

Democracy: Mapping the Terrain¹ *Dean Machin*

I, for one, am glad that the UK is unlike, say, Saudi Arabia. There are a variety of reasons for this but one of the most important reasons is that the UK is a democracy and Saudi Arabia is not. Generally, democracies are more pleasant places to live in than non-democracies. But why? Democracies can do, and have done terrible things - after all, Hitler came to power in Germany democratically. So, what is it about democracy that is so appealing? Generally, there are two types of arguments for democracy. First, it is said that democracies make better decisions than others forms of government (this is the instrumental defence). Second, it is argued that democracy is the most intrinsically fair form of government; this is to say that because democracy gives everyone a say in how they are governed it has certain merits as a procedure that no other decision-making procedure has. I will look at both of these arguments and find that while there are some good reasons to be a democrat, surprisingly, these reasons can be used to justify non-democratic rule as well. I will argue, then, that while there are enough reasons to *permit* us to be democrats there are insufficient reasons to *compel* us to be democrats. However, before doing any of this there is a more fundamental question: what exactly *is* democracy?

At one extreme democracy is defined without any reference to a decision-making procedure and at the other extreme it is defined as a very simple decision-making procedure, *ie*, every decision is made by giving every person one vote. There are problems with both of these approaches. Gutmann adopts the former approach. For her

‘A society is (or is not) a democracy to the extent that it succeeds (or fails) in securing equal political liberty for all its (law-abiding) adult members and in expressing their status as individuals with equal political liberty.’²

The trouble with this is that equal political liberty is consistent with not very much political liberty so long as the limits fall on all citizens in the same way. A society would satisfy this definition if the citizens decided *only* what side of the road to drive on with all other decisions being taken by, say, a foreign power. The other extreme fares no better, though. Every citizen having one vote will achieve very little if material inequality is so profound that the better-off can blackmail the less well-off to vote their preferred way. It may even be rational for the poor to sell their vote to the highest bidder (or to the person with the biggest stick). What is the point of having a vote if it is one vote in 10 million when one can get food for a week in exchange for it?

There is also the vexed question of who is to count as a citizen - for all their rhetoric the American Revolutionaries did not count slaves or women as citizens - and it is important that we are clear on this issue. After all, would you make any sacrifices to live in a democracy if who was to count as a citizen was undecided?

Moreover, does democracy require majority-rule? Intuitively yes but there are at least

two things that majority-rule cannot accommodate. The first is the idea of proportionate consideration of interests. So, if there are three people - X, Y, and Z - then, proportionally, Z should get her way one-third of the time. However, under majority-rule if X and Y agree often enough Z may never get her way. Second, majority-rule ignores the intensity with which a citizen may want something. Let's say that Z wants decision *z* more than anything else, and that it is fundamental to her interests. She will never get *z*, though, if there is a permanent, but indifferent, majority of X and Y.

What should be made of this? I don't think that these issues can be settled at this stage. Instead, I will simply stipulate what I mean by democracy and then let anyone who disagrees identify the erroneous element in the definition and explain where it leads to confusion.

Democracy, then, is a majority-rule decision-making procedure that gives all citizens equal political liberties to decide all major issues about how to distribute society's benefits and burdens and that has a generous definition of citizenship such that only the criminally insane and minors are excluded. Furthermore, material inequality is not so extreme that citizens can be bought or influenced unreasonably; all citizens are independent decision-makers.

This will do for now but it is worth remembering that many objections to accounts of democracy are based on the issues just covered. Failing to be explicit about what one takes democracy to be can often lead to misplaced criticisms or a vague sense of discomfort with what one is reading. For example, was ancient Athens a democracy? Well, yes and no. Athens had many hallmarks of a democracy but it also had such an impoverished conception of citizenship – for example, women were excluded from the franchise – that it doesn't really deserve the name and the distinctions just drawn help to explain the ambivalence in answering this question.

