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Problem of intensity of economic interests in Madison's and Dahl's theory of democracy

Mathew Shon Manweller

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The Problem of Intensity of Economic Interests in Madison’s and Dahl’s
Theory of Democracy

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M.A., The University of Montana, 1999

Presented in partial fulfillment of the requirements for the degree of
Masters of Arts
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[Date] 24, 1999
For centuries, democratic theorists have been faced with the dilemma of reconciling majority rule with minority rights. James Madison wrestled with this dilemma in when he participated in the Constitutional Convention in 1789 and later when he penned the *Federalist Papers* and the Virginia Resolution. Years later, Robert Dahl studied the same issue in his landmark work, *A Preface to Democratic Theory*. Both theorists were concerned with the effects of groups, with high levels of intense political participation, on the democratic process. Madison feared that intense majorities would abridge the freedoms of minority groups or individuals. Dahl feared that intense minorities might prevent majorities from controlling the democratic process.

This thesis seeks to explain why groups, at certain times, participate in the political system with high levels of intensity and at other times, do not. Rights are divided into two groups: political rights and economic rights. It is argued that economic rights attract higher levels of intense participation because they are rights which exhibit zero-sum characteristics. Political rights attract less intense participation because they do not exhibit the characteristics of rivalry and have a tendency to attract “free-riders”.

The conclusions are that by using an economic/political rights paradigm to study the way people react to the allocation or defense of rights, democratic theorists will be able to predict when intense conflicts will arise. Therefore, rules and institutions could be created that mediate intense conflicts by creating non-majoritarian rules when intense conflicts might arise.
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CHAPTER 1
INTRODUCTION

"The Problem of Intensity of Economic Interests in Madison's and Dahl's Theory of Democracy"

Historically and theoretically, democracy is a work in progress. Socrates and the Greeks, first introduced the world to the idea of democracy. Over 2000 years later, theorists such as James Madison, and later Robert Dahl, are still trying to come to terms with what democracy actually means. Democracy is, at best, an ambiguous concept. Even today, there is only limited consensus on what characteristics a nation must exhibit in order to be labeled a democracy.

In one sense, democracy is a process. However, the world’s understanding of democracy, as a process, is also ever changing. What the Greeks called democracy would not be recognizable as democracy to the modern day American, and vice versa. The Greeks had a limited sense of suffrage and "elected" people through a lottery. Today, there is a greater expectation of choice with respect to selecting our representatives. Because democracy is an ambiguous concept, there has been a continual effort to understand the nature of democracy. Political scientists seek to create models that will explain and predict how people will behave in democratic societies. This work intends to offer an explanation for one aspect of the democratic process. This thesis will examine how levels of intensity, with respect to political participation, are affected by the characteristics a right exhibits. If the rights exhibit the characteristics of a public good, the public will exhibit less intensity. If the rights
exhibit the characteristics of a private good, the public will exhibit more intensity. A more complete definition of public and private goods follows.

It is the intention of this thesis to accomplish three things. First, to reconcile Robert Dahl's concept of polyarchy with Madison's concept of democracy. Second, to argue that rights can be sub-divided into two groups: political rights and economic rights, and, that by classifying rights into two groups, it might help explain why, in democracies, people react with differing intensities to different types of policy issues. This is not to imply that all rights fall into a category of either a purely economic or purely political rights. Rather, there is a spectrum which spans from purely economic to purely political. Most rights will fall somewhere in between the two extremes. The reason for classifying rights into two groups is to suggest that issues that revolve around the concept of economic liberty attract such a high level of intensity that a political majority becomes more difficult to achieve than with issues that revolve around political liberties. From the standpoint of democratic theory, such a hypothesis would help explain why, at times, American democracy functions smoothly, while at other times, American democracy gridlocks into inaction. The last chapter will engage Dahl in a “conversation”. In essence, this thesis will try to extrapolate from Dahl's body of work, with regards to democratic theory, how he would respond to this tension between economic rights and political rights. Each of these three steps will be elaborated upon.

This thesis will attempt to explain an additional portion of the democratic process that Dahl and Madison neglected. To do this, a clear definition of democracy is needed. It is not my intention to offer a new definition of democracy. This thesis
will only try to reconcile Madison’s views of democracy with Dahl’s views. In order to limit the scope of the inquiry, the study will be limited to the American experience with democracy. The foundation of American democracy can be best explained or described by the works of James Madison. As the main philosophical force behind the drafting of the Constitution and the Bill of Rights, Madison has a unique understanding of America’s democratic system. However, the democratic process has evolved since Madison. In order to update democratic theory¹, an attempt will be made to reconcile Dahl’s interpretation of democracy with Madison’s plan for a democratic republic.

The second part of the thesis will argue that Madison and Dahl failed to develop a holistic theory of democracy because they failed to develop the differences between economic rights and political rights. This idea is the additional aspect of democratic theory that will be explained. It will be suggested that there exists two types of rights: economic rights and political rights. And, in order to fully understand how American democracy functions, democratic theorists must be able to understand how and why people react differently towards the allocation of each type of rights. One possible explanation may already exist. Economists have already developed theories which explain why people react with different intensities to different types of economic goods. It may be possible to use those ideas to explain why people react differently to unique types of “political goods”.

¹ Madison was writing before the industrial revolution and Dahl was writing after the industrial revolution. Dahl will make the argument that “corporate capitalism” changed the way democracies functioned.
For years, economists have tried to explain the nature of the economic marketplace. They have developed theories which explain how incentive structures dictate the way people behave in the economic marketplace. In addition, political scientists, such as Joseph Schumpeter, have also tried to develop theories which explain how people behave in the "political marketplace." In this sense, a political marketplace refers to the process by which voters compete for goods and services provided by the United States government and politicians compete for votes from the populace. It can be assumed that just as suppliers and buyers in an economic marketplace react to differing incentive structures, legislators and voters in the political marketplace also react to similar incentive structures.

In the tradition of public choice theory, which "employs the analytic tools of economics to understand and evaluate political processes," this thesis will specifically describe one type of economic theory and superimpose that theory on the political marketplace. Economists have used collective action theory to explain why people react differently to the allocation of public goods as opposed to the allocation of private goods. With that distinction in mind, it is possible to suggest that political

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rights have the same characteristics as public goods and economic rights have the same characteristics as private goods. This concept is also relevant to Madison and Dahl. Dahl argues that when people seek to provide public goods they are acting in the interests of the general community. Thus they are exhibiting traits which promote civic virtue. However, when people begin to pursue private goods or economic rights, they begin to ignore civic virtue. As a result, Dahl’s pluralism becomes a double-edged sword. Pluralism can promote civic virtue, or it can ignore civic virtue in favor of personal interest.6

Economic collective action theory argues that public goods have the characteristics of non-rivalry, non-divisibility and non-excludability.7 In essence, this means that public goods can not be used up, people can not be denied access to them and they can not be divided up. As an example, a lighthouse is a public good. If person A looks at the light, he does not consume the light, leaving less light for person B. Also, person A cannot be denied the use of the lighthouse, even if he did not contribute to its production costs. And last, percentage shares of the light cannot be allocated to person A and person B. All people receive 100% of a public good, or nothing.

In contrast, private goods have none of the above characteristics. For instance, land is a private good. Land is subject to rivalry. For every acre that person A buys, that is one less acre that person B has available to purchase. Also, land is excludable.


If person A buys an acre of land, person B can be denied access to that land. And last, land is divisible. Person A and person B can own different amounts of land, whereas person A and Person B can not own different amounts of light produced by the lighthouse. Madison understood the concept of rivalry. His definition of faction and his understanding of how they would interact suggest that he understood that many political decisions would not be reached through a cooperative effort. In many ways, Madison's definition of factionalism implies that all political processes are a zero-sum game and that the civic virtue Dahl is concerned with does not truly exist. Lester Thurow, an economist, also sees the effects of zero-sum games on the democratic process. He writes,

[zero-sum games] force a democracy into a no-win situation where, whatever it decides about the just distribution of resources, there will be a large number, perhaps a majority, of unhappy voters. Distributional issues are highly contentious and precisely the kind of issues that democracies find it most difficult to solve. It is not *we* versus *them*, but *us* versus *us* in a zero-sum game.8

It will be the assertion of this thesis that collective action theory can be effective in explaining the political marketplace and thus effective in explaining specific aspects of democracy in general. For example, free speech, a political right, is also not subject to rivalry, divisibility or excludability. However, an economic benefit, such as a research grant, is subject to the above three characteristics.

This thesis will examine, to what extent this distinction between political and economic rights or "goods" is important to democratic theory and how can it be used to explain how people actually behave. Dahl, a strong advocate of the behavioral
revolution with in political science, feels it is important to understand what motivates citizens to act. It is helpful to understand to what extent Dahl would support such a distinction. He has dedicated a large amount of his scholarship to showing why a pure majoritarian system is not always successful. Dahl would probably welcome another attempt to explain the effects of political participants who have a disproportionate amount of political power on the democratic process. He would also be interested in understanding why certain groups have a disproportionate amount of power. Although he may not agree with every aspect of the hypothesis presented in this work, there is evidence that he would understand the logic of the hypothesis.

The third part of the thesis will postulate that political rights, like public goods suffer from a “free rider” problem. Conversely, economic rights, like private goods, do not have a “free rider” problem. A free rider is someone who understands that a good or service will most likely be produced with or without his or her contribution. Based on that knowledge, the individual will tend not to contribute to the production costs. knowing that the good or service will be non-excludable. We avoid the free rider problem when allocating public goods by making taxes mandatory. However, in the realm of politics, and the “allocation” of “political rights,” there is no process to enforce participation. Therefore, if an individual feels that a political “right” being pursued by a specific faction in the United States will exhibit the characteristics of a public good, that individual will have a greater tendency to be a free rider. Although no attempt will be made to empirically measure the free rider problem, it will be

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argued that this phenomenon directly affects the level of intensity with which people participate in our political system. It will be suggested that the allocation or enforcement of political rights, such as free speech or public safety, which have a free rider problem, will attract less intense participation by the public than the allocation of economic rights, such as budgetary allocations, will attract a higher level of intensity with respect to political participation. In turn, one could then argue that with respect to the allocation of economic rights, there is a greater likelihood of tyranny of the minority.

Other political theorists, as it pertains to participation levels, have touched on the distinction between economic rights and political rights. In 1975, Crozier, Huntington and Brittan postulated that “excess participation” could lead to an “overload” of the democratic process. They noted that such a phenomenon would most likely occur when the political system tried to deal with “popular economic demands.” Piven and Cloward identify an entire school of thought which revolves around the concept of “non-participation”. The general argument this school puts forth is that over participation can hamper leaders ability to be flexible and lead to a “crisis of democracy”.

With respect to the ambiguous nature of the term ‘intensity’, this thesis will not attempt to suggest a “normal” level of participation. Nor will it suggest a “good”

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10 Ibid., 24.

11 Ibid., 24.
or “bad” level of participation. Dahl, in his *A Preface to Democratic Theory*, understood the difficulty in empirically measuring intensity. However, he did argue that, as a concept, intensity is a useful tool to help in the understanding of democratic political systems. The goal of this thesis will be to offer the idea that intensities are affected by the type of right being allocated and attempt to examine how Dahl might react to such a suggestion.

In the final section of the thesis Dahl will be drawn “back into the conversation.” By looking for evidence within Dahl’s writings, an attempt will be made to explain how Dahl would react, support or criticize the hypothesis. This type of methodology is one Dahl uses, quite frequently, himself. In *A Preface to Economic Democracy*, Dahl proposes a theory with respect to the democratization of the economic firm. He seeks to determine if de Tocqueville would find his theory acceptable. He writes,

> Although de Tocqueville was in my view a great political theorist, he was not the kind of theorist who deals explicitly with the sorts of questions raised in the paragraph above. His theory is often implicit, deeply embedded in its context, and highly qualified. The attempt to make his theory more explicit, less contextual and less qualified, as I do here, is to attribute to him a theory that he himself might have found acceptable. \(^{12}\)

What Dahl does with de Tocqueville, this work will do with Dahl. Specifically, there will be an investigation as to how Dahl would respond to the notion that intense minorities pursuing economic rights have an inordinate amount of influence in the political process. It will also be necessary to engage Dahl in a “dialogue” with respect
to normative questions. For instance, when discussing intense minorities with
inordinate amounts of power, the question arises, are intense minorities detrimental to
democracy? What is an inordinate amount of power? Is it detrimental to democracy
if an apathetic majority dominates an intense minority? These questions require a
value judgment in order to answer them.

The conclusion of the thesis will make the argument that understanding how
intensity of participation affects the political process is important to understanding
how democracies actually function. Furthermore, if it can be assumed that
understanding the nature of intense participation is important, then it can also be
argued that understanding the factors which effect intensity levels is also important.
In conclusion, the thesis will seek to offer one possible explanation as to why
different groups and individuals react with different intensities at different times in
the democratic process, depending on whether the process is allocating economic
resources or enforcing political rights.

12 Robert Dahl. A Preface to Economic Democracy (Berkeley: University of
CHAPTER 2
“Madison’s Dilemma”

James Madison is considered the “Father of the United States Constitution.”¹ Robert Dahl is considered by many political scientists to be the preeminent democratic theorist of modern times.² Madison is credited with creating a significant portion of the American democratic system³ and Dahl is credited with critiquing large portions of the system that Madison helped create. Therefore, it is important to first reconcile Dahl’s view of democracy with Madison’s. First, a brief synopsis of Madison’s view of democracy will be provided. Next, Dahl’s criticisms of Madison will be examined, followed by an attempt to highlight areas of agreement between the two theorists. Lastly, the contributions of their respective democratic theories will be assessed.

When looking at the philosophies of Madison it is important to examine a wide array of documents. Some theorists have made the mistake of focusing too narrowly on *Federalist # 10* as the sole source for understanding Madisonian thought.⁴ It is necessary to look at, not only all the *Federalist Papers* written by Madison, but also to look at his notes on the Federal Convention, his letters to various political leaders and friends and other public documents which he authored, such as the *Virginia Resolution*.


³ Lance Banning, *The Sacred Fire of Liberty* (Ithica: Cornell University Press, 19959, 8.)
The reason for reconciling the views of Dahl and Madison, as opposed to two other democratic theorists, is based upon several factors. First, both Madison and Dahl were concerned with the power of competing groups in political society. Second, both theorists were concerned with the abilities of those groups to tyrannize the rest of society. Most importantly, both theorists developed solutions with respect to controlling the power of group. However, their solutions were not the same. By reconciling the views of the two theorists, one can develop a strong sense of how groups, both minority and majority groups, influence politics. And, one can begin to examine methods and democratic processes to control the power of groups.

At the outset, it is important to note that Madison, like Dahl, was not completely consistent over his entire life. It would be incorrect to assume that James Madison’s writings, while a member of Congress operating under the Articles of Confederation, will reflect his exact sentiment while he was Secretary of State or later, President of the United States. In fact, it has been argued that there is an obvious discontinuity between the Madison of the 1780s and the Madison of the 1790s.\(^5\) It is important to remember that in addition to being a political theorist, Madison was also an active politician most of his adult life. The same Madison that argued for more centralized power as a member of the Continental Congress and Constitutional Convention, also penned the Virginia Resolution which laid the

\(^4\) Ibid., 4.

theoretical foundation for concepts such as state nullification and succession.\(^6\) Madison supported Thomas Jefferson's purchase of Louisiana because it would increase the diversity of interests in the United States and thus increase the number of factions which was important in Madison's scheme to "control the mistakes of faction."\(^7\) However, he opposed Alexander Hamilton's proposal for a national bank because such a move would create an overly broad interpretation of the Necessary and Proper Clause. These contradictory arguments, with respect to the limits of federal power, indicate the complexities of Madisonian thought.

In response to such criticisms, it could be argued that Madison was one the most consistent Founders. James Read suggests that Madison's consistency can be found in his unwavering defense of civil liberties.\(^8\) He contends that historians misunderstand Madison because they focus upon his inconsistent support of federal and state powers.\(^9\) However, Read argues that Madison foremost concern was for civil liberties and therefore attacked state and federal power equally in their defense. This is not to say that Madison was a libertarian. He believed there was a legitimate

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\(^9\) Lance Banning, a noted biographer of Madison suggests that Madison was influenced by his participation at the convention in Philadelphia as much as he influenced the meeting. He argues, "Studies of the Constitutional Convention rightly stress the powerful effects of Madison's original proposals. It may be equally important to ask how Madison was influenced by the framing of the Constitution." In fact, many scholars refer to the "evolution of his founding vision."
role for government. He was consistent in that he wanted checks on the state
governments if the small geographical size of the states did not create enough factions
to prevent tyranny of the majority. At the same time, he wanted checks of the federal
government to prevent invasions into realms he thought should be beyond the
political process.

Like Madison's thoughts, there is also an evolutionary nature to Dahl's
scholarship. In the 1950s, Dahl was simply offering new interpretations with respect
to the way pluralist democracies functioned. 10 Towards the end of his career, he was
advocating a democratization of economic firms. 11 Jack Nagel, from the University
of Pennsylvania, writes, "there is some truth to Jefferey Issac's contention that the
pluralist Dahl of 1948 through 1965 is an aberration from the democratic-socialist
ideas evident in his later works." 12 Nagel adds that it is often difficult to determine if
Dahl is a defender of democracy, or a critic. Dahl's scholarship moves from an
amoral approach to politics to study of politics which is concerned with normative
questions about equality or equity and political influence. In the early part of Dahl's
career, he advocates the position that the public good will be arrived at via some
invisible hand mechanism if all pluralist groups pursue their own self-interests. Later,
Dahl argues that a pure "Smithian" approach to politics may describe the reality of
American politics, but that it does not create the ends that democratic countries

10 Robert Dahl, A Preface to Economic Democracy (Los Angeles: The
University of California Press, 1985), 112.


should achieve. Thus he concludes that there must be some limits on the pursuit of self-interest in a pluralist society.

In essence, comparing James Madison to Robert Dahl is not akin to comparing two stationary portraits. Their lives and their times dictated growth, revision and change of their philosophical outlooks. These evolutionary changes must be considered when attempting to reconcile the views of the two men. However, most of the emphasis of this thesis will be on the context of their written works.

**MADISONIAN DEMOCRACY**

In his view of democracy, Madison placed a large emphasis on protecting the rights of minorities and concerned himself with methods of controlling the adverse effects of factions. In addition, he attempted to reconcile an extended republic with classic republicanism, and in general, argued that a curtailment of the democratic process was necessary to insure the survival of a democratic state. These four aspects have been highlighted because they are also subjects with which Dahl concerned himself within the course of his writings.

