Havel meant to inspire, but if any form of politics literally requires *infinite* virtue, we cannot reasonably hope for it. We may even do more harm than good by striving for the unattainable. The goal of this book is to develop practical strategies for expanding and rewarding open-ended politics under difficult circumstances, so that acting in the ways that Havel described would *not* require infinite patience, courage, and dedication. An important step is to understand why civic engagement is relatively rare and marginal in our times.

5

Facts

THE STATE OF AMERICAN DEMOCRACY

IN KEEPING WITH the methodology proposed in chapter 2, I am moving deliberately from values to facts and then to strategies, intending to show how individuals and small groups of Americans can improve their world through deliberate action. As I turn to facts, the first question concerns the condition of our democracy and civil society, which I address in this chapter. In chapter 6, still concentrating broadly on facts, I consider the organizations and practices that are emerging to revive civic engagement in America.

The Collapse of Traditional Civil Society

In the middle of the twentieth century, the United States had a decent civil society, an array of organizations and venues in which people could do the kinds of civic work that I defended in the previous chapter. This civil society supported reasonably high levels of political participation, reasonably healthy political discussion and problem solving, and a satisfactory relationship between the public and their government. It was far from perfect, but it offered clear paths to reform. For example, racial minorities and women faced severe discrimination in civil society and in political discussions (as well as in government and in the private sector), but it was clear what fights they would have to win to make democracy more equal. And they did win many battles.

That whole structure is now shattered. We have building blocks with which to construct a new civil society, and many Americans are doing their best to rebuild. But the collapse of the old order is a serious problem. It weakens democracy and closes the obvious paths to reform. The responses have so far been inadequate.

The old civil society consisted primarily of voluntary associations: religious congregations, labor unions, fraternal societies, civil rights organizations, service clubs, and political party organizations. They held face-to-face meetings at which members gained and exercised skills of rhetoric, deliberation, and problem solving, along with more concrete and practical skills such as balancing budgets and taking minutes. At their meetings, participants also built trust and relationships that would prove useful in their business, personal, and civic lives. Associations had cash, buildings, volunteers, newsletters, and alumni—resources that gave power to their members. They used some of their resources to recruit young members and to build their skills and interests. They provided ladders that a young person could climb if he or she was lucky, popular, and talented—ultimately becoming a priest, a union steward, a Rotary president, or the party's nominee for public office.

Individuals typically did not join these associations because they were interested in political discussions, civic engagement, or democracy. You joined a religious congregation because your family belonged to it or because you had a personal conversion experience and believed that the religion offered a path to your salvation. You joined a union because you took a job; the business was unionized; and there were social, emotional, and political advantages to joining the union rather than paying a representation fee in lieu of union dues. You joined the Knights of Columbus, the Urban League, or the local Republican club because of some mixture of support for its principles and desire to socialize with like-minded people. (Often, a member had recruited you, and the real reason you joined was to say "yes" to this friend.)

But once you were in, the organization had incentives to engage you in political and civic affairs. These groups had political agendas and faced public challenges; they needed their members to vote, to argue in public for their positions, to raise money, and even to run for office. Because you could enter without a political or civic motivation but gain such motivations as a member, associations *made* people interested in politics and public affairs.

Many voluntary associations were internally homogeneous and thus prone to groupthink, parochial views, and narrow self-interest. Those were genuine problems, but Theda Skocpol has identified three mitigating factors.[1] First, associations tended to encompass a fair amount of *class* diversity, something that has been largely lost since then. Second, many associations formed pyramidal structures, with local clubs or chapters, state and regional bodies, and national headquarters. A Democratic Party club in Brooklyn or in Montana might be quite homogeneous and parochial, but delegates from both places had to meet and negotiate at the Democratic National Convention. The same was true of big religious denominations, fraternal associations, and unions. The state- and national-level meetings brought diverse people together, but

the grassroots chapters made these organizations authentically democratic and connected their agendas to lived experience.

Third, associations had incentives to venture beyond their own membership into the public sphere, interacting with other associations in ways that produced robust public dialogue and considered public opinion.[2] After all, they would have to persuade or negotiate with other groups or they would not get what they wanted. At first, their most important means for distributing information and opinions were newspapers. Associations needed newspapers to communicate, and sometimes they formed in response to the news. Thus, as Tocqueville had written in the 1830s, "There is a necessary connection between public associations and newspapers: newspapers make associations and associations make newspapers."[3] In fact, we could identify newspapers (and later, broadcast news programs) as another part of the mid-twentieth-century civic infrastructure, along with associations. Some news organizations aspired to be neutral spaces, fair to all organized groups in the society. Others represented particular groups and were proud of it. As long as a community had either neutral news media or a range of partisan outlets, the whole discussion could be healthy.

Often the associations overlapped. For example, if you were born to a family of French Canadian origin in Lewiston, Maine, in the early twentieth century, you were destined for a textile mill, the union, the Democratic Party, and the Catholic Church. You had a *right* to enter these organizations and a perceived *duty* to do so. These institutions might (or might not) serve you well, and you were less likely to benefit if you were female, gay, an atheist, or an economic conservative. But the three overlapping institutions of union, party, and church had motives to recruit you; they were accountable (at least to the majority of their members); and they had an interest in helping some of their new recruits become leaders. They also had enough collective power to make the city government, industrial companies, and the local newspaper highly responsive to their members. In fact, local governments and various public boards and offices often resembled powerful local voluntary associations, such as unions and churches. The parish priest, the newspaper editor, the mayor, and the union local president were peers with similar constituents.

In Lewiston today, the industrial unions are gone, because the factories have shut down. St. Mary's Church, a traditional bastion of French Catholic life, was closed in 2000 and has become the Franco-American Heritage Center. The Lewiston *Sun Journal* is unusual in that it remains an independent company with an ambitious newsroom, yet both the paper and the local Democratic Party have lost constituents and impact compared to 50 years ago.

Lewiston is certainly no civic wasteland. In fact, it won an All-America City award from the National Civic League (NCL) in 2007, an award that recognizes national excellence in civic engagement. In explaining the prize, the NCL cited a Lewiston program that integrates Somali refugees into the local economy and schools; a nonprofit association called Lots to Gardens that uses abandoned industrial sites to produce food for the poor; municipal support for residents who want to claim the federal Earned Income Tax Credit; and a structure for youth leadership in city affairs, called the Lewiston Youth Advisory Council.[4] These are excellent projects, characteristic of civic renewal efforts in our time (see chapter 6 for other examples). But such small, voluntary projects—dependent on volunteers, grants, or support from local elected officials—cannot replace the traditional infrastructure that once recruited *most* residents, provided them with an effective *right* of participation, honed their civic skills, and helped them exercise collective political power.

Lewiston is also the home of Bates College, which offers excellent service learning, community-based research, grants for community associations, and other forms of civic engagement through its Harward Center for Community Partnerships. No such center would have existed 50 years ago. Knowing the Center's staff, I believe they are truly and skillfully committed to "collaboration and dialogue with our community partners."[5] But Bates is a well-endowed private college that enrolls mostly affluent students from out of state. It is not compelled to collaborate with Lewiston's citizens but does so optionally, out of an ethical commitment or a highly enlightened sense of self-interest. The power to *compel* accountability is gone, as are the structures that once recruited and educated working-class citizens for democracy. The most impressive democratic programs in town originate in a selective, private institution. That is not a healthy situation.