So, having gone through some necessary throat clearing let's move on to the meat of the topic. First, the instrumental argument for democracy. This has come in many forms but I will be as generic as possible. The general idea is that democratic decision-making is the best means to the secure valuable ends. So, people should want to live in a democracy because history shows that democratic governments are less likely to commit atrocities against their own citizens. Now, this may be true but as an answer it is limited. As political philosophers we are interested in deeper questions: why is it that this statement is true? What makes it true? I will canvass a couple of arguments. The first is Condorcet's Jury Theorem (CJT); this states that if there is a vote between two choices – A and B – and if voters are only slightly more likely than random to make the right decision then, as a population gets larger, the likelihood of the right decision being made tends to certainty. Let's say that each voter is 51% likely to get the right answer, and that out of 100 voters 60 people vote for A. The probability that A is right answer is 0.69. If we then double the numbers (200 voters of which 120 vote for A) but keep the probability of being correct the same, the probability that A is the right answer is 0.83. This is tending to 1 very quickly.³

One can think of CJT in terms of a biased coin. If a coin is biased 75/25 in favour of heads then after 6 throws it may have come up heads and tails three times each but as the number of tosses increases the bias will emerge. So, after 100 tosses, seeing 85 heads would not be a surprise but it would be with a fair coin.

This is a very elegant defence of democracy because it relies on the most distinctive feature of democracy – the number of people involved – and argues the more, the better. Furthermore, it seems to make a virtue out of a feature of democracy that many people have thought of as a vice, *viz.*, that most people who vote are not experts on the issues on which they are voting. CJT says that they don't have to be experts, they just have to be more likely to get the right answer than if the issue was settled randomly. There are, though, a couple of features of CJT it is worth drawing attention (although this list is not exhaustive).

First, CJT applies only to situations in which they are binary choices; as soon as there are more alternatives it is possible to get majorities for more than one option.⁴

Second, it applies only to issues where there is an independent standard of correctness and where the citizens are making a judgment about the right solution. If, instead, some citizens are voting on the basis of what they want to be right answer CJT will not work. I will return to this point in more depth shortly.

Third, CJT only works if citizens are in fact more likely than random to get the right answer or if, *on average*, citizens are more likely to get the right answer than if the issue was settled randomly. So CJT works if every citizen is 51% likely to get the right answer or if there are some very bright people (90% likely, say) whose influence will iron out the effects of those less bright citizens. Two, diametrically opposed, inferences can be drawn from this: first, there is no need to worry about enfranchising intellectual incompetents because their negative influence should not matter but, second and more worryingly, if some people are disenfranchised they may have no grounds for complaint. One can argue that they are bringing the average down and that, given the importance of the issues, it is wrong to risk the chance of getting the wrong answer. CJT, then, permits us to rule using a small number of very bright people. If, say, the bright people are only 63% likely to be correct then fewer of them are needed to increase the probability of getting the right answers. To use the same example as before, if 60 out of 100 bright people vote for A then it is 0.9998 likely to be the correct answer. This is significantly higher than the 0.69 we encountered before.

We need only ask the brightest people, then, and not the entire citizenry. So while CJT can re-assure us that trusting a large number of citizens about whom we know very little is not a problem, it cannot provide the right kind of justification of democracy as CJT is consistent with very few citizens making all society's major decisions. CJT, then, permits a commitment to democracy but it does not compel the sceptic to accept democracy; this is worrying as it is the sceptic who needs most convincing. There is little point preaching solely to the converted.

To return, now, to the issue of judgement. As was noted, CJT applies only where citizens are making judgments about which there is an independent standard of correctness. Is this true of democratic decisions? There may be one of three kinds of independent standard at work. First, is the situation in which there is a *right answer* (did the accused steal the bag?). Second, is a situation in which there is a *fair outcome* (what level of taxation should we set?). Rawls' work *A Theory of Justice* conceives of democratic votes in this way. Third, is the case where the standard may be some idea of the common good, where this is not just the aggregate of each individual's good (should Test match cricket be on terrestrial TV even though most people will not watch it?). Sense can be made, then, of the idea that there is a standard of correctness independent of people's preferences. And clarity is required on whether some, or most, democratic decisions are judgements or preferences. If all decisions are judgements then the aim is to identify the best judges; this will be a technical exercise. If democratic decisions are not judgements but are about expressions of preferences (do we want to host the Olympics?) then there is no standard independent of citizens' own views so technical and intellectual qualifications may be irrelevant.