It can be easily argued that what sets Madison apart from many other theorists of his day was his concern for protecting the rights of minority groups and individuals. Madison feared both the possibility of "tyranny of the majority" and to lesser degree, "tyranny of the minority." Madison was less fearful of "tyranny of the minority" because he felt minorities could easily be outvoted. In one of Madison's more notable speeches to the delegates of the Constitutional Convention, he argues,
The lesson we are to draw from the whole is, that where a majority are united by a common sentiment, and have an opportunity, the rights of the minor party become insecure. In a republican government the majority, if united, have always an opportunity.\(^{14}\)

Madison felt that majority tyranny would most often occur at the state level. One proposal he made at the Federal Convention to prevent such abuses was the “federal veto.”\(^{15}\) Again, Madison felt that because states were so small, they would not encompass enough factions to prevent majority tyranny. Although this proposal became one of the few of Madison’s suggestions that was not adopted, it provides insight into his concern about majority abuses. The federal veto would have allowed the national government to nullify any state law. Madison’s logic was that such a law would prevent states from abusing less powerful minority groups at the state level.

Despite losing the vote for a federal veto, his belief in the need for a federal veto did come to partial fruition in the form of the federal Supremacy Clause in Article VI of the Constitution. This clause coupled with the eventual development of judicial review allowed the federal government to overpower state laws.

Another way to protect minority interests was to remove some liberty issues from the voting process.\(^{16}\) In other words, ensure certain rights regardless of what the “majority will” or “minority will” might be. This concept is generally institutionalized within the functioning of the Supreme Court. Meaning, the Supreme

\(^{13}\) Banning, *The Sacred Fire of Liberty*, 205.


\(^{15}\) Ibid., 398.
Court eventually assumed the power to veto laws which are contrary to specific rights protected by the Bill of Rights. Some historians have argued that the Founding Fathers did not envision the practice of judicial review.\textsuperscript{17} However, James Wilson moved for such a power to be invested with the Supreme Court on July 21\textsuperscript{st} at Philadelphia. Madison seconded the motion and spoke in favor of such a move.\textsuperscript{18} In addition, it was Madison who drafted the Bill of Rights, the ultimate repository of minority and individual rights. In all fairness to Madison's critics, it should be noted that Madison initially objected to the drafting of the Bill of Rights. Eventually two influences moved him to change his mind. The first was political expediency. The second was the belief that a Bill of Rights would galvanize public opinion in support of civil liberties and thus act as a check on potential abuses by the government. Such a belief is notable because Dahl, like many of the Anti-Federalists of Madison's day, suggests that Madison failed to comprehend the importance of a homogeneous political culture in preventing tyranny of the majority. However, Madison's speech in support of the Bill of Rights in Congress weakens such an argument. Madison argued,

It may be thought all paper barriers against the power of the community are too weak to be worthy of attention...yet, as they have a tendency to impress some degree of respect for them, to establish public opinion in their favor, and rouse the attention of the whole, it may be one means to control the majority.\textsuperscript{19}

\textsuperscript{16} James Yoho, "What Was Left Unsaid in Federalist # 10" Polity 27 (Summer 95): 587.

\textsuperscript{17} Banning, The Sacred Fire of Liberty, 398.

\textsuperscript{18} James Madison, Journal of the Constitutional Convention, 118.

\textsuperscript{19} Madison quoted by James Read, "Our Complicated System," 459.
Finally, no examination of Madison’s concern for minority and individual rights can be complete without incorporating *Federalist # 10*. In the essay, Madison argues that many past confederations had failed because they contained too few protections for minority groups. He writes “that the public good is disregarded in the conflicts of rival parties; and that measures are too often decided, not according to rules of justice, and the rights of the minor party; but by the superior force of an interested majority.”

Joyce Appleby argues the reason Madison was so concerned with minority rights was his fear that in an overwhelming agricultural society, an egalitarian political movement could strip wealthy people of their property. She contends that Madison saw the open Western frontier as a natural equalizer of wealth. However, he was also aware that large landed property owners would become a smaller and smaller minority. This opened the possibility for the majority to seize wealth from the aristocratic minority, of which Madison happened to be a member. Much of Madison’s correspondence with Thomas Jefferson suggests that Madison supported Jeffersonian notions of an agricultural society. Madison’s writing in *Federalist # 10* indicates that he feared possible class conflicts in the future. However, the idea of an agricultural society acting to equalize wealth was primarily Jefferson’s idea. It is more likely that Madison supported Jefferson’s notions of an extended frontier in

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order to increase the diversity of interests, professions, classes, which is so essential to his theories concerning the effects of factions.

Whether or not Madison was able to adequately balance the rights and powers of the minority and majority is subject to debate. Over 200 years of American history with only a limited number of blatant abuses of the minority by the majority seems to suggest Madison succeeded on some level. The United States government has survived a number of secessionist threats, including the Hartford Convention of 1814 and the nullification crisis in South Carolina in 1832. The Civil War is the notable exception: a fact Dahl will point to as evidence that Madison's system of government does not mediate conflicts between majority and minority factions, but that a politically homogeneous society serves that function.  

The theories of James Madison with respect to majority and minority tyranny are also closely tied to the concept of factionalism. The most compact explanation of factionalism appears in Federalist # 10. In Federalist # 10, Madison argues factions are dangerous because they put self-interest before the public interest, but despite the danger they pose, factions should be encouraged to flourish. His rationale is that if there are a multitude of factions, the effort needed to unite a number of factions in order to create a majority is so cumbersome, that such an act will be very unlikely. Madison begins by defining a faction as,

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23 Dahl, A Preface to Democratic Theory, 82.

24 Dahl is critical of this definition because it fails to completely define what exactly is “adverse to the rights of others.” Dahl reasons that, if too narrowly defined, any act by the majority could be considered tyrannous. Yet, if too broadly defined, no act by the majority could be considered tyrannous.
A number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or of interest, adverse to the rights of other citizens, or to the permanent aggregate interests of the community.\(^{25}\)

Having defined faction, Madison then argues that factions can not be eliminated without eliminating liberty itself. He writes,

"Liberty is to faction, what air is to fire. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency."\(^{26}\)

Therefore, it was important to Madison to create a system that allowed factions to exist, yet at the same time control their destructive nature. He suggests two remedies. First, use factions to combat the influence of other factions. In \textit{Federalist \# 51}, he writes, "Ambition must be made to counteract ambition." In \#10 he adds, "the smaller the society, the fewer probably will be the distinct parties and interests...the more easily will they [the majority] be able to execute their plans of oppression."\(^{27}\)

What truly makes Madison's ideas, at the time, revolutionary is his suggestion that the way to increase the number of factions, and thus limit the power of any one faction is to create a large republic. Beginning with Aristotle and continuing through most 18\textsuperscript{th} century thinkers, the prevalent attitude was that democracies could only exist on a small scale.\(^{28}\) The Anti-Federalist frequently cited Montesquieu's \textit{Spirit of the Laws} to support their claim that democratic nations must be small nations.

Madison rejects this idea. Again in \# 10 he writes,

\(^{25}\) Madison, \textit{The Federalist Papers}, 43.

\(^{26}\) Ibid., 43.

\(^{27}\) Madison, \textit{The Federalist Papers}, 46.
Extend the sphere, and you take in a greater variety of parties and interests: you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens.\(^{29}\)

Madison made the same arguments at the Federal Convention.

The only remedy is, to enlarge the sphere, and thereby divide the community into so great a number of interests and parties, that, in the first place, a majority will not be likely, at the same moment, to have a common interest separate from that of the whole or the minority.\(^{30}\)

Madison sums up his view by suggesting that a large republic can prevent abuses of both majority and minority factions. He claims that minority factions can always be defeated by a simple majority vote.\(^{31}\) Whereas majority factions will not be likely to form at all, and if they do, they will be temporary majorities most likely uniting for the “public good.”\(^{32}\) “In the extended republic,” Madison exclaims in Federalist #50, “and among the great variety of interests, parties and sects, a coalition of a majority of the whole could seldom take place on any other principles than those of justice and the general good.”

At this point it is only important to emphasize three aspects of Madisonian thought. First, Madison rejected the age old concept that the purpose of government is to promote civic virtue.\(^{33}\) He accepted the idea that people are inherently self-interested and will act on that self-interest even if it means enacting policies harmful

\(^{28}\) ______., Theories of Democracy, 123

\(^{29}\) Madison, The Federalist Papers, 46.

\(^{30}\) Madison, The Journal of the Constitutional Convention, 118.

\(^{31}\) Madison, The Federalist Papers, 46.

\(^{32}\) Ibid., 47.
to other groups in society. Second, Madison rejected the idea that democratic
governments can only exist and survive on a small scale. He actively promoted the
idea that the republic should be a large and diverse society. Third, Madison set
himself up for an apparent contradiction. Madison argued that a diversity of interests
will promote democracy and prevent abuses by the government. However, he also
understands that a politically homogeneous society is necessary to prevent massive
cleavages in society that can result in political gridlock. All three of these issues
will be examined in more depth in following chapters.

In the first chapter of *A Preface to Democratic Theory*, Dahl, like many before
him, accuses Madison of being one of the “great undemocratic thinkers of all time.”
Although it can be argued that this is an exaggeration, Madison did perceive a limit as
to how “democratic” a government should be. In *Federalist # 55*, Madison remarks,
“In all very numerous assemblies, of whatever characters composed, passion never
fails to wrest the scepter of reason. Had every Athenian citizen been a Socrates, every
Athenian assembly would still have been a mob.” In *Federalist # 14*, he refers to the
“turbulent democracies of ancient Greece and modern Italy.” In *Federalist # 10*, he is
more forceful.

Democracies have ever been spectacles of turbulence and contention
have ever been found incompatible with personal security, or the rights
of property; and have in general been as short in their lives, as they
have been violent in their deaths.36

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However, it should be noted that most of Madison’s criticisms of democracy were directed at direct forms of democracy. His arguments in favor of the Virginia Plan over the New Jersey Plan at the Constitutional Conventions highlight Madison’s deep seated support for democracy on a representative level. In addition, Madison viewed democracy as more than just majority rule. It was as important to Madison to protect minority interests as it was to allow the majority to rule.

Madison was not alone in his feeling towards direct democracy. Many of the Founders objected to it as a form of government. George Mason declared at the Constitutional Convention that the failure of the Articles of Confederation was due to excesses in democracy. Madison supported this argument. On June 6th of the Convention he argued, “In Greece and Rome the rich and poor, the creditors and debtors, as well as the patricians and plebeians, alternately oppressed each other with equal unmercifulness.”

Madison was not immune to criticism, with respect to being undemocratic, in his own time. Edmund Randolph and Elbridge Gerry refused to ratify the Constitution on grounds that it was not democratic enough. Many of the Anti-Federalist arguments centered around their objections to the undemocratic aspects of the Constitution. However, in the next chapter, it can be shown that Madison was not

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37 Such an idea distinguishes Madison from other theorists such as de Tocquville who argued that democracy was the “absolute sovereignty of the majority.”

38 Madison, Journal of the Constitutional Convention, 117.

39 Ibid., 118.

an anti-democrat, but simply aware of the "excesses of democracy" and their ill effects.

Last, it is impossible to discuss the political theories of James Madison without looking at the Kentucky and Virginia Resolutions. Earlier, it was mentioned that the intensity with which a group pursues an interest might affect the way a democracy functions. It is possible that Madison understood this concept early on in the development of the American Republic. Madison was deeply troubled by the passage of the federal government's Crisis Laws, which included the Alien and Sedition Acts, during the presidency of John Adams. Madison saw them as an obvious violation of minority and individual rights. And yet, each law had been passed in the representative democratic process that he had helped create. Madison's concern led to a collaboration with the Vice-President Thomas Jefferson. Together, they penned the Virginia and Kentucky Resolutions.

Only ten years after the Constitution was ratified, Madison was confronted with a situation in which a very passionate minority was intensely opposed to a law passed by a slim majority. The law, in Madison's opinion, was a blatant violation of the newly enacted Bill of Rights. As a result, Madison was faced with a dilemma. He was forced to consider whether an intense minority has the right to nullify laws passed by a majority. In analyzing this historical incident, it is necessary to specify what is meant by majority and minority. Obviously, there was a majority in the Congress that supported the Crisis Laws. However, the election of 1800 suggests

there was a majority of *citizens in the nation* that opposed the law. However, if one examines this event from a strictly institutional approach, Madison's dilemma still exists. In the framework of a representative government, a slim majority enacted a law, which was clearly unconstitutional according to Madison, over the objections of an intense minority of representatives.

Jefferson, in his original draft of the Kentucky Resolution, forcefully argues that states do have the right to nullify national laws. However, Madison is more aware of the consequences of such a doctrine. He successfully encouraged Jefferson to use more moderate language. Madison himself, however, still had to grapple with the issue when he authored his own Virginia Resolution. Madison chose to argue that by expanding the grand jury pool to include people of all states, there would be more protection for civil rights. He also called for other states to "denounce" the passage of the Alien and Sedition Acts. However, he stops short of calling for states to assume the power of nullification.

The irony for Madison was that he had devised the Constitutional system, in part, to prevent state governments from becoming oppressive towards a minority faction. He had argued for a federal veto to prevent such abuses. In 1798 however, Madison is faced with a reversal of his own argument. Should the state governments or any "significant interest" have a veto over federal legislation? Although Madison

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42 Ibid., 56.


44 Ibid., 1073.

45 John Calhoun's term.
tried to limit the scope of his response to simply condemning the acts as opposed to calling for state nullification powers, he succeeded in opening the door for John Calhoun and others to argue for doctrines such as “concurrent majorities.” In some ways, Madison provided ammunition for later politicians to destroy the very Union he created.

It is also possible that, from Madison’s perspective, the crisis caused by the Alien and Sedition Acts was not a failure of the Constitutional system he helped devise, but a failure of the representatives at the time to properly perform their duties. Madison’s dual beliefs in the “public good” and that representatives should “refined the views of the public” suggests that he would have expected the Congressional representatives to prevent the Crisis Laws from ever being enacted. Madison believed that representatives should be responsive to their constituencies, but not completely beholden to them. He also felt that representatives should act as a “broker” to balance the desires of their constituency while, at the same time, promoting the public good for all citizens. Therefore, if the Federalists had acted as “proper” representatives and “refined the views” being created by the hysteria surrounding the French Revolution, the Constitutional crisis caused by the Alien and Sedition Acts could have been avoided altogether.

Professor Ronald Peters makes exactly this point. In his article, “Political Theory, Political Science and the Preface: A Review of Robert Dahl,” he argues that most Federalists felt policy makers should be guided by popular preferences, but only

after considering other issues such as justice, efficiency and other cultural values. Federalist # 71 highlights the Federalist belief in the “public good.” It states, “The republican principle demands that the deliberate sense of the community should govern the conduct of those to whom they intrust (sic) the management of their affairs.” The essay continues, “it is the duty of the persons whom they have appointed to be the guardians of those interests to withstand the temporary delusion.”

An examination of the crisis of 1798 illustrates the complexity of Madison’s political views. He showed his intense interest in protecting the rights of the minority during the Philadelphia Convention. However, he also shows his ambivalence towards interfering with majority rule in the context of his Virginia Resolution. Dahl will be forced to grapple with similar issues in his writings 200 years later. While Madison focused on the limits of States rights, Dahl focused on the rights of intense minorities, regardless of geographic location.

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48 Ibid., 162.
DAHL’S CRITICISM OF MADISON

Robert Dahl is highly critical of Madison on several fronts. His criticism stems from two significant differences of opinion. First, Dahl has considerable more faith in the majority rule. Although he is uncomfortable with the term ‘democracy’ and eventually substitutes the term with “polyarchy,” Dahl adamantly believes that the system Madison set up is not democratic enough. Second, Dahl believes that inequality of wealth prevents democracies from functioning fairly. Most of his major works include a call for a redistribution of wealth or a democratization of the economic firm. Although the above two issues dominate Dahl’s criticism of Madison, they are by no means an exhaustive list. Dahl also feels that factionalism (a term used to describe Madisonian thought) does not prevent the possibility of “tyranny of the minority,” distorts the public agenda making process, stabilizes economic inequality, and encourages people to ignore the “public good”.

In Dahl’s most notable work, *A Preface to Democratic Theory*, argues that Madison did not pay sufficient attention to the possibility of tyranny of the minority.1 Because Madison gave certain political minorities checks on the political process, Dahl will insist that Madison is an antidemocratic theorist. In *Federalist # 10*, Madison suggests that tyranny of the minority will never occur because of the “republican principle”, i.e., the majority can always outvote the minority. However

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"If it can be shown" Dahl counters, "that the operation of the 'republican principle' will not in all cases prevent severe deprivations from being inflicted on the majority by the minority, then the Madisonian system will not produce a non-tyrannous republic."\(^2\) Dahl points to the fact that any time a minority of voters can prevent the majority from enacting its preference, that becomes evidence of tyranny of the minority. Hence, if a two-thirds majority is required for some political action, then a one-third minority can tyrannize over the majority. Again, Dahl argues,

If determination by unanimity and by majority vote are both ruled out, it follows that the only remaining alternative is determination by the decision of some minority...then we should expect any minority with this power at best to employ it in its own favor and at worst to tyrannize over other minorities and any majority.\(^3\)

Dahl is simply stating that any institutional requirement of a two-thirds vote is actually granting decision making power to a one-third minority. Such an argument is an exaggeration. Dahl fails to understand that there is a difference between a minority vetoing a majority decision and a minority implementing its own agenda. The fact that a minority of representatives may have a veto over legislative decisions does not imply that they can *enact* their own policies. Obviously, if a one-third minority can block legislation, a two-thirds majority can do the same thing.

Dahl is more accurate when he claims that minorities have the ability to maintain the status quo. In some cases, where a two-thirds majority is required, a minority can prevent new legislation and thus cement the status quo.

Dahl also implies that all factions are not created equal. His argument states that since the development of "corporate capitalism" some groups in a factional

\(^2\) Ibid., 16.
society (Dahl prefers the term pluralist society,) have more power and influence than others. In essence, he states that a group can have a disproportionate amount of power, with respect to the actual number of people in the group, in a pluralist society. He states,

Organizational pluralism is perfectly consistent with extensive inequalities. Although critics often attribute to pluralist theory the assertion that groups are equal in their influence over decisions, it is doubtful anyone who might be described as a theorist of pluralism has ever made such an assertion.

Such an argument is not meant to imply that Madison believed all factions were created equal. Dahl is simply arguing that Madison failed to foresee the industrial revolution and, therefore, did not realize that the power gap between factions could be considerable. So large in fact, that they could distort the pluralist/factionalist system.

