

# DEMOCRACY AND RESENTMENT

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## Introduction

The theme of this paper is the self-subversion of democracy, given its underlying commitment to political freedom. My main focus is on democracy as a procedural mechanism for producing political outcomes, which, by doing so, legitimates them. I assume that western liberal societies embody democracy, of a sort, and that political systems can be more or less democratic. It may be that there is an asymptote, a notional point of full democracy that societies may approach, but can never reach. But that matters less for present purposes, since the problem I am about to identify arises just to the extent that democracy exists as a way of producing outcomes over which the people at large is sovereign.

First, I discuss two recent cases, the 2000 US Presidential election and the prelude to the 2003 invasion of Iraq, where democratic procedures and outcomes have widely been found wanting. Then I identify the attitudes underlying the habitual rejection of democratic outcomes as involving a double-mindedness about power. Democratic theory and practice demands the use of power, but politics often drive people to reject applications of power; this comes out in political fantasy and in its counterpart, resentment. I argue that the moralism of theorists and citizens alike expresses this rejection; unsurprisingly on Nietzsche's view that the roots of morality itself lie in resentment. But, though democratic resentment occurs predictably, it is also anoma-

lous. Agents feel resentment when their own freedom is thwarted by the free actions of another, so that resentment arises from a clash of freedoms. But, in democracy, the freedom perceived as opposing one's agency is also one's own.

I then consider rival anarchist and Rousseauian responses to this predicament. Neither proves wholly satisfactory. But this is not to say that some congenial *via media* lies between Rousseau's corporatism and anarchist libertarianism: while anarchism tends to exalt questionable private moral judgments, corporatism ignores the legitimacy-invalidating effect of procedural anomaly. Private moral judgments lack political authority. Meanwhile, procedures have to be taken as authoritative, on pain of dissolving the demos whose will the procedures enact, while accepting that private moral judgments often oppose the outputs of those procedures. Justified resentment (though not resentment *per se*) demands the infringement of freedom by a free agent. Procedural failure either infringes political freedom or it does not. If not, there is no basis for justified resentment. But equally, if it does, there is no free agent that infringes it. The remedy for resentment lies in accepting this situation, by acknowledging that political freedom could not exist in a different form.

### Democratic failure

Democracy frequently throws up examples of procedural and other failure. Here are two plausible examples of such failure in recent democratic politics. Take, first, the 2000 US presidential election. The failure stems not from the fact that more votes were cast for the losing candidate, Al Gore, than for George W. Bush (that was consistent with the electoral college prescribed under the Constitution) but because the maladministration of the presidential elections in Florida led both to the effective disenfranchisement of thousands of voters, and to a result which would not have occurred had those citizens not been deprived of their vote.<sup>1</sup>

There was also the Supreme Court's decision of 12 December 2000 to stay the Florida recount. Dissident voices were not lacking after the Supreme Court's ruling.<sup>2</sup> Some focused on procedural irregularities in Floridean counties' administration of the ballot, some on anomalies in the Court's case for imposing a deadline on the count, thereby

effectively handing the presidency to George Bush. The details of these complaints are not our concern here: they alleged mechanical and administrative irregularities on the one hand, and failures of jurisprudential reasoning on the other.<sup>3</sup> In each case, however, procedural failure was the source of grievance. Those who opposed the outcome of the election took their stand on the ground that provisions laid down in the Constitution had been violated or misconstrued.

These concerns focussed on the Fourteenth Amendment to the US Constitution. When the Florida recount was referred up to the US Supreme Court the justices voted along partisan lines, thereby yielding a 5-4 margin for Bush. Of course, the verdict purported to rest on a justification beyond the bare fact that the weight of voting favoured Bush: the Court held that the recount ordered on 8 December 2000 by the Florida Supreme Court should be stalled, because it violated the Fourteenth Amendment's "Equal Protection" clause. The US Supreme Court so held because Florida's test for counting a given vote as valid – that the ballot-paper show a "clear intention" to vote – was an abstract one which had been interpreted differently by the different Florida counties where recounts had been held. Hence a criterion that decided whether ballots were ineligible on the basis of imputed voter intention ran afoul of the Equal Protection clause.

Ronald Dworkin, a strong exponent of the view that political decisions should be circumscribed by judicial principle, featured prominently among critics of the Supreme Court's decision in *Bush v. Gore*. In Dworkin's hands the clause, and the underlying notion of equality, proves to be plastic. Dworkin argues that the justices erred in staying the Florida recount, because though readings of voting intention by different Floridean county scrutineers might indeed favour some electors' votes over others, "the Equal Protection clause forbids voting procedures or arrangements that put *particular* people or groups at an electoral disadvantage" (original emphasis).<sup>4</sup> He therefore concludes that, since no specific persons were disadvantaged by it, the voting intention test did not after all violate Equal Protection.

It is hard to sustain this interpretation from a reading of the text of the Equal Protection clause, which provides simply that no state may "deny to any person within its jurisdiction the equal protection of the laws", regardless of whether the individual is antecedently specified. The Fourteenth Amendment does deny one group equal protection, namely felons. But beyond this it makes no stipulation about the spec-

ificity of the persons or groups that it protects. The upshot of Dworkin's view seems to be that a system which denied the franchise to persons on a random basis – say by shredding every tenth paper in the ballot-box before starting the count – would not violate Equal Protection. But it is surely possible to violate the clause on a non-specific basis.

The point is not to debate whether Bush rather than Gore should have won the Presidency in 2000. It is that democracy as popular sovereignty vests political authority – the authority conferred by the “People” or demos – in the outcomes of its procedures. But since all procedures are fallible, a question arises, in relation to any specific outcome, as to whether it really has political authority. The demos exists only as embodied in the procedures that express its “will”. But, when those procedures fail, there is no countervailing source of authority by which to judge their misbegotten outcomes.

