lockean impulse to have a gradual transition to adulthood makes sense and it should be bounded by necessity, which creates the presumption that if we're going to lengthen this period of dependency, the justification has to be supplied.

So that's on the governance side of the equation. What about on the opposition side of the equation? Because children don't have the capacity to engage in what we're thinking of opposition. That is opposition where you've internalized and understood the values of the system into which you're born and now you are questioning whether they should be applied into the future. There's not going to be much opposition either, of that sort, until children are fairly advanced. So there's going to be a very long period in which neither collective self-governance nor loyal opposition is going to be in any meaningful sense feasible. Children are going to be stuck in hierarchical situations and that is the basic material with which we have to work.

How can we think about that? Well, one argument that comes to mind once we're considering inevitably hierarchical situations, is that perhaps hierarchies can check one another. If you have an inevitably hierarchical relationship and you think about more than one hierarchy--this is, if you like, another version of ambition counteracting ambition. You create more than one authority structure over children with the expectation that they can then to some degree have competing and to some degree complementary competencies and will check one another, and that's the basic approach that I take in thinking about democratic justice as it applies to children.

We can think of children, first of all, as having two kinds of interests, which I call basic interests and best interests. So basic interests are rather like Rawls's resources. In that sense my argument is a resourcist argument comparable to Rawls's and Amartya Sen's, which we didn't have time to talk about, and Ronald Dworkin's, which I mentioned to you briefly. And if you go back to your notes from our lecture on Rawls, you'll see that I said one of his most important innovations was to take the focus off welfare, therefore different measures of utility, and start, instead, talking about resources. In his case they were primary goods.

So I talk about basic resources or basic interests as those things which it's necessary to vindicate in order for the person to survive and thrive in the economy as it's likely to exist for their lifetime and in the political system governed as a democracy. Children have an interest in their basic interests being met and others have an interest in the basic interests of children being met. We all have an interest in the raising of literate competent people so that they can participate in the democratic political order in which we're all going to operate.

And then best interests are something quite different. The best interests of children are to thrive as well as possible, to be all they can be, to be happy, fulfilled, successful human beings, loved and capable of love, and all of the other things that we think of that it's important for children to develop. And the argument is that we should think of the state as the ultimate fiduciary of children's basic interests, and parents as the ultimate fiduciary of children's best interests.

This raises the question, what is a fiduciary? Again, this comes from Locke when thinking about children, that Locke makes the argument when he's discussing children, he says--well, I'll put it into twentieth century words or twenty-first century words, but the basic idea is, what do you do if you raise your child, you do your best for them, you pour resources into them, you pour energy and affection into them, you do everything right and they turn around at the age of eighteen and they say, your kid says to you, "Dad I think you're a schmuck. I'm out of here. I don't owe you
Locke wants to say this argument doesn't fly. Why doesn't it fly? Why doesn't it fly? "After all I've done for you," what's wrong with that argument as a basis for thinking about what children owe their parents? You could take this from a Lockean point of view or a Rawlsian point of view. Think. Why is it a terrible argument? I've done these things for you now you owe it to me to go to law school or whatever it is, support me in my old age. Any guesses? Yeah?
Student: Well, the child has no choice to participate in the power structure that it's been in for the past eighteen or so years.

Professor Ian Shapiro: Exactly, so and for Locke obligation is based on consent, social contract theory, consent. Yeah, so you've got it right. That's Locke's reason and so he says, "If your child at the age of eighteen says, 'You're a schmuck. I'm out of here. I don't owe you anything,' all you can really do is conclude that you failed as a parent." The child doesn't owe you anything because--and as I said, in Rawlsian terms the fact that this child is your child is, from the child's point of view, morally arbitrary. They didn't do anything to become your child.

So your power and authority over the child is the power or authority over the fiduciary, but it's in the nature of a fiduciary arrangement that the child doesn't owe the fiduciary anything. You elected to have that child and you internalized the risk that that might happen when the child turned eighteen. So Locke says, "You're basically out of luck. What you can do is threaten to disinherit them but that's about it." And indeed, I think that might be the best argument for allowing inherited wealth ever devised that there's no other way for parents to control their children. But in any event, short of that you're out of luck. So that's the notion of a fiduciary relationship. The charge does not owe anything to the fiduciary, and the fiduciary relationship persists only as long as the charge is incapable of exercising that authority for themselves.