Dahl charges that as economic wealth has become unequally distributed, so has political power. He claims that in American society a majority of people may desire better housing, child labor laws, a removal of slums and better social security. However, if a minority, consisting of employers, can prevent such action because of inordinate amounts of political power, then American is suffering from tyranny of the minority. One solution Dahl offers is to insure “political resources of all organizations are effectively regulated so that resources are proportional to the number of members.”

Dahl takes his arguments one step farther. He claims that not only is pluralism not a fair competition because of inequalities in wealth and therefore

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4 Ibid., 40.

5 Ibid., 84.
power, he also suggests that factionalism stabilizes inequality, by promoting the status quo, thus preventing any chance that organizational equality will occur. By organizational equity, Dahl typically means money to mobilize an interest group.

Based on his concern with minority tyranny, Dahl develops his case that Madison was an anti-democrat. Dahl understands why Madison created the American Constitution in the manner he did. He argues that Madison hoped to ensure that the legislature “acted carefully and wisely, not hastily or foolishly.” Madison delegated to some minorities the authority to halt, delay, or modify what might otherwise be enacted by a simple, untrammelled majority rule. The rationale for such structures was to ensure the protection of certain fundamental rights. Dahl asserts that most second chambers, like Madison’s Senate, are devised to “rectify errors in measures passed by the other house and also to serve as a bastion of minority rights.”

Although protecting fundamental rights is a noble goal, Dahl warns that minority power can be used to promote other agendas besides protecting civil rights. For instance, Dahl fears that some minorities will enact policies to ensure economic domination.

Dahl highlights two serious risks associated with a “minority veto”. First, “it is all but impossible to ensure that these special arrangements are employed by a minority solely to protect their fundamental rights.” And by fundamental rights,

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7 Ibid., 170.
8 Ibid., 171.
Dahl does not mean property. He means civil rights. Second, the very rules used to promote minority protection also prevent the majority from changing the rules to ensure a more democratic function. Dahl points to the example of the Senate Cloture rule. He notes that changing the filibuster rule was so difficult because the minority could prevent changing the rules. This example is what Dahl means when he states that factionalism stabilizes inequalities. Once the inequality exists, it becomes very difficult to remove the inequality because minorities will have a veto over such action.

Dahl pursues the idea of ‘minority veto’ in another direction. He argues that democratic societies with provisions for minority protection promote the status quo. Thus, by prescribing deadlock in cases of equal division of preferences [or less than a super majority] one is in fact biasing the policy-making process in favor of all individuals who prefer policies requiring government inaction and against all individuals who prefer policies requiring government action.11

Dahl notes that as a result of minority vetoes, civil rights issues were constantly held up in the Senate during the 1960s. He concludes that “the one problem with special procedures is that they rarely can be counted on to work as they should in order to be acceptable to democratic criteria.”12 The democratic criteria Dahl refers to is the ability of the “demos” to maintain final control of the agenda. In this specific case, the majority could not even bring civil rights legislation to a vote because of the power of the filibuster.

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10 Robert Dahl, Democracy and Its Critics, 186.

11 Ibid., 65.

12 Ibid., 67.
Dahl also labels the Madisonian system anti-democrat because it creates a "quasi-guardianship". Dahl rejects guardianship as proposed by Plato in *The Republic*. However, he sees judicial review as a version of the same philosophy. His arguments suggest that there is an inverse relationship between the power of quasi-guardians and the power of a democratic majority to control its own affairs. He rejects the claim that judiciaries protect fundamental rights above and beyond what a federal legislature would do. Dahl identifies several empirical comparative studies which indicate that polyarchies without judicial branches and with the power to veto legislative acts enjoy the same freedom as countries that do have such judiciaries. However, Dahl concedes that judiciaries with veto power can be made compatible with the democratic process if their powers are limited to only ruling on issues that deal with the protection of fundamental rights, such as free speech or press. In general, Dahl’s arguments highlight his continual concern with most processes which limit majority rule in any form. He again exhibits a philosophy that suggests he supports democratization of the state [and other associations] far beyond what Madison would have supported.

Many theorists have suggested that Madisonian factionalism represents a fundamental shift in the way political theorists view the role of government. Most political theorists from Aristotle to Rousseau believed that the purpose of governments was to develop citizens who would promote civic virtue. Dahl uses the

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13 Plato argued that enlightened "philosopher-kings" should rule societies because individuals in a democracy failed to make good decisions.


15 Ibid., 342.
term “public good” in place of civic virtue. However, Madison offered a system in which all citizens did not need to worry about the public good in order for the system to be successful. This philosophy has been called the “politics of interest.” Many of the political writers of the late 18th century were influenced by the writings of Adam Smith. Like Adam Smith, Madison and many of his contemporaries felt that individuals pursuing their self-interest would, via an invisible hand, create a collective civic virtue. Dahl is less sure. In Democracy and Its Critics, Dahl poses the question, “If republican government depends on the virtue of its citizens, and if virtue consists in dedication to the public good (rather than one’s own interests), then is a republic really possible?” In a short essay written for a communitarian publication, Dahl tries to answer his own question and his answer appears to be no. If developing citizens with civic virtue is not possible, then “do the practices and institutions of modern democratic governments tend to produce the good-enough citizen? The evidence suggests they do not.” Dahl identifies three aspects of modern democracies that prevent civic virtue from developing. They are changes in scale, an increase in complexity, and an excessive amount of communication. Political issues have become more complex in modern society. Although the level of education has also increased, it has not increased at the same rate as political complexity. As a result, people have a hard time discerning what is in the interest of the “public good.” Last, there is so much information available today, the average

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16 Banning, The Sacred Fire of Liberty, 297.

17 Appleby, Capitalism and the New Social Order, 96.
citizen can not comprehend all of it, and thus again he/she fails to understand what may be in the interests of the public good.

In order to illustrate his point and continue his criticism of Madison, Dahl uses the example of union and employee negotiators to highlight the fact that factionalism does not promote civic virtue. He creates a scenario in which both groups become so involved with their own interests they ignore the negative externalities their agreements create. His conclusion is that ‘interest politics’ becomes less responsive to the demos as a whole and that groups which do not have the resources to mobilize are completely ignored.

Ironically, early in his career, Dahl was loudly criticized for ignoring normative aspects of his pluralism model. Such theorists as Theodore Lowi and Jack Walker contend that what Adam Smith did to economics, Dahl did to politics.19 Smith’s invisible hand theory argued that self-interest would produce the public good. In many respects, Dahl argues early in his career that interest-group self-interest competing in a pluralist society will also produce the public good. However, Lowi and Walker counter that such a model makes political science an amoral science.

Other theorists have argued that Dahl’s focus on intensity belies important ethical considerations. Primarily, why should intensity be rewarded in a political system? Simply because a group has a more intense preference about an issue, does not mean they have a moral claim to more consideration in the political process. Professor Peters critiques Dahl by arguing that he is more concerned with stability

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than ethical aspects of democracy. Dahl rewards intense groups, not because they have a moral right to be heard, but because they may cause instability in the system.

Eventually Dahl's scholarship does become more concerned with normative issues of democracy and many of Dahl's arguments about civic virtue revolve around a secondary issue, size. Contrary to Madison, Dahl argues that a large republic will have a detrimental effect on civic virtue. He makes the argument that as the size of a nation increases, so does the diversity of a nation. This, however, reduces the sense of "community" felt by the citizens. As people become more isolated and focused on their own self-interests (as the Madisonian system encourages them to) they will have a reduced sense of civic virtue. He states,

As the number of persons increases, knowledge of the public good necessarily becomes more theoretical and less practical. It becomes more and more difficult for any citizen to know all the other citizens concretely. The community then is no longer a body of an association of friends. It is an aggregate of distant persons. How is a citizen to apprehend the interests of the people who comprise aggregates like these?20

Dahl's arguments about the public good lead him into his final confrontation with Madison. Like Madison, Dahl is concerned with the concept of how large a democratic nation can be and still be responsive to the populace. Madison is famous for his arguments that the republic should be large. In some respects, Dahl agrees. However, Dahl has considerable trouble with the practice of federalism. The concept of federalism, at least the form practiced in the United States, allows smaller groups


to have final control of specific parts of the political agenda. For example, it is accepted practice to delegate most authority over public education to state governments. However, in doing so, the general populace must give up final control over an issue that is important to the collective society. Yet, at the same time Dahl also feels that federalism can promote civic virtue in the traditional republican sense.

As a result, Dahl does not reject federalism outright, but he is less convinced of its merits. His first argument is that federalism is not a prerequisite for a nation to be democratic. He then flips his question by asking, “Are federalist nations necessarily undemocratic?” His response revolves around two issues. The first is his insistence that in democratic countries, the entire demos must have the ability to set the political agenda. “Yet in a federal system,” he argues,

no single body of citizens can exercise control over the agenda. Don’t you agree, then, that in a federal system the processes by which the people govern themselves can’t even in principle ever be fully democratic?  

He follows up his question with a hypothetical situation. Assume that the general populace of the federal nation Sylvania wishes to deal with its pollution problems.

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21 Madison accepts specific power delegations to the state as a positive development. In Federalist # 46, he notes that strong states will have the ability to check the power of an encroaching federal government. Madison’s arguments pose an interesting question with respect to this thesis. It will later be argued that small minority factions sometimes have the ability to overwhelm an apathetic majority. Ignoring empirical questions for the moment, the normative aspects would focus on the question, is it ethical for intense minorities to veto apathetic majorities. Madison’s acceptance of a federalist system, in which minority populations in states can at times overpower majorities at the federal level, i.e., (education issues), suggests he would be amenable to such an argument.

22 By which Dahl means all of the populace, not just certain sub groups (states) in a political system.
One initiative is to ban strip mining in all of Sylvania. However, one province, Carbonia, within Sylvania, where mining is crucial to the economy, is opposed to such controls over their vital industry. If the province of Carbonia has the final say, and can exercise a minority veto, then Dahl argues that the nation of Sylvania is not fully democratic. In a real world example, Dahl suggests that the inability of blacks to acquire civil rights in the southern states before the 1960s is an example of undemocratic federalism in action.

Dahl is not absolute in his attitude towards federalism. Speaking again in a hypothetical sense, Dahl asks “is a system more democratic to the extent that it permits citizens to govern themselves on matters that are important to them?” Such a question assumes that “matters that are important” will most likely occur at the local level. This raises the question as to whether people are better represented via a local government. In an article about Mikhail Gorbachev’s inability to prevent the Baltic republics from seceding from the Soviet Union, Dahl admits that majority rule does not always work in a federal government. He questions,

Should it [majority rule] obligate those who refuse their consent, not because they deny the validity of majority rule within a properly constituted democratic unit but because the political unit is itself seen as illegitimate.24

Speaking on behalf of a hypothetical Lithuanian, he states, “Of course I believe in majority rule, but the only majority I will agree to obey is a majority of my people in my country. (or state)” Dahl concedes that in federal systems the appropriate majorities are sometimes found in state, provincial or cantonal units.

23 Dahl, Democracy and Its Critics, 199.
Dahl then highlights the problems with his own argument. First, if democratic theory posits that smaller units are the best venues for deciding issues which are important to them, can those smaller units again be subdivided? How long can this process continue? Eventually, Dahl foresees a possibility of justifying anarchism.

Second, minorities are not necessarily geographic minorities. In democratic countries, there is a minority view on every political issue. Dahl concludes with this argument,

If minorities were to have an absolute right to form an association independent of the larger group, at least on matters most important to them, either that right would have to be restricted arbitrarily to the members of minorities occupying an identifiable piece of ground or else the right would apply equally to minorities of all kinds.25

In the end, Dahl is perplexed by the same issues that confronted Madison. If a system demands pure majoritarian rule, the rights of minority groups are in danger. Yet, any attempt to create sub-systems that protect minority interests run the danger of destroying the democratic process, supporting anarchism and allowing for a the possibility of minority tyranny. Of course, neither Madison nor Dahl argue that the creation of sub-systems is the only way to protect minority rights.

**DAHL'S CONTRIBUTIONS TO DEMOCRATIC THEORY**

On one level, Dahl is considered a critic of Madison. However, on a another level, Dahl is simply updating Madisonian democracy. When comparing the works and philosophies of the two men, it becomes apparent that both theorists were affected by their environment. Madison was writing at a time in American history when the society was predominantly agrarian. Furthermore, most of the Founding
Fathers believed that the government's involvement in the redistribution of wealth would be limited. In the late 1700s, the federal government's ability to tax and spend was extremely small when compared to the 1900's. If anything, most republicans of the era feared that government might be used to prevent the acquisition of wealth. They did not foresee the modern welfare state in which government became a major source of wealth. It was the predominant belief of the era that economics was a self-regulating system. As a result, government's role in economics was confined to regulating interstate commerce, providing stable markets and creating uniform rules to the economic system.

In contrast, Dahl is writing after the industrial revolution has changed the face of American society. By the 1950s, America is an industrialized and urbanized nation. In Dahl's world, the government is deeply involved in regulating the economy, redistributing wealth and the federal budget accounts for approximately 33% of the Gross National Product. Furthermore, Dahl is keenly aware of the unequal distribution of wealth in the United States. He lives in New Haven, Connecticut, a town with extreme wealth and extreme poverty. The differences between Madison's environment and Dahl's environment may account for their different interpretations of democracy.

25 Ibid., 493.

26 Joyce Appleby, Capitalism and the New Social Order, 88.

27 Ibid., 34.
The inequality of wealth caused by modern economic systems influenced Dahl’s to focus his concern on the concept of “intensity of preference.” Democratic procedures do not record how intensely a citizen prefers option A over option B. In contrast, in the market system, we can not only determine that a person may prefer product A over product B, but we can also determine the level of preference by noting how much more a person is willing to pay for product B. However, a vote by itself does not record intensity. In essence, political equality, “one man, one vote” denies a citizen the ability to register whether he/she slightly prefers option A to option B or whether he/she is ready to revolt if option A is not chosen over option B.

By making ‘most preferred’ equivalent to ‘preferred by most’ we deliberately bypassed a crucial problem: what if the minority of voters prefers its alternative much more passionately that the majority prefers a contrary alternative? Does the majority principle still make sense? Dahl is asking a normative question. Do intense minorities have more rights than apathetic minorities or apathetic majorities? More importantly, should democratic systems allow for some institutional process to account for intense minorities? If the answer to these questions is yes, then something besides majority rule must be developed in democratic states. Dahl calls such a rule the Qualified Minority Rule. It would allow for intense minorities to prevail over majorities in specific instances.

However, Dahl understands the difficulties with such a concept. Primarily, how does one measure intensity? How much more intense does the preference have to be in order to justify denying the majority its preference?

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28 Similarly, Calhoun focused on the same concept during the years prior to the Civil War.

29 Robert Dahl, A Preface to Democratic Theory, 52.
Dahl fails to ask a more important question. By creating a “Qualified Minority Rule” he is creating his own version of minority tyranny, a concept for which he roundly criticizes Madison for doing. In fact, critics of Dahl have gone so far as to suggest that pluralism is nothing more than Madison’s factionalism dressed up in behavioral jargon.  

However, in this instance, Dahl asks these questions, not because he is critical of Madison, but because he wants to understand how the democratic process actually works, not how theorists believe it should work. His major criticism of populist democracy is that as a theory, it fails to predict political behavior and the government decision making process. Dahl is quick to note that Madisonian democracy did not prevent the Civil War. The issues surrounding the Civil War attracted high levels of political participation and extremely intense views on both sides. Majority rule did not keep the South in the Union and minority protections did not alleviate fears by southerners that their rights would not be protected. In contrast, the Whiskey Rebellion, also an example of an intense minority disagreeing with federal policy, did not lead to a schism in American society deep enough to threaten the Union. Dahl argues that differences in the size of minorities, the intensity in which minorities and majorities hold their beliefs are all part of understanding how the democratic process works. In Dilemmas of Pluralist Democracy he asks,  

Political conflicts form patterns of such bewildering variety as to defy a concise summary. How strong or intense is the antagonism between the contestants? Do they see one another as enemies locked in a struggle for survival, or at the other extreme as friends, or fellow citizens who have a temporary disagreement?


Dahl turns his focus to the question of whether Madison's system protects intense minorities. He suggests that this job will typically fall to the Supreme Court. In an empirical study of Supreme Court cases in which the court reversed legislative action, Dahl draws a few conclusions. He notes that in about two-thirds of the cases in which the Supreme Court found laws unconstitutional, the majority must have been apathetic because no further action was taken to re-enact the law via other strategies. However, he questions himself as to how accurate a measuring stick such a study is. Just because the Supreme Court strikes a law down, thus favoring the minority, does that necessarily mean that the minority was an intense minority. In other words, is a Supreme Court action an indicator of the intensity of minorities or an indicator of the apathy of majorities? Second, in the remaining one-third of the cases found unconstitutional, the judicial veto was overcome by other means, in one case, civil war. But even in these cases, the court was successful in delaying many policies advocated by a majority but intensely opposed by a minority.\(^\text{32}\) Dahl concludes that intense minorities are protected in democratic nations that employ judicial review.

Dahl focuses on intensity because he seeks to understand why democratic institutions have succeeded in some nations and failed in others. Why is it that most Western European nations along with the United States can endure with democratic systems and other nations, with equally well written constitutions, fail to endure? His answer to this question will lead Dahl to develop the theory of Polyarchy, the model of democracy most associated with Dahl.

\(^{32}\) See Lochner and Slaughterhouse cases.
It is clear that Dahl is uncomfortable with the term democracy. In most instances, he qualifies the term when he does use it. He notes, "the term democracy is like an ancient kitchen mitten packed with assorted leftovers from twenty-five hundred years of nearly continual usage." To Dahl, democracy has two interpretations. Democracy as an ideal and democracy as it actually exists in the real world. The ideal democracy would include perfect equality in voting, equal opportunities for all citizens to participate and affect the process, "perfect understanding" or information about all issues, exact control of the political agenda and complete inclusion of all adult citizens. However, Dahl understands that in the real world such expectations are almost impossible, and completely impossible in nations of considerable size. Therefore, Dahl sees democracy as a spectrum ranging from existing nations with democratic aspects to the ideal of perfect democracy. Polyarchy represents what Dahl sees as the predominant form of democracy in the world today. Thus, inherent in the term polyarchy is the assumption that nations need to become more democratic. Polyarchy is only a description of a democratic nation that could develop into a nation closer to ideal democracy.

Dahl’s first three requirements for polyarchy to exist are that people must have the right to vote, all votes must be given equal weight and that the option with the most votes be enacted into government policy. In order to separate polyarchy

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34 Dahl, A Preface to Democratic Theory, 71.

