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Review Of "Hiring And Firing Public Officials: Rethinking The Purpose Of Elections" By J. Buchler

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Critical Dialogue

Hiring and Firing Public Officials: Rethinking the Purpose of Elections.

By Justin Buchler. New York: Oxford University Press, 2011. 272p. \$27.95.
doi:10.1017/S1537592712001430

— Ben Berger, *Swarthmore College*

Few books can be called workmanlike as well as exciting, analytic as well as poignant. *Hiring and Firing Public Officials* achieves those rare pairings by methodically pursuing an academic coup. Justin Buchler aims to replace electoral theory's dominant "market paradigm"—whose pioneers include Joseph Schumpeter (*Capitalism, Socialism and Democracy*, 1942) and Anthony Downs (*An Economic Model of Democracy*, 1957)—with a more accurate "employment model," and to defend that new model against all manner of attack. Buchler prosecutes his goals doggedly, repetitively, and quite effectively. The result is an intelligent, important new book that may not dazzle but will challenge settled convictions and change more than a few minds. The author's occasionally defensive tone is understandable given the nature of his ambition. His book advocates paradigmatic revolution and, to borrow from Mao Zedong, revolution is not a dinner party.

Mao's famous dictum rebuts an analogy: Revolution is not *like* a dinner party. Buchler's main argument rebuts another one: Elections are not like markets. The market paradigm that has long dominated electoral theory relies on a faulty analogy. Buchler proposes an alternative "employment paradigm," arguing that it leaves analogies behind and captures the "literal function" of elections—the hiring and firing of public officials. As he states often, "the purpose of this book is to build an electoral theory around this literal interpretation of elections rather than around an analogy" (p. 59).

A second argument follows closely behind. The market paradigm suggests certain normative commitments. If the paradigm fails, those commitments lose their urgency as well. For example, markets demand competition, and so the electoral market paradigm—based on an analogy between elections and markets, with candidates cast as market firms and voters cast as consumers—correspondingly depicts competitive elections as democracy's lifeblood. If elections are about employment decisions rather than market dynamics, however, then competitive elections might not be so

vital and, in some instances, might actually be harmful for democracy.

As Buchler well knows, his first argument will upset electoral theory devotees and his second will unsettle the rest of us. The concept of competitive elections resonates deeply with citizens as well as scholars. Many will ask how he could possibly demote competitiveness without denigrating democracy. The answer turns out to be: pretty convincingly. Analytic philosophy paves the way. Buchler points out that while scholars, politicians, and journalists praise competitive elections, we seldom pay attention to what we mean by that term. As a result we talk past one another and lose sight of the best means to achieve our own goals. He sets about clarifying our terminology and exposing logical flaws. As one whose scholarship also aims to illuminate our commitments by clarifying our terms, I appreciate the author's approach and admire the rigor of his philosophical steps.

Buchler begins by unpacking the multiple meanings that "competitive" can entail. First, he distinguishes between three elements of electoral competition that are sometimes lumped together: competitive elections, competitive electoral behavior, and a competitive framework of electoral laws. Focusing then on competitive elections, he distinguishes between five meanings that advocates of competitiveness employ: uncertainty of outcome, marginality (closeness) of outcome, number of candidate options (more being preferable to fewer), high rates of turnover, and no distortionary advantages for incumbents (pp. 23–44). When advocating for competitive elections, we cannot employ all of those meanings because some of them actually conflict (pp. 40–1). More to the point, we should not prioritize any of those kinds of competition except the last one ("no distortionary advantages for incumbents") because the others, on examination, do not ensure either intrinsic or instrumental value for democracy. As to the one meaning of competition that democracy cannot do without, the absence of distortionary incumbent advantages, Buchler claims that the employment model and not the dominant market paradigm best accounts for its importance.

The rest of the book proceeds in like fashion, unpacking concepts and breaking apart commonly used terms and supporting logical argument with empirical data where appropriate. Amidst his rigorous dissections Buchler returns

to the following, core points. Elections are not *like* markets but literally *are* employment decisions; voters are employers, candidates are job applicants, and officeholders are employees. Employers do not want high employee turnover but, rather, want employees to perform their jobs well and to warrant continued employment. If we voters want our representatives to execute their duties faithfully, we should treat them as employers treat employees, providing incentives for good performance and a credible threat of termination for failure. Competitive elections entail the opposite conditions and incentives. Their existence means that even officeholders who have done their jobs well face uncertain job prospects and eventual termination. Buchler wants us to ask: What company would operate that way? What qualified job candidate would want to work there?