So why think of the state as having fiduciary authority over basic interests and the parents having fiduciary authority over best interests? Well, one reason going in is what I've already mentioned that once you think of an inevitably hierarchical situation to some degree you want to have hierarchies checking one another, ambition counteracting ambition.

But it's not just that. It's more than that. If you think about basic interests these have to do with survival, basic medical care, and so on, whereas best interests have to do with the sorts of things it would be absurd to think the state would be any good at: knowing your child, caring deeply about your child, wanting your child to survive, having what we called earlier interdependent utilities that are connected to your child's welfare and thriving. Those are not things that can come from government officials almost by definition because they involve things like care, and affection, and all of the things that make for the superabundant good of rearing a happy child to have been realized. And indeed, when you think about what is it that we think of as tragic when a child winds up being raised in an orphanage is precisely that that is missing. They're being raised by people who do not care passionately and intimately about them.

So you can see why it would make obvious and intuitive sense to think of parents as the guardians of, fiduciary guardians of children's best interests. Why should the state be the fiduciary guardian of the basic interests, apart from the fact that we don't want to have one hierarchy? Well, there are certain kinds of things parents might choose to do out of convictions about children's best interests that have an impact on their capacity to survive and thrive as members of a democratic polity and as able to function in the economic system as it's likely to exist for their lifetime.
The Amish chose, in a famous case Wisconsin versus Yoder they wanted to keep their kids out of school after age fourteen even though the state of Wisconsin, through its democratic mechanisms had decided that you really need to go to the school to the age of age sixteen in order to learn the skills necessary to participate in the political order and in the economy as it's likely to exist for your lifetime. The Amish didn't dispute that, but what they said was, "We have learned from experience that if we allow our kids to go to school after age fourteen, the odds that they will leave the Amish community go way up." Well, that's not a good argument for allowing them to prevent their kids getting an education. And so I think the Supreme Court made the wrong choice when it agreed with the parents in that case.

Or think of a different one, where Christian Scientists are of the view that a child in need of a blood transfusion shouldn't get it because of their religious beliefs. And this is a case, again, where I would argue, eventually if you can't persuade them the parents should lose, the state has a fiduciary obligation to the child to allow it to survive and not suffer the consequences of not having a lifesaving blood transfusion.

On the other hand, there are other cases we could talk about. For instance, parents might object and have objected to certain kinds of books being used in the schools, where the goal is to promote literacy, on the grounds that they object to the moral message within the books. And they go to court and they challenge the use of certain kinds of books that convey moral messages that the parents find objectionable. And in cases like that, the burden should fall to the school district to show that there isn't some other way they could meet their obligation to teach literacy that didn't infringe on the parents' best interests, conception of the child's best interest which includes their moral education. So in those kinds of cases the parents should win.

There will sometimes be murky cases. There will sometimes be disagreements about whether or not the state is vindicating the basic interests in a way that's as unobtrusive as possible as the parent's capacity to meet the best interest. And I think you have to create procedural mechanisms in which those disagreements are played out, and much of that chapter that I had you read for today is concerned with what those procedural mechanisms might be.

It's also the case that it might change over time. So, for example, we might initially think that things like sex education belong in the area of best interest because this, after all, has to do with the system of morality that a parent wants to communicate to their child, and we have deep pluralism of values. Different parents have different value systems and that's understood, and therefore we don't want one moral code to be forced on all children about matters of sexual morality, and that could be the status quo for a long time.

But then along comes AIDS and suddenly sexual morality becomes a public health matter, and so it then may recast how we would think about the division of fiduciary authority between parents and the state over the sexual education of children. And because it becomes a public health issue it may be the case that one would insist on certain kinds of sex education going on in the schools, although it would have to be designed to be as unobtrusive as possible of the parent's conception of the children's best interest. And they'll tussle about that, they'll disagree about it, they'll go to court, but that is a healthy tussle from the point of view of the larger conception of democratic justice.