35 Ibid., 74.

36 Robert Dahl, Dilemmas in a Pluralist Democracy, 36.
from a totalitarian government which also allows citizens to vote (although with extremely limited options). Dahl insists that in a polyarchy citizens must have the ability to insert options into the schedule of options. In other words, if option A and option B are not acceptable, the citizen may insert option C. Next, all voters must have equal information about all the options. Dahl concedes this is unrealistic, but as a concept it must be promoted as much as possible. Dahl, in later works, will refer to fundamental rights necessary for democracies to function, such as freedom of press and speech. By protecting these fundamental rights, there is a greater likelihood of equal information.

What separates polyarchy from a more ideal form of democracy is the periodic nature of elections. Dahl asserts that it is impossible to be completely democratic when decisions are made every day and elections only take place every two to four years. Therefore, in a polyarchy, the decisions of the electorate must be carried out during the “interelection stage.” Dahl argues this will occur only if representatives feel they are subject to punishment by the voters if they fail to carry out the electorates’ will.

Dahl somewhat complicates his theory of polyarchy by also referring to interest groups within a polyarchy as “polyarchies.” He states,

Polyarchies include a variety of organizations which Western political scientists would ordinarily call democratic, including certain aspects of the governments of nation states such as the United States and Great Britain: states and provinces; numerous cities and towns; some trade-union; numerous

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37 At this point, it should be noted that polyarchy does not appear to be much different than Madisonian democracy. Other than increasing support for majoritarianism, polyarchy seems not to be a radical departure from factionalism.
associations such as Parent-Teacher Associations, chapters of the League of Women voters and religious groups. Thus it follows that the number of polyarchies is large.\footnote{Robert Dahl, \textit{A Preface to Democratic Theory}, 74.}

He also asserts that while independent organizations are not sufficient to produce polyarchy, they are a necessary element of a large-scale democratic nation. In fact, he argues that autonomous organizations are both a prerequisite and a consequence of polyarchy.\footnote{John Manely, “Neo Pluralism: A Class Analysis of Pluralism I and Pluralism II” American Political Science Review (Fall 1983): 369.}

Dahl also describes the conditions necessary for polyarchies to develop. It is at this stage of his theory that he begins to diverge from Madison. Dahl insists that polyarchy will only develop in societies where there already exists a consensus of norms. He argues that Madison and others took for granted that most people in the United States at the time the Constitution was ratified had relatively similar views on natural rights, human nature and social norms. Dahl states, “I believe, [the consensus of norms] hindered realistic and precise thinking about the requirements of democracy.”\footnote{Ibid., 369.} In other words, majority tyranny never developed in the United States because most people had similar values about most issues. It was not a result of Madison’s elaborate system of minority protections. Dahl feels the Civil War proves his point. During the Civil War there was a fundamental and uncompromising disagreement over values in the United States, and the Madisonian system failed to produce a solution.
Polyarchy has a variety of meanings for Dahl. In one respect, polyarchy is a set of institutions which fosters a relatively democratic political system. Dahl, in his concern for being empirical, wants to be able to identify tangible institutions (as listed above). Therefore, by examining a political system he can empirically determine if that system qualifies for polyarchal status.

Polyarchy is also an environment. Dahl argues that polyarchy can only exist in a homogeneous political environment. As the severity and intensity of disagreements increases in a polyarchy, thus creating the possibility of a permanent and dissatisfied minority, polyarchy becomes less likely. By creating a multiple definition of polyarchy, Dahl wants polyarchy to become both an ends and a means. Polyarchy needs to create institutions to carry out a democratic process, but at the same time, needs to create an environment that fosters similar values.

Finally, polyarchy is an evolutionary process. Dahl feels that polyarchy is one step in the process of democratization. Polyarchies foster a democratic environment on the political level. However, Dahl hopes that in such an environment the political process will evolve into a more "purely" democratic system. Such a process would allow for the democratization of economic firms.

Because polyarchy, as an environment, postulates a consensus of norms, Dahl contends that the checks and balances system of the United States Constitution also does nothing to prevent tyranny of the majority. He states,

Madison's compromise between the power of majorities and the power of minorities rested in large part, upon the existence of constitutional checks upon majority action. As distinguished from Madisonianism, the theory of polyarchy focuses primarily not on the constitutional prerequisites but on the social prerequisites for a democratic order.
Dahl contends that as nations become more heterogeneous, with respect to values, there is less likelihood that stable democracies will develop. Or, as nations become more heterogeneous, independent groups will have more autonomy within society.

At this point, one can see why Dahl was not willing to completely rule out the process of federalism or minority rule in certain instances. It also becomes clear as to why Dahl was concerned with the concept of intensity. As passionate cleavages develop in democracies, the less likely they are to survive. "In a sense," Dahl concludes in *A Preface to Democratic Theory*, "what we ordinarily describe as democratic politics is merely the chaff. It is the surface manifestation, representing superficial conflicts."\(^{41}\)

In other words, that the reason American democracy has survived is because of a lack of intense disagreements, not because of checks and balances or minority vetoes.

The theory of polyarchy sets up a very narrow spectrum in which Madison's view of factionalism and Dahl's view of polyarchy can co-exist. Madison argues that a variety of independent interests (factions) with divergently different goals must continually compete with one another to prevent tyranny of the majority. Dahl counters that the divergently different goals must not be too divergent or else polyarchy will not develop. In essence, polyarchy is a function of consensus. However, Dahl accepts Madison's contention that pluralism is necessary for democracies to exist on a large geographic scale. Therefore, in order for both theories to be compatible, interest groups must compete and disagree with each other, but at the same time there must be underlying values that all interest groups hold as true, regardless of their "superficial" disagreements.

Up to this point, two aspects of Dahl’s political theories have been discussed. First, Dahl believes that societies can and should become more democratic. Second, polyarchy does not describe an ideal democracy. It describes a stage in democratic development. Within that second concept is the implication that polyarchies need to undergo some form of transition that will bring about a more democratic society.

Dahl additionally feels that unequal distribution of wealth is the primary impediment to a fully democratic society. In the 1950s, Dahl along with his most frequent collaborator, Charles Lindblom, revised the theory of pluralism. They argued that pluralism best described “power relationships” within the United States and most polyarchies. The basic tenets of pluralism were 1) power was tamed and coercion minimized; 2) the consent of all citizens was promoted; 3) the system forced peaceful settlements of all contending parties; and 4) the political system was open to most interests if the interests felt strongly enough to mobilize pressure. However, the performance of the political economy in the United States from the 1950s to the 1980s so concerned Dahl and Lindblom, in that the gap between the rich and poor was ever widening, that they began to revise their theory of pluralism. They began to insist that wealth must be redistributed in order for polyarchies to survive, at worst, or to transform into more democratic societies, at best.

Dahl’s revision of pluralism is initiated by his separation of capitalism from polyarchy. Historically, the two had always been tied together. In their joint effort

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42 Ibid., 372.


44 Ibid., 391.
in 1953, Politics Economics and Welfare, Dahl and Lindblom assert a variety of arguments, all of which suggest limiting the private control of capital, limiting the influence of business in politics and redistributing wealth more equally.

In the realm of attitudes and ideology, we Americans have an irrational commitment to private ownership and control of economic enterprises that prevents us from thinking clearly about economic arrangements. Private ownership and control is but one form among a vast variety of options.

They continue,

To democratize the American polyarchy further will require a redistribution of wealth and income. It follows from all we have said that we believe that major structural reforms are required in the American politico-economic system.

Dahl is not calling for a redistribution of wealth strictly on grounds of social justice. Dahl is first and foremost a student of democratic theory. He views inequality of wealth as a disturbance to democratic systems.

Pluralism is based on the idea of competition among groups, interests and the varying elites. However, economic power distorts the ability of all groups to compete fairly. This is Dahl’s major concern.

Businessmen play a distinctive role in polyarchal politics that is quantitatively different from that of any interest group. It is also much more powerful than any other interest group. Common interpretations that depict the American or any other market-oriented system as a competition among interest groups are seriously in error for their failure to take account of the distinctive privileged position of businessmen in politics.

If the competition in the political marketplace is not fair, then groups in power will remain in power. Interests that are already wealthy will stay wealthy. This is what

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46 Ibid., xxxvii.
Dahl refers to as stabilizing inequality. However, he is not strictly speaking about economic inequality. He also means political inequality,

An evident feature of the consensus prevailing in all polyarchies is that it endorses attitudes, values, and policies of more benefit to the already favored groups in the society than to the less favored. Because governments respond more to the better-off than the worse-off, they help to sustain the cycles of political effectiveness and ineffectuality that in turn perpetuate the structural inequalities.48

Dahl therefore concludes that pluralism, in the traditional sense, has not achieved the goals that he once hoped democracy would achieve. First, Dahl had hoped that polyarchies, in terms of process, would eventually transform into more democratic states. Second, in terms of an ends, he hoped polyarchies would distribute wealth more evenly. However, the opposite is occurring.

In Democracy, Liberty and Equality and A Preface to Economic Democracy Dahl continues to focus on the theoretical aspects of economic equality. Dahl finds himself confronted with the same dilemmas as Madison and DeTocquville; equality and liberty are not always compatible forces. In fact, in many cases, liberty is antagonistic to equality. Dahl is confronted with the paradox. He feels that democratization of our society must increase. He also argues that democratization cannot increase unless there is a more equal distribution of economic resources. However, in order to equalize wealth, society usually must limit liberty. Dahl poses the question, “can we create economic equality without destroying political liberty? Or, is there an unavoidable trade-off between the two?”

Dahl begins his analysis by re-examining DeTocquville's assertion that democracy can be dangerous to property rights. In essence, DeTocquville repeats

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Madison’s fears that a majority of lower-class citizens can democratically initiate an egalitarian revolution. What prevents this from happening, Dahl argues, is that property rights are viewed as a fundamental right and are, therefore, beyond the jurisdiction of majority rule. He argues that “Americans capitalism rests ultimately on an inalienable right of [property]” He continues, “American beliefs about inalienable rights to life, liberty, and – the last of the constitutional trio—property” are preventing the further development of democracy.

Dahl’s solution is to assert that democracy itself is a fundamental right. In essence, he seeks to make the right to “democratic control” superior to the right to private property. “What my argument does is to establish a claim to democracy as a matter of right in any [Dahl’s italics] association of any kind.” Dahl is not only asserting that the right to majority rule is superior to the right of private property, he is also asserting that any organization, which meets certain criteria, should be democratically governed. Such an argument allows for the next logical step. If political associations should be democratically governed, then as a matter of course, economic firms should be democratically governed.

One of Dahl’s concerns is that economic firms are inherently dictatorial in the way they function, i.e. workers have little to no impact on how decisions are made within the firm. Furthermore, Americans accept this as the proper arrangement for

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48 Ibid., 145.
51 Ibid., 61.
economic associations. If all economic firms are allowed to remain undemocratic in the way they function, polyarchies will never make the leap to a more democratic society. He argues,

But I do not see how private ownership of corporate enterprise can be a fundamental moral right. To reach such a conclusion requires jumping a series of logical hurdles. Even if we were to assume that everyone has a fundamental right to economic liberty, it would not follow that everyone has a fundamental right to private property. To assert that private property is a natural right is to say close to nothing at all.

Dahl follows up this argument with the conclusion that if democracy is an acceptable process for governing the state, then it must also be justified in governing economic enterprises. Conversely, if democracy is not acceptable for governing the economic firm then it must not be good enough to govern the state.

Dahl attempts to avoid the socialist label. Despite support for progressive tax policies, strong union power, and an involved welfare state, he does not support “direct redistribution.” On a practical level, Dahl does not believe Americans can make the mental shift to “distributive justice” after so long an historical experience to the contrary. Second, he feels such changes are unlikely “in an American system where intense minorities are powerful.” However, he is willing to promote democratic control of corporate capitalism in the name of substantive equality in order to control the ill effects of capitalism on individual liberty. In doing so, he hopes that democracy can spread to all aspects of human organization. In some ways,

52 Ibid., 55.
53 Ibid., 74.
54 Ibid., 111.
Dahl sounds like a modern day Madison. Just as Madison did not want to eliminate liberty as a method of eliminating factions. Dahl does not want to eliminate capitalism as a method for eliminating inequalities in wealth. Madison tried to control the effects of faction within a free society as Dahl tries to control the effects of inequality within a capitalist society. Dahl criticizes Madison by questioning whether a system that so stringently protects minorities is still democratic. However, one could question whether a system in which private property is no longer a fundamental right is still capitalistic.

AREAS OF AGREEMENT BETWEEN DAHL AND MADISON

Despite the fact that Dahl is considered by many to be a critic of Madison, both men hold similar views on many significant issues concerning democratic theory. In fact, Dahl and Madison were more alike than different. Dahl sets out to construct a model to explain how democracies actually function. In doing so, he finds that Madison failed to understand several aspects of democratic systems. Madison, Dahl claims, focused too much on the possibility of tyranny of the majority, granted an inordinate amount of power to minorities and thus created a system that was only marginally democratic. Furthermore, Dahl argues that Madison did not understand the social conditions necessary for democracy to flourish. As a result, Dahl feels that Madison put too much faith in structural methods to prevent tyranny of the majority and minority and ignored the fact that social homogeneity was a primary requirement for democracy.

55 Ibid., 163.
However, even if one accepts all of Dahl’s criticisms of Madison, it is impossible to ignore the fact that pluralism, as defined by Dahl, is not radically different than factionalism as described by Madison. In the same vein, Madison may not have advocated that democracy should or will pervade all aspects of society, but it is not accurate to label him an anti-democrat. A close reading of Madison’s notes at the Federal Convention, along with letters he wrote to fellow leaders demonstrates he was a strong advocate of democracy. Finally, the fact that Madison and Dahl both focus on similar difficulties with democratic theory suggests that they were looking at democracy through a similar lens. Both theorists were concerned with small groups. Madison tried to protect small groups and individuals from factions, especially to protect their individual liberties. Dahl tried to protect society from small groups with inordinate amounts of power. In their separate ways, they both wanted to account for intense minorities within a greater system. As a result, they were both concerned with the concept of size and struggled with the prospect of extending democracy to a large and diverse society.

Dahl states that pluralist democracies face a constant contradiction. On one hand, individual groups must have autonomy or liberty. At the same time, groups must be controlled in order to prevent them from doing harm to themselves or society. According to Dahl, "autonomous organizations" exist if organizations can "undertake actions that 1) are considered harmful by other organizations and that 2) no other organization can prevent the [other] actor from doing so." And if groups are autonomous, "the problem of democratic pluralism is serious precisely because independent organizations are highly desirable and at the same time their
independence allows them to do harm." The words may be different, but the arguments and definitions are the same as those presented in Federalist # 10.

Madison also worries about autonomous groups tendencies to sacrifice the public good for their own benefit, but he calls these groups factions. And, like Dahl, Madison argues that despite the possible danger factions pose, they must be allowed to exist and to flourish.

However, when competition between factions begins to deteriorate the consensus of values a political system maintains, Dahl contends that stable polyarchy is threatened. In such a case, Dahl typically recommends consociational forms of democracy as a solution. He argues that where a collection of diverse minorities all occupy the same geographic location and are all ruled by the same government, some type of corporate system becomes necessary to prevent tyranny of the minority or political gridlock. However, to argue that each sub-system or significant interest in the consensus model has the power to veto collective decisions is not much different than Madison's provisions for minority vetoes to prevent tyranny of the majority; provisions of which Dahl is very critical.

Again, if one looks at Dahl's arguments about "corporate capitalism," he appears to agree with Madison more than he disagrees. Dahl argues that since the development of corporate capitalism, economic wealth is now equitable with political power. He goes on to suggest that since Madison and most of the other Founders did not foresee a change in American society from agrarian to industrial, they did not foresee the destruction of political equality. However, there is evidence to suggest that Madison was concerned about the effects of property on voting equality. On July

26. Madison moved to strike the word “landed” before the word “qualifications” in the passage concerning suffrage rights in the Constitution. He argues, “unjust laws of the States had proceeded from this class of [landed] men than any other. It was politics as well as justice that the interests of every class should be duly represented and understood in the councils.” In all, Madison was a democrat. As a college student during initial stages of the Revolutionary War, he, like most college students, developed radical (at the time) views about democracy. However, many of those views were eventually tempered by his experience as a delegate to the Continental Congress during the darker times of the war. It might be more accurate to suggest that Madison was an advocate of slow and moderate democracy, not an anti-democrat.

In developing his theory of polyarchy, Dahl presents the idea that what separates Madisonian thinking from his own is the concept of social checks on tyranny of the majority. Dahl feels that Madison placed too much faith in structural and institutional checks as a means for preventing majority and minority tyranny. Dahl feels that, in the end, a homogeneous culture is the only true means of preventing tyranny. However, in a letter to Jefferson in 1788, Madison provides some evidence that he might agree with Dahl:

Repeated violations of these parchment barriers have been committed by overbearing majorities in every state. In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current. Notwithstanding the explicit provision contained in that instrument for the rights of conscience, it is well known that a religious establishment would have taken place in that state if the legislative majority had found a majority of the people in favor of the measure. Wherever the real power of the government lies, there is the danger of oppression. In our governments the real power lies in the majority of the community, and the invasion of private rights

is chiefly to be apprehended, not from acts of government contrary to the sense of its constituents, but from acts in which the government is the mere instrument of the major number of the constituents.\textsuperscript{58}

CONCLUSIONS

Having examined the works and philosophies of both theorists, are there any general conclusions one can draw in comparing Madison and Dahl? Madison had a pressing job to do: draft a new constitution with a stronger national government. Dahl's intention is to create a theoretical model that, hopefully, will make an intellectual contribution to democratic theory. Madison had to be much more concerned with practical and realistic aspects of creating a government from scratch. He had spent a considerable amount of time studying old systems of government in order to discern the strengths and weaknesses of each. When Madison attended the Constitutional convention, he inherited a diverse nation, with pre-existing prejudices left over from the Revolution. Madison's audience had an expectation for popular sovereignty and demanded that certain "natural rights" be protected. They also had loyalties to pre-existing state governments. He was forced to accept compromises and adapt to the environment in which he was working. As the nation he help create grew and faced unforeseen challenges, Madison was forced to amend his political views with what he thought would be politically successful and institutionally healthy.

