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DISCUSSIONS

What is Special About Democracy?

GORDON GRAHAM

Imagine the case of an ideal ruler, one who promulgates only good laws, prosecutes only just and successful wars, promotes peace and prosperity with singular efficacy, but whose power is absolute, who owes his position to no electorate and is required to consult no one. What is the democrat's objection to such a man? It is difficult to say just what the mark of democracy is, but one way to find a basis for the view that democracy is essentially legitimate, a uniquely right system of government, is to see whether there is any insurmountable objection to this conception of an ideal but absolute ruler.

I

Anyone who subscribes to what might be called an opinion poll view of democracy, the view that the public policy which ought to be put into effect is that which is supported by the majority of the members of a given state, would reject the conception of an ideal ruler as incoherent. Since the right laws and policies are those which the majority supports, a man who by definition never consults the majority cannot pass the right laws and policies except by the most fortunate accident. But the opinion poll view is itself unsatisfactory. One difficulty is the familiar problem of inclusion, that is how we are to answer the question 'Majority of whom, exactly?' All states known to man have some exclusions—children, the insane and so on—and since the existence of certain constitutional exclusions (blacks or women, say) would entitle us to withhold the description 'democratic', it seems that simple majority rule is inadequate on its own as a conception of democracy. But I think it may be possible to overcome this problem without too much difficulty and I would like to concentrate instead on a more fundamental objection, namely the apparent irrelevance of the wishes of the majority to the wisdom or folly of almost all political decisions.

The objection I have in mind is a rather ancient one, to be found in Plato in fact,¹ and it may be made in the way that he made it. If a question arises for the state concerning the building of walls, establishing a harbour, appointing generals or deciding the order of battle, it is only to architects and men of military experience whom we think it sensible to turn, not to the public at large, because some people know more than others about these things and the opinion of those who are ignorant is not worth having. Now if the ignorant are in the majority this will make no difference for, to put the point generally, whether some course of action is wise or foolish is a

1 *Gorgias*, 455; *Protagoras*, 319.

question quite independent of how many people think it is. Therefore, whether a decision has the support of the majority or not (leaving aside cases in which public opinion acts as a guide to the probability of public disturbance) is a question irrelevant to its wisdom or folly and hence to its justification or criticism. It would thus be just as irrational to determine what the state ought to do by what the majority supports as it would be to determine a course of treatment, not on advice from medical men, but on an opinion poll of the neighbours. If the majority decides upon a course that is foolish, disastrous or morally indefensible, the fact that it is so supported does not make it any less foolish, and it is contrary to any account of rational thought and action that such a decision ought to be followed.

Put like this the argument will doubtless meet with the rejoinder that by focusing attention on a limited range of cases I have managed to disguise the fact that in general there really is no parallel to the doctor in the case of politics. There are no political experts in the required sense. This, it is true, is one point on which Plato goes wrong, but for my own part I do not see that it destroys the argument against majority rule. It does not follow from the fact that there is no practical science of politics that we cannot distinguish between silly and less silly opinions, more and less reasonable courses of action. And so long as there are *some* factors we may weigh when we consider what ought to be done, the force of my argument remains intact, since it is still possible for the wishes of the majority to conflict with justice and reason. Even if I allow that some political decisions come down in the end to choice or preference, as for instance when the pros and cons of two different courses of action are evenly matched, this admission does not count against the conception of the ideal ruler. Since *ex hypothesi* the ideal ruler will have good reason for his course of action when good reason can be found, the only complaint against leaving the final decision to him will be that it ought not to be left up to *his* preference. But why not? If in the nature of the case there is nothing in reason against the course of action he proposes, and nothing in reason which favours any other more, why should anybody's preference matter? If there really is no reason to support just one course of action here there cannot be any reason to criticise his.

There is it seems to me no avoiding the fact that the wishes of the majority may easily be tyrannical, unreasonable, stupid or vicious and that far from supplying us with an objection to an absolute, but ideal, ruler the majority rule view of democracy is itself highly objectionable.

II

Except for populist politicians who argue in this way when it suits them, not many people have wanted to defend the majority principle without qualification because the potential clash between any given outcome and the dictates of reason or the rights of individuals is so evident. However in a recent paper¹ Brian Barry develops a limited defence of simple majority

1 Brian Barry, 'Is democracy special?', *Philosophy, Politics and Society Fifth series*, edited by Fishkin and Laslett, Oxford, 1979).

rule. His argument is this. Given that in real life many political questions are in dispute and that procedures are needed as much to settle the disputes as to decide the questions the most reasonable course for an individual is to accept the majority principle on the grounds that, at least in certain specified favourable circumstances, under democratic procedures he runs the best chance of seeing the majority of disputes settled in accordance with his wishes. If these wishes spring from his interests it is clearly rational for him, then, to adopt and abide by these procedures rather than any other.