A second example is the opposition in the United Kingdom to the 2003 Iraq War, mobilised under the slogan “Not in my name”.<sup>5</sup> It might be thought that this slogan exemplifies the disowning of democratic political outcomes. In one way, this is true. There is no obvious reason to think that if only the procedures were finessed sufficiently, democratic polities would avoid such outcomes as a bad war, if one supposes that this description applies to the 2003 invasion of Iraq. But the arguments for belligerence were based on wrong information, not just about the existence of weapons of mass destruction, but also about the Ba’ath regime’s possession of battlefield rather than strategic weapons. The Prime Minister presented the evidence for the existence of these weapons as “extensive, detailed and authoritative” in persuading the UK Parliament to endorse the dossier on Iraq’s alleged WMD programme on 24th September 2002.<sup>6</sup>

As many critics argued, presenting the motion for the war on a false evidential basis subverts democracy and in effect ventriloquises the popular will. The UK Parliament was being asked to approve the war on what was widely termed a “false prospectus”.<sup>7</sup> Constitutionally, the Prime Minister was not required to seek Parliamentary approval for the motion to go to war, since warmaking was reserved to the royal prerogative.<sup>8</sup> But it would have been politically impossible to continue with UK involvement in the war had the House of Commons voted against it. Defeat would have amounted to a vote of no confidence in the Prime Minister, who would then have resigned.

The problem is clear. Even if the Iraq war was in fact just, the presentation to Parliament, as the sovereign political body, of false information<sup>9</sup> central to the *casus belli* meant that it could not authorise the war. Authorisation requires accurate briefing. If a party contracts on the basis of false or inadequate information, the authorisation may well be invalidated.<sup>10</sup> The grounds for this are clear: an informational deficit means that the other party is assenting to a proposition other than the one really on the table, and so cannot be held to the latter. In the political case, again, falsehood subverts authorisation, since it dissolves the will on the basis of which authority is conferred. The “People” disappears at the moment when the procedures that embody it fail.

But in fact there was strong reason to doubt that the war was just. Compare the six severally necessary and jointly sufficient conditions for *ius ad bellum* in traditional just war theory.<sup>11</sup> It could be argued that the war met none of the following: *just cause*, because Iraq in fact had no weapons of mass destruction; *due authority*, since the United Nations had not sanctioned military action; *last resort*, as the UN weapons inspectorate had not finished its work in Iraq when war was declared; and *proportionality*, given that a large (but disputed) number of innocents were killed. The war, accordingly, was argued to be unjust in se, and not only because of its procedural pedigree. So alongside the vexatious, but in principle corrigible anomalies of democratic procedure, stood the firm, but democratically unratified, conviction of many that the state had acted unjustly.

### **Political moralism, fantasy and resentment**

These examples, to which I shall return, highlight clear divergences between theoretical ideal and practice. Procedures themselves may fail, or – perhaps more disquieting – correctly followed procedure may enact injustice. As with political practice, theory has to negotiate the tension between might and right, and the culpability for bad outcomes is one place where this tension arises in democracy. Right is not reducible, even in Hobbes, to might.<sup>12</sup> At the other extreme, “right” has often been understood as demanding the *absence* of might. This explains why the political moralism, which dominates English-speaking political philosophy, has such trouble in making sense of a

permanent feature of political life, namely power. It replaces the facts of power with an imagined world where the corrupting effect of pursuing political ends has been wiped away.

The omnipotence that political moralism imagines is one in which the world can be moulded to favoured principles. At first glance, this may look like the familiar claim that the world could be better than it is. But, insofar as it dispenses with practical constraints on attaining its favoured ideals, the attitude struck by moralism is not really a practical one at all. Instead, it responds to the experience of impotence with the wish that things were otherwise. And so, insofar as it is not a practical attitude, it is not a *political* one either. As we shall see later, this is something it shares with attitudes of resentment towards certain political outcomes. To this extent the fantasies that grow out of disempowerment are a way of resiling from politics – of retreating from it into a world not of action, but wish-fulfilment.

In this, political moralism and the more Promethean forms of power politics oddly mirror one another. Each wishes away practical constraints on action. We can see this by considering *fantasy*, as an activity distinct from practical thinking. The fantasist entertains what might otherwise form the subject of deliberation, i.e. thinking about what to do, but fails to engage with the real world of action. The desires involved are only gratified, not satisfied; in the imagined world it is for the fantasist *as if* they were satisfied. But actual politics blurs the line between fantasy and practical deliberation. There is no clear line between what is possible, practically, and what is not. Having a clear sense of where it lies is an important component of political judgment. Precisely because power is central to politics, actions that would otherwise count as delusional (because they rest on fantasy, and therefore ignore the real constraints on what one can do) can be entertained as if they were real objects of deliberation. In certain cases, they *are* real objects of deliberation.

Fantasy and practical thought may successfully fuse, as in the 1960s US Civil Rights movement. What seemed impossible in the Jim Crowe era in the southern states became a practical political possibility – which is not to ignore what the Civil Rights movement failed to achieve, as well as its successes. One negative side of the fusing of fantasy and practice is the lengthy history of failed utopianism, and its human cost. How far political power can or should extend is always politically contentious. For those exercising political power, the line

between cajolery at one end, and megalomania at the other, can be hard to draw. It seems to become harder to draw, the more power one has.<sup>13</sup>

Political philosophers' under-embarrassment at ignoring power is all the odder, given that they are apt to acknowledge, even underline, that it is reasonable for people to disagree in conditions of freedom.<sup>14</sup> And indeed, people do: in fact, disagreement rages about politics, religion, morality, art, and other matters. This extends to political philosophers, despite the fact that philosophers are supposed to be the custodians of reason.<sup>15</sup> On what basis, then, am I justified in thinking that things would be for the best if the world adopted just the set of principles I favour? And if reason fails to resolve the issue, what is left to resolve it, if not power?

