

"Comments on Arnold Kling's 'Competitive Government vs. Democratic Government' "

by Howard DeLong

In 1690, John Locke, said that it is "plain . . . by the Practice of Governments themselves, as well as by the Law of right Reason, that *a Child is born a Subject of no Country or Government*. He is under his Fathers Tuition and Authority, till he comes to Age of Discretion; and then he is a Free-man, at liberty what Government he will put himself under . . ." (1988 347). The idea that adults are not only free to leave a country, but have a right to do so, was asserted again and again by the revolutionary generation in America, including such leaders as Benjamin Franklin (1959 17:400), Samuel Adams (VPFITB 1772 2-3), James Wilson (1967 1:244-46), and Thomas Jefferson (1950 1:121, 1892 8:458). However, even before the Americans sided with Locke, David Hume objected to such views: "Can we seriously say," Hume asks, "that a poor peasant or artizan has a free choice to leave his country, when he knows no foreign language or manners, and lives from day to day, by the small wages he acquires" (1985 475). Arnold Kling agrees with Locke, Franklin, Adams, Wilson, and Jefferson that we ought to have a right to leave any governmental jurisdiction, but he agrees with Hume that exit is just not a realistic alternative for large numbers of people. So what is to be done? The trouble with democratic government is that the voice of the people is often misrepresented, but even if it is correctly represented, why should a majority determine who should collect my garbage, if I prefer someone else? So the answer is functional, overlapping, and competing jurisdictions (FOCJ). Here I would have no voice (any more than I have a voice in determining what kind of computers Dell produces), but if I am dissatisfied, I can choose another governmental entity (just as I can pick an Apple computer if I am dissatisfied with Dell).

Kling says that "democratic government in the United States today offers neither adequate exit nor adequate voice to its constituents"(4). I could hardly agree more. The moral and economic cost of this dysfunctionality is enormous. I would go even further perhaps than Kling would. I think the federal government was in certain ways dysfunctional from the very beginning. For example, the United States did not make slavery explicitly unconstitutional until there was a civil war which risked its very existence, and segregation or Jim Crow was not ended legislatively until there were widespread demonstrations, violence, and judicial decisions against it. Legislators were then incapable of coming up with realistic solutions to the grave political problems they were facing and, as Kling makes clear, they seem just as incapable now. Nevertheless, as Kling felicitously put it: "Our political system is characterized by scale creep and scope creep"(5). In theory, one could eliminate scale creep by breaking the United States into nearly a thousand districts, but that doesn't seem a realistic possibility. Hence Kling states that our best alternative is exit and competitive governments. I was very impressed with Kling's exposition of arguments against competitive governments; it shows an awareness and honesty that is often missing in theoretical discussions. In particular, I think the objection to competitive government in "national defense and foreign policy"(9) is especially compelling. Would we really want competitive government to have control of weapons of mass destruction? What about free riders in defense expenditures? Even on the local level, competitive government might result in Mafia or gang type competing organizations rather than peaceful competition. I have a friend in a business that was closely related to garbage collection. He told me that you took substantial risks if you make a bid for the garbage business in certain communities. On the other hand, the mob bosses primarily lived in two cities and in those cities there was free competition, no threats. They didn't want to pay the higher taxes. Nevertheless I do not think

that *all* government has to be competitive for Kling's case to be valuable. Why not try it in small jurisdictions and then see how far one could profitably go? For example, if some kind of competitive government worked well in one part of the country it could spread elsewhere. But how would it spread? Kling says: "If the idea of competitive government were to gain widespread support, then I think that it would be facilitated by the creation of a regulatory agency or court system that is charged with overseeing the competitive process. Call this the Government Competition Agency." Why would officials in noncompetitive government vote to put themselves out of business? Even if the Government Competition Agency is formed, might not the bureaucracy set up rules that look reasonable but, in some subtle way, prevent real competitive government in practice? Here we see that the implementation of competitive government requires an improvement in voice, because it is commonplace that where a bureaucracy opposes something, it is very difficult to get it implemented. If, on the other hand, implementation is possible under our representative government, I think Kling's proposal is worth trying at the local level and, given success there, it should be expanded to any place that has the approval of what Jefferson called the "common reason of society"(1892 10:44).

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