Now as Barry admits, this defence of democratic procedures is 'ruthlessly instrumental'. It assumes that people are concerned to get the outcome they want and are interested in procedures only as a means to that end. His argument is highly technical and relies a good deal on the theory of indifference curves. I have some doubts about some of its details, but these are not to the point here. What is to the point is to observe three limitations it has, even if it is valid in every detail. In the first place this defence of democracy applies only under certain conditions, conditions which do not obtain in many parts of the modern world. This is an important observation because it means that despite the *a priori* character of the argument, its conclusion does not provide us with a general justification of democracy, even of a prudential kind. In some circumstances, and Barry gives examples, to seek the introduction of democratic procedures would be imprudent. In the second place this part of Barry's argument has nothing to say about the rightness or legitimacy of democratic methods of settling disputes. It is simply a method to which, under certain conditions, the individual should lend his support if he wishes to see his desires acted upon more often than not and thus pursue his interests. But of course this goes no distance towards establishing the claim that political *questions* ought to be *decided* by majority vote¹ or even by democratic procedures defined in some other way. It does not even show that in those cases where two alternative courses of action are equally defensible, the individual should support that which enjoys majority support. For remember that Barry's argument depends upon my being concerned to see that the final decision accords with my preference as often as possible, and upon questions which do not affect my interest directly or materially I may not care about this and cannot be accused of any rational fault if I do not.

Thirdly, Barry's defence of majority rule does not give democracy thus understood any advantage over my conception of the ideal ruler. An individual who lived under this regime would of course have the assurance that his interests would be upheld by law in so far as they reasonably and justly could be. He would not always get the outcomes he wanted, but then neither would he do so under majority rule, and assuming that what he wants and what really is in his interests both as an individual and as a citizen are not too far apart, he can depend upon the majority of outcomes which affect him being in accordance with his wants.

1 If anyone thinks that my distinction between deciding questions and settling disputes in politics is a specious one, the distinction may be established by those cases in which there is unanimity about what ought to be done (i.e. there is no dispute) but there is still the question of how it is to be decided (by dictate, vote or some other means).

Barry is aware of some of these limitations and the final part of his essay aims to provide a defence of the essential rightness of democracy, not now simple majority rule but representative democracy, i.e. a system in which the majority decides not what will be done, but who shall decide what will be done. His argument is this roughly. Systems of government must not merely 'work' in the way that the government of the ideal ruler 'works' ideally; they must be defensible, and in the modern world, or many parts of it, where the ruled consists in large numbers of educated, literate, articulate people, this means defensible to such people. Now the philosopher-king's title to rule relies upon a superior competence and claims about superior competence are inherently arguable whereas 'elections are a way of picking out, without reference to inherently arguable claims to superior competence, a unique set of rulers' (ibid. p. 195). There is, he thinks, a certain 'naturalness' in the idea that rulers should be representative of those they rule and it is this that makes an elective title unarguable. The ultimate justification of representative democracy flows from this observation. 'If voting for representatives settles the question of who should rule in a way that claims to superior competence or claims to inherent personal superiority do not, it permits freedom of speech and organization as no other regime does' (ibid. p. 196).

This argument has a certain ingenuity about it but it will not withstand critical examination I think. From whence does the naturalness of an appeal to representative election spring? Barry dismisses the suggestion that "democratic ideology" is triumphant and therefore provides the only basis for general consent' (ibid. p. 192) and from this we can infer that it is not just that representative democracy *does* strike the educated modern mind as natural but that in some sense it *must* do so. It is important to notice that Barry does not tell us enough about this 'naturalness'. He says

The most important point about a system of election for representatives is that it provides an intelligible and determinate answer to the question why these particular people rather than other perhaps equally well or better qualified should run the country. If people can be induced to believe in the Divine Right of kings or the natural superiority of an hereditary ruling caste, it may be possible to gain general acceptance for rule based on the appropriate ascribed characteristics. But once the ideal of the natural equality of all men has got about, claims to rule cannot be based on natural superiority. Winning an election is a basis for rule that does not conflict with natural equality. Indeed it might be said to flow from it. For if quality is equal . . . the only differentiating factor left is quantity (ibid. p. 196).

But this will not do. One can believe, as most of us do I imagine, that there is no constant correlation between one family or class of society and political ability without concurring in what is palpably false; that all men are of roughly equal abilities. It is as plain as anything can be that some people are stupid, others are clever and that some have the wrong sort of cleverness to make them good in political office. We use these facts as differentiating factors in election to and selection for political posts of one

kind or another. It is therefore nonsense to say that the only differentiating factor left to us is quantity. And if and when this is true, as it sometimes is, what we want to know is why we should consider quantity at all?

