

# DEMOCRACY'S FALSE PROPHET

*How Democratic is the  
American Constitution?*

ROBERT A. DAHL  
YALE UNIVERSITY PRESS, 2001  
X + 198 PGS.

**T**he fame of this book's author baffles me. Professor Robert Dahl, now retired, was long ensconced in the Political Science Department of Yale University. He has somehow acquired a reputation as one of the world's leading theorists of democracy. I am at a loss to know why. True enough, he published in the far-distant past a well-regarded analysis of James Madison's theory of government. But he has done little since except endlessly repeat his belief in unlimited democracy. Even if you agree with his views, what is supposed to be so great about him?

I had hoped to find an answer in the present book. Professor Fred Greenstein of Princeton informs us, "This book is vintage Dahl at the highest possible level. It is lucid . . . [and] acutely analytic." Professor G. John Ikenberry calls Dahl "this country's leading student of democratic theory and practice." (Both are quoted from the dust jacket.) Here if anywhere, I thought, I might find the key to the

mystery: the depth of analysis present in the book would at last demonstrate Dahl's transcendent stature.

To my regret, my quest has ended unfulfilled: after reading the book, I still wonder what all the fuss is about. But as always, I am completely fair; the book contains a few good things.

Unlike most of his leftist colleagues, Dahl recognizes the excesses of the U.S. Supreme Court. He thinks that the Court should have the power

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to declare unconstitutional federal laws that violate "fundamental democratic rights." But it must not go beyond this. "For then it becomes an unelected legislative body. In the guise of interpreting the Constitution—or, even more questionable, divining the obscure and often unknowable intentions of the Framers—the high court enacts important laws and policies that are the proper province of elected officials" (pp. 153–54). This is well said,

although it is more a recognition of the obvious than a display of analytical pyrotechnics; and one hopes that Dahl's leftist colleagues will pay attention to the old warhorse.

Perhaps the best item in the book comes about as the result of our author's inadvertence. Departures from strict majority rule distress him, and in particular the equal representation of the states in the Senate reduces him to impotent rage. He maintains

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that the equal representation clause arose from a sordid compromise; and, to show this, he quotes with barely concealed astonishment a passage from the debates of the Constitutional Convention. Gunning Bedford, a delegate from Delaware, stated the following: "The large states dare not dissolve the Confederation. If they do the small states will find some foreign ally of more honor and good faith, who will

take them by the hand and do them justice" (p. 14).

I venture to suggest that Dahl does not realize what he has done by quoting this passage. It demonstrates that at least some delegates thought that if the convention failed to arrive at an acceptable constitution, this would dissolve the Confederation. Does this not strongly support the Jeffersonian view that the states were, at the time of the convention, independent entities rather than parts of a single nation? Perhaps even more significant is that Rufus King, in reply to Bedford, did not doubt the right of a state to depart from the Confederation; he merely questioned whether a state would ally with a foreign power.

So much for the good parts. The vital core of the book is a criticism of all aspects of the Constitution that contravene strict majority rule on the national level. States' rights and the Electoral College particularly upset Dahl; but I cannot think that his arguments for majority rule have much force.

He asks, why should states have rights? Dahl thinks that everyone should be guaranteed certain fundamental rights. "Beyond these fundamental and protected rights and interests, do people in the smaller states possess additional rights or interests that are entitled to protection from national majorities? If so, what are they? . . . Why should geographical location endow a citizen or group with special rights or interests . . . that should be given additional constitutional protection?" (p. 52).

Dahl's way of posing the issue begs the question in favor of a centralized nation. Given a unitary state, Dahl has a point (although even this can be answered). Why indeed should the votes of some people count for more than those of others? But this is to assume that the citizens concerned should be considered simply as individuals who make up a nation. We can see the problem if we ask, why should a single nation be allowed to institute a policy on its own, without the consent of the majority of the world community? Why do the people of the United

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States, say, possess special rights beyond the fundamental rights that all citizens of the world ought to have?

Put this way, the answer to our questions is obvious. No justification has been given for the assumption that the people of the United States count merely as units within a larger entity. In like fashion, suppose the states are not merely geographical divisions within a unified nation. Suppose rather that they are independent entities joined for certain purposes in a union. Then,

the guarantee of equal representation in the Senate, along with other provisions of the constitution that acknowledge states' rights, makes considerably more sense. Dahl ought to read his own quotations, discussed above, from the convention.

Dahl would no doubt respond in this way. The independent position of the states at the time of the convention was merely an accident of history. Why should we accord it special consideration, when the question we face in political theory is, what sort of government ought to be established? "The need for a federal rather than a unitary republic was . . . not justified by a principle adduced from general historical experience, much less from political theory. It was just a self-evident fact. If Americans were to be united into a single country, it was obvious to all that a federal or confederal system was inescapable" (p. 12).

Even if Dahl were right, he would be vulnerable to his own objection. He has not shown by any argument from political theory that large central states are desirable. The arguments in the book defend majority rule, but they do not address the issue of the proper scale of the political community.

Further, Dahl ignores a vast literature on the benefits of federalism. As everyone but our former Yale Eminence knows, a federal system promotes liberty through competition between the constituent states. State governments who displease their residents may find themselves faced with mass exodus. Further, control at the local level enhances the influence of

individual voters: in this way, does it not promote the democracy that our author professes to support? If you want democracy, you must at least make the political units small enough so that votes count. One wonders whether this world-renowned student of democracy has ever encountered the works of James Buchanan and Gordon Tullock. It would of course be asking too much that he learn from Jefferson and Calhoun.

