

## Derrida, Democracy and Public Choice Theory

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### ABSTRACT

Democracy is generally assumed to be a good thing, in education as elsewhere, but careful definitions of the term are not common. Yet, the role that education plays in 'democracy' must depend largely on the understanding of what democracy is. Since neo-liberal theories are currently dominant in politics and education it seems useful to examine such theories in relation to this question. In this paper the 'public choice' understanding of the term is contrasted with Jacques Derrida's careful deconstruction and reconstruction of 'democracy' in the book *The Politics of Friendship*.

### Variations on democracy

Although poststructuralist writers are often decried for their lack of interest in politics it seems to me that in fact they are deeply involved in politics, in a way which belongs both to the world of 'high theory' and to the realm of practice. Derrida, in *The Politics of Friendship* (Derrida, 1994) looks at this concept, 'democracy', which although old has never been more relevant to global politics. In this article I will look at a currently influential way of understanding the term 'democracy', that of Public Choice Theory, and then read that set of understandings against Derrida's advocacy of a certain 'democracy', and rejection of much of what is understood by democracy, notably under the sign of 'fraternity'. Derrida's understanding of 'democracy-to-come' holds radical and emancipatory possibilities for education.

The war in Iraq demonstrates the flexibility and contradictions of the term 'democracy'. The term has been used as foundation both for waging war, and for waging criticism of war in Iraq. Haifa Zangana highlights this semantic conflict: Iraqi women, she says, nowadays frighten their naughty children by shouting: "Quiet, or I'll call democracy" (*Guardian*, Dec 22, 2004). Such a story evokes wry laughter but also a kind of defensive anger: a favourite ideal is being somehow sabotaged. It is easy enough to deride George Bush for this situation, but the problem is deeper than that. Invocations of 'democracy' are common in education policy (e.g. New Zealand Ministry of Education, 1994:11), but it is not at all clear to what they refer, and it is indeed possible that they refer to the kind of political theory and action which George Bush supports and the Iraqi women suffer, rather than from the kind of counterfactual which one might prefer.

The term 'democracy' has been reinvented of recent years to mean something relating to choice, accountability, and the choosing subject. Yet, there are other histories of democracy in education, which have different implications for choice, accountability and the subject. In this article I look at the 'public choice' account of democracy offered by James Buchanan and Gordon Tullock in various books and papers (e.g. Buchanan & Tullock, 1962) and consider the kind of educational subject which is interpellated, called into being by this account, and its implications in the world of

educational policy, administration and the classroom. This account is in high contrast to the visions of democracy, the subject, and the pedagogic relation offered by writers like Derrida, who rejects the neo-liberal version of democracy and the subject, and offers a rather more complex account of democracy to come and the kind of pedagogic relations which might be found in such a context.

Does democracy have any importance for education? I think so (hesitantly), in several ways. First, the hesitations: I do not believe that 'democracy', unreconstructed, has the kind of relevance which was claimed for it in the sixties – I do not see 'democracy' as a pedagogic model in itself, the method for running the classroom, the wellspring of teaching moves, the teacher as mayor and the students as voters. Nor do I think that a perfected model of democracy is going to result in the kind of educational reform that will have solved all questions of relations between government and teachers, parents, School Trustees, students etc. But I do suggest, with John Dewey (1916), that we think not in a vacuum but in a political context, and that in that context the meaning we give to such significant terms as 'democracy' matters. The term 'political context' I take to mean the kinds of relationships we have, the ideas we share, and the kinds of people we create to fit within that context – what Michel Foucault called 'governmentality' – the assemblage of persons, institutions beliefs and practices which go to make up a particular society or polity at any one time (Foucault, 1978). Foucault's idea of Governmentality drew heavily on Althusser's notions of 'interpellation' (Althusser, 1984), the calling of a person into being within an ideology or way of thinking, and the institutions which transmit ways of being and acting within a community.