A number of idealising thoughts converge at this point. One is that power can be sanitised, by doing reason's bidding, as long as reason itself takes its orders from morality.<sup>16</sup> A further thought is that the levers of power work at too great a remove from any legitimating script. So there should be an alternative to the moral squalor and disappointment that mark real political processes.<sup>17</sup> It would be better if the levers were not necessary, or simply followed the script's stage directions. On top of that comes the idea that power itself is eliminable, since the government of persons will give way, as Engels put it, following Saint-Simon, to the administration of things.<sup>18</sup> In its extreme form – which could be thought of as a kind of *reductio ad absurdum* of itself, and plays a major role in some anarchist thought – political moralism holds that power could be got rid of, by exercising power.<sup>19</sup> That is not just *a* fantasy, but, in a sense, *the* fantasy. It assumes that the real conditions of agency, those that divide practical thought from fantasy, are dissolved. Hence there is no gap between action and wish-fulfilment. It is a narrative whose content involves the wishful removal of the line between fantasy and practical thought. Like some forms of theory, political resentment is premised upon the perceived thwarting of unconditioned freedom.

### **Democracy, freedom and resentment**

The title of this article alludes to a famous paper, "Freedom and Resentment", by Peter Strawson.<sup>20</sup> He argues that we cannot and should

## DEMOCRACY AND RESENTMENT

not abandon the idea of human beings as free moral agents, even if they are in fact sophisticated machines whose actions are fully determined. Metaphysical determinism leaves room to distinguish between freedom and unfreedom *within* everyday thinking about human agency. Democracy is usually thought to express the political freedom of citizens. To be free, roughly, is to be a possible object of resentment – of resentment, one might add, by beings who also consider themselves free. To be politically free in a democracy, by the same token, is to be a possible object of resentment. But this throws up a further puzzle. Who resents whom?

It is important to be clear about what democratic resentment is resentment *of*. As the earlier examples showed, democracies can generate anomalies of two kinds: *procedural* anomalies, where the democratic subject itself seems to dissolve; and *substantive* anomalies, where procedurally valid outcomes oppose what the demos is widely believed (for instance, by those in it) to want. Democratic citizens may see their freedom as compromised by either form of anomaly. How far can citizens be seen as free in the face of outcomes they reject either as unacceptable in themselves, or as being procedurally malformed? Nor should this internal conflict in democratic freedom be seen as contingent, a mere political misfortune. I will suggest that we have to accept that such outcomes will come about, as a condition of achieving the only *political* freedom there is.

Political dissent is a permanent fact of democratic life. Modern societies are a complex amalgam of vying interest-groups. Accordingly, nearly all political decisions come under attack from some quarter.<sup>21</sup> Dissenters typically appeal, if sometimes disingenuously, to something grander than self-interest. Dissenters may invoke irreducibly political notions, like the *public interest*, or they may express themselves in flatly moralistic terms. This enables them to complain not merely that they lost, but that the decision that won was the wrong decision. This rejectionism is a wholly predictable feature of the democratic process. Citizens find themselves, willy-nilly, on the receiving end of power, and thus perceive their freedom as being limited. In confronting the outcomes of democratic processes, they feel not the freedom of the collective, but resent its trampling on their moral convictions or perceived interests.

So democratic dissent is no aberration. Democracy elicits it as a matter not merely of course, but of principle, given the centrality to

it of open competition. The problem is not merely that democracy – though its significance should not be forgotten – creates winners and losers.<sup>22</sup> That is true also of sporting contests, where resentment by the losers is process-directed, as when the losing team resents a dubious refereeing decision that turned the game. Democratic processes too can err, as the examples already given show. But, in addition, it is often thought that the results are wrong or bad in themselves, and not simply the upshot of maladministered procedures. In democracies the losers often have the resources to query the authority of the outcomes, via such bodies as NGOs and the press. In this respect, democracy inevitably destroys faith in its own results. If they resent democratic outcomes, they perceive the political process not as expressing their own freedom as citizens, but as frustrating it. At the same time, citizens are supposed to accept that these outcomes must be accepted if they result from due process. In this way citizens may come to feel resentment.

Resentment is as fixed a fact of daily life as dissent is of democratic life. I sit in the car behind a slow tractor, unable to overtake, in the knowledge that I am going to miss my appointment. Frustration readily prompts the thought that the obstacle ought not to exist, that such a world would be better than this one. This provokes resentment, even if I know that there is no worthwhile or even possible rearrangement of the world that would prevent this sort of thing from happening. Resentment I take to be the belief that another's agency frustrates one's wants, together with the wish that the frustration (which may be displaced onto its perceived source) should cease to exist. So resentment is necessarily counter-factual: it assumes there could be a world where this obstacle to satisfying the resenter's wants does not exist even though, things being as they are, it does.