Dahl, on the other hand, is working in a more intellectual arena. He is allowed to indulge in purely normative questions. He has the freedom to envision an "ideal democracy" and argue the merits of such a system. He is not constrained by

\textsuperscript{58} Smith, Peter. \textit{A Republic of Letters}, pg. 503.
any knowledge that he might have to actually create his ideal system. He, from time to time, will offer suggestions to improve Madison's system, but he is never called upon to draft a national charter. As a result, Dahl has the luxury of being able to call for democratic socialism without having to provide the same level of specifics that Madison was forced to provide in the Virginia Plan. Madison was not able to call for minority protections, on a theoretical basis, and then leave the details up to others. In an ironic twist, it is Dahl whose accuses Madison of not being practical. Dahl argues that it was Madison who relied too much on vague notions of "natural rights" and "tyranny." However, many critics of Dahl suggest he suffers from the same malady. When Dahl is trying to be empirical, in many ways he is simply referring to other theorists. "His empirical world, however" as Lucian Pye writes, "is largely of the realities described by the literature of Plato, Aristotle, Pareto, Morasca and other numerous worthies."59 "Considering how closely the author [Dahl] is identified with behaviorism," Jack Nagel (1991) adds, "one is struck by how much of Democracy and its Critics reads like the work of a philosopher."60

A second conclusion one could draw about the two theorists is that Madison was a democrat who emphasized the limitations of democracy and Dahl was the democrat who emphasized the potential of democracy. It could be argued that Madison was trying to construct a democratic system into something that was practical and lasting, while Dahl was trying to reconstruct this democratic system so as to eliminate many of the roadblocks Madison had created. Madison appears more aware than Dahl of the frailties and vices of people. He develops his plan for a

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democratic republic with this darker image of man prominent in his mind. His analysis of factions suggest that one of the most dangerous entities a people will face in a democratic system is the people themselves. Like other Federalists, Madison seeks to protect the people from themselves.

Dahl seeks to expand democracy to a new level of inclusion. Dahl professes as his goal "to close the gap between polyarchy and democracy." Dahl views the development of democracy in an evolutionary prospective. According to Dahl, democracy was born in the Greek city-states and has slowly been evolving into something bigger and better. However, he assumes that democracy has not finished growing. He envisions a "third transformation" that will allow democracy to spread to the world of economic associations. Some critics have suggested that Dahl's use of the term polyarchy allows him to reserve the term 'democracy' for normative use as a set of unrealized goals. In this way, Madison and Dahl can be compared, in a normative and empirical sense, with respect to the extent democracy should pervade a political and economic systems.

This contention leads to a third conclusion that can be draw about the two theorists. Madison seeks to place fundamental rights on a "higher plane" than the democratic decision-making process. That is, he believes that certain rights are inherent or "natural rights," and even fundamental to the survival of democracy and therefore not subject to majority rule. This argument becomes most clear in the debate over property rights. It would probably be fair to say that Madison felt that the right to property was superior to majority rule. Therefore, he would probably argue that majority rule should not be able to deprive a citizen of his control of economic

resources. However, Dahl would contend that a right of the people to democratically control all aspects of their environment, including their economic environment, is a fundamental right which takes precedence over an individual’s property rights.

Dahl must create this hierarchy of rights in order to justify his call for democratizing economic firms. He must reconcile the age-old tension between liberty and equality. To accomplish this task, he must elevate the egalitarian aspects of majority rule above the right to private property. By doing so, he can advocate forms of democratic socialism without violating “fundamental rights.”

This difference of opinion possibly springs from the fact that Madison was writing and developing his ideas about government before the industrial revolution affected American society. He lived in an agrarian world that prevented large scale class inequalities. Furthermore, he lived in a country with what seemed to be an expansive Western frontier. These circumstances led Madison, and others of his time, to believe that regional and economic issues would be an aspect of the governmental policy-making process, but not necessarily the dominant aspect. Dahl is probably correct when he argues that the Founders did not foresee the extent to which economics would play a role in the political process, especially after industrialization.

Dahl views the world from a different century. He feels economic inequality is rampant and economic power is political power. His view of who holds the power is completely reversed. He sees small minorities, such as corporations and business classes with inordinate economic power, oppressing the majority. As a result, Madison spends most of his efforts trying to protect minority factions and Dahl
spends considerable effort trying to justify majority rule to protect majority factions from economically powerful minority factions.

Dahl is struck by the numerous paradoxes that large republics create. He notes that there are incessant tradeoffs between desirable goals in large democracies. A short list includes the tradeoffs between unity and diversity, the common interest and individual interests, and the control and the autonomy of elected officials. Dahl condenses all of these contradictions into two concepts: citizen effectiveness and capacity of the system. Or, the more power individual citizens have, the less functions a government can serve. He argues that as a system becomes larger, citizens lose the ability to affect the political system to be responsive to their desires. And yet, as the political system becomes stronger, the system acquires the ability to deal with larger issues that are important to the populace. In other words, as Lincoln pointed out 100 years before Dahl in his Gettysburg Address, citizens are offered either control of an impotent state, or little control of a powerful state.

Dahl refers to the above dilemma as the “problem of the democratic unit.” He argues that one limitation of democratic theory is that the democratic process assumes that a boundary in which the democratic process will take place already exists. However, the tension between citizen control and political effectiveness that Lincoln and Dahl highlight suggest that multiple boundaries are necessary. Small boundaries to ensure citizen effectiveness and a large boundary to ensure political effectiveness. Madison’s solution was to codify the rules of federalism in the Constitution. Although federalism is the result of historical development as much as Madisonian planning, Madison did entrench federalism into our national system. Federalism
allows citizens to be close to local governments and thus allows for 'citizen
effectiveness,' while, at the same time, citizens are distant from the large national
government which maintains its 'system capacity.' Madison also suggested that by
"enlarging the sphere" of government via the republican principle, representatives
would remain responsive to the people. While, at the same time, Senators would be
elected from a larger geographic area and thus maintain some autonomy.

Again, the issue eventually revolves around the concept of 'intensity.' Both
Dahl and Madison understand that intense minorities demand action and in some
cases deserve responsiveness. However, they also were aware of the fact there is no
relationship between the size of a group or faction and the likelihood that the goals of
the group will be in the "general interests" of the country.
Both Robert Dahl and James Madison were concerned with the issue of rights. They wanted to create political systems that were democratic, but at the same time, they wanted to create systems that would protect individual rights, group rights, rights of the majority and rights of the minority. However, for both theorists the term “rights” is only vaguely defined. This is a short-coming of their political theories. In order to completely understand how democratic institutions protect, or fail to protect, rights, one must have a clearer definition of “rights” than the definition provided by either Dahl or Madison.

Put in its most simplistic terms, all rights, either allocated or enforced by governments, can be sub-divided into political rights and economic rights. Rights must exhibit certain criteria in order to fall into either category. This is not to say that all rights will fall neatly into one of those two categories. It may be more helpful to assume a spectrum ranging from purely political rights to purely economic rights. It is entirely possible that many rights would exhibit criteria of both categories. However, this does not preclude us from determining if a right is “more political” than economic, or vice versa.

The important question, at this point, is what criteria will be used to determine if a right is political or economic? In order to answer this question I propose to use an economic theory. In the late 1950s and early 1960s economists developed a field of thought known as collective action theory. Collective action theory divided

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economic goods into two categories. The theory held that goods are either "public goods" or "private goods." However, as was noted above, just as the dichotomy between political rights and economic rights is not absolute, economists also noted that goods would fall into a spectrum ranging from purely public to purely private. Economists developed certain criteria to determine if a good was public or private. I plan to use the same criteria economists use for economic goods, but superimposed upon "political goods." Therefore, it will be argued that "political rights" exhibit the same criteria as public goods and "economic rights" exhibit the same criteria as private goods. What those exact criteria are will be developed in a subsequent section of this thesis.

The next logical question, at this point, is, what purpose is served by subdividing rights into two categories? Returning to collective action theory, economists noted that individuals react differently to incentive structures created by public goods than to incentive structures created by private goods. They noted that people have an incentive to pay for private goods, but that they have a disincentive to pay for public goods. Thus, by sub-dividing goods into two categories, economists are better able to understand how the economic marketplace functioned.

What if the same logic could be applied to the "political marketplace"? If it could be demonstrated that people react differently towards government "allocated" economic rights as opposed to political rights, such an understanding might help explain the democratic process. In other words, it might be possible to argue that economic rights elicit from individuals different incentive structures than do political rights. It will be argued that political rights, like public goods, create a disincentive to
participate in the political system. Just as public goods create a disincentive to pay, political rights create a disincentive to participate. In contrast, economic rights, like private goods, create a strong incentive to participate.

By using collective action theory to provide further insight into how people react in a political system with respect to the allocation of economic and political rights, one might be able to unlock one of the most puzzling aspects of democratic theory. Both Madison and Dahl were concerned about how intensity of interest or intensity of participation would affect the democratic process. Madison never tried to quantify intensity. He did, however, understand its effects on democratic systems. He relied on federalism to make systems responsive to intensity, but also hopefully, to prevent the adverse effects intensity might cause. Dahl wanted to develop a system to empirically measure intensity. However, in the end, he concluded that it was too abstract a concept to measure.² He was forced to admit that polyarchy would only work if intense conflicts were avoided, or, barring that possibility, he advocated a variety of corporatist and consociational democratic structures to deal with the problem of intensity. However, if the use of collective action theory can provide an insight into the causes of intensity, democratic theorists might better be able to account for intensity.

It is also important to clarify any value-laden judgements about intensity. Madison and Dahl did not view all “intense efforts” as detrimental to the political process. It is very possible for an intense effort to be positive. However, they were aware that intensity needed to be understood if democracy was to be understood as a

real process, not a hypothetical process. Furthermore, in certain circumstances and with certain issues, both theorists understood that intensity could be hazardous to the political process. Dahl felt intense minorities could tyrannize apathetic majorities or other minorities, while Madison felt intense minorities needed constitutional and structural protections.

**COLLECTIVE ACTION THEORY**

The most important criteria that separates political rights from economic rights is rivalry. Political rights have the characteristic of non-rivalry while economic rights have a strong tendency towards rivalry. This occurs because political rights are typically granted or enforced on an infinite level; i.e., there is an unlimited supply of most political rights. On the contrary, economic rights must be rationed because they are a finite resource. In order to better understand this concept, a more comprehensive understanding of collective action theory is needed. Specifically, one needs to understand the criteria economists used to separate public goods from private goods. This is necessary because the same criteria will be used to differentiate between political rights and economic rights. The criteria used to differentiate public goods from private goods revolves around three concepts. The concepts are non-rivalry, non-excludability and non-divisibility.

Non-rivalry describes how collective goods or public goods do not inspire competition. The reason is, in a hypothetical sense, a public good has an infinite supply. Economists argue that competition for resources occurs because all resources
are finite. Therefore, both the farmer and the rancher compete for land because they both need the land and it is finite in supply. However, public goods, to some degree, offer an infinite supply of a good and therefore, there is no need for competition.

A good example of a purely public good is a lighthouse. The lighthouse produces light and light is considered a non-rivalry good. Simply put, a captain aboard a ship can look at the light from the lighthouse for as long as he wants. His actions will do nothing to decrease the amount of light available to other captains. In other words, the light cannot be “used up.” In a more technical sense, Mancur Olson writes, “jointness of supply [non-rivalry] accounts for the fact that additional members can enjoy a good with little or no reduction in the consumption of the old members.”

One might note that Olson did not speak in absolutes. For instance, a road is also considered a public good. In an ideal world, roads would exhibit the characteristic of non-rivalry. Of course roads do not get “used up” when someone drives on it. There is still just as much road left for the next person. However, roads are not purely public as the use of the road by one person can decrease the use of the road by another person. Anyone who has been involved in a traffic jam knows this is true. However, in a general sense, the public's use of public goods does create a zero-sum situation. By definition, the benefits of a public good increases as the number of people who seek to use the public good increases. Or, put another way, if one person


4 Ibid., 28.
uses a road, then one "unit" of the road is provided. If two people use the road, then
two "units" of equal amount are provided. However, if two people seek to use the
same acre of land, then smaller "units" must be provided to account for the rivalry for
the good.

The second criteria for a public good is non-excludability. Non-excludability
is the condition that once a public good is created, regardless of the means, no one
can be prevented from using the public good. This characteristic makes public goods
very different from private goods. With a private good, the owner of the good can
ration access to the good. A collective or public good is here defined as any good
such that, if any person in a group of persons consumes it, it cannot feasibly be
withheld from others in that group. In other words, those who do not purchase or pay
for any of the public good cannot be excluded or kept from sharing in the
consumption of the good, as in the case of non-collective goods. This characteristic
of public goods is significant in affecting the incentive structure people face when
trying to produce or allocate collective goods.

Garrett Hardin, in his famous "The Tragedy of the Commons," discussed such
an incentive structure. He noted that any time a community had a common area in
which to graze livestock, that common area was eventually destroyed by overuse. He
observed that people would much rather use the public commons than their own land.
Since the lot was public, and therefore non-excludible, anyone could use the land at

5 "Unit" in this case is an ambiguous term at best. It refers to the fact that an
individual, by using the road, has realized some utility by doing so. However, it is
difficult for economists to develop concrete measurements for public goods because
they are indivisible.
no apparent cost to himself. In essence, there was an incentive structure to use the land at a rate far higher than if one was required to pay for the use of the land.

Returning to the lighthouse example, one can note the realistic applications of non-excludability. Assume that the lighthouse tried to ration the use of its product by selling permits to use the light. This would be ineffective because of the non-excludability characteristic of the good. How could the lighthouse prevent the use of its good by non-paying individuals? There is no way to direct the light to only those ships that have a permit. Furthermore, the owners of the lighthouse cannot require non-paying members to wear blinders.

However, like non-rivalry, the characteristic of non-excludability is not absolute. Harvey Rosen notes that a lighthouse could be made excludible if the right technology were made available. He argues that in modern times lighthouses tend to be electronic and therefore signals could be scrambled for non-payers. Or, in a more extreme case, he notes that the lighthouse could be given permission to fire missiles at ships using but not buying a permit. He also points out that public goods do not have to have both characteristics mentioned above. He cites roads as an example. A road may be purely non-excludible, but not necessarily purely non-rival.

The last characteristic of a public good is non-divisibility. Non-divisibility is the characteristic that public goods are allocated in lump sums of all or nothing. There is no way to allocate different percentages of public goods to different citizens. The Italian economist Ugo Mazzola emphasized what he called the "indivisibility of

public goods." He noted that once a good was created it went to all people equally. That is not to say that it benefited all people equally. For instance, the entire community may pay for a fire department, but it may benefit the person living in the log house much more than the person living in the glass house.

Returning once more to the lighthouse, it is obvious that ships cannot be allocated different amounts of light. Either the lighthouse is on or off. It is not possible to grant one ship a 40% allocation of light and another ship only 20% of the light. Everyone gets 100% of the light or none of the light.

Before explaining how public goods have similar characteristics to our hypothetical “political goods,” it would be helpful to briefly describe private goods. Private goods differ from public goods in that they have none of the characteristics listed above. A private good will have some, if not all, of the characteristics of rivalry, excludibility and divisibility. For instance, an automobile can be a private good. If a person owns a car, he or she can exclude anyone else from using it. A better example would be land. Land, in the hands of private ownership, exhibits all the characteristics of private goods. Like the car, the use of private property, or access to it, may be denied. Second, land is obviously a finite resource. Therefore, it is a good that exhibits the characteristic of rivalry. Every acre of land a farmer uses is one acre of land a rancher or homebuilder cannot use. And last, land is divisible. Land can be apportioned in varying amounts to different people.

What separates private goods from public goods is the zero-sum gain mentality that surrounds private goods. When a private resource is allocated to a specific individual, all other individuals can interpret that allocation as a loss. In fact, Lester Thurow, a noted Yale economist, refers to the allocation of economic resources as "loss allocation." He is suggesting that anytime the government, or any association allocates a resource that is private in nature, it is also allocating a loss to all other segments of society. This characteristic is going to be important later in the discussion of the hypothetical "economic rights." It will be argued that "economic rights" exhibit a zero-sum gain characteristic while "political rights" do not.

One last definition is required before one can fully understand collective action theory. The concept of the "free rider" is important in understanding the complexities of allocating public goods, and therefore "political goods". A free rider is someone who chooses not to contribute to the cost of producing a public good because he or she knows that the good will be non-excludable. We can again look to the lighthouse for an explanation. Economists argue that if contributions to raise money for building a lighthouse were voluntary, not enough money would be collected. This would lead to what economist refer to as an inefficient amount of a public good. The reason for this under allocation is that individuals know that they will be allowed to use the lighthouse even if they did not help pay for it. Thus the incentive structure becomes, "let other people pay for it and I will use it." It is important to note that, in general, public goods suffer from a free rider problem but private goods do not.

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The concept of the free rider is important to this thesis for two reasons. First, it will later be argued that "political rights" suffer from free riders just like public goods suffer from free riders. And, like private goods, "economic rights" do not. Second, it allows us to draw a distinction between the economic marketplace and the political marketplace. Governments and economist have developed a way to avoid the free rider problem in the economic marketplace. They use mandatory taxation to require everyone to contribute to the construction of public goods. This way the burden of national defense, police and fire protection are born by all taxpayers. However, the political marketplace has no institution to require participation. Therefore, it will be argued that "political rights" not only have a free rider problem, but that it is impossible to avoid the free rider problem.

The purpose of superimposing collective action theory, an economic model, onto a political system is to determine if the "rules" of the economic world apply to the political world. Thus, I have introduced the terms economic marketplace and "political marketplace." In order to draw an effective comparison, a more developed definition of "political marketplace" is needed.

Joseph Schumpeter, in his epic work *Capitalism, Socialism and Democracy*, introduced the idea that political systems functioned similarly to economic systems. Schumpeter compared the political competition for votes to competitions within the market. Voters acted like consumers in that they choose between policies. The policies are analogous to products offered in the marketplace. These products

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(policies) were offered by "political entrepreneurs."\textsuperscript{10} In other words, politicians act like producers and voters act like consumers. Thus, political parties and associations regulated the political marketplace in the same way firms and consumers regulated the economic marketplace. Schumpeter argues that it is not cynical to abide by the philosophy that "What businessmen do not understand is that exactly as they are dealing in oil so I am dealing in votes."\textsuperscript{12} Put another way, politicians buy and sell votes as currency in the same way the businessmen buy and sell oil as currency.

Schumpeter is not alone in this view. Anthony Downs, in his book \textit{An Economic Theory of Democracy}, suggests that political parties are just like firms in a marketplace. They seek to maximize votes just as a firm would try to maximize market share or profits. These models are significant in that they offer some understanding as to why demands for "economic rights" are so intense. Schumpeter argues individuals seek to satisfy short-run desires in the economic market. Similarly, politicians and voters seek to do the same thing in the political marketplace.\textsuperscript{13}

All of the above concepts bring us to the heart of this thesis. As mentioned at the beginning of this chapter, it will be argued that there exist two types of rights. They are economic rights and political rights.\textsuperscript{14} It will be further argued that these


\textsuperscript{11} Ibid., 291.

\textsuperscript{12} Ibid., 292.