### **Identity and difference.**

This is not a question of the creation of identity. In this context, 'identity' is not a meaningful word, since it seems to mean 'being identical' to all the others who share in a form of thinking, which is a nonsense since no two people, not even identical twins share exactly the same lives, experiences and influences. The formation of 'identity' as human development seems rather to mean the formation of *difference*, that which makes it possible to distinguish one person from another. In this sense, a discussion of democracy is essential to the formation of identity, or difference, since on it depends the entire question of whether we define the human subject as 'identical', or as differing. If it is an 'identity', an essential self of which the essence is known, then we do not need to trouble ourselves about difference, and a despotic form of rule or education is appropriate, as what suits one will suit all. If, on the other hand the human subject is regarded as generating 'difference' then it is incumbent upon us to devise a form of government, and education, which respects difference, perhaps above all else, as the founding mark of what it is to be human.

If we think by having a student on a school council we are forwarding school democracy, then it might be worthwhile to consider what that word means, and whether or not, given that meaning, the manner of election or the responsibilities of the office actually forward the project. Because, for Buchanan and Tullock the school tuckshop would be the best example of democracy in the usual school context, and for others it might be a specific classroom, the First Fifteen rugby team, or a powhiri (formal Māori welcome). It is less the form of the event that matters than the ideas informing it.

Bypassing political considerations in favour of the technical does not alter the question. If our idea of education is purely instrumental, that is, we educate to ensure that our students will be able to leave schools well qualified in order to get good jobs, then we fall directly into a mode of thought, which by suppressing the question of identity and difference, actually provides the answer: identity. All students require the same thing, good jobs, and the methodology of schools should be the provision of that requirement.

## Forms of democracy.

Let me start the discussion of forms of democracy by quoting Gordon Tullock, a key thinker in the field of Public Choice. Democracy, he says, has been with us for 2500 years, and it is therefore surely time that we invented a better system.

...We should try to invent a new form of government. Democracy is at least 2,500 years old and probably older. It was developed by a group of very primitive people and was not the result of a great deal of careful thought. In general, with the advance of science we anticipate that we will be able to replace old devices and institutions with new inventions ... (Tullock, 1988: 103).

This is quite a rich statement, when closely examined. It is clearly a teleological statement based on progressivism: the assumption that something old is necessarily outdated, that we should have made progress since then, that we are now in a better position to invent a better system, and indeed that there is possibly a better system based rather touchingly on the technological advances in science.

Tullock and his colleague James Buchanan are quite clear about the characteristics of a better system. A better system would be more efficient, and would allow more personal choice in political decision making, and would, above all, ensure that the poor could not spend the money of the rich. Tullock's model of the perfect political decision making scenario derives from boyhood experience. A group of friends bought land for holiday homes near a lake or the beach. In order to develop their homes they needed water and power, and so on, to be delivered to their blocks. A 'socialist' or collective decision would have been for them to agree that they needed power and to share the cost equally. But this would mean that the people nearest to the existing supply, who only needed one pole and a hundred meters of wire, would be subsidising the people at the back who might need ten poles and two kilometres of wire. The same principle applies to roading and water. The solution is that people who want services should pay for them, and those who come later and wish to share should buy into the provision arranged by the early-comers (Buchanan & Tullock, 1962). This arrangement is in fact quite common in New Zealand in relation to electricity services, but not to roading, presumably because other people than the ones who are at the end of the road may wish to use the carriageway. Tullock's scenario satisfies some of his most pressing criteria; decision making is not coerced in that you can opt to make do without electricity, roading or water, and the majority do not force a solution on the minority.

What is at stake here is the fiscal coercion of the small number of people who do not want goods and services – or at least do not want them delivered to the back of the block – by the majority who live further back and stand to gain by spreading the costs of the development of their properties over a wider number of people. Or as Downs (1956) rather unwisely explains: democracy is government by the majority. By definition the majority are poor, and it is always going to be in their interests to spend the money of the rich. Therefore democracy is always going to be unfair because it is tantamount to allowing the poor to coerce the rich into spending their money on the interests of the poor:

...the vote-maximizing goal of government causes it to act in favor of the most numerous income groups – low-income receivers. Therefore it tends to redistribute income away from high-income groups by its allocation of costs and services. ... Consequently, because the free market produces a highly unequal distribution of income, the more effective democracy becomes politically, the greater is government interference with the normal operation of the economy (Downs, 1957: 202).

The income-redistributing function of democratic government is often coded in these discussions as 'social justice', and is generally regarded with disfavour. In this literature, concern with the interests of 'the minority' is actually concern with the interests of the rich, since there are fewer of them than there are of the poor.