Because really what you want to do is have a system in which both hierarchical orders, namely the parental fiduciary order and the public fiduciary order are to some extent held accountable and checked by the claims of one another. And so this is one institutional model, and it's actually not that different from the one that exists in the U.S. today when you think about it, that the state does reserve authority over children's basic interests, and when parents become physically
Now, if you think about the governance of the firm, as I said, firms are hierarchical organizations where everybody takes care of their own interests. Arrangements and paternalistic judgments at all, and we can imagine a system in which the basic power disparities are accommodated in a way that is modified by the principles of institutional design that are intended to check one another and hold them to account.

And you need to create mechanisms whether it's courts or systems of administrative appeal, or those sorts of tensions are inevitable once you have a dual-regime system. The state is vindicated so as to allow the freest possible hand. Abusive or endanger the life of a child, we will step in and do something. But short of that, for many very good reasons, we leave the parent to decide the best interest of the child immune from interference by the state, and we try to create mechanisms that limit the ways in which fiduciary interests of the state are vindicated so as to allow the freest possible hand.

Of course there are huge areas of controversy with this because often the state will delegate its authority over basic interest to parents, and so we'll allow private schools and that sort of thing, and then we have to manage the resultant knock-on effects of that when the school system fails, or it teaches things that are at fundamental odds with the principles of a democratic society, and those sorts of tensions are inevitable once you have a dual-regime system.

Let's switch and talk about employment relations, very different world. We're now dealing with competent adults who are presumed to know their own interests. We don't need to have fiduciary arrangements and paternalistic judgments at all, and we can imagine a system in which everybody takes care of their own interests.

Now, if you think about the governance of the firm, as I said, firms are hierarchical organizations in which employees have to do what employers tell them. This is generally thought to be efficient. There are debates about whether firms are too hierarchical. If they become too hierarchical, they may become less efficient. And indeed, in the 1960s and '70s there was a movement trying to argue that democratically-run firms would be more efficient than hierarchically ordered firms.

Huge literature on that, but the best book on this subject was written by Henry Hansmann, now in the Yale Law School, a book which I commend to you all called The Ownership of Enterprise, in which I discuss some in that chapter on democracy in the workplace. And Hansmann pointed out that if democratically-run firms were more efficient, we would have seen them emerge all over the economy. If democratically-run firms were more efficient they would have outcompeted the hierarchical firms.

And indeed in the '60s and '70s, part of the reason people made those arguments was they observed that Japanese firms were much less hierarchical than American firms, and also they thought they were much more efficient. There were all these studies showing Japanese car firms had three layers of management whereas American car firms had seven layers of management, and Japanese car firms were more efficient. That didn't look so good after the 1990s rolled in and Japanese firms turned out not to be very efficient at all. There were similar arguments about what appeared to be democratic firms in a part of Italy called Mondragone that was thought to be very efficient, but subsequent studies showed that actually these firms were not very democratically-run at all and they were basically controlled by the banks that controlled their capital. And so it was rather naïve to expect democratic firms to be efficient.

And indeed, as Henry Hansmann points out, you only really find that democratic firms are efficient in circumstances where everybody can do every job like law firms, or taxicab companies, or plywood co-ops in the northwestern US, where everybody has an interchangeable role.
role. Then democracy doesn't come at any cost to efficiency. This is a combination of the ancient ruling and being ruled in turn. If we can all do everything we can be egalitarian about it.

And the Buchanan and Tullock observation that I talked to you about earlier, namely when we have disagreements and you create a lot of procedure that will be time consuming precisely because we have disagreements. We have different interests. So Hansmann says, "In large firms or firms where you have old workers and young workers, they'll have very different interests on things like pensions. Young workers will want one thing. Old workers will want something else. 

And if you start to have a lot of democratic procedure in those kinds of circumstances it's going to come at an efficiency cost because they're going to be sitting in meetings all day arguing about their pension benefits and not working on the assembly line. So it's not surprising," Hansmann says, "that in most industries, in fact, you do not get democratic firms for efficiency reasons." Efficiency is the superordinate good. Firms are there to produce goods and services that make money, and if you don't do it more efficiently than the next person you're going to go out of business. So from the point of view of pure efficiency it seems like you're not going to get a lot of democracy in the firm. That's the cold harsh reality from the perspective of 2010. And the literature advocating democratic firms has this kind of kumbaya quality that is difficult to take seriously in the contemporary world. Firms are going to be hierarchical.