Dahl does have one argument against states' rights. As will hardly be a surprise, he trots out slavery before the Civil War. "Unequal representation in the Senate has unquestionably failed to protect the fundamental interests of the least privileged minorities. On the contrary, unequal representation has sometimes served to protect the interests of the most privileged minorities. . . . Unequal representation in the Senate gave absolutely no protection to the interests of slaves" (pp. 52–53).

Dahl is perfectly correct. States' rights did not protect the interests of slaves. But this does not gainsay the arguments just given for the benefits of a federal system. Again, an analogy will make the point evident. If there were a world government, it is conceivable that it might overrule the anti-libertarian measures of one of its constituent nations. Does it follow that institution of a world government would enhance liberty? Not even Dahl claims that it would. As to the Civil War, surely Lincoln's dictatorial policies, and the massive growth of central power during the war and after, hardly count as steps on the road to freedom.

Let us for the moment ignore the merits of federalism. As suggested above, even on its own terms, Dahl's defense of majority rule fails. Although he supports majority rule for the United States, he recognizes that there is another form of democracy with merits of its own. In the variant system, governmental measures are negotiated by consensus among all interested groups.

Our author describes this arrangement with great enthusiasm: "[P]roportionality can strengthen consensus not just for policies but for democracy as

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well. The reason appears to be that proportionality results in fewer losers. To clarify this point, let me [Dahl] overstate it: In a majoritarian system the only winners in elections are the citizens who happen to be in the majority; all the other citizens, being in the defeated minority, are losers. By contrast, in proportional systems with consensus governments, everyone—well, almost everyone—can win

... enough to leave them basically satisfied with their government" (pp. 107–08).

Dahl seems to me entirely right to see proportional systems as a form of democracy. But he fails to see an analogous argument to his own. Is not a federal system in general, and equal representation in the Senate in particular, precisely a form of consensus government? Laws cannot be passed

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unless they receive the consent of a majority of the states. Further, the division of powers between the federal government and the states serves to block radical changes that fail to win a consensus of the whole people, since these changes often require action by all the governments affected. Why is government by consensus good in the

form of proportional representation in Europe but bad in the form of federalism in the United States?

Dahl's case against states' rights thus fails on two grounds. He ignores the virtues of a federal system, and he fails to see that this system qualifies by his own standards as democratic. Our author fares no better in his response to the principal objection to unlimited majority rule.

Will not this system leave individual rights at the mercy of temporary majorities? Tocqueville long ago warned against the tyranny of the majority: "Since the very essence of democratic government is the absolute sovereignty of the majority . . . a majority necessarily has the power to oppress a minority. . . . Given an equality of condition among citizens, we may expect that in democratic countries a wholly new species of oppression will arise" (p. 133, quoting Tocqueville).

Our author finds Tocqueville "just dead wrong." Has not the development of democracy since he wrote led to an increase in civil liberties rather than a new authoritarianism? It is obvious that to Dahl, freedom does not include full property rights. Those who take a more robust view of these rights than Dahl are likely to find in the contemporary welfare state a confirmation of Tocqueville's prophecy: "Ultimately, then, the citizens of a democratic country will be reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd" (p. 133, quoting Tocqueville). ♦

# MARX THE CAPITALIST

## *Marx's Revenge: The Resurgence of Capitalism and the Death of Statist Socialism*

MEGHNAD DESAI  
VERSO, 2002  
XI + 372 PGS.

Professor Desai has given us two books in one: a new interpretation of Marxism, and a history of twentieth-century capitalism. I propose to concentrate, with one exception, on the first of these, owing to its revolutionary thesis: Desai presents Marx as a supporter of capitalism.

How can this be? Has Desai never read the closing lines of the *Manifesto*: “Working men of all countries, unite”? Of course our author, a distinguished Marxist economist, has done so; and he needs no instruction from me on Marx’s revolutionary activities. But this just deepens our paradox: how can he possibly say that Marx defended capitalism?

Just in this sense. Marx, like Adam Smith before him, believed in what Desai calls a “stadial” theory. History proceeds in stages: in Marx’s account, these are primitive communism, slavery, feudalism, capitalism, and socialism. Each stage best develops the forces of production—roughly speaking, the technology—available at the time.

Now we can resolve our difficulty. Marx indeed hoped for the onset of a socialist order. But socialism cannot arrive except in its proper sequence in the progression of stages: capitalism must precede the New Jerusalem. At once, then, a new question arises: how can capitalism be brought to an end as soon as possible, so that we can reach the glorious consummation of history?

If this question must be addressed, though, does this not deepen our paradox? Marx wished to get through the capitalist stage by the most rapid means; he can hardly then be called a supporter of capitalism.

But we have so far left out a key part of Marxism that entirely changes the picture. Marx believed that no stage of history ever ends before the productive possibilities of which it is capable develop fully. Desai quotes a famous passage from the preface to the *Contribution to the Critique of Political Economy*: “No social order ever disappears before all the productive forces for which there is room in it have been developed; and new higher relations of production never appear before the material conditions of their existence have matured in the womb of the old society itself. Therefore, mankind only sets itself such tasks as it can solve” (p. 44, quoting Marx).

Given this doctrine, we can at last understand Desai’s argument. In order to bring capitalism to an end, it must be developed as much as possible. Hence a socialist must be, for the indefinite future, a supporter of capitalism. Our author claims, “Practically all the commentary on Marx, particularly