

10. Democracy

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A philosophical essay on democracy should be more than a simple recitation of normative arguments for and against the kind of electoral and representative processes that we are familiar with in modern “democratic” polities. It should go to the heart of questions such as “What is democracy?”; “What sort of social ontology does it presuppose (for example, in its ostensible commitment to rule by the people)?”; and “What principles does it purport to embody?” Until these questions are answered, we are not really in a position to evaluate the normative claims that are made on behalf of actually existing democratic systems.

1. The Term *Democracy*

Although it can refer to a general equality of status (e.g., Tocqueville 1994) or a rough equality of economic condition (Archer 1995), the term *democracy* is most often used in a political sense. It conveys an ideal for a political system, one that regulates the formal allocation of political authority. We call a country a democracy in virtue of certain features of the procedures by which rulers are chosen, laws enacted, and policies implemented in that country.

In this political sense, democracy is usually taken to mean “rule by the people,” and it is opposed to oligarchic, dictatorial, and monarchical characterizations of authority. In an oligarchy, a society is ruled by an élite few, and those few choose the policies and make the laws. An example is modern China, which is ruled by a cadre of the Communist Party. In a dictatorship or a monarchy, rule is vested in one person and exercised by him on his own, with recourse to whatever advisors (p. 188) and subordinates he may choose. Examples include Saudi Arabia

and the Vatican, both of which are monarchies, one hereditary and the other elective. North Korea is an example of a dictatorship. Of course, these are very rough distinctions. The few in an oligarchy can vary from a small handful to a privileged party with thousands of members. Also, it may be difficult to distinguish an extensive oligarchy from an imperfect democracy. Apartheid South Africa could not be described as a true democracy, because it excluded the majority of the country's population from the franchise, but it was democrat-ish in the sense that it enfranchised millions of ordinary members of the white minority—including women and poor people. Like ancient Athens (which did not enfranchise women and slaves and so excluded almost two-thirds of the adult population), “democracy” in apartheid South Africa gave political power to common people. Both systems were discriminatory, but both had already abandoned the principle that political issues were too important to be entrusted to anyone other than a privileged élite.

Democracy is rule by the people—but rule by the people over whom? Was the British Empire democratic after the establishment of full adult suffrage in Britain in 1928? Was India ruled democratically between 1928 and 1948 because the country that ruled it was a democratic country, with ordinary people in Britain having the right (through Parliamentary elections) to govern the way the Empire was administered? Obviously not: A country is ruled democratically only if the people who are ruled are the very people who participate in ruling. Democracy, as Abraham Lincoln (1991) put it, is government of the people by the people—and the people in each mention must be the same. Just as democracy in Britain requires that the people of Britain be ruled by the people of Britain, so democracy in India requires that the people of India be ruled by the people of India. This reflexiveness is always rough around the edges. Inevitably some of the people who are ruled are not among the rulers. Children, for example, may not vote, and resident aliens and felons are sometimes disenfranchised. But the general principle is that any adult citizen, however lowly, over whom authority is exercised is to be enfranchised as a voter in a

system that allows the mass of voters to choose their rulers and determine directly or indirectly which laws are enacted and which policies are followed.

2. People or Persons?

The ontology of democracy is not easy to figure out. The etymology of the term suggests that it means “rule by the people,” and that formulation seems to presuppose the existence of some collective entity called “the people”—the *demos*—in any political system to which the term *democracy* is applied. Yet most political systems that call themselves democratic are organized on an individualistic basis. Democratic decisions are made as the upshot of millions of decisions made by particular men and women, each voting on his or her own, usually in secret, isolated from (p. 189) others. The individual decisions are registered and counted, and great care is taken to ensure that the count is fair; however, the fairness in question seems best understood as fairness to the individual participants, not to something called “the people.” Individuals vote, and a ruling result for the society is determined on the basis of those individual votes. As for “the people”—it seems that we have no need for that hypothesis. We may talk about “the will of the people,” but all we really mean are the wills of the persons (millions of them) and a political outcome determined on the basis of those millions of individual wills. Indeed, the way we use the phrase “the people” reflects this. At the end of an election when the result is known, we say “The people have spoken,” not “The people has spoken.” The syntax indicates that “people” is being used as the plural of “person” rather than as a singular entity in its own right.

In other words, we should not assume that the idea of rule by the people commits us to anything other than methodological or normative individualism. Democracy is an ideal of persons working together in the context of political procedures that treat them as equals. The fact that there may be tens or hundreds of millions of them involved in

these processes does not alter the fact that democracy is a way of respecting individuals (equally) and taking their interests seriously.

Much the same can be said about phrases like “the will of the majority” and “the general interest.” As to the former, we should be very careful with any inference that commits us to the existence of some entity called “the majority,” which rules in this kind of political system. Sometimes in democratic decision making, people who are bound together by class, cultural, or religious interests may prevail politically, and others may complain about “the tyranny of the majority” because their interests are being subordinated to the interests of members of this larger and therefore more powerful group. But we should not assume that such a class exists (or that such a complaint is justified) every time an issue is decided by majority voting. In many cases, there is no more to be said about “the majority” than that it comprises a certain number of individuals (or a certain proportion of individuals in the polity) who happen to have voted the same way on a given issue.