It may be thought that I have got the wrong end of the stick here. Many political theorists, Barry included for all I can tell, mean by the term natural equality not equality of abilities but equality before the law. I suppose that to claim divinity (though not perhaps divine selection) for a ruler is to set him above the law. Now most of us will subscribe to the view that no rulers are divine but no such claim need be made on behalf of the ideal ruler. He must and does, let us say, consider himself bound by the laws he makes, just as a Kantian moral agent does. There is as far as I can tell nothing wrong with this modification; it does not destroy our conception of the ideal ruler but if anything makes him more ideal. If this is right we must draw the conclusion that the idea of natural equality, and its getting about, if that means equality before the law, cannot lend representative democracy a special place among systems of government.

It might be thought that I have still not captured the significant sense of natural equality in this context, which is not equal abilities or equality before the law but an equal right to participate in framing the law. Let us then consider this suggestion. There are, as far as I can see, only two ways in which such a right might be explicated. It might be held to mean that, whatever the difficulties and however disastrous the consequences it is right that everyone should have an equal part in making the law. But on this interpretation the right is nothing more than a stipulation of the essential rightness of democracy. It thus begs the question and what is more offers neither comfort nor support to representative democracy (which is what Barry is concerned to argue for) since in any system of representation most citizens are excluded from the making of most decisions. On the other possible interpretation the belief in the right of all to take part in making the law is a belief in the right of everyone not to be excluded from taking part in the law-making process; that there can be no justifiable *a priori* exclusions of an individual or set of individuals. The trouble with this interpretation is that viewed in one way it constitutes too strong an objection and in another way it is too weak. If it means to rule out the exclusion from government of those who are unfit to govern it flies in the face of rational principles. If on the other hand it means to rule out arbitrary exclusions it is compatible with the regime of the ideal ruler. The constitution of such a regime could easily be 'Let whoever is most fit to rule, rule, irrespective of origins, class, wealth, colour, race . . .' and so on.

My conclusion, then, is that we cannot give an account of the 'naturalness' of representative democracy that will do the job that Barry wants. But even if we could there are still two important non-sequiturs in his argument.

From the fact, if it is one, that in any modern state with a large number of educated persons among its members no title except an electoral one is going to settle disputes about who is to rule, it does not follow that electoral title can or should decide the question of who ought to rule. One can easily imagine the situation in which a group of incompetents who are too stupid and partisan to rule properly wins an election. Secondly from the fact, again

if it is one, that *claims* to superior competence are inherently arguable, it does not follow that superior competence is arguable. It may be that any claim to superior competence will give rise to an argument which will not be settled, but if there *is* anyone with superior competence it would be foolish to deny that this does give him a title to rule. Logical gaps of this order may appear too nice to have much application in the world of politics as we know it. They are however sufficient to destroy the cogency of Barry's argument. An argument against claims to superior competence is not an argument against superior competence; an argument in favour of elections as a means of settling disputes about who should rule is not an argument in favour of elections as a means of choosing rulers.

But there is more wrong than this. My hesitation over the supposed facts from which Barry's argument proceeds spring not from an excess of philosophical caution but from a belief that they are false. In the first place the phenomenon of fascism and the recent appearance of Islam in international politics suggest that to a large number of educated modern minds, titles to rule other than those based upon electoral success have actually been thought acceptable that is, just as good if not better than electoral titles. Furthermore there are innumerable cases in which electoral success has been thought a highly arguable title. It is true that no one can argue with the fact, when it is one, that some group of persons has won an election. What is arguable, and argued often enough, is whether that entitles them to rule. It depends on how the elections were run, for one thing, and how long established the practice of elections is for another. In the second place it may be plausible to argue that should anyone claim out of the blue and on his own behalf that he has a superior competence to rule and hence a title to rule his claim is inherently arguable since, being one of the disputants himself, he cannot reasonably be expected to arrive at an impartial assessment of competence and in any particular case, if his position is a weak one, may defend his rule by suppressing the activities of those who criticise his competence. However plausible, it is worth noting that there is no inevitability about this scenario, but even the plausibility fades when we remember that claims to superior competence need not be made on one's own behalf. This observation suggests that Barry is wrong to think of electoral success and superior competence as competing or opposed bases for a title to rule. And indeed we find them side by side in any representative system I can think of. As I observed earlier in representative democracies not everyone's say has equal weight. In Britain the greatest weight attaches to the say of the Prime Minister and he, or she, has been made such by his or her parliamentary party. In choosing a leader the parties decide upon who is thought the most competent, best for the job, and the choice in the past has not always been on the basis of a vote. It follows that in such circumstances the Prime Minister's title to the weightiest say depends, at least in part, on the superior competence attributed to him or her by others.

This completes my examination of Barry's arguments. I claim to have shown that while his first argument may be sound it says nothing about the intrinsic value of democracy, being 'ruthlessly instrumental', and is applicable only under conditions which may not obtain in any particular

case. His second argument, on the other hand is unsound and fails to do what it sets out to do, namely establish the uniquely justifiable character of representative democracy.