This latter approach is a common enough defence of democracy and it views democracy as a means to convey information to a government so that it knows what it should do. So, when the Prime Minister of the UK is deciding whether to support Turkey's accession to the EU he could just hold a referendum to find out what the people want. However, there is one significant limitation to this argument: if we find out that there is a more efficient way of discovering what citizens want – focus groups and market research for example – then that method should be adopted instead. This seems to be a very precarious justification of democracy. It can be strengthened, though, with a slightly different argument. While there may be better non-democratic ways of eliciting citizens' preferences these will not ensure that a government actually acts on the information it elicits. What would make it do so? If it could be punished if it didn't. This, then, is a retrospective justification of democracy. There may be other ways for governments to find out what citizens want but there is no better way than democracy to punish those governments when they do not deliver what the citizens want.

One way of construing this point is that democracy acts as a check on government and it gives governments an incentive to act in accordance with citizens' wishes. This argument shows democracy to be a guard against disaster. However, it should be noted that it cannot guard against disaster if the disaster is perpetrated by citizens on other citizens; this is the so-called 'tyranny of the majority'. One group may systematically violate the rights of others, either deliberately, as in the case of the Nazis and the Jews, or less culpably, through a lack of understanding. Arguably, this happens when a minority's culture disappears; the majority organize the social world for its own advantage, *eg*, it passes laws stating that all courts cases should be heard in its native language, and so, over time, the minority culture dies out as it becomes irrelevant to everyday life.

At this point it is common to invoke the need for judicial protection of some rights. A written constitution, for instance, enforced by a judiciary that is independent of the government, can prevent a majority from doing certain things. For example, no US

President could ever make abortion illegal in the USA no matter how many people voted for him (or her). Perhaps, then, there is nothing to worry about - a suitably constrained democracy can do the work needed and check a government's power. But note that if it is possible for the judiciary to protect some citizens from other citizens then the judiciary could be required to make a large number of important decisions about society's benefits and burdens. This would be in tension with our earlier definition of democracy which required that *all* major issues about how to distribute society's benefits and burdens be made by the people; if a large number of such decisions are made by the judiciary society cannot, in any meaningful way, be said to be democratic. Such a society would be a democracy in name only, although it may be a good society to live in. This second argument in favour of democracy, then, is compatible with a large number of decisions being taken by experts. So, once more there is enough room here for a sceptic to wiggle out of a commitment to democracy: if the judiciary in country X is more virtuous than the citizenry of X there is no reason to be a democrat.

That the justification of democracy is contingent on such empirical factors was not what we were looking for and it is for this reason that many people think the instrumental arguments for democracy are not quite right. Surely, citizens have a *right* to vote and this is not determined by what the facts happen to be at any one time. This line of thought leads to arguments for democracy's intrinsic value; and it is to these arguments I now turn.

Arguments that citizens have a right to participate, while plausible on the surface, do need to do a great deal of work. The main reason for this is that political rights are odd sorts of rights; they are not like citizens' other rights, such as rights to privacy, and to freedom of association or movement. The exercise of these rights has a very different impact on others than the exercise of one's political rights. For example, when I recycle my rubbish I do perform actions that affect others (even if they do so trivially) but those others are still left free to recycle or not. If, however, I successfully argue that everyone should recycle and, subsequently, the relevant law is passed, then, instead of settling an issue for *myself* that affects other people I have settled the issue for the *whole of society*. I am exercising a different kind of right, one that *determines the issue for everyone and determines some of their actions* whether they agree with me or not. We need an explanation of how this could be acceptable.

Rather than focusing on the differences between political and other rights, though, the first version of this thesis we will look at exploits a parallel between them and maintains that there is an intrinsic connection between liberal values and democracy. Liberalism is based on the idea that people are free and equal moral beings and gives citizens rights that reflect and protect this. For example, citizens are given rights to freedom of speech, certain freedoms from interference, freedom of religion *etc.* We can call these citizens' civil liberties. A liberal society's decision-making procedure should reflect its fundamental commitments to freedom and equal liberty. This suggests that citizens *must* be granted equal rights to participate politically. So the claim is that if you're not a democrat, you're not a liberal either.