Clearly, Lewiston is not the United States. It has lost its industrial base and shrunk, much like Syracuse and Detroit, but not at all like Houston, Atlanta, or Phoenix. In Lewiston, it is plausible to explain the decline of the traditional civic infrastructure in economic terms as a direct result of deindustrialization. That explanation makes little sense in Phoenix.

Yet the trends I have used Lewiston to illustrate are national in scope. Figure 5.1 shows that attendance at community meetings and reading the newspaper fell in lockstep from 1975–2005.[6] Meanwhile, the rate of working together on a community project has also fallen, albeit not as steeply.

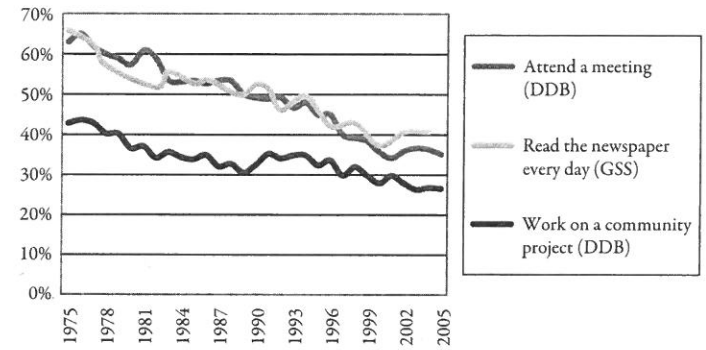

FIGURE 5.1 Selected Forms of Civic Engagement, 1975–2005
Source: General Social Survey (GSS) and DDB Needham Life Style Survey (DDB). Age range of survey population is 18 years and older. Analysis by the author. Data from DDB © 1975–98 by DDB Worldwide.

(Unfortunately, the data used in this graph were not collected after 2005, but somewhat similar Census questions on civic engagement, collected only since 2008, show low rates of participation and no improvement over time.)

This decline occurred before the Internet was widely used for virtual discussions and news. Thus it cannot be the case that people deliberately renounced face-to-face meetings and newspapers because they had online alternatives. But it may be that after the old order had badly decayed, people began to find online substitutes not shown in this graph.

The number of people who belong to at least one group has been relatively steady, compared to the steep decline in meeting attendance.[7] That pattern suggests that groups are no longer playing their traditional roles in civil society. The grassroots, face-to-face associations of Tocquevillian civil society have yielded to various kinds of transactional organizations. Today you may pay an annual fee to a professional association or a lobby, like Common Cause or the National Rifle Association, to become a member, when previously you had to attend meetings and work on projects to be part of groups.

Meanwhile, as shown in Figure 5.2, the rate of membership has diverged by social class. People without any college experience are much less likely to belong to groups and to work on community projects than their fellow citizens who hold college degrees. (I use these two categories as crude proxies for the working class and the middle class, respectively.)

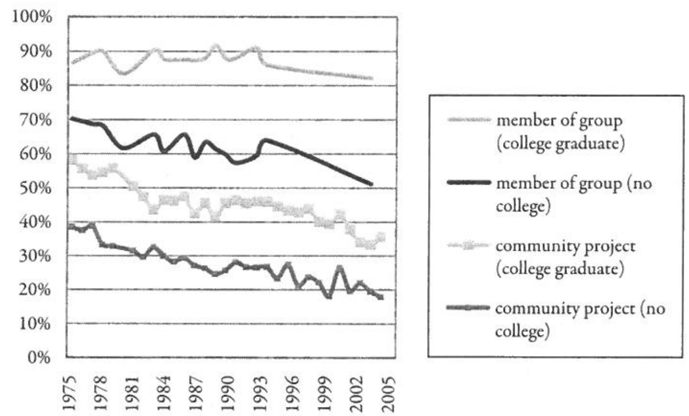

FIGURE 5.2 Group Membership and Meeting Attendance by Educational Status, 1975–2005
Source: General Social Survey. Analysis by the author.

In the case of group membership, the rate is basically flat for people with college degrees, but steeply downward for their non-college-educated peers. (Just over half of the latter group report having any memberships at all: the rest are on their own.) In the case of community projects, the trends are parallel for the most-educated and least-educated groups. But since both have declined in tandem, the proportion of the working class that participates in community projects has now dropped to a critically low level. Whereas poor and working-class neighborhoods once saw a great deal of community work, that is mostly gone today.

Note that these trends did not occur because the population became better educated and the non-college-educated became a shrinking and marginalized minority. On the contrary, rates of college attendance and completion were fairly steady from 1975–2005. Instead, the working class has lost most of their organizations.

A Growing Class Divide

The most evident and serious consequence of these trends is inequality. Working-class people have less political impact than college graduates—and less than the working class had thirty years ago. In poor and moderate-income communities, too few people are organized to address common problems, which worsens concrete outcomes such as crime and poverty. And because civic engagement has psychological and educational benefits for people who participate, the decline in engagement means that working-class Americans are missing opportunities for personal growth and fulfillment.

There is a subtler consequence, too. Civil society is increasingly dominated by people who have received relevant professional training or who officially represent firms and other organizations. In local discussions about schools, for example, a significant proportion of the participants may hold degrees in education, law, or a social science discipline or represent the school system, the teachers' union, or specific companies and interest groups. Such people can contribute valuable sophistication and expertise. But if the arguments of chapters 3 and 4 are correct, we should not be satisfied with public discourse that is merely technical or that reflects negotiations among professional representatives of interest groups. We should want broad deliberations, rooted in everyday experience, drawing on personal values and concrete hopes for the future as well as facts and interests, and resistant to the generalizations of both professionals and ideologues.

Technically trained professionals already intervened powerfully in public policy and institutions a century ago. The ratio of professionals in the United States doubled between 1870 and 1890, as society became more complex and urbanized and scientific methods proved their value. More than 200 different learned societies were founded in those two decades, and learned professionals specialized. For example, physicians split into specializations in that period.[8] The historian Robert L. Buroker describes the implications for politics and civic life: "By 1900 a social class based on specialized expertise had become numerous and influential enough to come into its own as a political force. Educated to provide rational answers to specific problems and oriented by training if not by inclination toward public service, they sensed their own stake in the stability of the new society, which increasingly depended upon their skills."[9] At best, they offered effective solutions to grave social problems. At worst, they arrogantly tried to suppress other views. For instance, the American Political Science Association's Committee of Seven's argued in 1914 that citizens "should learn humility in the face of expertise."[10]

One of the great issues of the day became the proper roles of expertise, specialization, science, and professionalism in a democracy. The great German sociologist Max Weber interpreted modernity as a profound and unstoppable shift toward scientific reasoning, specialization, and division of labor. One of Weber's most prominent students, Robert Michels, introduced the "iron law of oligarchy," according to which every organization—even a democratic workers' party—would inevitably be taken over by a small group of especially committed, trained, and skillful leaders. In America, the columnist Walter Lippmann argued that ordinary citizens had been eclipsed because of science and mass communications and could, at most, render occasional judgments about a government composed of experts. Thomas McCarthy, author of the *Wisconsin Idea*, asserted that the people could still rule through periodic elections, but expert managers should run the government in between. John Dewey and Jane Addams (in different ways) asserted that the lay public must and could regain its voice, but they struggled to explain how.