As such, resentment is not yet moralised, but it lends itself readily to moralism. In the latter case, the counterfactual thought is that the obstacle would not exist in a morally better world, whether or not such a world is attainable from here. In moralistic resentment, the desired objects are seen as an entitlement, something owed, rather than merely as things which one happens to want. This differs importantly from a situation where one's projects are opposed by the freedom of another, a flat clash of primitive freedoms, theirs and one's own. As far as this goes, there is a simple combat of wills, each of which can claim the sanction of right. Precisely for this reason, we have not yet

got as far as morality. To paraphrase a remark by Wittgenstein in a different connection: if whatever anyone says is going to be right, how can we even talk about “right”?<sup>23</sup>

That makes it look as though resentment co-opts a pre-existing moral vocabulary for its purposes. But Nietzsche’s *Genealogy of Morality*<sup>24</sup> assigns resentment a key role in the spread of morality. For him, Christianity’s rise in the Roman Empire expressed the resentment of subject peoples at imperial domination. Its promise to exalt the down-trodden and give them dominion hereafter, voices their *will to power*. Nietzsche calls this attitude *ressentiment* – more or less what I have called resentment, the wish that the frustration of one’s wants not exist being seen as expressing the will to power. One need not express this will in order to use moral language intelligibly. But, for present purposes, this is beside the point. Those who feel resentment, experience another’s power over them. This moralised resentment expresses a wish to move from a world where I suffer this effect of the other’s freedom, to one where I can counter it with power of my own.

The phenomenon of *democratic* resentment, however, carries an air of paradox. To be subject to *another’s* power is all too familiar, and it is clear from what has already been said how a person in subjection to another could feel resentment. Nietzsche’s genealogical account of morality explains how this gets moralised – because morality itself has its roots in resentment, the experience of alien power limiting one’s freedom. The experience of subjection to power, to alien rule, explains the moralistic response. But in democracy, the people rule – that is, wield power. Who are the people? Surely, we are – “We, the People ...” as the Founding Fathers announce in the preamble to the US Constitution. So, in democracy, citizens are subject to their *own* power, not the power of another. Does that mean that citizens resent themselves?

### **Freedom *versus* freedom**

The situation can be seen as a clash of freedoms. Liberal democratic theory is haunted by the thought that, unless political power is domesticated, it will turn native. One can domesticate power by noting that its exercise involves freedom, and trying to explain how power-as-freedom is tamed. How would this work? First, resentment could

be presented as a conflict of freedoms. In resentment, as I have suggested, one becomes conscious of the other person's freedom as frustrating one's wants. However, on one philosophical view, freedom just consists in the satisfaction of those wants.<sup>25</sup> So, to the extent that the other person, the object of my resentment, frustrates my wants, my freedom is curbed, and he enjoys his freedom at the cost of mine. The situation then emerges as familiar: the collision between one person's wants and those of another.

Nonetheless, on any plausible view – not just more ambitious and prescriptive “positive” theories – freedom is not mere want-satisfaction. For instance, I may be drugged or brainwashed into having certain wants rather than others, and it is plausible to think that my acting on such wants undermines my freedom. There are further reasons for doubting that freedom can simply be identified with want-satisfaction. As Frankfurt,<sup>26</sup> for instance, pointed out, a person may have some wants that she wants not to have. So, whichever want her freedom is identified with, its satisfaction will consist in the frustration of the other want – for example, both to smoke this last cigarette, and to kick the habit. At the political level, notoriously, some wants and beliefs may be artefacts of the very regimes which they serve to entrench, as in dominant ideology explanations of workers' compliance with capitalism offered by critical theorists of the Frankfurt School and others, like Gramsci.<sup>27</sup> The fact that workers express wants that are created by capitalism, or a desire for capitalist organisation itself, does not show that their freedom consists in satisfying these wants. For the underlying account of freedom to avoid being mere ideology, it needs to show that the popular acceptance of the regime and its power structures is not just an artefact of those very structures.<sup>28</sup>

A version of freedom-as-want-satisfaction often seems to underlie anarchist objections to government, especially from “libertarian” anarchists.<sup>29</sup> This fuels resentment against a supposedly omnipotent state. Anarchism tends to exalt private moral judgments made with the sole authority of conscience. But nearly all anarchists believe that some structuring should be achieved, whether via private coercive agencies or like-minded anarchists cooperating for mutual benefit, as in some versions of syndicalism. On all but the most optimistic view, this structuring will demand limits on primitive freedom. What if the private agencies collaborate in price-fixing or other forms of racketeering, or if the syndics' collective decisions go the wrong way? To

assume these possibilities will not arise is to believe in what Bentham branded “anarchical fallacies”, or what we may call *simple freedom*:<sup>30</sup> namely, that one can have politics, with the structuring it implies, while holding onto the freedom of anarchy.

Even on the want-satisfaction view of freedom the basis for resentment can be questioned. Resentment involves a perceived loss of freedom, and in it one’s wants are frustrated. But very often political conflict enacts conflicts between incompatible things that people want, such as lower taxes and better public provision. Even on the want-satisfaction view, then, there will be political choices to make which necessarily involve frustrating certain wants. One can then – in the title of one anarchist work – resolve the conflict by rejecting politics<sup>31</sup> entirely and reverting to anarchy. But that will certainly call for the frustration of many of one’s wants. The conclusion to draw is that simple freedom is not just false, but incoherent.

Rousseau, on the other hand, hit upon a pro-statist version of simple freedom. In the *Social Contract* he contrasted primitive freedom with the liberty secured through politics. He understood the contrast as holding between the several private wills of individuals – whether taken individually or compounded into the “will of all” – and the General Will of society as a whole. The upshot, for Rousseau, was that a well-formed polity cannot give legitimate grounds for resentment.<sup>32</sup> Since the political process decides what you are entitled to, that process cannot oppose any liberty to which citizens are entitled. Therefore, if society exercises power over you, it does so in ways that leave no grounds for justified complaint. Behind this lies the idea that, in being “forced to be free”, as Rousseau says, citizens are directed by the General Will in ways that incur no cost in liberty. Citizens only have liberty in respect of their entitlements, and if their projects oppose the General Will, it follows that they are not entitled to pursue these projects.