This argument is sharpened in the following way: if citizens are given civil liberties then one must assume that they have certain capacities and abilities. We do not, for example, give children the liberty to marry because we believe that they do not have all of the relevant capacities and abilities to make such decisions. But adult citizens are given full civil liberties and so we must assume that they do have the relevant capacities and abilities. But the capacities to control and direct one's own long-term interests seem to be the same capacities that are employed when one reasons about political matters. One needs to make judgements, weighs costs and benefits, prioritise and be aware of the implications of one's commitments. So, if society denied citizens their political liberties but gave them civil liberties, it would fall into some sort of logical contradiction; the only way out of this is to deny citizens their civil liberties, too. But this the liberal cannot do. Therefore, the liberal's commitment to civil liberties *requires* them to be committed to democracy as well.

This is a neat argument but it is, I think, a little too quick: as was noted above, there can be tensions between civil liberties and political liberties. A majority can limit the freedom of a minority. Furthermore, it is not necessarily true that the capabilities one needs to exercise one's civil liberties are the same that one needs to exercise one's political liberties. When a citizen goes about her private life she is free to act as she pleases within the confines of the law. She need not, then, internalize others' needs, interests *etc.* because the law does that for her: so long as she respects the law she need not think about others (at least no more than morality in general requires one to think about others). This is not true when a citizen thinks about politics and votes; in this situation the people collectively are trying to decide what the law *should be* so what the law *is* cannot offer the same sort of assistance as it does in a citizen's private life. When exercising her political liberties a citizen needs to take account of issues that otherwise, at least for the most part, she can ignore. The parallel between civil liberties and political liberties does not hold, at least not in a sufficiently strong form to generate the logical contradiction this argument needs.⁵

There is something in this parallel, though – as is aptly demonstrated by Rawls' first principle of justice (the Liberty Principle). For Rawls each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.⁶

I will not go into Rawls' arguments for this principle; all that needs to be noted is that 'equal basic liberties' includes both political and civil liberties. For Rawls, then, there are parallels between these two types of freedom: both are different kinds of liberty and, as a liberal, Rawls thinks that one needs a very good reason to limit someone's liberty. However, there may be tensions between different types of liberty – and nowhere could this tension be more acute than between the exercise of one's civil and political liberties. Moreover, this possible tension is explicitly recognized in the Liberty Principle: one kind of liberty can be limited if it increases the *total system* of liberties enjoyed by all citizens. Calculating how best to secure the total system of liberties is difficult and will vary from situation to situation but Rawls is confident that with some constitutional protection the most extensive system of liberties will include political liberties.

Overall, then, this argument does show that the liberal's commitments to freedom and equality imply a close connection between political and civil liberties. Liberals, then, will be reluctant to limit a citizen's political liberties. However, they will be prepared to do this if there is a good enough reason to; and whether this is the case will be determined by how citizens exercise their political liberties, not by the intrinsic merits of exercising them. Put in these terms what started as an argument about a conceptual connection between the recognition of civil liberties and political liberties now looks like an empirical question about whether the protection and realization of the fullest set of liberal rights will include citizens' political liberties. This argument, then, cannot justify democracy solely because of the intrinsic merits of exercising one's political liberties.

The second version of the intrinsic merits thesis looks at the issue negatively and instead of arguing *for* a right to participate it looks what would be true if *some* citizens had *no* right to participate. The thought is that such a situation would be morally unacceptable so all citizens must all participate on equal terms.