Thus the contours of the debate were established by 1910. If dominance by experts is a problem, it was already evident then. But even if the conceptual issue (the role of specialized expertise in a democracy) is the same today as it was in 1900, the sheer numbers are totally different. This is a case in which quantitative change makes a qualitative difference.

Just before the Second World War, the Census counted just 1 percent of Americans as "professional, technical, and kindred workers": people who according to Steven Brint's definition, "earn[ed] at least a middling income from the application of a relatively complex body of knowledge."[11] This thin slice of the population was spread fairly evenly. There was usually a maximum of one "professional" per household, and even in a neighborhood association or civic group, there might just be one physician, one lawyer, and one person with scientific training. Often these people (mostly men) had been socialized into an ethic of service. They had valuable specialized insights to offer, but they were obliged to collaborate with nonexperts on an almost daily basis to get anything done. Without romanticizing the relationship between professionals and their fellow citizens, I would propose that the dialogue was close and reciprocal.

Today, in contrast, there are so many professionals that particular neighborhoods, and even whole metropolitan areas, can be dominated by people who make a good living by applying specialized intellectual techniques. As holders of professional degrees, these people possess markers of high social status that were much more ambiguous a century ago when gentlemen were still expected to pursue the liberal arts, and the professions still smacked slightly of the trades. When wealthier and more influential communities are numerically dominated by people with strong and confident identities as experts, the nature of political conversation is bound to change.

In 1952, of all Americans who said that they had attended a "political meeting," only about one-quarter held managerial or professional jobs. Many more (41 percent) worked in other occupational categories: clerical, sales, and

service jobs; and as laborers and farmers. The rest were mostly female homemakers. In short, professionals and managers—people trained to provide specialized, rational answers to problems—were outnumbered three-to-one in the nation's political meetings. By 2004, however, 44 percent of people who attended political meetings worked in managerial or professional occupations, and 48.5 percent held other jobs. The ratio nationally was now almost even, and professionals were the dominant group in affluent communities.[12]

These are crude categories that do not tell us how people talk in meetings. A clerical worker could argue like a technocrat; a physician could tell rich, personal stories, laden with values. But I think the increasing proportion of professionals and managers in meetings tells a story about a society dominated by people with specialized training and expertise. Thomas Webler and Seth Tuler quote a citizen who had participated in an official advisory council on the management of public lands:

> I think, in many instances, people in a certain profession, whether it is medicine or education or logging, there is a certain terminology that goes with that profession. And many times people, when they are trying to explain or get a point across, they talk over people who are not familiar. . . . What is a "widow-maker," "basel area"? We use those terms very fluently if you are into industrial logging and that sort of thing, but other people have no idea what "basel area" is. And that does happen when you go to meetings.[13]

Skocpol notes that traditional fraternal associations like the Lions and the Elks, which once gathered people at the local level who were diverse in terms of class and occupation (although segregated by race and gender), have lost their college-educated members. But non-college-educated or working-class people continue to join this type of group. It is not so much that working-class people have left fraternal associations, but that professionals have left *them*—moving from economically diverse local associations to specialized organizations for their own professions and industries.[14]

The proportion of all Americans who are professionals or managers has roughly doubled since the 1950s. That is a benign shift in our workforce, reflecting better education and more interesting jobs. It largely explains why highly educated specialists have become more numerous in meetings. They bring sophistication and expertise to community affairs. Still, two-thirds of people do *not* classify themselves as professional or managers, and it is important that their values and interests be represented. The steep decline in traditional civil society leaves them poorly represented, at their cost and to the detriment of public deliberation.

The Big Sort

Another change in civil society deserves attention: the "sorting" of Americans into increasingly homogeneous geographical communities. When we move, we now choose states, metropolitan areas, counties, neighborhoods, and blocks where the other residents share our overall worldview, including our political opinions. The psychologists Nansook Park and Christopher Peterson find that cities now differ markedly on how residents rate themselves on a battery of strengths that are "intellectual and self-oriented" (such as curiosity, judgment, and appreciation of beauty) and a different set of "strengths that are emotional and interpersonal" (such as love, prudence, bravery, and hope). In the 2008 presidential election, cities that ranked themselves high on "strengths of the head" chose Barack Obama. Cities that prided themselves on "strengths of the heart" preferred John McCain. It appears that America has hard-driving, competitive, creative, and cerebral cities that like Democrats, and warm, friendly, emotional, and devout cities that prefer Republicans.[15] Likewise, Bill Bishop and colleagues find that counties have become far more politically homogeneous since the 1970s.[16] The explanation must be shifts in population, because county borders are fixed.

One word to describe this change would be "fragmentation." Another word would be "diversity." The sorting of people into like-minded communities is a result of freedom, and it makes America as a whole more heterogeneous. Bishop puts the tradeoff well:

> It would be a dull country, of course, if every place were like every other. It's a joy that I can go to the Elks lodge pool in Austin to see the H2Hos, a feminist synchronized swimming troupe accompanied by a punkish band, or that I can visit the Zapalac Arena outside my old hometown of Smithville, Texas, to watch a team calf roping. Those sorts of differences are not only vital for the nation's democratic health, but they are also essential for economic growth. Monocultures die.
>
> What's happened, however, is that ways of life now have a distinct politics and a distinct geography. Feminist synchronized swimmers belong to one political party and live over here, and calf ropers belong to another party and live over there. As people seek out the social settings they prefer—as they choose the group that makes them feel the most comfortable—the nation grows more politically segregated—and the benefit that ought to come with having a variety of opinions is lost to the righteousness that is the special entitlement of homogeneous groups. We all live with the results: balkanized communities whose inhabitants find other Americans to be culturally incomprehensible; a growing intolerance for political differences that has made national consensus impossible; and politics so polarized that Congress is stymied and elections are no longer just contests over policies, but bitter choices between ways of life.[17]

The cultural and political fragmentation that Bishop laments has worsened just as civic participation in general has declined, and that combination is particularly toxic. It means, first of all, that we have sorted ourselves into participatory communities and communities where hardly anyone engages. In Miami, less than 15 percent of adults report volunteering, compared to 37 percent in Minneapolis-St. Paul.[18] Within those two metropolitan areas, some neighborhoods see almost no organized civic activities, while other districts (even in Miami) are full of voluntary organizations, events, and discussions.

Second, when we engage, we tend to do so with like-minded people. Bishop begins his book with a vignette from his own neighborhood's e-mail discussions. A rare conservative resident endorses a political candidate who, in turn, opposes gay marriage. Numerous participants write to denounce—not this position—but the very presence of their neighbor on the e-mail list. "Stephen," one person writes, "you're in the minority politically on this list and in this neighborhood, and while your opinions are your own to have, this list isn't the place for them. [Travis Heights, in South Austin, Texas] is my home, and this list is an extension of that. . . . I hope we can all agree to prevent it from becoming a battleground."[19]

It is almost always easier to exit from a discussion that includes diverse perspectives than to listen and speak with others who are different. When a heterogeneous discussion sounds like a "battleground," and a homogeneous place sounds like "home," people will do their best to avoid controversy. Thus homeowners' associations frequently ban public political expression in the form of yard signs, flags (other than the national flag), and bumper stickers. This is a use of private contract rights to ban civil liberties voluntarily. The results include less listening, less learning, less trust, and an environment less conducive to the civic education of young people.[20]

In short, we must address four forms of pervasive exit: the exit of most Americans from traditional, face-to-face associations and discussions; the exit of credentialed specialists from associations favored by working-class Americans; the exit of working-class Americans from public life; and the exit of millions of people from communities where they might encounter opposing views.