Then we have the problem, well, so how should we think about the hierarchies within firms, given the fact that they're sites of greatly unequal distribution of power? So different players have different options. For instance, if you, and this is where I would disagree with Hansmann, if you're a shareholder in a firm and you don't like what the firm is doing, you have a very easy option. You can just sell your shares and buy shares in another firm. No problem there. And so Hansmann says we should think of shareholders as enforcing democratic accountability in firms. I don't think that's a very plausible way to go because shareholders have very low exit costs. If you don't like the way a firm is run you buy shares in a different firm. They're not going to exercise much democratic control of what goes on within the firm.

Think about employees in a firm. Well, it depends a lot on the situation. So just to fix intuitions consider this. Why do I talk about a surfer's paradise? The Belgian political philosopher Philippe Van Parijs wrote a book called Real Freedom for All in which he said--it's a kind of post-Rawlsian book about justice. Van Parijs, he runs something, by the way, called the Basic Income [Earth] Network [BIEN], which I urge you to take a look at his website. It's quite interesting. He basically says, "Everybody should be paid the highest sustainable wage regardless of work." This is sort of Sweden on crack or something. Everybody should be paid the highest. Even surfers should be paid. That's Van Parijs' view. In European parlance, it's called the social wage. They should have the highest social wage possible. So imagine that that a surfer's paradise is the utopia Van Parijs defends in that book Real Freedom for All.

Think at the other end of a continuum what we might call a Dickensian nightmare. A world in which there's no health insurance, no unemployment insurance, no welfare state, no social security, nothing. So obviously every actual economy exists somewhere on this continuum from the Dickensian nightmare to the surfer's paradise. And so what I want to say is, "Well, that affects a lot of what goes on within the firm."

Because if we're living in a Dickensian nightmare--go back to the example I mentioned last time. Think of an employer who's in a hierarchical relationship with a secretary and says to the secretary, "Unless you go to bed with me I'm going to make sure you get fired." So now an employer is abusing the position in the hierarchy. Well, if this is a Dickensian nightmare, the secretary's going to be terrified because the costs of losing that job are enormous. They're going
to lose their health insurance. There's no unemployment et cetera, et cetera, et cetera. You're going to be thrown out into a pretty horrible cauldron.

If you're living in a surfer's paradise the secretary can walk away at much lower cost to themselves. And I'm not talking about the question whether the secretary is actually fired, or actually walks away, but simply the knowledge both parties have that in the Dickensian nightmare the exit cost for the secretary are enormous, whereas in the surfer's paradise the exit costs for the secretary are very low. That structures the power relations within the firm.

So the basic intuition here is when we ask the question, "How much should the state regulate what goes on in firms? The answer is, "Well, it depends." It depends upon where you are on this continuum because if you're closer to a surfer's paradise there's less reason for the state to create lots of protections for workers within the firm which are going to come at an efficiency cost by assumption. Appeals, processes, defense of union rights, grievance procedures, burden shifting to employers when there are disputes. All of that comes at an efficiency cost.

But so the notion is that if it's a Dickensian nightmare, the worker's basic interests are threatened, then democratic justice would not say the worker should internalize those costs, rather the employer should. But as you move towards the surfer's paradise then there's more reason to say that the worker can internalize some of the costs of hierarchy in the firm because the costs of leaving are comparatively smaller. And so you have, as I said, a semi-contextual argument. What this regime should be like depends on the power externalities within which the power internalities of the firm actually take place.

And one of the desirable features of this I think is that it leads you to rethink relationship between capital and labor. Marx thought that's the basic conflict, workers on one side capital on the other. But now if you think, say, about something like health insurance. We have a system now where health insurance is provided through employment, which moves you more into the Dickensian nightmare direction because you lose your job you lose your health insurance. And employers compete with one another by offering--you know, Yale says, "We offer better health benefits than working for whatever it is, Harvard or Columbia." So employers compete with one another, but the truth is all of the employers would be better off if they didn't have to compete and everybody had health insurance.

So there's a kind of collective action problem. What looks like, especially once we get into strikes and bargaining disputes between employees and employers, what looks like a conflict between capital and labor can be re-conceptualized as, really, it's a collective action problem among firms. They all compete at the margin over things like benefits, but in fact they would be better off if health benefits were taken off the table entirely and funded through the tax system. So what looks like a conflict between capital and labor is actually a collective action problem among firms.