Only some citizens, then, get to decide how society's benefits and burdens are distributed. Maybe it is just the 'high-born' or maybe it is the most educated; for the moment which groups are enfranchised is not important. The salient feature is this: the chosen groups have more rights than the excluded groups. Furthermore, these extra rights are very important. The chosen groups get to decide issues that have an enormous impact on the lives of the excluded groups. One hundred and fifty years ago in the UK men got to decide whether women had property rights, and middle-class men got to decide whether working class and unemployed men were entitled to alms and employment protection. But there is no reason to think that these people were any more virtuous than those excluded. A reasonable inference, then, is that middle class men were viewed, and viewed themselves, as morally superior to those over whom they held sway. So to exclude citizens from the franchise is to state that those excluded citizens are morally inferior; it is to express a lack of respect for them. As this is wrong, all citizens must participate on an equal footing in the decisions that affect their society. Moreover, not only is exclusion wrong in itself but it can have terrible effects on the psychological well-being of those excluded. They may come to see themselves as morally inferior beings who deserve less consideration and fewer goods; and this effect may be part of the reason why they are excluded.

This line of reasoning has many adherents and is plausible. Still, I am going to argue that there is something wrong about it. I will argue that so long as the limits to citizens' political participation fall on all citizens equally this argument does not apply; and this limitation is consistent with very few issues being decided democratically.

The problem, as it has been laid out, is that some citizens get to decide issues that others are not entitled to decide. An example of this would be men getting to decide whether women should be permitted abortions. The inference, then, should be that no citizen should have more power than any other citizen. But this condition is satisfied when all major issues are settled by the judiciary and the citizens settle none. Here all citizens have

equal power but not very much power. No citizen then is judged to be morally inferior.

This argument may not be totally satisfactory; one may detect something dubious. The situation, as has been described, is one in which the citizens do not decide how society's benefits and burdens are distributed but, nevertheless, these issues are decided. This means someone - perhaps an outside force - will settle these issues. The objection, then, is that this situation is not one in which no citizen is judged to be morally inferior but one in which *all* citizens are judged to be morally inferior. The cure is worse than the ailment.

To see why this inference should be resisted we need to draw a distinction between citizens *qua* citizens and citizens *qua* their role in society ('qua' simply means 'in the capacity of'). At the time of writing Freddie Flintoff is a citizen of the UK (well, he is a subject but let that pass) and the captain of the England cricket team but his captaincy of England does not imply that he is the moral superior of all those want-to-be England captains. He is England captain because he has a certain technical proficiency at cricket. So, Freddie is captain of England *qua* very good cricketer; he is not captain of England *qua* any extra rights he has been given as a citizen. The general point is that simply in virtue of the fact that some people occupy certain roles, and so get to do certain things or make certain decisions, is not necessarily a denial of other citizens' equal moral status. So if someone exhibits a certain technical proficiency, is made a judge and becomes entitled to make decisions that other citizens are not entitled to make - to send people to prison say - it is wrong to infer that this person is somehow deemed to be morally superior to those citizens who cannot make this decision. Whether judges are, or indeed anyone is, technically more proficient than the average citizen is a different question but it is not one that can be settled by looking at the intrinsic merits of democracy. There is no reason, then, to think that simply in virtue of not being entitled to make certain decisions citizens are deemed to be moral inferiors.

The final argument I will assess is based on the importance of disagreement and, at least superficially, is persuasive. Modern societies are characterized by disagreement about all sorts of things - what the good life is, what is fair, whether the war in Iraq was justified and so forth. Furthermore, these disagreements are often reasonable; this is to say that most of them are complex, there are good reasons on both sides of the arguments and if someone disagrees with you there is no reason to think that they are ill-motivated, biased or downright stupid. Given this, and given the pressing need to make decisions one way or another, we need some sort of decision-making procedure to settle these disagreements in a fair way. As it treats all citizens equally and, when properly organized, gives everyone a fair hearing, democracy is said to be the most suitable decision-making procedure for our purposes.

There is something in this argument but, so I will argue, it conceals as much as it reveals. First, democracy is not the only fair way of settling disagreements. Courts can be fair as, in some cases, can coin tosses. So, while we could use democracy to settle disagreements we are not forced to. Second, and more importantly, citizens can disagree reasonably not only about outcomes but also about the procedures used to settle disagreements about outcomes. We have seen that there are some reasons to prefer judicial regulation to

democratic regulation. But if this is the case, then the appropriateness of democratic decision-making may be subject to as much reasonable disagreement as the issues we hope to settle by using it. But if this is the case the use of democracy will ‘re-ignite the controversies whose existence called for a decision-procedure in the first place.’⁷ So it cannot solve our problem. Admittedly, where there is no disagreement about democracy’s suitability it can be used to settle society’s disagreements but this just shows that democracy is one among several ways to settle reasonable disagreements; it does not show that it is the only, or even the best, way of settling disagreements.