Measured by the values defended in chapters 3 and 4, our current civil society looks deeply flawed. It does not promote deliberative talk by diverse people and especially not talk that leads to (or is enriched by) hands-on action. It does not favor or reward loyalty. It does not take a developmental approach, providing opportunities for individuals and communities to learn civic skills and values. And it is deeply inequitable.

The Corruption of Our Public Institutions

The previous section summarized troubling developments in civil society and in ordinary life. I now turn to government and argue that our political institutions are corrupt in ways that discourage civic engagement.

In making this argument, I will avoid two shortcuts. One would be to show that people *believe* the government is corrupt. In 2008, 70 percent of Americans said the government was "run by a few big interests"; 30 percent said it was "run for the benefit of all." That sounds like a public verdict of corruption.[21] Alexander Hamilton thought that low public confidence in the government was a sure sign that its performance was actually poor.[22] If he was right, then recent survey data suggest that the government is corrupt.

But such surveys cannot tell us exactly what is wrong with our political system. People could correctly declare the government corrupt but not know what reforms would fix it. Also, there is little evidence that perceptions of corruption dampen civic engagement. On the contrary, respondents who said that the government was "run by a few big interests" were somewhat *more* likely to vote and to follow the news in 2008 than those who thought it was "run for the benefit of all."

A second shortcut would be to list egregious recent examples of corruption, perhaps in conjunction with graphs showing upward trends in the amount of private money spent on campaigns, the number of convictions for public malfeasance, or the proportion of news stories devoted to political scandal. Each of these measures could be criticized as evidence of corruption. But I leave them aside for a different reason. There is *always* a gap between official rules, standards, and laws (on one hand) and actual behavior (on the other). To show that politicians act badly proves little, even if they acted somewhat better at times in the past.

My claim is a subtler but more serious one. There is not only a gap between norms and politicians' behavior (that much is inevitable), but our norms themselves have become corrupt in ways that undermine democracy. High republican principles remain embodied in the Constitution and other foundational documents. Laws still constrain leaders' behavior and impose sanctions when they stray. But the political system has another layer of norms as well. This layer consists of principles that guide discretionary action, that make some decisions seem dishonorable even though they are legal, that commend certain kinds of speech and action, that set standards for excellence in public life, and that shape congressional procedures and other malleable rules of the game. It is my claim that these principles have been distorted and degraded to the point that there is not just a gap between aspirations and performance; our aspirations themselves are now unworthy. The result is not always less political engagement—2004, 2008, and 2012 saw high voter turnout—but our engagement is qualitatively worse because of our low expectations.

The government we have is mostly the result of massive expansion between 1930 and 1970, the era of mid-twentieth-century liberalism and the administrations that named themselves the New Deal, the Fair Deal, the New Frontier, and the Great Society. Idealistic principles undergirded this structure, and majorities of Americans voted in favor of it. As that era came to an end in the 1970s, a "liberal" was someone who wanted to preserve the institutions that liberalism had already created and to fill certain cracks (such as the failure of Medicare and Medicaid to cover lower income workers before retirement). A "conservative" was someone who wanted to trim the existing structure or roll back some of its provisions.

Harry Truman provides an example of liberalism as the application of high moral principles. In the 1949 State of the Union address, he told Congress:

> We have rejected the discredited theory that the fortunes of the Nation should be in the hands of a privileged few. We have abandoned the "trickledown" concept of national prosperity. Instead, we believe that our economic system should rest on a democratic foundation and that wealth should be created for the benefit of all. The recent election shows that the people of the United States are in favor of this kind of society and want to go on improving it. The American people have decided that poverty is just as wasteful and just as unnecessary as preventable disease.

Truman then offered a whole series of diagnoses and prescriptions that he believed followed from his opening statement of principles. For example: "In a nation as rich as ours, it is a shocking fact that tens of millions lack adequate medical care. We are short of doctors, hospitals, nurses. We must remedy these shortages. Moreover, we need—and we must have without further delay—a system of prepaid medical insurance which will enable every American to afford good medical care."

Truman's ideological style of politics was clear and understandable; people could render a verdict on it. If they did *not* want their government to "see that every American has a chance to obtain his fair share of our increasing abundance" (as Truman promised), they could vote against him in the 1952 election. If the president failed to enact his priorities (such as universal health insurance), they could hold him responsible. Thirty years later, Americans could render a similarly clear judgment when a critic of liberalism, Ronald Reagan, took office proposing to roll it back.

In short, this style of government—announcing general principles and governing accordingly—had virtues for democracy. But it also had disadvantages. The ideals of any given philosophy were bound to conflict with other values that also had some merit. Abstract principles could not actually tell leaders what to do in complex, concrete situations. And the nation could not long sustain a habit of reforming society to match consistent ideals, no matter how worthy those ideals might be.

The best tools for implementing ambitious, abstract theories were landmark acts of Congress. By definition, passing a landmark bill is a rare event in any given field or domain. (If a law is frequently revisited and revised, it is not a landmark.) However, Congress deals with an enormous range of issues, so it can frequently pass landmark acts. That is just how it operated from 1932 to 1975, and especially in the mid-1960s. For example, the 88th Congress met for a matter of months in 1963–64. It passed the Economic Opportunity Act of 1964 (launching the War on Poverty and creating Head Start, Job Corps, and many other programs), the Food Stamp Act (institutionalizing food stamps as a permanent federal welfare program), the Federal Transit Act (providing federal aid for mass transportation), the Library Services and Construction Act (offering federal aid for libraries), the Community Mental Health Centers Act (deinstitutionalizing many mental health patients), the Clean Air Act (the first federal environmental law allowing citizens to sue polluters), the Wilderness Act (protecting nine million acres of federal land), the Equal Pay Act (addressing wage discrimination by sex), the Civil Rights Act of 1964 (ending de jure racial segregation in the United States), and the Tonkin Gulf Resolution (rapidly escalating the Vietnam War).[23]

This pace was unsustainable, and the frequency of landmark legislation clearly fell after 1975.[24] Whereas Congress passed at least ten momentous bills in 1963, in 1997–98, 70 percent of the issues it took up went nowhere at all, and the *Washington Post* decried "the barrenness of the legislative record" at the end of the session.[25] Another way to describe the change would be to say that from 1932 until 1975, Congress was almost always considering some kind of landmark legislation, whether conservative or liberal, that drew the attention of the nation and that plausibly promised to change America. Hardly any landmark legislation has been passed since then. In its tentativeness, its delegation of hard choices to agencies and panels, and its internal compromises, the Affordable Care Act of 2010 exemplifies modern lawmaking. And yet it was the boldest change in decades and seems to have exhausted the whole system.