Another advantage of this, I think, is that it does not put the best in conflict with the good in that to the extent you have a regime like this you give firms the incentive to support the expansion of the social wage because what do capitalists want? What do managers want most? They want flexibility at the plant level. They want to be able to turn on a dime, and layoff people, and do something differently, and compete in the twenty-first century in a totally new way than they were competing two years before because that's what you need. The name of the game is flexibility, adaptability, nimbleness, all that stuff. That's what firms want. That's what they need. And if they know that the closer you get to a Dickensian nightmare the more cumbersome regulation they're going to have, and the more you move toward a surfer's paradise the less
you're going to have, then they have an incentive to try and move the society toward the surfer's paradise. So corporations will get behind expansions of health insurance and so on. And there's a certain realism to that because if you go and study the history of the expansions of the welfare state despite what you might read in the newspapers what you will find is it never happens unless business gets behind it. The big expansions of the social wage, the big expansions of the welfare state even in countries like Sweden have only occurred in circumstances where business gets behind it and supports it. So you want an industrial management regime that distributes the incentives in such a way that they will do it. So those are two examples of how we can think about democratizing the power dimensions of social institutions while interfering with the superordinate goods as little as possible. And that's the basic impulse of the argument of democratic justice.

Now if you take a step back and you think about democracy over the past couple of centuries, you know, I talked to you some about Alexis de Tocqueville. He made two points about democracy. He had a love-hate relationship with it. I told you he was in many ways a critic of it, but he did say two things about it, one that it was inevitable. "The gradual progress of democracy," he said in the preface to the 1848 edition of Democracy in America, "is something fated. It can't be stopped." And the other thing he said is that, "The thing about democracy is it has wild instincts. What we need to do is try and domesticate it, not get rid of it. We can't get rid of it. We can't stop it so we must domesticate it." Well, I think both of those claims were partly correct. It is true Tocqueville was correct to think that democracy is an idea with world-historical force. It will always be appealed to by people who experience injustice, and they will always demand democratization if they find their social circumstances unsatisfactory. So I think this notion is partly right. But even though democracy is an idea with world-historical force, I think he was partly wrong to say that the progress of democracy is inevitable. There have always been advances for democracy and then setbacks. We had the French Revolution. We had a disaster. In 1830 we had a democratic revolution sweep Europe. By 1832 the monarchies had been restored. 1848, again, we had democratic revolutions sweep Europe, and by 1851 they had been undone. 1989, we had democratic revolutions, huge new wave of democracy, but some of those democracies came under real threat in places like--fell apart in Algeria in 1991. We know what happened in Rwanda, although things have turned around again since. Or if we look at Pakistan in the last three or four years. We see that we shouldn't think of democracy as inevitable, this sort of Francis Fukuyama idea that history is intending in some direction. To the extent you think democracy is valuable really what you have to do is work to promote it and sustain it. Likewise when we talk about Tocqueville's second observation that democracy has wild instincts and it needs to be rein ed in. We need to, as he put it, "educate democracy to limit its wild instincts," and make sure that it doesn't destroy other good things, superordinate goods. In his case, of course, freedom was the most important good that he didn't want democracy to compromise. But I think the same argument applies with respect to efficiency, with respect to many of the superordinate goods that people strive for and cherish. So we always have to be wary of the capacity of democracy to undermine other goods. But, and this is where I think Tocqueville overstated the case, that does not mean we should overlook democracy's capacity to undermine bad things in the world. To the extent we can democratize power relations without interfering with superordinate goods, we can have a tremendous effect for good whether it's the abolition of slavery, whether it's the limiting of exploitation in the workplace, whether it's the protection or the restructuring of the law of
marriage to prevent the domination of women. These are all areas in which the basic democratic impulse to democratize social relations has improved them.
And so it doesn't mean it'll always be successful. Sometimes it'll fail. It requires creative ingenuity, the capacity to try things out and change them when they don't work, but the basic impulse of democratic justice is to take inherited institutions, democratize them as we reproduce them into the future, leaving a better world than we found. Thank you very much.