Buchanan and Tullock call on several mathematicians to support their analysis of the basic unfairness of democratic decision making. The earliest of the mathematical critics was the Marquis de Condorcet, who was genuinely interested in finding a vehicle for the expression of the will of the multitude, and interested in the phenomenon whereby in a simple series of votes the result could be such that no one got exactly what they wanted.

Charles Dodgson, Kenneth Arrow (1984), and Duncan Black (1958) each worked on problems of this type. Each was able to demonstrate the inadequacy of conventional voting systems at arriving at the 'true' will of the people. Those who included the 'Pareto-optimality' criterion, that at least one person should get what they want, or be better off, tended, not surprisingly, to arrive at the conclusion that the most satisfactory political constitution was dictatorship.

### **The rule of unanimity**

The principle is expressed in a more sophisticated way in other writing by Buchanan and Tullock (1962). In their view, the 'unanimity principle' requires the constitution to be revised so that political decision making is no longer conducted by an elected body, but is conducted in such a way that everyone gets to vote on every decision to be made.

Buchanan attributes the 'unanimity principle' to a Swede called Knut Wicksell, who was trying to find a way to express his disaffection with a government, which had taken Sweden into an unnecessary and unjustifiable war. Wicksell argued that if his taxes were to be spent on other than core business of government, he as the taxpayer wanted to have a say. Much of the energy of his position derives from his ethical disapproval of the way in which his taxation monies were being spent. Wicksell, however, saw himself as a socialist – his ideas are a radical critique of an entrenched, conservative form of government, which represents the interests of an elite (Wicksell, 1967).

Thus far, the idea may seem to be fair enough in principle, although very difficult to put into practice, and tending towards conservatism/status quo, in that it would always be very difficult to get unanimity, or even a majority of eighty per cent, and therefore very little would be changed from the status quo. There is more, however, in Buchanan and Tullock's various discussions of this issue. Tullock is most vexed by the idea that if an issue is important to someone, they have no more influence on the outcome, in a democracy, than has someone who has no interest in the issue at all. Intensity, he supposes, should have an influence in a democracy. His answer is to equate the vote to the dollar. The vote becomes tradable; if you do not care very much about this issue, and I do, you might trade me your vote on it in exchange for my support on a different issue which means less to me than it does to you. Vote trading becomes legitimated as part of the political market. Since these *are* trades, voluntary not coerced, they remain 'free' and are not to be confused with 'politics' which by definition (Buchanan & Tullock's definition) is inherently connected with coercion (Buchanan & Tullock, 1962). This would result in a perpetual situation of trading of present support for future possible support. One would never know if that support would materialise on a specific issue, even if one were heavily in credit.

### **The super-law**

The answer to this problem lies in the 'rule of law'. Both Hayek (1955) and Buchanan (1991) use this term, but they mean something slightly different by it. Hayek means the creation of a set of super-laws which cannot be challenged, and which would encapsulate the answers to all political problems – an adaptation of Plato's vision of The Republic but with the Laws replacing the Philosopher Kings, with a view to keeping legislators in check. Buchanan, however, envisages that, by unanimous vote, all citizens would adopt one law – he suggests a rule of 'fairness'. Why would citizens, who can trade votes in their own interest, pass up on the possibility of passing future laws in their own favour? They would expect that 'over time' they would be as advantaged by a law

favouring 'fairness' as they would by a situation which allowed their interests to be advantaged at some times and not others. Since they cannot see into the future, they cannot know if their interests will prevail, so they operate 'as if behind a veil of ignorance'. From behind this veil of ignorance, fairness will look good. The citizens will unanimously vote for this super-law, fairness, and henceforth all political questions will be decided by applying the rule of fairness.

To the cynical this proposal simply evokes the question of what fairness is, but there is an answer for that too. Fairness, in Pareto's terms, widely accepted by these neo-classical economists, is simply a decision that does not disadvantage anyone, and advantages at least one person. So far, so good, but the examples given rather suggest that 'advantage' is understood in pecuniary terms; you will not be disadvantaged by losing your house or land if you are adequately compensated. So the measure of fairness is something that makes sense in an economic, or Western economic sense, but it may make no sense at all to communities who are not so wedded to money as a form of transferable wealth, which can be substituted for other things of great value.