But that did not mean that the government stopped governing after 1975. Washington still faced innumerable choices about which activities and programs to fund, purchase, permit, require, measure, ban, and punish. It is just that those decisions were no longer made in major bills, widely publicized, debated on the floor of Congress, and signed or vetoed by presidents. Instead, the decisions were made by administrative agencies in the form of regulations; by administrative law judges in their determinations; by federal judges hearing lawsuits against federal agencies; by congressional subcommittees (and even individual members) in appropriations bills, riders, earmarks, and filibuster threats; by the administrators who negotiated contracts with private organizations that implemented most federal policies; by the same contractors in their own policies and procedures; and by state and local officials, who now were deeply implicated in national policy—thanks to large federal grants—and who often had similar powers to their counterparts at the federal level.

The ratio of ordinary administration to landmark lawmaking rose dramatically. This was virtually inevitable, because each statute produces a mountain of regulations and lawsuits and requires regular appropriations. The momentous reforms of the 1960s and early 1970s would take some time to be absorbed. In fact, settling controversies and setting priorities through negotiation could be defended as the best way to govern. There are, after all, many interests in society; and most have official representatives. Each interest wants something and brings some combination of votes, money, and influence to the table. Policy can be analyzed as the outcome of interactions among such interests. *Good* government can be defined as negotiation that is reasonably balanced and equitable, efficient, harmonious, and inclusive. If a particular interest is not represented at all, that is a flaw in the system, but it can be remedied by organizing them.

This philosophy of governance predominated by the time the great liberal movement ran out of energy. In a prescient book entitled *The End of Liberalism* (first published in 1969 and revised a decade later), Theodore Lowi called the new philosophy "interest-group liberalism." It started with the definition of "politics" as negotiation among interest groups and added a very modest reform agenda. All interests should be formally represented by groups, and groups should be treated equitably. They all should, for example, have equal rights of access to administrative agencies and courts.

Lowi saw interest-group liberalism as the predominant *actual* theory of his day. Although important speeches and preambles to legislation still invoked a transparent, principled, deliberated, public philosophy, the real action was in deals among interest groups. The Democratic Party controlled the House of Representatives from 1948 to 1994, but as a loose coalition of interest groups, including white conservatives from the rural South and West and urban northeastern liberals. Members of Congress made the institution work by logrolling: voting for one another's programs without supporting them in principle. Urban liberals would vote for the farm bill, and rural conservatives would help fund the National Endowment for the Arts, with no one sincerely endorsing the whole package. Logrolling is inevitable and can even be a desirable way to get complex legislation through a diverse legislature. But, as Lowi put it, logrolling turned "from necessary evil to greater good" once a *deal* was seen as evidence of good government.[26]

In a republic, "law" classically means consistent, durable, binding principles that are enacted after public deliberation. Laws should not change unless substantial events in the outside world demand change, nor should they be subject to exceptions and negotiations after passage. The Constitution (article 1, section 1) vests "all legislative powers" in Congress, although the president's veto power gives the White House a role in lawmaking as well. Thus, under our system, Congress and the president are supposed to make laws that are as durable and coherent as possible. Interest groups and party blocs will inevitably negotiate before a law is passed, although there is also supposed to be a public deliberation about matters of principle and philosophy. Once the president signs the bill, it should be fixed until significant changes in the world require reform.

But meeting those standards would be hard for elected politicians. They could be held accountable for their own momentous decisions, and they would have nothing to offer interest groups once they had passed an important law. They are tempted to act in quite a different way. First, instead of deliberating and passing coherent, durable statutes, they issue voluminous and constantly amended laws—too long for anyone to read before the vote. That may be inevitable in a complex modern society, but Congress compounds the problem by delegating its lawmaking role—not so much to the president and the cabinet as to administrative agencies, civil servants, and special courts and panels within the executive branch. They do this by passing statutes that empower regulatory agencies to make policy within very broad outlines. In 2004, federal agencies generated 78,851 pages of proposed rules, filling 69 volumes of the annual *Federal Register*. The number of pages has crept almost steadily up, from one volume of 2,620 pages in 1936, when the government was a more assertive regulator but a less prolific author of regulations than it is today.[27]

Every major reform act of the 1960s and 1970s created or gave new powers to at least one regulatory agency that would then begin to govern in a routine sense. In turn, the administrative agencies tended to delegate their powers further down, to various boards and committees that were forums for negotiations among stakeholders. For example, during the 1970s, Congress created within the US Department of Agriculture a Cotton Board, a National Potato Promotion Board, and an Egg Board: official venues for ongoing negotiations.[28] Agribusinesses, supermarkets, consumer lobbies, and other groups could be given space at these tables, but a process of continuous negotiations inevitably favors *organized* interest groups, especially the ones that physically appear in Washington. Negotiated decisions could then be appealed in court or taken back to the myriad House and Senate subcommittees on agriculture, which then issued a new farm bill every other year.

Agriculture is an industry notorious for interest-group pressure and for federal subsidies, but the arts can serve as another example. In the 1970s, Congress delegated to the National Endowment for the Arts the responsibility for deciding what forms and works of art to support with public money. The NEA, in turn, delegated its authority to committees representing the "Art World" (professional artists, curators, and critics, mostly based in New York City). The Art World explicitly denied that the public had any appropriate influence over its decisions.[29]

Delegation allows elected officials to take credit for general principles, even if they conflict, and then blame bureaucrats who actually make choices.

A classic but not atypical example is the "dual mandate" that Congress gave to the Federal Reserve: to maximize employment *and* control inflation. Those goals often conflict in practice, but Congress claims to have mandated both and can critically question any Federal Reserve chairman who fails to achieve both. Another example is the section of the Clean Air Act that empowers the EPA administrator to set ambient air quality standards at levels "requisite to protect the public health" with "an adequate margin of safety."[30] *No* amount of air pollution has zero potential impact on safety or health. "Adequate" safety means some amount of risk that is greater than zero—but not too much. That is not a scientific or technical judgment; it's a value judgment about what level of safety is worth the cost. Congress avoids making such value judgments, because then it would be responsible when some people suffer—or even die—from whatever pollution is left in the air. But Congress would equally be responsible for the financial cost of any regulation. So it passes the responsibility to the EPA, which can then be blamed for both the costs of a regulation and the environmental harms that result.

By the 1960s and 1970s, America had a large and intrusive national government, matched by comparable governments in states like New York and California. One could certainly justify their scale and scope with public reasons. But no public philosophy guided their everyday decisions, which were ad hoc, opportunistic, mutable, and voluminous. By that time, we lacked a confident language or intellectual framework for discussing the public interest.[31] Many political scientists argued that there was no such thing, that politics was simply a clash of special interests. Certainly, hard-boiled political reporters depicted politics that way. The press routinely described lawmaking as a contest among politicians to gain the support of interest groups and to win the next election.

This transformation of governance caused momentous changes in civil society. As long as important decisions about a given topic (such as health, civil rights, or labor) were made only occasionally in landmark federal statutes, then the best way to influence politics was to build a national, popular advocacy movement and consult its members about what to do.[32] Only by finding active supporters in many congressional districts could one hope to influence Congress. Once an issue came to the floor, it was easy to notify concerned citizens all across the country, and they would have an opportunity to contact their own representatives. The vote would be clear and definitive; citizen-members could decide whether to fight on or declare victory.