III

To have refuted this one argument is not to have shown, of course, that there is nothing special about democracy, though a good deal that might be and has been said in its favour has been shown to be unsatisfactory in one way or another. There is however one line of thought in which the true defence of democracy might be thought to lie which has yet to be examined. This is the line taken by John Stuart Mill in his essay 'Representative Government' where he explicitly discusses the idea of a good despot. In this essay Mill finds in favour of representative democracy on grounds of the value of self-determination. Each man is, he thinks, best guardian of his own interests, and it is only by participation in public affairs that he can guard these interests. Furthermore, widespread participation makes a citizenry 'active', that is a body of free agents rationally determining their own affairs, and thus in a much more desirable condition than the 'passive' people who would result from someone else's management. It is in these two respects that the rule of the despot, however ideal, breaks down.

Let us agree with Mill, as most of us will in any case, that it is a necessary part of human freedom that an individual be allowed to decide his own affairs for himself. Circumstances may well force us to limit this freedom, a point Mill concedes, but self-determination can certainly function as a regulative ideal. The question of interest here is whether, as Mill contends, democracy necessarily supplies self-determination and the regime of the ideal ruler excludes it. In order to show that democracy does indeed have this desirable feature we need to show that the individual exercises some real influence over political decisions, that the expression of his wishes and choices actually has some effect and is not an idle sideshow. But this depends entirely upon the mechanics of the particular system under which he lives. Now not all systems that are properly called democratic do this. It is plain for example that under a system in which the individual's part is restricted to voting in first-past-the-post contests in single seat constituencies the votes of large numbers of people cannot make any difference to the result, especially where party strengths determine the composition of the government. It may be true that we cannot rule out the theoretical possibility of a voting system in which the individual's vote necessarily has some effect but it is at least clear that very few if any existing systems do this. And it would surely be odd to produce an argument in favour of democracy which was not an argument in favour of any actual system with which we are acquainted. In any case, under certain conditions no system can guarantee that the individual has an effective place. Where there is an entrenched majority and a permanent minority, as in Northern Ireland for instance, no system can give control to the members of the minority.¹

1 Barry remarks upon this himself.

Secondly, institutional ways of affecting political decisions, like voting, do not exhaust the possibilities of influence. In most modern democracies the activities of lobbying, advising, cajoling and cautioning the occupants of political office are also held to be valuable ways of influencing their decisions. Indeed we generally acknowledge that without such avenues as these voting procedures by themselves would constitute a poor version of what we call democratic society. Now these avenues are not excluded under the regime of the ideal ruler. He may, if he chooses, take council, seek support and so on. It might be said that the important point is, he need not do so. But nor need the heads of a representative democracy, even where there are legally established consulting procedures because though the governors are thereby obliged to consult, nothing can force them to listen to their consultants.

From these facts it follows that if we focus upon self-determination as the supreme human value we cannot necessarily conclude in favour of representative democracy and against the idea of rule by the philosopher-king. A system properly called democratic cannot be guaranteed to provide the means of self-determination while the ideal ruler, being ideal, can be expected to allow more actual influence in public affairs to his subjects than the citizens of many of the world's democracies enjoy. What may be true is that it is widely and uncritically believed that all systems of representative democracy necessarily put power in the hands of the governed, in which case the 'naturalness' which systems of representation appear to have and which makes their justification easy just is the 'triumph of democratic ideology' which Barry was quick to dismiss. In fact it is one of the oldest criticisms of democracy¹ that it gives rise to this belief which is so often false.

IV

My purpose, however, has not been to attack democracy and it will be unnecessary to say, I hope, that I do not mean to promote the cause of the philosopher-king. The defect in such a system, though, lies not in the conception itself but in the evident lack of candidates. Mill thinks that in his criticisms of the good despot he has detected 'not merely the natural tendencies but the inherent necessities of despotic government.'² The burden of my argument here has been that whatever can be said in favour of democracy must be said of particular systems at particular times and places, just as it is the contingent facts of human experience which count against the philosopher-king. What is ruled out is a theoretical defence of democracy as such. I know that were I, *per impossibile*, given a choice between the British or American system and, say, the Soviet or South African I should choose the former and have good reasons for doing so. Furthermore, these reasons would have a lot to do with individual liberty,

¹ Voiced by Aristophanes in *Knights*.

² J. S. Mill, 'Representative Government', in *Three Essays* (Oxford, 1975), p. 183.

freedom of expression, assembly and so on. But this is not because the abstract system 'Representative Democracy' necessarily supplies such freedoms but because we do as a matter of fact enjoy them while those who live under the other two systems, whatever the theoretical possibilities of communism and separate development, do not. In short, the justification and defence of political systems must come to an end in contingent facts not conceptual truths.

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