Those who are interested in the veil of ignorance will recognise the resonance with the work of John Rawls (1973), and with the feminist critique of Susan Moller Okin (1991), and possibly with the description of the veil of the tabernacle offered by Ernest Kantorowicz (1956). However, I wish to move on to consider how others have viewed this peculiar constitutional vision, and the possible critiques that can be drawn from other ways of thinking.

Although this vision of 'constitutional economics' is the ultimate in the administration of a polity, Buchanan and Tullock do see some problems. It will take time obviously to bring about such radical change, and the poor (majority) may be hard to convince of the benefit to them of the rule of Law, or even of the Rule of Unanimity. So in the meantime, so far as possible, the services of a community should be organized on a 'user-pays' system, since this will both minimize the exploitation of the minority (the rich taxpayer), and allow the expression of choice, and of intensity within that choice. 'Accountability' on the other hand refers not so much to the consumer/taxpayer but to the provider, the character who according to Mises (1945), Niskanen (1971) and Olson (1965) is, because of intrinsic self interest, likely to neglect the interests of the employer in favour of his or her own interests, manifested as benefits which might take the form of money, featherbedding, or influence. This problem – dignified as 'the agency problem' is held to be particularly severe in the public service, because the public service is not subject to 'market discipline' in the same way as sole traders or corporations are. 'Accountability' therefore is strongly linked to the problem of 'provider capture' in the provision of public services, which is why Enron had no problem with it.

### **Subject or object?**

The problems Buchanan and Tullock set themselves are: how does one define the 'general will'; and how does one control the rational egotism of members of a polity? The answers come directly from the primary element; the subject constructed in a particular way, as a self-interested chooser, a rational and autonomous figure only in so far as it is self interested. Its behaviour both as the merchant-generator of wealth and as the bureaucrat/politician mis-spender of that wealth derive from these first principles. The 'will' of this figure is entirely predictable. Given this figure, limitation of the role of legislators, and control of public employees are rational imperatives. But if the subject is defined otherwise, in more complex ways, as the result and not just the outcome of rules, history, discourse then one would have to develop a different politics. Judith Butler suggests, "the subject is one who is presumed to be the presupposition of agency, ... but the subject is also one who is subjected to a set of rules or laws that precede the subject" (Butler, 1998: 285). If the subject is seen as a Deleuzian nomadic figure, always in the process of 'becoming' rather than 'being' a bearer of any particular set of characteristics, then the controls set up by public choice theorists start to look very constraining, and, moreover, as more likely than not to produce the person they seek to discipline (Deleuze & Guattari, 1988).

## Reconstructing democracy

In which case, what is left to us of democracy? Should we conclude that Tullock and co. are wrong to seek to reconstruct it, since we disagree with their principles? Derrida for one, would very much like to reconstruct democracy. He even pauses over the word: is there any productive life left in it? This is a moment Tullock might enjoy. But Derrida concludes that there is, and in so doing he has a crack precisely at the Buchanans and Tullocks:

Saying that to keep this Greek name, democracy, is an affair of context, of rhetoric or of strategy, even of polemics, reaffirming that this name will last as long as it has to but not much longer, saying that things are speeding up remarkably in these fast times, is not necessarily giving in to the opportunism or cynicism of the antidemocrat who is not showing his cards (Derrida, 1997: 105).

Buchanan, discussing his ideal state, rather wistfully suggests a state where there is a reasonable degree of homogeneity (or as he calls it 'equality') like that which existed in the 'the United States of 1787' (Buchanan & Tullock 1962: 14). Derrida goes straight after this kind of idea, through a critique of the term 'fraternity' so closely associated with French ideas of democracy. Fraternity encapsulates precisely this idea Buchanan has of homogeneity: it is the call to kinship, the remembrance of a common lineage, and because "this memory inaugurates as much as it recalls or reproduces truth, ... the obligatory necessity of this bond of memory forms the condition of their political freedom. It is ... for them, the only imaginable freedom" (Derrida, 1997: 100).

So where for Buchanan, fraternity is the condition of possibility of his kind of ideal state, to Derrida, the 'bond between the political and autochthonous consanguinity'

is the place of fraternization as the symbolic bond alleging the repetition of a genetic tie – which will always be exposed ... to the sophistications, mystifications and perversions of rhetoric. Sometimes to the worst symptoms of nationalism, ethnocentrism, populism, even xenophobia (Derrida, 1997: 99-100).