On the other hand, if policy was made continuously by congressional appropriations committees, regulatory agencies, quasi-independent boards, administrative law judges, and federal courts, then it would be impossible to sustain public interest and keep everyone adequately informed. At the same time, it was *unnecessary* to have large numbers of active supporters outside Washington. More effective would be a small office of professional lobbyists and litigators who could track all the important action and sit at the various negotiation tables. A small outfit like that could be funded by foundation grants, wealthy individuals, or the proceeds of litigation, not by members.

"What ensued," as Matthew A. Crenson and Benjamin Ginsberg write, "was an 'advocacy explosion.'" Most of the new groups that sprung up in the 1970s and thereafter "had no arrangements for democratic participation or consultation with their own presumed constituents." Many groups were just mailing lists with staffs in their national offices. "In fact, the concentration of interest groups based in Washington now includes a sizable population of organizations without any members at all."[33] Some were funded by liberal foundations and donors who actively endorsed "interest-group liberalism." They presumed that constant negotiation among official interests was compatible with good government as long as every valid interest had a group. Other lobbies were funded by industry or by conservative donors. Regardless of their ideologies, all these groups contributed to the trends described in the previous section on civil society. Professionalism and expertise increasingly dominated; discussion and action at the grassroots level was becoming irrelevant.

Trends within the civil service were congruent with these changes. By now, the people who administered federal policy had been trained, as Robert Reich observed in 1988, to facilitate negotiations among organized interests.[34] Whenever government officials see their job as facilitating negotiations among stakeholders, they have abandoned the goal of identifying or defending the public good. They may not believe that there is any such thing, or they may doubt their ability to identify it, or they may simply feel that they lack the right to make major moral decisions.

Public servants are also trained to identify the most beneficial policy through science and economics. This process implies that the public good *can* be known: it is the policy that enhances social outcomes at the lowest cost. That could be a very demanding moral doctrine; if it is right, we ought to consider radical policies, such as taxing Americans heavily to pay for education in the developing world (because a dollar spent on primary schooling in Africa does much more good than a dollar spent on consumer goods in the United States). But federal civil servants never propose such policies. They correctly feel that they have no right to do so, since major moral questions are for the public to decide. But that means that the professional analysis of policy within government agencies is highly constrained and does not reflect a coherent moral view. For example, regulators in the EPA can decide to ban a given pesticide but cannot critically assess the whole system of agriculture in which pesticides are used.

As Lowi wrote, the modern methods of public administration "impair legitimacy by converting government from a moralistic to a mechanistic institution."[35] Deliberation about principle looks naive and becomes an obstacle to smooth logrolling, stakeholder negotiation, negotiated rulemaking, and cost-benefit calculations within statutory limits. The characteristic ethic of governance—deciding together what is right to do—is lost. And when governance turns into negotiation, the organizations with big bank accounts have a huge advantage.

While government was turning into a venue for private negotiations, elections were increasingly understood as opportunities for interest groups to transmute money into political influence. Throughout American history, political campaigns have always been privately financed, and the actual impact of money was more pronounced in the Gilded Age than after the Second World War, and especially after the post-Watergate reforms of the 1970s. But a new public philosophy was emerging that understood market-like behavior as *appropriate* in politics. An election was deemed fair if many private interests officially registered as political action committees (PACs) or otherwise as donors, announced what they wanted from government, gave limited amounts of money to a range of candidates, and disclosed what they had spent. "Corruption" meant a quid pro quo or a massive, undisclosed gift. Private financing of politics was not corrupt but an example of free speech and debate.

From the 1970s through the 1990s, the political scientists who specialized in campaign finance held generally positive attitudes toward the existing system, finding that special interests cancelled one another out and that politicians as well as donors exercised power in the marketplace.[36] A task force of nine leading experts, for example, depicted organized donors as legitimate participants in civil society.[37]

Corporate PACs are required to pursue policies economically beneficial for their own companies. To accept them as fully legitimate participants in electoral politics, one would have to assume that there is an organized group for every interest; that each group genuinely represents its whole constituency; that the appropriate way to address any issue is to bargain; and that equilibrium among interest groups is evidence of good government. One

would have to ignore such questions as, "What is good for the republic as a whole?" "What is just?" "What is a good reason?" And "Is our political arena open and attractive to all?"

By the 1970s, the large and expensive structure of mid-twentieth-century liberalism had ceased to address those questions in a credible way. The federal government seemed incapable of addressing major current challenges, from "stagflation" to illegal drugs. It also lacked the mechanisms and practices that create genuine democratic legitimacy, instead operating as a kind of market for organized interest groups. In 1958, 73 percent of Americans had said they trusted the government in Washington to do the right thing, either "just about always" or "most of the time." By 1980, trust had fallen to 25 percent.[38]

Scholars have explained the collapse in trust as a result of declining economic growth rates, the spectacular failure in Vietnam, scandals at home, and a breaking of the relationship between people (organized in diverse, participatory, civic associations) and their government. There is persuasive empirical evidence for each of these explanations, but I don't find any scholarly account as perceptive as Ward Just's Washington novels, such as *Echo House* and *City of Fear*. A common theme is the shift from Washington as the seat of *government* to the modern city of dealmakers and negotiators. Just (who was the *Washington Post*'s lead reporter in Vietnam) certainly does not regard the old Washington as benign. It was a city of power, and the powerful sometimes lacked wisdom and ethics. Yet their job was to govern. Their titles, their powers, and their paychecks were federal. In *Jack Gance*, Just's eponymous narrator recalls the end of the 1960s:

> The clamor and racket ceased, but the echoes were still in the ears of the population; many in the capital were ashamed and stricken, comforting each other as family members customarily do in times of great grief. It seemed that not everything was possible after all. The capital turned a sullen face to the country, stung by the accusation that it had failed and was unworthy of trust, that it had lost its nerve. . . . Frightened, mesmerized, it resolved to hold fast—consolidating, performing quotidian chores. . . . Besieged, we came to resemble the corporate world we had despised and derided. The city grew, the culture thickened, and the custodians multiplied.[39]

We have considered two styles of liberal government: bold reform through landmark legislation (which was clearly unsustainable after 1975); and constant negotiation inside regulatory agencies, congressional subcommittees, and courts. A third alternative would have been pragmatic, decentralized, participatory government. Instead of trying to implement grand principles and strategies by statute, the government could have created small deliberative bodies to make ad hoc choices and reflect on their own decisions in a continuous process. In Ostrom's terms, this would have been "polycentric" governance, or rule by numerous, small, overlapping, participatory bodies.

A pure version of pragmatism would be skeptical of momentous principles and bold, enduring reforms but would instead ask citizens at any given moment to consider the status quo, including the various problems and limitations in their environment at that time and the programs and institutions that had the best records of ameliorating problems. At each point, communities would experiment with expanding the most promising programs and pruning the least successful ones.[40] Decentralization and citizen participation would be hallmarks of pragmatic policymaking. In chapter 4, I argued that a pragmatic spirit was an important component of mid-twentieth-century liberalism, for the New Deal and even the Great Society can be read as expansions of programs like Jane Addams's Hull-House.