Conclusion

We have found that there is much to be said for democracy. On the instrumental side Condorcet’s Jury Theorem offers a plausible justification, as does the idea that democracy is a means to convey information and to check a government. However, we also found that these arguments can tell in favour of non-democratic forms of government; it is this that made us turn to the intrinsic arguments for democracy. These were found to be incomplete, despite their *prima facie* plausibility. So, what have we gained? There are at least two conclusions to draw. First, because of the limitations of the arguments for democracy there is no reason to think that making a society more democratic will necessarily make it a better place to live in. Second, is the pressing need to distinguish two different sets of questions. First, are there some good reasons to be a democrat? *Can* we be democrats? The arguments we have looked at suggest that we can answer these questions in the affirmative. Second, *must* we be democrats? Our arguments have shown that we must answer this question negatively. So, if one is looking for reasons to justify a prior inclination for democracy they are there to be found but if you are a sceptic, then, I am afraid that you must remain one.

Dean Machin
University of Bristol
pldjm@bristol.ac.uk

Further Reading

Robert Dahl, *Democracy and Its Critics* (New Haven; London: Yale University Press), 1989

Peter Jones, ‘Political Equality and Majority Rule’ in (eds.) Miller & Siedentop *The Nature of Political Theory* (Oxford: Clarendon Press), 1983

Mathias Risse ‘Arguing for Majority Rule’ in *The Journal of Political Philosophy*, Volume 12, Number 1, 2004, pp. 41–64

Jo Wolff, ‘Who Should Rule’ in his *An Introduction to Political Philosophy* (Oxford: Oxford University Press), 1996

¹ I would like to thank Adina Preda, the two Capps – Ben and Pat – and the editors of this journal for very helpful comments on earlier drafts of this article.

² Amy Gutmann, 'Rawls and the Relationship between Liberalism and Democracy' in (ed.) Samuel Freeman *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press), 2003

³ This figure is arrived at by the following calculation:

$$v^{(h-k)} / (v^{(h-k)} + e^{(h-k)}),$$

where v is the probability of each voter being correct, e is the probability of each voter being incorrect and where h is the number of voters in the majority and k the number of voters in the minority. See Zev Trachtenberg *Making Citizens* (London; New York: Routledge), 1993, n6, p.281 for more details.

⁴ For example, let's assume that there are three groups of people (F, G, H) - the numbers in each group are not important so long as no single group forms a majority but that the combination of any two groups does. Furthermore, let's say that of three options (a, b, c) we get the following:

F prefers a to b to c;
G: c, a b;
H: b, c, a.

This means that:

F and **G** prefer a to b,
F and **H** prefer b to c
G and **H** prefer c to a.

Two things follow from this. First, if we put these preferences together we get *a preferred to b, which is preferred to c, and c is preferred to a*. But this is not rationally possible. Second, a majority can be constructed for all three options; this means that for *any* option chosen a majority prefers a different option. For more on this see Michael Dummett, 'Rival Criteria' in his *Principles of Electoral Reform* (Oxford: Oxford University Press), 1997.

⁵ Also see Thomas Christiano 'Waldron on Law and Disagreement' *Law and Philosophy* 19 (July 2000), pp.513-43. for a different response. He argues that there is a parallel between liberal and democratic rights but that the parallel works the other way round: we do place limits of people's civil liberties – that is one of the purposes of the law – so the recognition of liberal rights may require the limitation of democratic rights.

⁶ John Rawls *A Theory of Justice* (Oxford: Oxford University Press), 1999

⁷ See Jeremy Waldron, 'The Core of the Case Against Judicial Review'. See <http://www.ucl.ac.uk/spp/download/seminars/0405/Waldron-Judicial.pdf>. Although note that Waldron, takes the pervasiveness of disagreement to be the basis of an argument *for* democracy (p.25).