As is well known, a number of commentators<sup>33</sup> have voiced alarm about the “totalitarian” implications of this aspect of Rousseau’s thought. Williams, for instance, argues that I can oppose the incursion of the General Will into my life precisely because it does oppose my freedom.<sup>34</sup> I suggest, however, that this alarm about the confrontation between individual and collective freedom is inevitable once one accepts the formal attributes of procedural validity. Formalism affirms that the outcome of political processes – as embodied for example in

law – is indeed their outcome.<sup>35</sup> Insofar as the procedures issue in laws that are binding, these outcomes are themselves binding. Insofar as they issue in outcomes that are legitimate by whatever procedures are held to confer legitimacy, the outcomes are legitimate. This follows simply from the procedures being what they are, and the outcomes deriving from the procedures that they do.

I take these to be truisms about the *form* that a legitimate political authority must take. As such they contain no substantive truths except about the terms that they employ. Hence they in no way constrain the content of the political outcomes, and this seems to be what triggers alarm: what horrors might not be enacted by a political procedure described purely in formal terms? If the procedures, *qua* routines for generating legitimate outcomes, are themselves legitimate and followed properly, then so are their outcomes. Hence a tension exists between the procedures' open texture, which permits an indefinite range of outcomes, and their formal standing as protocols for conferring legitimacy. They are procedures, not outcomes – that is, means by which a range of political outcomes might come about. But it is just this latitude that the objector wants to forestall.<sup>36</sup>

If there is something that legitimates political outcomes, it will apply to those outcomes which one may dislike as much as to the others, given only that the outcomes were produced by means that the polity treats as legitimating. It is a condition of legitimate political authority that this is so. Someone who accepts legitimate authority accepts that it can bind the wills of those subject to it without, by that very fact, undermining their liberty. For legitimate authority is itself a condition of liberty as entitlement. Reflective liberty will demand that one forgo goods or accept bads that one would not settle for otherwise. There is no contradiction in thinking that one can freely do so, as in contractual situations.

The background to resentment is the fact of one's being in another's power<sup>37</sup> – the satisfaction of one's wants is in someone else's hands. Resentment, even moralised resentment, may not be justified in a particular case. However, for Williams, when I have a valid complaint that my liberty has been curtailed by some democratic decision, I may feel *justified* resentment. I can be justified in thinking this decision unjustified, as is the decision's enforcement through the use of political power. But if justified resentment can surface in democracies, there are ways in which I can be under another's power which are not

covered by theories of democratic justification. They are not covered both in the weaker sense, that the theories themselves fail to explain the resentment, and in the stronger sense that the resentment is justified on a basis that conflicts with that of the theories. Then power seeps out into the liberal democratic public sphere, uncontained by the ambient justification.

I asked earlier whether it would be possible to tame power by bringing it within an account of freedom, and argued that freedom could not be identified simply with want-satisfaction. There are many alternatives to the want-satisfaction view of freedom, though it would be a bizarre notion of politics, let alone of liberalism, which made no allowance for the satisfaction of people's wants in its normative structures.<sup>38</sup> Simple freedom assumes either that wants can be harmonised, both between (and even within) persons, or that non-statelike bodies can mediate the conflicts between them. But any theory that can make room for the idea of *political* freedom will have to allow that one's freedom can be consistent with, and sometimes demand, the compromising of simple freedom via coercive political structures. This more reflective notion of freedom has to work with the due exercise of political power, as a condition of getting the only political freedom there is.

The challenge could be put like this. Choose whatever procedures you think best embody democracy, which may be direct democracy, or some system of delegation, or the representative structures in place in most liberal democracies; these procedures may be designed to as detailed a specification as you wish. Then explain how it would be impossible for them to produce outcomes that one – not just you, but anybody who may be affected by them – does not want.<sup>39</sup>

### **Overcoming resentment?**

The picture of the relation between politics and demos implied in resentment of democratic outcomes cannot be sustained. Abandoning resentment is harder to accept when one views some of the less edifying aspects of democratic politics with a steady gaze. Sordid aspects of the political process are more or less direct responses to democratic pressures, such as the populism of a free press. That fosters a number of standing illusions in democratic politics: for example, that the "People" maintains its moral purity, while the politicians whom ill-fortune

has visited upon the electorate seek self-aggrandisement at the public's expense. However, narcissistic splitting-off of this sort becomes harder to keep up when one asks who put the politicians in power.

The non-verbal messages conveyed by politicians are likewise not orientated to truth – they are doing a different job. No doubt the perception that a politician has egregiously deceived by lying, misleading,<sup>40</sup> or prevaricating, forms part of the fabric of democratic life. However, the demos, as democratic sovereign, is supposed to authorise political outcomes. As it figures in democratic resentment, the People emerges as what might be termed *the ghost in the machine*<sup>41</sup> of the body politic, activating the procedures but somehow distinct from them. The People is thought of as standing outside the procedures, remaining unsullied by the all too fallible outcomes of real politics. But, as the legitimating agent of democracy, it is an abstraction until it is endowed with personality. Its will is settled only by the procedures that define it.

The democratic sovereign does not exist as a being disembodied from the procedures that give effect to its will. This helps to shed light on the problems raised in the earlier examples. Let us assume that the Iraq War 2003 was a bad outcome – bad in itself, and not merely because due procedure may have been by-passed in reaching it. Suppose too that the procedures had been or were followed, but still resulted in war. Just war theory, or some other source of moral judgments, holds that the war really was unjust on the counts given earlier. It is also found wanting in the court of many individual consciences.