In addition to its methodical, analytic framework, the book contains a poignant, personal subplot. It opens and closes with the author's painful experience as an election-theory Cassandra. Within the first few pages, we learn that Buchler "spent the last several years making arguments that are frequently greeted with a form of skepticism that borders on derision, and occasionally *ad hominem* attack" (p. ix). In the book's final lines, he muses that one-half of his goal may still go unfulfilled: "[I]t is unlikely that the arguments in this book will convince many people that competitive elections are fundamentally incompatible with a healthy democracy" (p. 240). Thomas Kuhn's *The Structure of Scientific Revolutions* (1962) predicts just such struggles, because dominant paradigms do not shift without a fight.

As in the Johnny Cash song "A Boy Named Sue," however, in Buchler's case the ordeals of the underdog may have played a salutary role in toughening the protagonist (or at least his arguments). I stress this point not in order to psychoanalyze the author but to explain one of the book's greatest strengths—its thoroughness—and to reflect on Kuhn's argument that resistance to new paradigms may be useful and even necessary for the development of science. As an outsider rebelling against a dominant paradigm, Buchler has had ample occasion to confront serious objections. Rather than pack up his tent and seek greener pastures, as many scholars would have done (and perhaps *should* do in those cases where their arguments cannot pass muster), he dug in and formulated cogent responses that now fortify his armor. The result is a more complete set of arguments than probably would have ensued had he received a warm initial response.

Buchler persuasively demarcates the market trope's limitations, but he would do well to follow suit with his own employment trope. Actually, he would do well to recognize it as a trope in the first place. He insists repeatedly that elections are *literally* employment decisions; literalness comprises one of the primary grounds for preferring his employment model to the analogy-based market paradigm. But while an election technically may represent

one *kind* of an employment decision—voters choose one applicant to fill a paid position—it is not identical to all employment decisions. In fact, elections are quite different from most employment decisions. For example, in most employment decisions, a single employer or hiring board would possess a trove of relevant information about the job candidates and would invest substantial energy in reviewing it. As I point out in my own work (and as Buchler recognizes, too), citizens seldom invest that kind of energy and attention politically. Some voters remain politically ignorant. Others may use heuristics to mimic informed voting. The point here is that while voters technically may represent a *kind* of employer, they seldom think and act exactly as traditional employers do.

Buchler knows the relevant literature and acknowledges that disparity. He knows, for example, that voters may make decisions based on partisan affiliation rather than candidate platform or officeholder performance. Yet he continues to insist that voters are only "similar to consumers," as the market paradigms portrays them, "but they literally *are* employers" (p. 104), as if literalness entailed equivalency or sameness.

In philosophical terms, Buchler seems to be eliding the *type-token* distinction. Using type-token terminology, "employment decision" represents an overarching *type* or concept; "election" represents one of the many different *tokens* or instances that the type (concept) of employment decision encompasses. But no two *tokens* of a given *type* need be literally the same. Thus, even if "election" is a token or instance of the type or concept of "employment decision," it might be (and in fact is) simply analogous to other tokens of that type. The employment model works by analogy between elections and other instances of employment decisions, not by literal equivalency. It comprises a trope, as do all analogies, and no trope can capture its subject's essence fully.

This distinction only tempers rather than undermines Buchler's essential points. His employment model might still represent a more apt election analogy than the market paradigm; his arguments certainly support that conclusion. His goal as a theorist should be to find and use the best analogy available for modeling elections while remaining aware of its limitations as a trope. Otherwise, he risks a version of the same mistake for which he criticizes others. When we take our tropes for granted, overlooking their status as metaphors or analogies rather than literal equivalencies, we may either overstate the extent of their usefulness and accuracy or else overlook other analogies that might—at least in certain circumstances—more closely parallel the relevant subject than our own model does. At that point we become fodder for the next round of revolutionaries.