\textsuperscript{13} Ibid., 295.
rights can be defined by using the criteria economists use to define public and private goods. The next logical step is to argue that if political rights are like public goods, then they must suffer from a free-rider problem. Thus, one could offer the hypothesis that either political goods attract a less intense level of political participation, or that economic rights attract a higher level of political participation.

In order to examine whether political rights act like public goods, it will be necessary to investigate if political goods exhibit the characteristics of non-rivalry, non-excludability and non-divisibility. The political right to free speech is as close to a purely political good as the lighthouse is to a purely public good. Therefore, the political rights of free speech will be useful to test the hypothesis.

Free speech definitely has characteristics of non-rivalry. It is difficult to argue that one persons use of speech "uses up" the speech, so that there is less speech left for the next person. In essence, the amount of speech is not finite. Or, speech is rarely subject to a zero-sum gain mentality. Just as it was argued that captains looking at the light from the lighthouse do not decrease the amount of light left for the next ship, people speaking in public, in newspapers or on television do not leave less speech available for the next person.

There are, of course, no absolutes. On a theoretical level speech is completely non-rivalry. On a practical level, there are possibilities for rivalry. Just as a road can be non-rivalry in theory but exhibit some level of rivalry during a traffic jam, speech too can diverge from the ideal. Television has a limited number of hours. Newspapers have a limited amount of space. Conventions can only allow so many

14 From this point on quotations will not be used for either term. It is
people to speak. However, it would not be unfair to suggest that speech exhibits strong tendencies towards non-rivalry.

Can someone be excluded from free speech? It is possible, but unlikely.

Once a right like free speech is granted, it is usually granted to everyone. The First Amendment made no attempt to delegate free speech rights based on gender, ethnicity, or religion. In fact, the 14th Amendment almost ensures that political rights will be non-excludable via its “equal protection” clause. Once political rights are granted, the Supreme Court typically puts a heavy burden on any argument seeking to exclude a group from protection.15

There are, of course, exceptions. The Hatch Act excludes government employees from certain types of speech. Provisions for the limitation of foreign lobbyists could be viewed as a case of excludability. However, these examples represent small groups and are justified (in the courts) as necessary to the greater good. Again, like the lighthouse, once a public good or political right exists, or is enforced, it is very difficult to exclude anyone from using the good or right.

And finally, are political rights non-divisible? Free speech appears to support such an assertion. Is it possible to grant shares of free speech? Do certain people get more free speech than others? Like economic public goods, political rights are typically allocated in lump sums. An individual either gets all or nothing. Rationing becomes extremely impractical. Just as the lighthouse could not give more light to

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one ship over another, political systems have a difficult time granting more speech to one person than another.

The flip side of this inquiry asks whether private goods are like economic rights. Or, do economic rights exhibit the characteristics of rivalry, excludability and divisibility. To test this hypothesis, I will use a government grant as an example of an economic right.

Government grants suffer the characteristic of rivalry. Rivalry is typically determined by whether or not the good or right in question has an infinite or finite supply. Whereas speech may be infinite, government resources (money) are not. The limited amount of dollars available for grants creates an economic zero-sum gain, i.e., for every dollar allocated to research grants, one less dollar is available for other groups seeking funding from the government. Every dollar spent on education is a dollar that can not be spent on subsidies. At times, Congress has attempted to avoid the limitations of rivalry by deficit spending. In the end, the national debt and the interest on debt, simply delayed loss allocation.

Grants are also excludable. When a grant is offered to an AIDS researcher at the University of Michigan, there is nothing that requires the government to offer the same grant to any other researcher. In fact, rivalry for finite funds makes excludability absolutely necessary. Excludability is required to deal with the fact that finite resources demand political systems to make choices between Person A or Person B or Group A over Group B.

Grants are divisible. With the lighthouse, light could not be rationed out in any manner other than 100% or nothing. With an economic right, every individual or
group can be vested with a different amount of the right. While thousands of grants are offered every year, none are for the same amount.

If it can be accepted that political rights, in general, have the same characteristics as public goods, and economic rights, in general, have the same characteristics as private goods, then one can make generalized assumptions about how people will react to the allocation of each. Economists have determined that individuals react differently to the allocation of private and public goods. Therefore, it is possible that people react differently to the “allocation” of political and economic rights. If this is true, then it may offer some insight as to why people react with differing intensities to different political issues.\footnote{The term political in this instance does not refer to the same use of political in the term “political rights.” In this instance, political refers to the political process.}
CHAPTER 5
"The Intensity of Interests"

The first chapter of this thesis provided a general overview of Dahl's notions of democracy as contained within Madison's constitutional framework. The second chapter suggested the possibility that rights could be divided into two groups based on criteria established by economists to differentiate between public and private goods. That is, Chapter Two simply offered definitions of political and economic rights. However, one must explain why creating such a dichotomy is useful for understanding democratic theory. This chapter will make the assertion that economic rights attract a higher level of intensity than do political rights, and it will offer possible reasons why economic rights attract a more intense level of participation.

First, it is necessary to have a complete understanding of what Dahl meant by intensity of participation and why he felt it was important to understand intensity in relation to the democratic process. In A Preface to Democratic Theory Dahl asked, "What if the minority prefers its alternative much more passionately than the majority prefers a contrary alternative? Does the majority principle still make sense?" This is the fundamental problem that intensity presents to the democratic process. He continues with the assertion that,

Intensity is almost a modern psychological version of natural rights. For just as Madison believed that government should be constructed so as to prevent majorities from invading the natural rights of minorities, so a modern Madison might argue that government should be designed to inhibit a relatively apathetic majority from cramming its policy down the throats of a relatively intense minority.1

Clearly, this is a normative argument. It could just as easily be argued that no matter how intense a minority might feel about an issue, they are still a minority. Dahl's
argument could be turned around to suggest that any time an intense minority rules over a majority, no matter how apathetic that majority may be, that there has been a breakdown in the democratic process.

Dahl argues that intensity, in general, is extremely difficult to measure empirically, but it is an observable characteristic none the less. Because there are no precise ways of measuring severity or intensity of conflict, and it is therefore difficult to compare the intensity of one conflict with another, it is difficult to explain how that intensity plays a role in deciding the outcome of the democratic process. However, Dahl counters,

If one is prepared to accept as indices threats or moves to disrupt the constitutional system, threatened or actual violence against or on behalf of national policies, or expressions by sober and informed observers or participants that a given conflict will lead to disruption revolution, or civil war, then the weight of the historical evidence seems to offer solid support to the contrary.

Dahl notes that historically, America has faced about one “intense conflict” per generation. He makes no mention as to whether the intense conflict is an “intense minority” or an “intense majority.” His point is that “intensity,” in general, is a destabilizing force in polyarchy. He cites such examples as the Alien and Sedition Acts, the Hartford Convention, the Civil War and the Election of 1876. Dahl rarely identifies intense groups as being either an “intense minority” or an “intense majority.” Dahl argues that majorities rarely form. He believes that multiple

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1 Robert Dahl, A Preface to Democratic Theory, 90.

2 Ibid., 102.

minorities unite temporarily to motivate political action. However, the primary focus of this thesis is to identify the role intense minority groups play in the political process and identify the causes of such groups. Dahl is probably correct when he asserts that intense majorities will always achieve their goals regardless of constitutional or institutional checks.

It is important for Dahl to understand the nature of intensity in his pluralist model. According to Dahl, pluralism functions on a relationship between autonomy and control. Individual factions need to be autonomous enough to assert preferences and freely threaten leaders with removal if their demands are not met. However, factions also need to be controlled enough to prevent them from doing harm to the public good. In a pluralist society, the state is not the only institution that can control or limit the autonomy of factions. Other factions can also serve this function. Therefore, the intensity in which factions participate in a pluralist society becomes important in predicting political outcomes. Dahl attempts to ascribe measurable characteristics to factions in order to measure their intensity. However, he is not satisfied with the results. He confesses, “Alas, satisfactory measures for describing amounts of influence, control, power, and so on are much more elusive than quantitative measures for describing wealth and income.”

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4 It should be noted that such a philosophy again shows the similarity Dahl has with Madisonian thought. Madison also believed the majorities would be temporary and the collection of several minority factions.

5 Robert Dahl, Dilemmas of Pluralist Democracy, 16.

6 Ibid., 17.

7 Robert Dahl, A Preface to Democratic Theory, 78.
For Dahl, too much intensity could dismantle his polyarchal form of government. A consensus of norms and a lack of extreme cleavages is a prerequisite for polyarchy to form. However, as intense conflicts arise stable polyarchy becomes less likely. Furthermore, Dahl asserts that intensity of interest detracts citizens from pursuing the "politics of virtue." In other words, intensity of interest is detrimental to the ancient Greek concept of the public good.

Dahl's concern over intensity leads him to advocate forms of consociational democracy. This presents difficulties for anyone studying Dahl's views with respect to democratic theory. He appears to be a strong advocate of a "purer" form of democracy and is typically an advocate of majoritarian rule. However, the consociational model, or what Dahl terms the "consensus model" of democracy provides "minority vetoes" to almost every relevant group in society. It is ironic that Dahl's main criticism of federalism is that it provides too many sub-systems (states) with minority veto power. This contradiction, if nothing else, provides insight into Dahl's concern with the role of intensity in the democratic process. It also shows that intensity is a concept that he never completely integrated into his holistic democratic theory. In fact, most of his later writings completely ignore the role of intensity. This may be a tacit admission that it is a concept that he is unable to deal with.

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9 See next section titled "Normative Questions." It is argued that intensity should be viewed as a value neutral term. In certain cases, intensity could be used to promote the "politics of virtue."

10 Dahl exhibited interest in this form of government as early as his doctoral dissertation.
In fact, Dahl notes that the problem of intensity of minority groups has led most polyarchies to adopt some form of government other than a strictly majoritarian system.\textsuperscript{12} He cites Arend Lijphart's study of twenty-six stable polyarchies. Of the twenty-six countries studied, only six are classified as purely majoritarian.\textsuperscript{13} All others have either a "majoritarian-federal," "consensual-unitary" or a "consensual" system of democracy. Dahl argues that there are only three types of systems in which intensity is not a problem. They are (1) nations that have extremely homogeneous populations, (2) nations where the minority parties never feel their fundamental rights are endangered and (3) nations where the minority feels there is a strong possibility that they could become the majority in the future.\textsuperscript{14}

In Dahl's later works, he began to move away from the argument that intensity of minority groups was the primary hindrance to a majoritarian system.\textsuperscript{15} He began to turn to unequal resources as the most significant barrier to creating a more democratic, and in many ways, a more majoritarian system. However, the two interpretations are not fundamentally different. In his early work, he suggested that intensity obscured true power relationships in a pluralist society. In his later work, he

\textsuperscript{11} Ibid., 160.

\textsuperscript{12} Dahl identifies several types of intense groups. The different types of intense groups will be discussed in length in Chapter 6.

\textsuperscript{13} Ibid., 160.

\textsuperscript{14} Ibid., 161.

\textsuperscript{15} When Dahl discusses intense groups, he typically is referring to minority groups. He contends that majorities seldom form. When they do form, they are an amalgamation of several minorities. However, this thesis is primarily concerned with the ability of small groups (minorities) with high levels of intensity to tyrannize over the majority.
argues that unequal financial resources obscures "fair" power relationships. It is not difficult to see that the approach to his argument has changed tracks, but the destination remains the same. The results are the same, whether factions gain inordinate amounts of influence via intensity or wealth. The issue eventually evolves into one of power. If one replaces the concepts of intensity or wealth with power, Dahl's argument in the first chapters of *A Preface to Economic Democracy* appears to suggest more consistency on his part. "We must strive to reduce the adverse effects on democracy and political equality that result when economic liberty produces great inequality in the distribution of resources and thus, directly and indirectly, of power."  

Although it is not expressly stated in any of Dahl's work, there is an obvious impression that he views intensity as a negative. He views it as a distortion to the democratic process. Intensity is something that must be accounted for by creating institutions or processes that move political systems away from majoritarian rule. His attitude most likely stems from two beliefs. First, Dahl views polyarchy as a step in the direction of a more pure form of democracy. Therefore, anything that disturbs this evolutionary process would probably be viewed as a negative. Second, Dahl adamantly feels that minorities tyrannize over majorities much more often than the other way around. This returns one to the fundamental difference between Dahl and Madison. Madison wanted to protect minorities from tyrannous majorities. Dahl views the problem in exactly opposite terms. He wants to protect majorities from

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16 This is obviously a normative assertion that will be dealt with in subsequent sections.

intense, tyrannous minorities. This contradiction requires one to look at intensity with as little bias as possible and attempt to ascertain when intense minorities could be viewed as a positive aspect of democracy and when they could be viewed as detrimental.

NORMATIVE QUESTIONS

All normative issues about intensity revolve around two questions. When is an intense minority a danger to majority rule or the rights of the populace? In other words, there are times when a minority can abuse its veto power by preventing legislation deemed important by the majority. And, when does an intense minority act as protector of justice? There are also times when intense minorities advocate issues which are "morally right" against the will of the majority. For instance, speaking from a value-laden perspective, the small minority of Senators who prevented and delayed the Civil Rights Act of the 1960s could be viewed as a negative intense minority. Conversely, and also speaking from a value laden perspective, the small intense minority that advocated the abolitionist movement of the 1850s could be viewed as a positive intense minority.

Although Dahl tends to view intense minorities from a negative perspective, he is aware of what he calls "theoretical problems."\(^{18}\) "To begin with," he writes, in order to judge when a majority misuses its powers by wronging its adversaries, obviously we need some criteria. What should these criteria be? Are we to say then, that whenever the interests of the minority are opposed to those of the majority, a

\(^{18}\) Ibid., 14.
majority necessarily misuses its power simply because it acts to secure its own interests?\textsuperscript{19}

Of course, the same arguments could be made substituting “the majority” for “the minority.” In order to answer his own question, Dahl seeks to set up criteria by which to distinguish injustice from straightforward use of power. He argues that if tyranny is defined too narrowly, i.e., any action that is detrimental to anyone’s interests, then all action by a majority or minority could be interpreted as tyranny. This does set up a tension between what is unjust and what is tyrannous. Omitting, for one moment, the value questions around the term ‘unjust,’ Dahl argues that if employers are guaranteed the right to hire child labor, there is an injustice present. However, if the government forbids the use of child labor, then the employers might view that move as tyrannical.

Conversely, if the majority is able to determine what is “just” without limits to this power, then one runs the risk of asserting that the democratic process can never be unjust. Thus, if we cannot devise criteria for majority tyranny, then it becomes difficult to ascribe meaning to any study trying to understand the role of intense minorities in the democratic process. As a result, Dahl engages in a tortured attempt to define which rights are inalienable and which are not.\textsuperscript{20} He ends up concluding that democracy itself is a fundamental right superior to other rights, mainly property rights. Dahl, in essence, is creating a hierarchy of rights. This hierarchy places an individual’s right to democratically control all associations, including economic associations, superior to an individual’s right to private property. He does this in

\textsuperscript{19} Ibid., 14.
order to reconcile his desire to justify popular control of economic firms, but at the same time, not appear to be justifying the violation of a "fundamental right." If the "fundamental right" to property is inferior to the "fundamental right" to majority rule, then Dahl can have it both ways.

Dahl is also concerned about the effects of intensity on political integration and the public pursuit of "civic virtue." Dahl sees intensity as a hindrance to creating political consensus. He argues that with the rise of corporate capitalism, political fragmentation has increased. Every interest group has the ability, and often the resources, to promote its own economic agenda. However, as intensity of demand increases, the possibility for political integration decreases. Dahl notes that over the past few decades, political participation by interest groups has become more intense. He cites as causes the ability for interest groups to use direct mailings, easier access to money and the rise of single-issue interest groups. He concludes that if this phenomenon is not checked in some general way, democracies will see an increasing amount of delegation of responsibilities by legislatures to independent, unelected associations.21 The other possibility is that democracies will see an increasing number of issues decided by referendum. If this became the case, it could be argued that society is becoming more democratic as a result of intense demands by minority interest groups.22

20 Ibid., 53-56.

21 Robert Dahl, Dilemmas of Pluralist Democracy, 80.

22 It is interesting to note that Dahl, a preeminent democratic theorist contributes almost no scholarship to the effects of the initiative process in democratic theory.
Frances Piven and Richard Cloward argue that political participation, with respect to economic issues, has increased in intensity. In their study of the American electorate they noted that the increasing complexities of the American economy encouraged business leaders to create a political infrastructure capable of conducting national election campaigns. They also record that the amount of interest group activity began to rise in response to increasing economic regulation by the government. They conclude that such intense lobbying has created election victories for candidates who do not have the majority support of the electorate.

Dahl also notes a paradox created by increasing intensity of participation. He argues that large-scale democracies need active pluralism to survive. He understands that pluralism requires a variety of interest groups to pursue their own agenda on the basis of self and group interest. However, he also notes that fragmentation leads to a decrease in civic virtue. As people become more self-interested, they conversely become less interested in civic virtue. In fact, some Congressmen have noted that Congress itself has begun to view certain associations, i.e. farm associations with respect to subsidy policies, as the only relevant body of people they need to consider with respect to certain issues. In some cases, the civic virtue of the group has becomes more important than the civic virtue of the entire populace.

23 Pivin and Cloward, Why Americans Don’t Vote, 10.

24 Ibid., 11.


Other theorists, besides Dahl, have noted that small groups tend to have a higher level of intensity, and thus have the ability to promote their agenda to a higher degree than their numbers warrant.\textsuperscript{27} In other words, what small groups could never achieve through a simple majority rule procedure, they can accomplish through small, intense, group lobbying efforts. Both V.O. Key and David Truman appear to support Dahl's contention that polyarchies are dominated by several intense minorities rather than an apathetic majority. Mancur Olson notes that pluralism is based on the concept that as one interest group makes outrageous demands on society, other interest groups will mobilize to counterbalance those demands, thus promoting a "reasonably just and satisfactory" outcome. However, he contends this is not an accurate description of pluralism. "Since relatively small groups will be able voluntarily to organize and act in support of their common interests," he argues, "and since large groups normally will not be able to do so, the outcome of the political struggle among the various groups in society will not be symmetrical.\textsuperscript{28}

He concludes that politicians have long understood that small groups with vested interests have disproportionate amounts of power. Again, the value implications here cannot be avoided. The use of the term "disproportionate amount of power" implies an "unfair" amount of power. Most of the examples Olson and Key use to illustrate their position highlight negative results from intense minority efforts. This thesis does not attempt to distinguish between "good" and "bad"

\textsuperscript{27} Other theorists (Olson included) note that small groups achieve their political goals more often, not because of intensity reasons, but because they have a more focused agenda to pursue.

\textsuperscript{28} Mancur Olson, \textit{The Logic of Collective Action}, 127.
intensity. It simply attempts to offer an explanation as to how groups acquire differing levels of intensity. This is the subject we will turn to next.