But what endows these judgments with *authority*? In the early modern period, those defending freedom of religion sought authority in *conscience* as staking rival claims to the state on individuals' agency. At most this marks out pockets of personal exemption from the state's writ. It does not stake a valid claim on public policy. The lack of authority lies in the lack of any legitimating mechanism to translate personal moral judgments into policy.<sup>42</sup> Such a mechanism would lie open to the same objections as the real-life political procedures. Bad outcomes do not subvert the democratic sovereign, which is embodied only in the procedures that yield those outcomes. Individual persons can and often do pass moral judgment on decisions made by their governments. There is nothing wrong with this. But nothing makes the judgments of moral judgments of individual persons authoritative for the People, the democratic sovereign.

It is not enough to justify this specific outcome that there would always be some outcomes one dislikes, no matter what procedure one followed. That simply raises the question what counts as a justification. It will not be enough to have a moral intuition to the effect that the outcome is wrong. What is needed is something that gives that intuition some authority. There is no credible candidate, in post-charismatic societies,<sup>43</sup> for that role – other than the political process itself, and the specific procedures that it uses.

Compare the other example discussed earlier. The 2000 US Presidential election result arguably followed serious procedural failures, such as maladministration of the Florida ballots. On the assumption that it did, the legitimating mechanisms failed. But for this very reason, one cannot see the result as frustrating the will of a collective being, the People, by putting into office a candidate it rejected. The situation is more like *akrasia* than the thwarting of an agent's settled will. There was no dispute that Gore had won the popular vote;<sup>44</sup> only how the Constitution should process the votes cast into an overall outcome. Without working through the procedures, there could be only speculation about what the outcome might have been, had the procedures been implemented differently.

Here, then, as with individual *akrasia*, a corporate agent has no will, whatever one may conjecture as to how it would have acted had it not behaved *akratically*.<sup>45</sup> It is a significant, if philosophically puzzling, fact that an *akratic* action can still provoke resentment. But one of the puzzles just referred to is the fact that, precisely because the *akratic* agent fails to act freely, her action cannot provoke *justified* resentment: the conditions for free action, and hence for the attribution of responsibility, have not been met. This is not to deny that the resentment is real. But in the case of procedural failure, anomaly derails free action. One can then only justifiably resent what has happened from the standpoint of the individual, *civitate solutus* – as one whose primitive freedom has been infringed. It follows that this is no longer a political standpoint.

To sum up: political procedures have to be seen as authoritative. Otherwise the sovereign body, whose will the procedures enact, will be dissolved. Similarly, the procedures have to be ascribed authority even though private moral judgments often oppose their outputs. Justified resentment, though not resentment *sans phrase*, demands the

infringement of freedom by a free agent.<sup>46</sup> Procedural failure either infringes political freedom or it does not. If not, there is no justified basis for resentment, as one's own freedom has not been infringed. But equally, if it has, there is no free agent that infringes it. Accordingly, neither bad outcomes nor procedural failure subvert the popular will.

This may sound like an apologia for democratic totalitarianism, of precisely the sort that Rousseau is often charged with having endorsed. But the argument does not conclude that one's real freedom must consist in following the General Will, or that one's real interests consist in doing so. It does imply that freedom, insofar as it lies outside political procedures, will be simple rather than political freedom. At the same time, it does not preclude distinguishing between political procedures that favour freedom and those that do not. One such distinction would be between procedures that allow wide scope for free speech and those that restrict speech. Where, as in the Iraq War, it is widely thought that both procedure and outcome are faulty, it is tempting to think that this outcome must be due to some flaw in the procedure, as a way of representing the popular will.<sup>47</sup> But this link is a contingent one. So the challenge, again, is to show how private judgements of outcomes command the authority to overturn the procedures, given that the possibility of unwelcome outcomes is latent in every procedure. Notions of political freedom have to be cast against that background.

Politics exists in the here and now, from which the impulse to idealisation, which can subject procedures as well as policies to critique, readily abstracts. The wrong outcome is always possible. Equally, the procedures can be held at fault, not least when they yield the wrong outcome. But in democracy, just as nobody can be a dictator over policy, no-one can dictate procedure. One can always think that things would have gone better with some other procedure that would have voiced, and not merely ventriloquised, the popular will. The peculiarity of democratic institutions is that they have the ability to ventriloquise themselves. It is not surprising if the ventriloquist's dummy sometimes gets confused about what it is saying, or – often as important, if not more so, politically – who is saying it.

## Conclusion

The basic political question is “What do we do?” for a “we” whose scope is at best provisional, and for a “do” whose content remains open. It is open, that is, until we fill in cues from the here and now, with indefinite power, and hence possibilities for action. Political philosophy, as a drawing-board project, falls into the space vacated by its lack of manifest content, and a democratic sovereign whose identity can only be wrought from the very political processes that it is meant to authorise. Politics has to start from here. That means accepting the need to live with, if not live by, joint decisions, even when they are uncongenial to one’s own wants or outlook. The seeds of resentment lie not in being thwarted by the bad use of power rather than the good. They lie in being thwarted, period. As far as that goes, resentment is our democratic destiny. To live with the non-ideal could be seen as a therapeutic goal for individual and collective alike, a salutary check on fantasies of omnipotence. It also helps to forestall certain political bads.

This is not to be complacent about democratic corporatism of the kind warned against by J.S. Mill and others.<sup>48</sup> Mill’s “tyranny of the majority” poses a real threat. Again, nothing in the foregoing requires one to accept that a hapless minority, say, persecuted by a democratic majority, really wants to be treated thus. Nor does acceptance of restraint demand quietism. The argument can stand with a vigorous, indeed rumbustious, democratic politics. But equally, nothing guarantees that politics, including the politics of democracies, will go well. The point is that these possibilities have to be noticed by any credible theory of political freedom, and many of its supporters think that democracy offers the only such theory.