This fraternity, then, intrinsic as it is to a French notion of democracy and of the democratic state, implies that there are those who are not our brothers, who are not linked by genealogy to ourselves, who are excluded from the nation state, be it democratic or otherwise. One might read this clearly in the Tampa affair, the Zaoui affair, Guantanamo Bay, Abu Ghraib. Derrida is also quite clear that fraternity by definition excludes women (1997: 238-9; 265-6). These are failings of democracy-as-it-is, and clues to democracy-as-it-might-be, democracy-to-come.

Where Buchanan and Tullock see the tumbrels working overtime in the power of the poor – the non-taxpayer – in their vision of democracy, Derrida, although he sees democracy as being, in accordance with its Greek history, an 'aristo-democracy', an oligarchy of 'the best' who enjoy the support of the crowd, does not regard the greater number as inherently inimical to good sense, but asks a question which is inherently a question about colonisation: can democracy rule the waves and yet be democratic? To us here in Australasia I think this is a pertinent question, illustrated brilliantly by the current French Empire, but also by constitutional debate in Tonga and elsewhere.

... Among all the questions of number ... let us never give short shrift to what is called demography. It has always been a sensitive and classic stake of the democratic tradition. How far beyond a certain number of citizens can a republic still claim to be a democracy? ... what will be said, beyond the billions, of a universal democratic model which, (even) if it does not regulate a world State or super-state, would still command an international law of European origin? (Derrida, 1997: 101)

The answer to this question could undercut democracy itself, since it is by no means certain that democracy is held particularly dear by most of the people of the world. Yet it is in running this risk that democracy might redeem itself: By a process of deconstruction, of genealogical demystification, it might be that democracy regains some kind of new life. How do Buchanan and Tullock fit into this? Well, not very well; they express the views of economic rationalism taken to its

extreme. On the one hand, they want to recognise human difference through 'choice'; that is their interpretation of freedom and rationality. On the other hand, their notion of rationality is so limited that it is not able to include as rational those to whom 'choice' is not the hallmark of freedom. So 'choice' cannot be extended to such people.

Derrida envisages a depoliticisation which has an uncanny echo of Milton Friedman's idea that politics could be replaced with technicist knowledge, but in Derrida's case, the prior assumption of Friedman (1953) that communitarian concerns may be replaced by individualism is reversed. Communitarian concerns are precisely what motivates depoliticisation; in the interests of justice and friendship, a genealogical process, a deconstruction would challenge the privileges of birth, kinship, 'national naturalness which has never been what it was said to be'.

The view of democracy as inviting a genealogical critique of existing power structures offers exciting possibilities to education: perhaps indeed that is how education might justify itself, assuming that the transmission of privilege is not what we want to dedicate our lives to doing. Ruth Irwin draws on Nietzsche and Deleuze to make this point:

Genealogy offers education an ethics in which the norm is insufficient because the norm simply makes the existing domination of a particular group in society. Because no truth is fixed, education is a contestable site, and diverse forms of knowledge which are marginalized at present have as much validity to enter the curricula as the present liberal one. This pervasive pluralism, or as Nietzsche calls it, *perspectivism*, offers an equitable politics and a dynamic motor for change. This is a distribution of difference in the mode of Deleuze rather than an oppositional model that sublimates the other in an effort to produce universality. The aim of genealogy is an ethical self-constitution, which is capable of differentiating between things and ideas without being obliged to alienate them (Irwin, 2000: 46).

This is a long and satisfying difference from the heroic genealogy of fraternity, from the politics of homogeneity, from rational self-interest and from the privileging of the rich-taxpayer. Let me underscore the point by quoting from Iris Marion Young:

The will to unity expressed by this ideal of impartial and universal reason generates an oppressive opposition between reason and desire or affectivity. ...an emancipatory conception of public life can best ensure the inclusion of all persons and groups not by claiming a unified universality, but by explicitly promoting heterogeneity in public (Young, 1998: 423).