**Economic Rights and Increased Levels of Intensity**

In the final chapter of this thesis, I will engage Dahl in a “conversation” about how he would react to my contention, first, that all rights can be placed on a spectrum ranging between purely economic rights to purely political rights. Once again, the criteria used to determine which end of the spectrum a “right” would lean towards was adopted from economic collective action theory. Secondly, economic rights attract a higher level of intensity and participation than political rights. The reasons are: (1) economic rights exhibit a zero-sum gain nature with regards to their allocation (2) political rights exhibit a free-rider problem and thus attract less intensity (3) economic rights create a higher level of incentive because they have a tendency to provide more opportunities for personal gain, and (4) economic issues tend to revolve around minority groups and the smaller the group the greater ability to mobilize in a pluralist system.

Eventually, most debates about the allocation of economic rights boil down to a question of equity. For example, as taxes are altered, budget priorities are shifted or regulations added or erased, some individual or group gains equity and other individuals or groups lose equity. This is the unavoidable consequence of zero-sum games. It is always very easy to allocate economic gains. The difficulty lies in

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allocating the loses.\textsuperscript{30} In a pluralist society, where groups have the right and the ability to mobilize, decisions are not made on a purely normative rational. It would appear logical that the groups that mobilize with the most power, or perhaps the most intensity, would have the best chance of avoiding loss allocation.

Historically, economic growth has made these decisions easier.\textsuperscript{31} As the size of the "economic pie" has increased economic allocation could be altered without requiring any group to accept a loss. In this scenario, compromise and consensus become an easier process. As long as the argument revolves around who gets more, instead of who gets less, intensity of participation will be less.\textsuperscript{32}

In contrast, to protect our own income, we will fight to stop economic change from happening even if the policy change will help improve the standard of living for the majority of the populace.\textsuperscript{33} Lester Thurow writes,

The problem with zero-sum games is that the essence of the problem solving is loss allocation. But this is precisely what our political process is least capable of doing. When there are economic gains to be allocated, our political process can allocate them. When there are large economic losses to be allocated, our political process is paralyzed.\textsuperscript{34}

Thurow would appear to agree that economic rights attract a higher level of participation than do political rights, although he substitutes the concept intensity for "militancy." He argues that minority groups have learned to use an easily accessible

\textsuperscript{30} Ibid., 11-15.

\textsuperscript{31} Ibid., 14.

\textsuperscript{32} This is not always the case. In the social security debate of 1994 the issue was whether seniors should get a 2\% cola or a 5\% cola.

\textsuperscript{33} Ibid., 12.
legal system combined with a little militancy to delay or paralyze any program that is detrimental to their economic livelihood. In essence, because economic rights are a zero-sum game and require loss allocation for some group, economic rights will, therefore, attract the participation of militant groups trying to prevent such a loss. Such an argument may account for the significant increase in the number of registered political action committees over the past 30 years. (See figure 1)

It might be helpful to offer a hypothetical situation to further illustrate the concept of intensity caused by zero-sum games. A government deciding to set up a random sobriety check on Friday nights is a political rights issue. There is no rivalry associated with this act. No segment of the population gains at the expense of another. It is more a question of the public's right to privacy versus the public's right

35 Ibid., 12

to safe roads. The sobriety check will (ideally) apply to all citizens equally. \(^{36}\) Therefore, there is no zero-sum mentality associated with the debate over this issue.

In contrast, a decision to decrease Medicare benefits in order to pay for a capital gain tax cut could exhibit strong zero-sum arguments. One segment of the population (those who own property) would gain at the direct expense of another segment of the population (the elderly or sick). The contention is that it is likely that more intensity will be displayed in the later issue that the first. The later example is a zero-sum situation, the previous one is not.

Some theorists argue that the social acceptance of zero-sum mentality is the result of political isolation. Robert Bellah, a communitarian, suggests that individualism is more moderate than rampant egoism, but that the end results are the same. "Individualism is a calm and considered feeling which disposes each citizen to isolate himself from the mass of his fellows and withdraw...he gladly leaves the greater society to look out after itself."\(^{37}\) DeTocqueville envisioned the same consequences. He warned that if people become too focused on their individual economic needs, they will lose the tendency to look at society's needs. "Citizens who are bound to take part in public affairs," he observed, "must turn from private interests and occasionally take a look at something other than themselves."\(^{38}\) If people do not "turn from private interests," Michael Sandel argues that people will use freedom for the sole purpose of economic self-interest, thus, the republican ideal

\(^{36}\) Of course a social factor such as racism could cause a selective enforcement of such a policy.

that society should interact to determine the “public good” will fade and self-
government in general will be unable to sustain itself.

The fact that these authors offer such warnings highlights the implications of
intense economic minorities acquiring inordinate political power. They are
suggesting the possibility that if society fractures itself into multiple intense minority
economic groups, “civic society” as envision by classic republican thinkers, will be
difficult, if not impossible to achieve.

FREE-RIDER PROBLEMS OF POLITICAL RIGHTS

If economic rights attract more intensity, then conversely political rights
attract less intensity. However, do political rights simply attract less intensity because
they are not economic rights, or is there something fundamental about political rights
that cause less intensity? One possible explanation is that political rights attract free
riders just like voluntary public goods attract free riders.

Those who act as free riders on public goods believe that offering to pay for a
public good does not serves a personal interest. The free rider assumes that the public
good will be produced whether he contributes to its production or not. Therefore, the
free rider envisions a scenario in which his costs are zero, but his benefits are
positive. The same logic can be applied to political rights. If a citizen knows that a
political right, if allocated, will be allocated to everyone in society, and that everyone
will have access to the same “amount” of the right, such a scenario creates a
disincentive to lobby the government. In fact, it would create a disincentive to

38 Alex DeTocqueville, *Democracy in America*. 
participate at any level. The free-rider citizen knows that if others lobby the
government to protect or enforce a right, that enforcement will not be limited to the
group who lobbied or to the group the lobbyists represent.39

Again a hypothetical might be helpful. A group of citizens may mobilize to
lobby the government to reduce the number of armaments it maintains. Their
professed goal is to ensure a more peaceful society. A peaceful society is a “political
good” that exhibits characteristics of a public good. If the mobilized lobbyists are
successful, “peace” will be granted to everyone, not just the group that participated in
the political system. Furthermore, every citizen will get the same “amount” of peace.
Therefore, because every citizen knows that the benefits will be distributed to all,
they have a disincentive to participate. Why would they expend personal resources,
such as money and time, to a cause in which they would benefit just as much as one
who did expend his or her resources? In other words, if “others” will acquire peace
for my society, why should I expend resources for that which I can receive for free?

Interestingly, Leon Hadar, an international relations theorist, has come to
similar conclusions. Buchannan and Tullock, in their work *The Calculus of Consent*,
argued that the amount of resources expended to mobilize interest groups is a direct
function of the “political profits” such groups expected to receive in return for their
lobbying efforts.40 Hadar argues that such a conclusion explains why there is limited
domestic lobbying in the realm of international relations. Because foreign policy
decisions, in general, affect the entire populace it is hard for individual interest

39 In this sense, ‘lobbyist’ refers to anyone who makes political demands from
the government, not just hired or professional lobbyists.

groups to reap "political profits." Thus, he concludes there is less incentive for
groups to mobilize around international issues.

However, there is another possible explanation for such a lack of
mobilization. In many respects, foreign policy decisions are examples of public
goods. Other than issues that revolve around foreign aid or international recognition
of patent rights, few international issues exhibit characteristics of rivalry. For
instance, recognizing a foreign government, granting most favored nation status and
agreeing to arms limitations are not issues which have a zero-sum incentive structure,
nor are they divisible or excludable "rights." Therefore, it is equally possible,
contrary to Hadar's arguments, that the reason less participation occurs around
international issues is that it is very easy to be a free-rider with respect to these issues.

One possible example of this phenomenon is that researchers have noted that
the anti-nuclear war effort during the 1980s suffered from a form of a free-rider
problem. Many of the people they interviewed expressed opinions that implied their
level of participation in the political system with respect to nuclear weapons was
minimal because they felt "other" activists would sufficiently address the issue.
Although Dahl suggested that intensity can not be measured, other political scientists
have argued that "issue salience" can be an accurate measure of intensity and they
argue that issue salience can be measured empirically. Some political scientists
have done empirical research to determine if a free-rider phenomenon truly exists. In
1989 a series of studies was conducted on issue salience and anti-nuclear war activity.
The study concluded that as issue salience increased so did political participation.
In a later study, issue salience researchers concluded that there was a direct connection between economic issues and higher issue salience.\(^{42}\) In an empirical study, they noted that social justice issues attracted far less Political Action Committee money than did economic issues. They also noted that economic issues attracted more special interest group mobilization than did social justice issues. Many of their conclusions support Olson's contention that small groups with a specific agenda, especially an economic agenda, have a high level of political efficacy and participate more than large groups or groups that have political issues as their main concern.

A variety of political scientists have concluded that small groups are often times more effective and intense in their participation than large groups.\(^{43}\) In fact, Dahl himself, along with Edward Tufte, recognizes the power of small groups. In *Size and Democracy*, they argue that small nations have characteristics that allow them to defeat large nations, not only militarily, but often times economically.\(^{44}\) Professor Olson notes the same phenomenon, but with respect to interests groups within a nation as opposed to nations themselves. He states, “The smaller groups—

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\(^{44}\) Dahl and Tufte, *Size and Democracy*, 118-120.
the privileged and intermediate groups can often defeat the large groups—the latent groups—which are supposed to prevail in a democracy."^{45}

What is interesting to note, and both Dahl and Olson fail to do so, is that every example either author gave of small groups overpowering large groups dealt with an economic issue. Neither author ever offered an example where a small group defeated a large group on a political issue. Although this is not conclusive proof that economic rights foster intense minority activity, it does show that Dahl and others recognized the relationship between economic rights and levels of intensity and political participation.

Of course, economic issues provide an opportunity for personal gain. That there is a relationship between personal incentive for personal gain is a so well established that there is no need to develop it here. However, it is important to note that economic issues provide an opportunity for personal gain more than do political rights. Again, Olson writes,

The lobbies of large economic groups are the by-products of organizations that have the capacity to mobilize a latent group with selective incentives. The only organizations that have the selective incentives available are those that (1) have the authority and the capacity to be coercive, or (2) have a source of positive inducements that they can offer the individuals in the latent groups.

Therefore, it is possible to conclude that small groups, which tend to be groups seeking economic rights and have a personal incentive for economic gain, have a greater ability to affect the political system because of the increased levels of political participation.

^{45} Olson, *The Logic of Collective Action*, 127
Chapter 5 will examine how Dahl would respond to the contention that the zero-sum nature of some rights, primarily economic rights, creates a higher level of intensity in political participation. By examining the works of Dahl, he will be drawn into a "conversation" with respect to the argument presented in this paper.¹ An interesting place to begin such a conversation is by examining Dahl’s desire to create a holistic theory of democracy. Dahl is very consistent, from his early works to his later works, in declaring that he seeks to combine normative and empirical aspects of democratic theory.²

As an early advocate of the behavioral revolution, Dahl wanted to be able to predict the behavior of citizens in a democracy by developing better democratic models.³ Just as Anthony Downs and other rational-choice theorist of the late 1950s tried to superimpose economic theory on democratic theory, much of Dahl’s work suggests that he too sought to examine economic influences on democratic systems. From his early work with Charles Lindblom in Politics, Economics and Welfare to his own work in A Preface to Economic Democracy, he seeks to explain the role of economic influences with respect to voter behavior. Thus, it is likely that Dahl would support an attempt to connect economic pressures with explanations for democratic behavior.

¹ Technique borrowed from Robert Bellah’s "Quest for Self" in which he entered into a "conversation" with Ralph W. Emerson.

² Dahl, Democracy and Its Critics, 6.
Indeed, Dahl argues that it was a mistake for democratic theorists to "divorce neoclassical economics and political science." He argues that too many economists are disdainful of political realities for their theories to have practical relevance. At the same time, Dahl also argues that, in general, political scientists are ignorant of economic forces and therefore many of their analyses are incomplete. It for this reason that Dahl rejects forms of democratic socialism that rely on state ownership of industry. According to Dahl, *Politics, Economics and Welfare* and the introduction of the term polyarchy was his first attempt to unify free market economic theory and political theory. He explains that social democrats are "admirably committed to political democracy" but their ignorance of "the importance of markets as a means of allocating resources" limits the feasibility of their approach. Therefore, Dahl suggests that democratic socialism must be a market-based socialism. Such a conclusion emphasizes the importance Dahl places on understanding free market economic forces in order to create a comprehensive democratic theory.

If one is to understand the impact of free markets on political systems, one must understand that capitalism is a competitive system. The competition results from the fact that economics is the process of allocating finite resources. Although Dahl does not specifically mention or analyze economic rights from a zero-sum

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5 However, it is a valid argument to suggest Madison was aware of free markets and their influences on politics. Primarily his concern with "the unequal distribution of wealth" as cited in *Federalist # 10*. In addition, political scientists such
perspective, he seems to inherently understand that economic rights are less conducive to political consensus than political rights. Almost every example Dahl uses to illustrate deficiencies in majoritarian democracy are economic examples. Also, most examples Dahl uses to justify corporatists structures are economic examples. Dahl notes that many critics of pluralist democracy contend that pluralism is "a system in which private groups wrongfully appropriate public functions. The main culprits are usually identified as economic organizations." He cites the decision making process that determined tariff policy in the 1930s and the budgetary process of the 1970s as prime examples. He argues that a majority of citizens wanted lower tariffs in the 1930s but individual economic interest groups overwhelmed the Congress with intense lobbying efforts and "distorted the public agenda." He appears to agree with the critics of pluralism in his admission, "Crucial decisions on economic matters are said to be outside the effective control of the national legislature."

Dahl also argues that interests groups that lobby for economic interests are more successful that other interest groups. He cites specific examples such as issue as Charles Lindblom, Anthony Downs and James Buchannan were examining the influences of market capitalism on political systems.

6 Dahl, Dilemmas of Pluralist Democracy, 47.

7 Ibid., 45.

8 Ibid., 46.

9 Ibid., 47.

10 Ibid., 66.
that revolve around wages, prices and investments. Their success is typically the result of higher levels of political participation intensity.

Because Dahl understands that intensity of interest is dangerous to stable polyarchies and intensity of interest most commonly occurs around economic interests, he generally supports corporatist structures. He states,

Thus as the strength and distinctiveness of a country’s subcultures increase, the chances for polyarchy should decline. Subcultures typically formed around ethnic, religious, racial or linguistic differences...and ideology.11

In essence, Dahl is once again arguing that if distinct groups become too inwardly focused on group accomplishments, and gains, pluralism might not mediate societal tensions without some type of corporatists structures. If one adds to Dahl’s list, economic concerns, and often times Dahl does, then a clear stream of logic becomes obvious. Dahl admits that pluralism fails in the face of intense factionalism. He concludes that in order to avoid civic strife, succession or extra-legal lobbying efforts, a corporatist system must be developed.12 Therefore, if Dahl concedes that political cleavages, at times, require consociationalism, then intense economic cleavages must require the same solution. However, since Dahl identifies economic causes of gridlock much more often than political causes, it would appear rational to assume that Dahl would in fact support the contention that economic rights, via their zero-sum characteristics, have a greater tendency towards political system gridlock than political rights.


12 Ibid., 257.
Such conclusions lead one to an analysis of Dahl's mathematical and graphical examination of intensity in *A Preface to Democratic Theory*. Dahl discusses a variety of possibilities with respect to agreement and disagreement symmetries and asymmetries. In other words, he not only analyzes how people's opinions differ, but how intensity of their beliefs may threaten a stable polyarchy. The reason for doing so is "the comparison of intensities is important [because of] a desire to predict the stability of democratic system and perhaps design rule to ensure its stability." In Figure 1 he describes a situation in which there is a strong consensus and most of the intense voters are on one side of the issue. Note that not only are most people in favor of the imaginary policy, but most the intense supporters are on the same side. In such a situation, political consensus is very likely. Because all the intense voters are on one side, and in the majority, they will not be threatened by a majoritarian system.

Figure 1

At first glance, one might argue that such a contention flies in the face of Dahl's previous argument that majorities do not rule, but that conglomeration of minorities rule. However, Dahl remains consistent if one assumes that the populace represented at point A is a collection of minorities and not one cohesive majority. A second question a critic of Dahl might pose is: does Figure 1 represent tyranny of the majority? Although Dahl does not expressly address this question in A Preface to Democratic Theory, his later works suggest a very Madisonian answer. Majorities do form out of several minorities, but because they are temporary, they pose only a limited threat to society.

In Figure 2 the situation has changed. In this scenario, a large majority supports the policy but not with any level of intensity. Also important is the fact that those who are intensely for or against the policy are small in number and equally divided. Although no empirical research has been done, Figure 2 might represent an issue such as affirmative action. A majority of people are in favor of the policy, but apparently ambivalent about their support. However, there is also a minority intensely opposed to such a policy. Such a scenario will also have no adverse effects on a stable polyarchy. The intense voters are of such a small number that even if they did feel threatened by a majoritarian system, they would not have the political numbers to threaten the stability of the system.

In Figure 2, Dahl ignores a relevant question. Can the intense but small minority force a compromise with the apathetic majority? His previous discussions of the Civil Rights movement in the 1960s suggests he thinks they could force
compromise, or at least slow the progress of the apathetic majority. The fact that Dahl seems to ignore this question highlights a larger criticism. Dahl appears to be more concerned with stability than any other democratic question. He does not address the question, which group will prevail in the type of conflict presented in Figure 2 (or any of the conflicts presented in any of his charts)? He claimed, that in studying the role of intensity, he was trying to predict outcomes in a democratic system. However, with this form of analysis, he simply is trying to predict the stability of democratic systems.

If Dahl's primary concern is with the stability of democratic systems, he also fails to answer an important question: why should stability be a valued characteristic? It could be easily argued that instability is necessary for political change. Dahl, by focusing on stability, creates a very static view of politics that imparts some normative value on the status quo. However, military dictatorships and repressive
totalitarian systems can claim they are stable. These examples are antagonistic
towards Dahl's apparent desire for stability.