The moral of resentment is that our common lot partakes of the badness, and that the route to political sanity goes not round the badness, but through it. In accepting the inevitability of resentment, we can hope to move beyond it. This acceptance may also make it possible to find ways – ones that the basic political question assumes and, happily or not, implicitly answers – of being together.

## NOTES

1. Had the Floridean ballots that were discounted because of the Supreme Court's decision been counted it is likely that Gore rather than Bush would have carried Florida and therewith an electoral college majority.
2. *Bush v. Gore*, 531 US 98 (2000).
3. See e.g. Richard Posner, *Breaking the Deadlock: the 2000 election, the constitution, and the courts* (Princeton, NJ: Princeton University Press 2001); Ronald Dworkin, "A Badly Flawed Election," *The New York Review* XLVIII i, Jan. 11, 2001.
4. Dworkin, "A Badly Flawed Election."
5. The slogan of the Stop the War coalition in the UK.
6. <http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmhansrd/vo020924/debtext/20924-01.htm>.
7. The idea, put by opposition politicians, that the war had been waged on a false prospectus, assumed that consent to the war would authorise it only if consent rested on accurate and substantial information about its grounds.
8. Left, in effect, to prime ministerial discretion, in consultation with the monarch.
9. Of course, this leaves open the vexed political question of whether, as many critics urged, the information was false because mendacious. The problem arises whether or not the government, in presenting its case, acted in good faith.
10. This remains true in English law, even if a contracting party makes a representation in good faith that is subsequently falsified by events beyond the representor's control. See *Lockhard v. Osman* [1981] VR 57. The proviso implicit in "may well" requires that the other party is not irrational or grossly ignorant in ways for which the representor cannot be held responsible.
11. See e.g. Jean Bethke Elshtain (ed.), *Just War Theory* (Oxford: Basil Blackwell 1992).
12. Hobbes envisages a number of limitations on sovereign power in accordance with the laws of nature, to the point where some writers have seen him as a natural law theorist. See e.g. Timothy Fuller, "Compatibilities on the Idea of Law in Thomas Aquinas and Thomas Hobbes", *Hobbes Studies* 3 (1990), 112-34; Mark Murphy, "Was Hobbes a Legal Positivist?", *Ethics* 105 (1995), 846-73; Noel Malcolm, "Hobbes's Theory of International Relations" in Malcolm, *Aspects of Hobbes* (Oxford: Clarendon Press 2003). However these qualifications to the traditional positivist view of Hobbes, though valuable, ignore the fact that juridical *discretion* remains entirely in the hands of the sovereign. See my *Hobbes and 'Leviathan'*, (London: Routledge 2007), ch. 8.
13. One of the truths underlying Acton's famous dictum that power corrupts.
14. See for example John Rawls, *Political Liberalism* (New York: Columbia University Press 1995), 52-60, discussing the "burdens of judgment", which are held to lead to "reasonable pluralism" under conditions of freedom; also "Public Reason" and "The Idea of Public Reason Revisited", both repr. in Samuel Freeman (ed.), *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press 1999).
15. Despite the widespread view among liberal philosophers that reasonable disagreement exists, the premise of philosophical arguments for political design seems to be that this disagreement does not apply at this level.
16. I pursue this argument further in my book *After Politics: the rejection of politics in contemporary liberal philosophy* (London: Palgrave 2001). For similar concerns about the trumping of politics by morality, see Williams, *In the Beginning Was the Deed* and

## DEMOCRACY AND RESENTMENT

Raymond Geuss, *Philosophy and Real Politics* (Princeton, NJ: Princeton University Press 2008).

17. As Rawls said, writing of modus vivendi compromises, they are “political in the wrong way”, a phrase he used repeatedly. See e.g. Rawls, *Political Liberalism* (New York: Columbia University Press 1995), pp39-40; p142. In Rawls’s sense, politics is political “in the wrong way” most of the time.

18. Friedrich Engels, *Anti-Dühring*, Part III (Socialism): “The first act by virtue of which the state really constitutes itself the representative of the whole of society – the taking possession of the means of production in the name of society – this is, at the same time, its last independent act as a state. State interference in social relations becomes, in one domain after another, superfluous, and then dies out of itself; the government of persons is replaced by the administration of things, and by the conduct of processes of production. The state is not ‘abolished’. It dies out.”

19. See e.g. Mikhail Bakunin, *Statism and Anarchy*, ed. Marshall Shatz (Cambridge: Cambridge University Press 1990), 197: “On the social-revolutionary banner, our banner, in letters of fire and blood, is inscribed: *Abolish all states, destroy bourgeois civilization, organize freely from below upward, by means of free associations – organize the unshackled laboring hordes, the whole of liberated humanity, create a new world for all mankind*”.

20. Peter Strawson, “Freedom and Resentment”, repr. in Strawson, *Freedom and Resentment and Other Essays* (London: Methuen 1974).

21. This phenomenon has been the subject of philosophical discussion. See e.g. W.B. Gallie, “Essentially Contested Concepts”, *Proceedings of the Aristotelian Society* 56 (1955-56), 167-98; Andrew Mason, *Explaining Political Disagreement* (Cambridge: Cambridge University Press 1993). Also John Rawls, “The Idea of Public Reason”, and “The Idea of Public Reason Revisited”, both repr. in Rawls ed. Samuel Freeman, *John Rawls: Collected Papers* (Cambridge: MA: Harvard University Press 1999).

22. For emphasis on this aspect of politics, see Bernard Williams, *In The Beginning Was The Deed* (Princeton, NJ: Princeton University Press 2005), esp. 13. See also Raymond Geuss, *Philosophy and Real Politics*.