But pragmatism cannot be value free. What counts as a problem to be remedied or a successful program to be expanded is a matter of debate and judgment. Making those decisions requires either a wise and trustworthy class of rulers or an engaged, deliberating public, or both. In the heyday of American liberalism, reformers tried to make our leaders wiser and more ethical by changing congressional procedures, requiring open meetings and public access to records, and revising the rules of the civil service. They also created structures in which ordinary citizens could deliberate and make decisions locally. Two examples of empowered, hyper-local, democratic assemblies created by federal law were the Community Action Agencies in the War on Poverty and the Title One Parent Advisory Councils in schools that received federal aid. In both cases, residents who were not professional politicians were elected or selected to set priorities and spend public funds.[41] These experiments had value, but they faded in importance and lost funding in the 1980s. Decentralization and deliberative government by citizens were never the central pillars of liberalism; they were decorative ornaments.

A libertarian-leaning Republican president was elected in 1980 with another alternative. Ronald Reagan said, "The government is not the solution to our problem; government is the problem."[42] He could have offered libertarianism as a coherent political theory, subject to public debate and review. Although I believe the public would have rejected libertarianism in time, it had a legitimate place on the public agenda as an alternative. Landmark libertarian

legislation would have moved the country in a different direction from the landmark liberal legislation of the 1960s, but the process would have been the same. However, no landmark legislation was really offered. The Reagan years actually saw increases in federal spending, along with tax cuts, leading to deficits that were never part of the president's promise.

The Immigration Reform and Control Act of 1986 was supposed to combine amnesty for immigrants who were already in the country with provisions to prevent hiring of undocumented workers. The latter half of the act was basically unenforced "owing to the complexity of undertaking such regulation and the political resistance by employers." Although it remained enshrined in federal law, "in effect, one-half of this major bill was repealed during the implementation process."[43] The same Congress passed the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act with great fanfare, but the law did not actually balance the budget. In subsequent years, government essentially returned to being an equilibrium of interest groups, albeit with business better represented than it had been during the New Deal and Great Society.

We can now take the story forward to the present. A political system that no longer honors deliberation about the public good, even in principle, is bound to react dishonorably in a crisis. Thus consider how Congress responded to the financial catastrophe of 2008–10. First, legislators negotiated for months to produce a reform bill that was 2,000 pages long, full of special exemptions and breaks that no individual could even count or understand prior to passage. The legislative process offered rich opportunities for professional lobbyists and their clients. Steven Brill estimates that $15 million was spent to lobby on one particular technical provision that reduced corporate tax obligations by $10 billion—an excellent return on investment. Brill observes:

> Complexity is the modern lobbyist's greatest ally. Three lobbyists showed me three different proposals for rewording what may be the bill's biggest-money section: a provision in the Senate version that would force the five major banks that do most of the country's trillions of dollars of trading in derivatives—and make nearly $23 billion a year doing so—to spin off those operations. Even holding the dueling paragraphs side by side, I found it difficult on first read to appreciate the differences. But with some pointers from the lobbyists, it was clear that billions in profits depended on the variations in this nearly impenetrable language.[44]

The passage of the bill by no means ended the process of negotiation. Binyamin Appelbaum wrote in the *New York Times*, "Well before Congress reached agreement on the details of its financial overhaul legislation, industry lobbyists and consumer advocates started preparing for the next battle: influencing the creation of several hundred new rules and regulations. The bill . . . is basically a 2,000-page missive to federal agencies, instructing regulators to address subjects ranging from derivatives trading to document retention. But it is notably short on specifics, giving regulators significant power to determine its impact—and giving partisans on both sides a second chance to influence the outcome."[45]

James Madison's words about mutable government by now seemed prophetic:

> To trace the mischievous effects of a mutable government would fill a volume. . . . It poisons the blessings of liberty itself. It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed? Another effect of public instability is the unreasonable advantage it gives to the sagacious, the enterprising, and the moneyed few over the industrious and uninformed mass of the people. Every new regulation concerning commerce or revenue, or in any way, affecting the value of the different species of property, presents a new harvest to those who watch the change, and can trace its consequences; a harvest, reared not by themselves, but by the toils and cares of the great body of their fellow-citizens. This is a state of things in which it may be said with some truth that laws are made for the FEW, not for the MANY.[46]

In the same year that Congress struggled to respond to the Wall Street crisis (2010), the Supreme Court found—for the first time—that corporations have First Amendment rights to spend unlimited money to influence campaigns. The *Citizens United* decision was the logical conclusion of a half century of retreat from notions of the public good. The majority justified unlimited spending as a matter of fairness toward corporations, understood as associations. "Wealthy individuals and unincorporated associations can spend unlimited amounts on independent expenditures. Yet certain disfavored associations of citizens—those that have taken on the corporate form—are penalized for engaging in the same political speech." Striking down those prohibitions and penalties, the court confidently predicted that "shareholders and citizens [will have the] information needed to hold corporations and elected officials accountable for their positions and supporters."[47] The court applied the theory that people are adequately represented by organized interest groups, that politics is negotiation, and that money is a legitimate source of political influence.

Before *Citizens United*, corporations could already purchase "issue" advertisements that would benefit or harm particular candidates; they simply could not make explicit appeals to vote for or against those individuals. By removing that relatively subtle and technical obstacle, *Citizens United* arguably did not change the rules as profoundly as press coverage suggested. Yet corporate campaign spending increased at least fivefold in the wake of the decision (if we compare 2010 to the previous midterm election of 2006). The conservative activist Steven Law observed, "The principal impact of the Citizens United decision was to give prospective donors a general sense that it was within their constitutional rights to support independent political activity. . . . That right existed before, but this Supreme Court decision essentially gave a Good Housekeeping seal of approval."[48] The Supreme Court said that corporations had been "disfavored associations of citizens" before the *Citizens United* decision restored their equal rights. The Court meant that it was entirely appropriate for corporations to exercise power in their own interests by spending money to influence elections. This decision capped a century-long process in which special interests became "civil society," Madison's factions became "constituencies" or "stakeholders," propaganda became "public relations" and "communications," corporate pressure became "government relations," and lobbying morphed from a disreputable matter of hanging around hotel lobbies and button-holing politicians into a white-collar profession.

It is important to acknowledge several valid points in favor of special interests. They arise whenever people are free, and therefore to suppress them, as Madison said, would be a treatment "worse than the disease."[49] When we form distinct interest groups, society becomes diverse and plural; we are then a rich mosaic instead of a monotonous mass. When interests take the form of parties, unions, and pressure groups that advance sharply dissenting views, citizens gain choices and can govern by picking one clear path. And finally, justice sometimes demands the strong defense of discrete interests and values.