Figure 3 represents a situation in which the public disagrees about the policy,
but the disagreement is symmetrical. That is, an equal number of people are slightly
for and against the policy and an equal number are intensely for and against the
policy. Figure 3 might represent an issue such as allowing gays in the military. A
small group of military people are intensely opposed and a small group of gay rights
activists are intensely for the policy. However, most of the voters are not interested in
such an issue and therefore their preferences are apathetic preferences. What is
important to Dahl in this situation is that the number of those intensely for and against
the policy are a minority of the total voters. The symmetry of the votes is different
from Figure 2. The distribution of voters is not likely to create a consensus, but
because the majority of people who disagree about the policy are apathetic in their
desires, the losing side is not going to feel threatened. As a

![Figure 3](image-url)
result, the losing side will not seek extra legal means in which to achieve their goals. Furthermore, the number of intense voters is exactly the same as in Figure 2. a small portion of the populace. Again, stable polyarchy is maintained. Figure 3 also highlights the difference between the arguments of "young Dahl" with the "older Dahl." Figure 3 makes no reference to the possibility that, although the intense groups are evenly divided, it is possible that one group have more resources to mobilize. In his later work, Dahl does contend that resource inequalities affect the outcome of situation presented in Figure 3 (and others).

Figure 4 represents only a slight divergence from the situation in Figure 3. In this case, there is an asymmetrical disagreement. More people favor the policy than
are opposed to it. However, again, the majority of those for and against it are not intense about their feelings. Those that are intense represent a minority of voters. Again, stable polyarchy is maintained.

Figure 5 represents the situation that Dahl fears most. In Figure 5, the populace has a severe and symmetrical disagreement. In this situation the population is evenly split with respect to adopting or rejecting the policy. The danger however, lies in the fact that those intensely for and against the policy are now the majority of voters. Whether this policy is adopted or rejected, a large amount of the population is going to be intensely disappointed and maybe intensely threatened. When such a situation occurs, Dahl argues that polyarchy becomes inherently unstable.

Historically, Dahl points to the Civil War. He notes that large numbers of people were intensely opposed to slavery and a large number of people were intensely in favor of slavery. As a result, when Lincoln was elected, the South felt so threatened they chose succession over acceptance of the electoral vote. Therefore, Dahl concludes that no constitutional system of checks and balances will create a stable polyarchy in all situations. He argues that social homogeneity creates stability.

What is relevant to this thesis is how Dahl describes situations that lead to a population that looks like Figure 5. First, Dahl writes, “Suppose that A prefers x to y, B prefers y to x and that the choice excludes [emphasis added] the other.” “Where each side is large and each regards the victory of the other as a fundamental threat to some very highly ranked value,” he continues, “it is reasonable to expect serious
difficulties in the polyarchal system." It is interesting to note that Dahl is describing a zero-sum situation. Those groups for and against the policy view any advancement by the other side as a direct loss to their side. Every time economic interests compete with one another, they are competing in the environment described by Dahl in Figure 5. This point is absolutely crucial with respect to arguing that Dahl would agree with the concept that the zero-sum nature of economic rights leads to an increase in the intensity of political participation. Dahl does not argue that intensity of preferences causes a symmetrical severe disagreement, but that a severe symmetrical disagreement causes higher levels of intensity. Such a conclusion is highly compatible with the hypothesis of this thesis.
Therefore, if one were to graph the preferences of the population with respect to the issue of capital gains tax cuts\textsuperscript{13} versus social security cola increases, the graph would look exactly like Figure 5. A compromise would become almost impossible and the losing group, in the long run, is not going to accept the outcome. More likely, the losing group will resort to more intense political participation in the next election cycle. Unfortunately, the social cleavage becomes almost permanent. Just as elections did not solve the slavery problem of the 1850s, elections are not likely to solve intense, symmetrical disagreements over economic rights. That is not to argue that every time there is a conflict over economic rights, as described in Figure 5, there will be a civil war. However, democratic systems can break down in more ways than civil conflict. It could be argued that if an important issue is ignored by political institutions, that is also a breakdown in the democratic process. For instance, if the intensity of political participation surrounding Social Security reform is so intense that political representatives refuse to address the issue, that also could be a failure in the democratic system. Dahl argues that such situations become destructive to polyarchal systems. In fact, Dahl states that such situations described in Figure 5 “lie outside the capacities of polyarchy”\textsuperscript{14} and therefore can be ignored when discussing polyarchy.

In “The Ills of the System” (1993) Dahl argues that intense lobbying from “the pursuit of self and group interests” which are typically economic lobbyists, “have

\textsuperscript{13} In this case, a capital gains tax cut is viewed as an expenditure, not a source of revenue.

\textsuperscript{14} Dahl, \textit{A Preface to Democratic Theory}, 98.
become predominant in both the practice and language of American politics.\footnote{Robert Dahl, "The Ills of the System", 232.} This result is an increase in political fragmentation that does not facilitate political integration. He concludes that consensus on economic issues is becoming more and more rare. Although one could contend that a consensus on economic issues has rarely existed in any historical period, Dahl identifies the rise of "corporate capitalism" as the point in which disconcensus became more prominent.

Figure 6

However, Dahl does argue there is a need to understand how intensities develop and how they can be measured because of situations modeled in Figure 6. In Figure 6, Dahl is describing a situation in which there is severe but asymmetrical
disagreement. In this case, the majority of voters for a policy are apathetic in their preference, but the minority of voters opposed to the policy are intense in their preference. A good example of an issue represented in Figure 6 is environmental legislation. Polls show that, in general, Americans support environmental legislation. However, there are also small groups directly affected by the legislation that are intensely opposed to such legislation. So opposed that they have sought to change the rules of the system to achieve their goals. In the state of Washington, it was proposed by representatives in the western part of the state, (the part most affected by environmental legislation supported by the eastern majority) that the western part of the state should secede and form a new state of Lincoln.

Such a situation is also a threat to stable polyarchy according to Dahl. He concedes that Figure 6 represents a situation in which corporatists forms of democracy may be necessary. He states,

The rules must operate so as to permit a minority veto over the majority only in the cases where a relatively apathetic majority would, under pure majoritarian rule, be able to override a relatively more intense minority. A rule must be designed to distinguish the case of severe asymmetrical disagreement from other distributions and permit a minority veto in that case only.  

It is possible that “the rule” Dahl is looking for can be found in collective action theory and the understanding that political and economic rights are subject to different influences as outlined in Chapter 3.

Dahl contend in A Preface to Democratic Theory that the minority veto should take place “at key stages of the decision process – in political parties,
In *A Preface to Economic Democracy*, Dahl's most extensive work on the relationship between economic and political forces, he seems to understand, without stating it to the reader, that there is a difference between economic and political rights, as defined in this work. In citing Tocqueville, he notes that political liberty must be allocated in one of only two ways. "Every citizen" he states, "must be put in possession of his rights, or rights must be granted to no one." 17 In essence, Dahl is describing the public good characteristic of non-divisibility. Furthermore, he is attributing such a characteristic to political liberty. Thus, the assertion that political rights are similar in nature to public goods is not incompatible with the theories of Robert Dahl.

In addition, his understanding of the limits of economic liberty are similar to the concepts illustrated in the characteristic of rivalry. When Dahl speaks of economic rights, he typically refers to property. Dahl confronts the fact that if economic liberty or property rights are absolute, then democracy can never encompass all aspects of society. Therefore, in order to justify the evolution of democratic principles in the economic arena, Dahl must curtail the belief that property rights are absolute.

In the process of analyzing property rights Dahl poses some questions that shed light on his understanding of the characteristics of economic and political rights. He begins with the assertion, "When the claims of different persons to a scarce [my

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emphasis] and valued thing are equally valid no person's claim is better or worse than any other's." He continues by setting up a division between rights that are divisible or non-divisible. He adds, "if the thing is appropriately divisible into equal shares, each equally valid claimant is entitled to an equal share." However, "if the thing to be allocated is not appropriately divisible, then each equally valid claim is entitled to an equal chance to obtain whatever is allocated." 19

Different than this thesis, Dahl sets up the economic rights as the non-divisible rights. He uses as his examples of non-divisible goods a private painting or the opportunity to speak at a large meeting. However, his logic is very compatible with this thesis. His argument is that the democratic process will have difficulty allocating the economic good because people are unwilling to divide the good. Or, in other words, there is intense rivalry for the good. As a result, each person understands their allocation of the good is at risk from any attempt to divide the good. The division of the good becomes the same thing as limiting the amount of the good one expects to receive.

His logic is more clearly revealed by using his public meeting example. In this case, everyone has the right to speak. However, there is a finite resource involved. The finite resource is time. Therefore, every speaker views the other speaker as a source of rivalry. Dahl concludes that such a situation can not be resolved in a substantive way by the democratic process. He argues that the

18 Ibid., 58.

19 Ibid., 59.
democratic process will only allow for the equal opportunity to acquire economic rights, but will not allow for the equal division of economic rights. Inherent in this argument is the understanding that economic rights, distributed by the democratic process, will not produce perfect equality. The best the democratic process can achieve with respect to economic rights is equal opportunity to acquire economic rights. If one adds to that concept the understanding that economic rights attract a more intense level of political participation, it becomes clear that Dahl would accept the notion that the distribution of economic rights produces a result similar to the scenario he sets up in Figure 5.

AREAS OF DISAGREEMENT

In Dahl’s early work, he focused on differing levels of intensity to explain why pluralist systems were not guided by majorities, but more typically ruled by groups of minorities. However, Dahl had a difficult time operationalizing the concept of intensity. As a result, a student of Dahl’s work can notice an obvious retreat from using the term in his latter works.

Despite this retreat, Dahl still wanted to defend his pluralist model against its critics. Many critics of Dahl’s pluralist model argued that the model was inaccurate because it did not account for the fact that 1) not all groups can mobilize to form politically active groups and 2) not all groups could participate with the same amount of influence. Dahl is well aware of these criticisms, and in general, agrees with them. One way to account for differences in influence is to account for differences in
intensity. However, because the measurement and identification of intensity is so
difficult, Dahl began to use differences in wealth to account for differences in
political influence. One possible reason for the shift is that Dahl openly admits that it
is easier to empirically measure wealth than intensity. Whatever the reason, such a
methodological difference leads a slightly different interpretation of the causes of
intensity between this thesis and Dahl. Whereas this thesis identifies the type of issue
[economic right or political right] as the cause for differing levels of intensity, Dahl
might be more likely to identify differences in wealth among the competing pluralist
groups as the main cause for participation differences.

Of course, such a conclusion by Dahl develops the possibility of class
differences as an explanation for differing levels of intensity. Dahl often notes that
minorities are not always located in a common geographic location. Some minorities,
especially economic minorities, are dispersed throughout a political unit. Many of
Dahl’s views about how class distinctions cause differing levels of political
participation can be summed up by Michael Walzer. Walzer explains,

The corruptions of American democracy are determined by two things: the radically unequal distribution of wealth in our society and the private financing of political campaigns. We can deal with corruption in two different ways: by radically reducing the inequality and tolerating the private financing or by tolerating the inequality and banning the use of private money.20

Most evidence suggests that Dahl would prefer the first option. If Dahl believes that class distinctions are the primary reason for participation intensity differences, then he would be less likely to accept the “issue distinction” hypothesis offered here.

Political Issues With Zero-Sum Attributes

Another area of divergence between this thesis and the opinions of Robert Dahl is the fact that he emphasizes the probability that political issues may result in situations where a majoritarian system can not create political consensus. Many times, Dahl argues that ethnic and social conflicts create crises that can not be remedied through democratic means. He identifies such conflicts as the crises in Lebanon, Northern Ireland, Sri Lanka and Spain and the Basque regions as prime examples.21 Although this appears to be contradictory to the hypothesis of this thesis, his arguments are not inconsistent with the application of collective action theory as a developed in this paper.

I have argued that one of the primary difference between economic rights and political rights is that the former typically posses the characteristic of rivalry, or exhibit zero-sum influences. Although this is generally true, there are some political rights that also exhibit these characteristics. If a political right does exhibit zero-sum gain characteristics, then it is completely possible that a “political intensity” graph, the graphs Dahl developed in A Preface to Democratic Theory and used earlier in this chapter, would look exactly like the graph in Figure 5.

For example, according to the criteria set up in this thesis, abortion would be a political right. Obviously, the act of having an abortion is not subject to rivalry. There is not a national limit on how many abortions can be performed and, therefore, one woman having an abortion does not deter or limit another woman from having an

abortion. However, anyone remotely aware of the American political landscape knows that abortion is an issue that attracts extremely high levels of intensity on both sides. In fact, if one were to graph intensity levels of political participation with respect to abortion, that graph would also look exactly like the graph illustrated in Figure 5. Therefore, such a scenario seems to produce a conflict with the notion that only the allocation of economic rights will attract high levels of intensity.

If, however, one were to argue that some political rights exhibit the same characteristics of economic rights, in this case abortion, such a scenario presents less of a conflict. Although the act of performing an abortion does not create a sense of rivalry, the political fight over its legality is a strict zero-sum fight. Any increase in the freedom to have an abortion is seen as a direct loss by those seeking to restrict its application. Conversely, any restriction on the right to have an abortion is seen as a direct loss by those seeking to protect the right. The same logic applies to the issues cited by Dahl. If the Catholics and Protestants in Northern Ireland view any freedoms/rights allocated to one side as a direct loss of freedom/rights to their side, then one should expect high levels of intensity with respect to political participation, just as if the two sides were competing for economic rights within a finite sphere of resources.

It is important to accept the notion that the dichotomy between economic rights and political rights is a general rule, not an absolute rule. In general, most rights that exhibit zero-sum characteristics are economic rights. In general, most rights that exhibit characteristics of jointness of supply are political rights. However, there are some political rights that have the characteristics of economic rights and
there are some economic rights that exhibit characteristics of political rights. A possible example would be a negative externality such as pollution. Dumping pollution into the ocean is technically an economic right. The ocean is finite. However, practically, polluters view the dumping of pollution into the ocean as a political right because they are not subject to any real sense of rivalry.

Therefore, Dahl might argue with the assertion that only economic rights attract high levels of intense political participation but he would probably be more comfortable with the assertion that, in general, economic rights attract more intense political participation. In fact, if one were to count the number of times Dahl identifies economic issues as a cause of political gridlock as opposed to political issues causing political gridlock, the former would far outnumber the latter.
Democratic theory is an elusive and multi-faceted topic. There are numerous variables which account for different behaviors in democratic societies. This thesis has tried to examine one aspect of democratic theory in the hopes it may offer a helpful insight into creating a more comprehensive democratic model.

In order to narrow the scope of the study, only the American form of democracy was examined. Narrowing the scope even further, it was assumed that the philosophies of James Madison best embodied the principles of American democracy. However, one aspect of those philosophies, intensity, was the primary focus. Therefore, the views of Robert Dahl were also incorporated into the study. Dahl is one of only a few democratic theorists to attempt to account for differing levels of intensity when developing a democratic model. Therefore, the first step of this study was to reconcile the views of James Madison with those of Robert Dahl. In doing so, a clear picture of how American democracy works on an institutional level (Madison) and behavioral level (Dahl) was developed.

Dahl had raised some important questions about intensity but failed to answer them. He clearly argued that in order to create a comprehensive model of democracy, it would be necessary to understand how differing levels of intensity affected the system. Unfortunately, Dahl became frustrated by his attempts to measure different levels of intensity. He argued that one could identify different levels of intensity by observing different behaviors in a political society, but that an empirical method of measuring intensity was beyond the capabilities of political science. This frustration caused Dahl to move away from trying to explain different levels of intensity and
concentrate more on differing levels of wealth as an explanation for differing levels of political participation.

This thesis attempted to return to Dahl's original questions about intensity and offer a model that might explain why people exhibit different levels of intensity with respect to political participation. Rights were divided into two categories, political rights and economic rights. The distinction between the two types of rights was based on criteria economists had developed to distinguish between public and private goods. It was concluded that political rights exhibited the same characteristics as public goods and economic rights had the same characteristics as private goods.

Such a distinction lead to the argument that because private goods and economic rights were subject to rivalry and therefore a zero-sum gain incentive structure, economic rights would attract higher levels of participation than political rights. Thus, this thesis tried to answer half of Dahl's dilemma. It explained why people reacted to different issues with different levels of intensity in the political arena, but did not create an empirical measuring system for intensity levels. Nor was there an assertion that only economic rights attracted increased levels of intensity. The criteria rights must exhibit in order to attract high levels of intensity is rivalry. It was suggested that economic rights have a greater tendency to exhibit the characteristics of rivalry, but there are certain political rights that also exhibit this characteristic.

The last step involved postulating how Dahl might respond to my hypothesis. By looking at the works of Dahl, it was concluded that, in general, he would likely accept the notion that economic issues are of a zero-sum nature. In addition,
economic rights, being subject to rivalry, would attract higher levels of intensity. However, it was also concluded that Dahl would probably argue that some political rights also exhibit zero-sum gain characteristics and therefore could also attract high levels of intensity. Furthermore, it was concluded that Dahl might look to class distinctions more than issue distinctions as a cause for differing levels of intensity.

Having drawn these conclusions it is necessary to ask, why is it important to understand the difference between economic and political rights? And, why is it important to understand the role of intensity in political participation? Most democratic theorists seek to predict the behavior of individuals in democratic systems and predict how that behavior will affect the overall system. The ability to predict behavior allows for the creation of political structures that will either promote stability, fairness or some other criteria the society has placed value upon. In Madison’s case, he was concerned with intense factions so that he could create a system of government that would protect minorities and individuals from majorities who would seek to abridge their civil rights. In Dahl’s case, he wanted to understand the behavior of intense minorities and try to develop a strategy to protect intense minorities from apathetic majorities, and at other times, apathetic majorities for intense minorities.

Furthermore, neither Dahl nor Madison devoted much of their scholarship to explaining why groups exhibit intensity. Madison dedicates one paragraph in *Federalist # 10* to explaining the causes of intensity. He cites human nature and unequal distributions of wealth. Dahl also offers little to explain why different levels of intensity develop. He too cites unequal distributions of wealth as the answer.
However, unequal distributions of wealth does not explain all intense conflicts. Such a criteria does not explain the intensity of conflict in the abortion debate nor in the inability of Congress to deal with Social Security reform. Therefore, some other explanation must be put forth to explain why certain groups act intensely on certain issues and others do not.

By using the economic rights/political rights paradigm, one can predict when intense conflicts will occur. Therefore, depending on the normative decisions a society makes, that society could develop different rules (other than a simple majority rule) when intense conflicts occur. Both Madison and Dahl agree that in times of intense conflict, some other method beside majority rule should be employed to make societal decisions. However, Dahl is extremely vague as to when such an alternate method should be employed. And Madison created a system that was relatively inflexible with respect to using alternative methods in intense conflicts. He mandated two-thirds majorities for veto overrides, impeachments and Constitutional amendments. However, such an approach makes no distinction between intense and non-intense events.

The economic rights/political rights paradigm offers an alternative. Because the economic rights/political rights paradigm allows for the prediction of intense conflicts, new, non-majoritarian rules could be instituted when officials know an intense conflict will arise.
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