This, promotion of heterogeneity in public, is precisely what schools with their emphasis on uniform and conformity do not do. In this sense, as institutions, they fail entirely to take part in the democratic process if it is understood as a process of deconstruction, demystification and the promotion of difference rather than identity. The challenge that Derrida offers is to make at least a beginning on a process of rethinking democracy and education. Teacher education is a fairly obvious place to begin, but it would be wise not to underestimate here as elsewhere the degree of investment in 'fraternity', in 'choice' and the assemblage of beliefs in the nature of the subject and the role of education, which underlies the technicism of government policy.

## References

- Althusser, L. (1984). *Essays on Ideology*. London: Verso
- Arrow, K. J. (1984). *Social choice and justice: collected papers of Kenneth J. Arrow*. Oxford, Blackwell. Black, D. (1958). *The Theory of Committees and Elections*. Cambridge: Cambridge University Press.
- Buchanan, J. M. (1986). 'The Constitution of Economic Policy' (Speech accepting Nobel Prize for Economics), in Gwartney and Wagner, 1988 *Public Choice and Constitutional Economics*, JAI Press Inc and Cato Institute.
- Buchanan, J. M. (1987). Justification of the Compound Republic: The *Calculus* in Retrospect, orig. printed in *The Cato Journal*, 7 (2) (Fall 1987).
- Buchanan, J.M. (1991). *The Economics And The Ethics Of Constitutional Order*. Michigan: University of Michigan Press, Ann Arbor.

- Buchanan, J. M., & Tullock, G. (1962). *The Calculus of Consent: Logical foundations of constitutional democracy*. Michigan: Ann Arbor Paperback.
- Butler, J., (1998). How Bodies come to matter: an interview with Judith Butler. *Signs, Journal of Women in culture and Society*, 23 (2), 275-286.
- Deleuze, G. & Guattari, F. (1988). *A Thousand Plateaus: Capitalism and schizophrenia*. London: Athlone Press.
- Derrida, J. (1994). *Politics of Friendship* (George Collins, Trans.). London & New York: Verso.
- Dewey, J. (1916). *Democracy and Education: An introduction to the philosophy of education*. New York: Macmillan.
- Downs, A. (1957). *An Economic Theory of Democracy*. New York: Harper and Brothers.
- Foucault, M. (1978). Governmentality. In G. Burchell, C. Gordon, & P. Miller (Eds.). (1991), *The Foucault Effect* (pp. 87-104). Chicago: University of Chicago Press.
- Friedman, M. (1953). The Methodology of Positive Economics. In *Essays in Positive Economics*. Chicago: University of Chicago Press.
- Hayek von, F.A, (1955). *The Political Ideal of the Rule of Law*. Cairo.
- Hayek von, F.A. (1960). *The Constitution of Liberty*. London: Routledge & Kegan Paul.
- Hayek von, F. A. (1973). *Law, Legislation and liberty : Rules and order; The mirage of social justice; The political order of a free society*. London: Routledge & Kegan Paul.
- Irwin, R. (2000). Nietzsche: Deleuze, Foucault, and Genealogy as a Method for Education. In M. Peters, J. Marshall, P. Smeyers (Eds.), *Past and Present Values: Nietzsche's legacy for education* (pp. 35-56). Westport: Bergin and Garvey.
- Kantorowicz, E. (1957). *The King's Two Bodies: A study in Medieval Theology*. Princeton: Princeton University Press.
- Landes, J. B. (1998). (Ed.). *Feminism the Public and the Private*. Oxford: OUP.
- New Zealand Ministry of Education (1993). *The Curriculum Framework*. Wellington: Learning Media.
- Okin, S. M. (1991). John Rawls: Justice as Fairness – for whom? In M. L. Shanley & C. Pateman (Eds.), *Feminist Interpretations and Political Theory* (pp. 181-198). Cambridge: Polity Press.
- Rawls J. (1973). *A Theory of Justice*. Oxford: Oxford University Press. Tullock, G. (1988). *Wealth, Poverty, and Politics*. Oxford: Blackwell.
- Wicksell, K. (1967). A New Principle of Just Taxation (J. M. Buchanan, Trans.). In A. R. Musgrave & A. T. Peacock (Eds.), *Classics in the Theory of Public Finance* (pp. 72-118). London, MacMillan.
- Young, I. M. (1998). Impartiality and the Civic Public: Some implications of feminist critiques of moral and political theory. In J. B. Landes (1999) (Ed.), *Feminism the Public and the Private* (pp. 421-447). Oxford: OUP.