Picture, for example, members of the United Farm Workers Union marching for 340 miles from the grape fields of Delano to Sacramento behind the image of the Virgin of Guadalupe, arriving on Easter Sunday 1965 to say, in the words of César E. Chávez, "We want to be equal with all the working men in the nation; we want just wages, better working conditions, a decent future for our children. To those who oppose us, be they ranchers, police, politicians, or speculators, we say that we are going to continue fighting until we die, or we win."[50]

This was a manifestation of a "special interest," in the sense that the workers demanded legislation that would benefit them, they identified adversaries whose interests they decried, and they did so proudly in their own cultural and religious idioms, deliberately putting their distinct identity into the public domain and demanding recognition. Yet Chávez was surely right that they marched for justice. The public interest was served by their struggle. Their voices contributed to the broad public deliberation in at least two ways: by providing information to other Americans about their interests and needs (the population was overwhelmingly ignorant about migrant farmworkers), and by developing their own positions and demands, which would otherwise have no chance to be considered.[51]

The Farm Workers' struggle was one kind of politics, but it is rare. Far more common is a routine controversy among economic interests. For example, optometrists and ophthalmologists frequently clash over the right to perform particular procedures. Their disputes become policy questions because state and federal governments license medical professionals for specific roles and also decide which procedures to reimburse through Medicare and Medicaid. Optometrists and ophthalmologists are organized and employ lobbyists and litigators. Although they often cooperate, they also clash. In recent years, optometrists have lobbied Texas, Florida, California, and Oklahoma for the right to perform eye surgery not requiring anesthetics.[52] In 1987, optometrists won changes in federal Medicare rules which caused their share of the Medicare market almost to quadruple in one year.[53]

Of course, there are other interests at stake, beyond the optometrists and the ophthalmologists—including patients and taxpayers. Somehow, all their competing claims must be adjudicated. Here are four solutions that have been defended theoretically:

1. Implement the policy that maximizes the benefits and minimizes the costs to society as a whole. In this example, we would define "benefits" as high-quality medical services and "costs" in terms of money and adverse medical outcomes. Presumably, letting optometrists compete would lower prices for patients, but it might also lower quality. The American Academy of Ophthalmology asserts (ostensibly on scientific grounds) that "surgery should be performed by physicians with a medical or osteopathic education and training"—in other words, *not* by optometrists.[54] In addition to the science, there is also an underlying moral premise here: policies should maximize the social cost-benefit ratio. That is one form of *utilitarianism*.
2. Implement the most popular policy. Then the goal is to satisfy as many people's preferences as possible, perhaps weighted for how much they know or care about the issue. Ideally, policymakers would hold focus groups or even polls or referenda to find out, but in the absence of those tools, a good policy is the one that people would support if someone asked them. This is a second form of *utilitarianism* (preference-satisfaction), and it also appeals to *populists*.
3. Minimize the role of the state and maximize individual freedom. Milton Friedman argued that all licensing laws were corruptly monopolistic. Patients and other consumers should be "free to choose" whatever medical procedures they wanted from anyone who offered to provide them. He thought that if there were no medical licenses, most people would seek care from large group practices—"department stores of medicine, if you will"—that would attract patients because of their reputations for reliability. But some people would prefer unlicensed "individual practitioner[s]," and that would be their right.[55] Friedman opposed Medicare altogether, but assuming it existed, he might favor reimbursing surgeries by anyone whom patients endorsed. His view is a type of *libertarianism*.
4. Maximize the benefits—not for society in the aggregate—but specifically for the poor and marginalized, because they are not served by the market or because they would benefit most. Instead of calculating how many total high-quality procedures can be performed per million dollars of government money under each policy, calculate how many poor people would gain access to such services. That is *egalitarianism*.

In addition to those four approaches that have defenders, here are four methods that seem indefensible theoretically—but that are very common:

5. Split the difference between the optometrists and ophthalmologists, or give one interest what it wants and make a side payment to the other interest.
6. Preserve the status quo, whatever it may be.

7. Create a permanent process of bargaining within the executive, legislative, and judicial branches of both federal and state governments and allow policies to vary by year and place. That way, no one loses outright, and the professionals involved in lobbying, litigation, regulation, advocacy, policy research, and public relations can remain permanently employed.[56]
8. Let the interest that wields the most effective political power win.

I would call options 5–8 "corrupt"—not to cast aspersions but in a sober, technical sense. The public good that is the root meaning of "republic" is subverted when these methods prevail.

Each of the first four options, by itself, has some potential to solve the corruption problem (although not without creating new problems). For example, libertarians argue that money would lose its corrupting influence over politics if the government stopped regulating and left people free to choose. Populists since William Jennings Bryan have argued that popular rule (referenda and other voting mechanisms) would make government clean. And many good-government reformers believe that an insulated, professional, scientifically informed civil service could maximize benefits and minimize costs. Donna Shalala, as quoted in chapter 4, defended that view.

I have grave doubts about each of these positions. Not only is their practical feasibility questionable, but they rest on moral foundations that, in each case, seems simplistic. There is truth in libertarianism, utilitarianism, populism, and egalitarianism, yet in many situations each of these doctrines does *not* seem satisfactory. The very fact that there are four plausible approaches to addressing conflicts among interests suggests that we have an intellectual problem—and of course, one could lengthen the list of moral theories to include various kinds of environmentalism, religious doctrines, conservative respect for traditions, and group rights. If the critique of expertise in chapter 4 was correct, none of these doctrines will solve our problems. Instead we need:

9. An ongoing dialogue in public forums about what the public interest requires.

But what actually prevails is some combination of the four indefensible options. One reason for this corruption is suggested by rational choice theory (the formal study of how people and groups pursue their own interests). Everyone is affected by the struggle between optometrists and ophthalmologists, but most of us are affected to a very limited extent. The optometrists and the ophthalmologists are deeply affected. It therefore pays for them to lobby in

their own interests, but it does not pay for the rest of us to organize on this issue. In founding Common Cause, John Gardner said, "Everybody is organized but the people."[57] Maybe he was just stating an inevitable fact.

Of course, not all groups are equally able to form effective lobbies. For instance, the homeless are a discrete group of modest number who share important interests. In those respects, they are comparable to realtors. Both groups should organize in their own interests. But according to the Center for Responsive Politics, "the real estate industry gave $135 million to federal candidates and campaigns in 2008, with the National Association of Realtors contributing the most by far, at $4.3 million."[58] The homeless presumably gave approximately zero dollars to federal candidates in that year. The reason is not the size or structure of the two interests, but simply that realtors have a lot more money than homeless people. Since economic inequality is more pronounced in this decade than at any time since at least 1929, it would not be surprising if—to quote E. E. Schattschneider—the choir of interest groups sings today with a "strong upper-class accent."[59]

The promise of interest-group liberalism was to remedy such inequality by forming and strengthening organizations that represented the poor and the marginalized, and by revising government procedures and rules so that these groups would have access to decision-makers. The Ford Foundation was especially active in launching new official interest groups. But any such strategy must overcome profound structural causes of inequality. Even if it could do so, the idea of a *public* interest would still be lost.

It is worth returning to César Chávez, who served as my example of an interest-group leader. He did fight for an interest group, but his rhetoric was intentionally universal. "We seek our basic, God-given rights as human beings. . . . We seek the support of all political groups and protection of the government, which is also our government, in our struggle. . . . At the head of the pilgrimage we carry *La virgen de la Guadalupe* because she is ours, all ours, Patroness of the Mexican people. We also carry the Sacred Cross and the Star of David because we are not sectarians, and because we ask the help and prayers of all religions."[60] This was a moral claim on the public as a whole, which is the essence of good politics and what we have largely lost.

Measured against the values defended in chapters 3 and 4, our political institutions fall far short. They are deeply inequitable, and they fail to exemplify or promote deliberation, either in Washington or in local communities. But their corruption has certainly not gone unnoticed, and in chapter 6, I turn to remedies.