Constructive criticism aside, my primary reaction involves admiration for Buchler's vision, courage, and patience. The market paradigm probably will not disappear any time soon, but the employment model should

have a place at the table. And Buchler's message, pared down to essentials, should interest a much wider public as well. His model casts new light on hotly contested issues, such as term limits, campaign finance reform, and legislative redistricting. The wider public may not have a stake in linguistic analysis and academic debate, but we citizens should care about the best means of ensuring faithful performance from our representatives.

Response to Ben Berger's review of *Hiring and Firing Public Officials: Rethinking the Purpose of Elections*

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— Justin Buchler

I am encouraged by Ben Berger's reaction to my book, and hopeful that other readers will be as open-minded. Of course, the drawback of Berger's Cassandra comparison is that if it is apt, that will not be the case. Similarly, the drawback of any attempt at a paradigm shift in Kuhn's terms is that nearly every attempt fails, and it is difficult for the author himself to distinguish a negative reaction motivated by philosophical conservatism from a negative reaction motivated by intrinsic weakness in the unconventional argument itself.

Berger's primary critique of my argument is appropriate and, if anything, it should be made more forcefully. As he observed, the fact that an election is a hiring mechanism rather than a market does not mean that it is identical to all other hiring mechanisms. Thus, attempting to extrapolate from other employment mechanisms to an election runs similar risks as the market analogy. I must agree. In Chapter 3, I attempted to describe the most significant differences between elections and other types of hiring and firing mechanisms to address the issue. For Berger, the most important feature of an election that distinguishes it from other types of hiring mechanisms is the fact that voters have less information and fewer incentives to gather information than other types of employers. If our primary concern is with designing an electoral system, then the collective-action problem that voters face with respect to gathering and acting rationally on information is the greatest obstacle to having the electoral system work optimally. However, I do not think that this distinction undercuts my arguments about the counterproductive effects of what we conventionally call "competitive elections." The fact that voters face a collective-action problem not faced by other employers does not mean that they should flip a coin to decide whether or not to renew an incumbent's employment contract.

Instead, I consider the most important weakness of my argument to be another distinction between elections and conventional hiring mechanisms that apparently was less troubling to Berger—there are no political parties, nor any analogs to parties, in other types of employment rela-

tionships. From a normative perspective, I do not think that the presence of parties makes flipping a coin a uniquely beneficial way of deciding whether or not to renew an incumbent's employment contract, but from an analytic perspective, the fact that my model leaves political parties out in the cold suggests that there is a critical feature of our electoral system that my model simply cannot describe, or at least cannot describe well.

Because of the features that make an election different from other hiring mechanisms, Berger notes that my argument may be subject to the same critiques that I pose to the market analogy. He is right that ignoring these differences may be just as problematic as relying too literally and exclusively on the market analogy. Complex issues require broad and, well, "competing" models.

Attention Deficit Democracy: The Paradox of Civic Engagement. By Ben Berger. Princeton: Princeton University Press, 2011. 216p. \$35.00.

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— Justin Buchler, *Case Western Reserve University*

"Civic engagement" is the cornerstone of democracy, right? Everyone knows we need more civic engagement—everyone, that is, except Ben Berger, whose willingness to argue against convention, particularly when that convention is a key tenet of good governmentism, makes me reflexively sympathetic to his argument. Berger and I both attack foundational assumptions of conventional democratic thought, but we differ in our approaches. I base my arguments on economic theory and quantitative analysis, whereas he bases his arguments primarily on interpretations of canonical theorists, most importantly Hannah Arendt and Alexis de Tocqueville. Ultimately, I am convinced by Berger's argument that civic engagement is a messy concept that cannot be considered an "intrinsic good" for democracy, but like most formal theorists, I needed little convincing because the debate that he characterizes is remarkably similar to one that game theorists held some years ago, and resolved in the same direction. Ironically, then, he may face a more hostile audience from within his own subfield than outside of it.

Berger's argument would be tempting for "good government" types to caricature. While he attacks the assertion that we need more civic engagement, he does not argue that we need less. Instead, he argues that the term itself is poorly conceptualized and, consequently, that normative arguments about our level of civic engagement are devoid of substance at best and misleading at worst. Thus, the most valuable analysis in Berger's book is his effort to conceptualize *civic engagement*. He argues that the term has been used in ways that encompass too many different forms of political, social, and moral engagement for the umbrella term to communicate very much. Consequently, he argues that the term itself should be abandoned because