23. Wittgenstein, *Philosophical Investigations*, tr. Elizabeth Anscombe (Oxford: Blackwell 2001), §257(iv).

24. Nietzsche, *On the Genealogy of Morality*, tr. Carol Diethe & ed. Keith Ansell-Pearson (Cambridge: Cambridge University Press 1994).

25. In his “Two Concepts of Liberty” (in *Four Essays on Liberty* (Oxford: Oxford University Press 1969) Isaiah Berlin comes close to endorsing this view at times, though his own views were certainly more sophisticated than that. But the crude view at least falls prey to the objection that for everybody, there are some wants whose satisfaction will drastically curtail the satisfaction of others.

26. Harry Frankfurt, “Free Will and the Concept of a Person”, repr. in Gary Watson (ed.), *Free Will* 2nd edn. (Oxford: Oxford University Press 2002).

27. Gramsci, *Selections from the Prison Notebooks* (London: Laurence & Wishart 1971).

28. This was of course a key demand of the Frankfurt School.

29. E.g. Murray N. Rothbard, *Man, Power and State: a Treatise on Economic Principles* (Auburn, AL: Ludwig von Mises Institute 2004), p876: “instead of the “anarchy of production” that a person untrained in economics might see in the free market, there emerges an orderly pattern, structured to meet the desires of all individuals, and yet eminently suited to adapt to changing conditions”.

30. Jeremy Bentham, *Anarchical Fallacies: being an examination of the Declaration of Rights issued during the French Revolution*, in John Bowring (ed.), *Bentham: Collected Works*, vol. 2 (Edinburgh 1843).
31. Cf. George Woodcock, *The Rejection of Politics: and other essays on Canada, Canadians, anarchism and the world* (Toronto: New Press 1972).
32. On this point, see also Williams, *In the Beginning Was the Deed*, 128ff, who compares Rousseau's position with modern egalitarian liberals like Ronald Dworkin.
33. Jacob L. Talmon, *The Origins of Totalitarian Democracy* (New York: Praeger 1960); Isaiah Berlin, "Two Concepts of Liberty" in Berlin, *Four Essays on Liberty* (Oxford: Clarendon Press 1969); Williams, *In the Beginning Was the Deed*, ch. 1.
34. Williams, *In the Beginning Was the Deed*, 120ff.
35. It is however the formal attribute of procedural validity that liberals tend to treat as inviolate in objecting to the Schmittian view that due process may be suspended. See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, tr. & ed. George Schwab (Chicago, IL: Chicago University Press 2005). Also Schmitt, *The Concept of the Political*, tr. & ed. George Schwab (Chicago, IL: Chicago University Press 2007).
36. Compare the old populist slogan: "if voting changed anything, they would get rid of it."
37. Naturally, this is not usually true in an all-round sense. But it is true insofar as the satisfaction of some specific want is subject to the power of another, such as an officious club doorman.
38. Nor are these confined to actual preference-satisfaction versions of utilitarianism. Equally, some versions of liberalism dispense with actual want-satisfaction. For an important statement of the foundations of one such view, see Stephen Darwall, *Welfare and Rational Care* (Princeton, NJ: Princeton University Press 2002).
39. One way, of course, is just to redefine "want" so that its object is whatever the political process happens to yield in the way of an outcome. But even Rousseau probably did not think that real political outcomes (as opposed to the deliverances of the General Will) had this want-usurping feature.
40. The notion that lying is worse than misleading (deception by inviting listeners to draw a false inference) is hard to defend. See my "Political Lying: a defense", and Williams, *Truth and Truthfulness*.
41. A term made current by Gilbert Ryle; see Ryle, *The Concept of Mind* (Chicago, IL: Chicago University Press 2002).
42. Cf. Richard Wollheim, "A Paradox in the Theory of Democracy" in Peter Laslett and W.G. Runciman (eds.), *Essays in Philosophy, Politics and Society* (Oxford: Blackwell 1962).
43. That is, in Weber's sense. See Max Weber, *The Theory of Social and Economic Organizations*, tr. A. M. Henderson and Talcott Parsons (New York: The Free Press 1947), pp. 358-92.
44. Bush polled 50,456,002 votes, or 47.87%, while Gore polled 50,999,897, or 48.38% (Federal Election Commission data; <http://www.fec.gov/pubrec/fe2000/prespop.htm>). The balance was made up mainly by votes for an independent candidate, Ralph Nader.
45. One cannot intelligibly resent one's own akratic actions: people reflecting on past episodes of *akrasia* typically displace the locus of agency, as in: "I don't know what got into me".

## DEMOCRACY AND RESENTMENT

46. The agent has to see himself as free, as well as the object of resentment. Insofar as he sees himself as determined, he no longer understands the purposes that the other person frustrates as being his own.

47. It is important not to take the notion of political *representation* itself in a literal-minded way. Frank Ankersmit's distinction between mimetic and aesthetic representation is important here. See his *Political Representation* (Stanford, CA: Stanford University Press 2002). As Ankersmit argues, political representation is better seen as analogous to representation, e.g. in the plastic arts, than as a form of mimesis. An implication of this is that, even if there is some determinate thing that political procedures represent, there need be no single canonical way of representing it.

48. Mill, *On Liberty*, in Mary Warnock (ed.), *Utilitarianism and other writings* (Glasgow: Collins 1962), pp. 129-30; cf. Mill, *Considerations on Representative Government* (New York: Harpers & Bros. 1862), p329. Cf. James Madison, Alexander Hamilton, and John Jay, *The Federalist Papers*, ed. Isaac Kramnick (London: Harmondsworth 1987), Vol. II, e.g. p. 123, p. 321.