G. E. M. Anscombe (1976) once observed that the majority in a polity may be frustrated by the polity’s following the principle of majority decision (MD). Simplifying from the illustration she gave,¹ we can imagine that three issues are up for decision and five voters (constituting the entire population of a very small state) vote on each of them. Each issue is to be determined by MD. After the votes are cast, the situation is as follows:

| | On Issue 1 | On Issue 2 | On Issue 3 |
|---------|-------------|-------------|-------------|
| Voter A | in majority | in majority | in majority |
| Voter B | in majority | in majority | in majority |
| Voter C | in majority | in minority | in minority |
| Voter D | in minority | in majority | in minority |
| Voter E | in minority | in minority | in majority |

(p. 190) Voters A and B are in the fortunate situation of being in the majority on all three of the issues up for consideration, but for most of the voters (three out of five), that is not the case. Voters C, D, and E are each in the minority on most of the issues (two out of three). Thus, the majority is in the minority on a majority of issues even though the issues are decided by majority rule. This seems like a paradox—and the configuration of votes may or may not be of concern, depending on how the issues are related to one another—but it is paradoxical only if we assume that there is supposed to be some entity called “the majority” that gets its way in a system of democratic voting. We need not make any such assumption. All we need to assume is that everyone affected by the issues under consideration should be entitled to vote, and each of the issues should be settled on the basis that the

view (on that issue) that receives the greatest number of votes should prevail.

As for the general interest, we should not think of this as anything separate from the interests of individuals. Talk of the general interest (like talk of the common good) is a way of considering the interests of individuals taken together. If we adopt a social welfare function—such as the principle of average utility or Rawlsian maximin—to determine what shall count for us as the general interest in circumstances where our interests as individuals diverge, we are still not attributing an interest to a thing called “the people.” A social welfare function is justified by some account of what is appropriate in circumstances where the interest of large numbers of individuals point in different directions. It is not justified by any principle of moral consideration for something called “society.” I do not mean these comments to sound conservative or libertarian (though they have the ring of Margaret Thatcher’s famous dictum that “there is no such thing as society”).² They are not meant to preclude altruism or social justice or solidarity within a society, but they involve the frank acknowledgement that these are ways of considering the interests of persons (large numbers of them); they do not shift us away from either methodological or ethical individualism.³

Also, we should not torment ourselves in democratic theory worrying about the correspondence or lack of correspondence between the will of the people and the general interest. These are just *façons de parler* concerning different ways of aggregating (respectively) individual decisions or individual interests. The moral considerations that lead us to adopt a certain social welfare function (for the purposes, say, of policy science) may or may not be the same as the moral considerations that lead us to adopt a certain political decision procedure in the constitution of our polity; and the results of the two may or may not be congruent. In fact, it is quite unlikely that they will fit together given that the function of a political decision procedure is to

allow decisions to be made in a polity among those who disagree about the appropriate social welfare function.⁴

So far these are just analytical points in defense of the individualism that I think is characteristic of the democratic ideal. More substantively, however, it is sometimes said that democracy cannot exist or flourish except as an attribute of a people whose members are bound together by strong bonds of fraternity, common history, or a shared way of life. (Political theorists have used this claim, for example, to cast (p. 191) doubt on the prospects for democracy in the context of the European Union: Because there is no European demos, there can be no European democracy.)⁵ Some think democracy is necessarily an exercise in self-determination and that self-determination is generally attributed as a right to nations or to peoples understood as reasonably homogenous entities.⁶ A second view is that democracy cannot flourish without a public realm in which people feel comfortable arguing with each other and deliberating together about matters of common concern. Without a common language—indeed, without common media of communication such as newspapers and such—this may be very difficult (Anderson 1991). These attributes—a public realm, a common language, and common media—are not characteristic of every collection of persons in a given territory; they presuppose that the persons have constituted themselves as a people among whom deliberative politics is possible. Finally, some claim that there cannot be a democracy without some feeling of sympathy and mutual solidarity among the citizens greater than that felt among any random collection of human beings. This is partly a matter of the decisions that need to be made—for example, redistributive decisions that may require some sections of the polity to give up certain advantages or wealth in favor of others. It is also partly a matter of the trust that democracy presupposes: In a democracy, individuals and parties are putting themselves in one another's hands or making themselves vulnerable by being willing to give up power to their political opponents in circumstances under which they are not physically compelled to do

so. Some of these arguments are no doubt exaggerated, and they sell short the experience of democracies like the United States in the late nineteenth and early twentieth century that did not presuppose, but managed rather to forge, a civic identity among the most disparate of populations. Yet even if they contain a grain of truth, these claims need not commit us to the idea that democracy is the rule of an entity—the people, or the majority—with its own will and its own resolutions. We can still adopt an individualist view of what democracy is, even if we concede that its success presupposes a certain social background.

3. Political Equality

So what is the individualist principle embodied in the democratic ideal? The most important is the principle of political equality, which commands equal respect in the political realm and equal consideration of interests.

Regarding equal consideration of interests, we find that, these days, no one will deny that in public policy and the enactment of law, the well-being of all members of the community should be taken into account. In principle this might occur under any political system, and philosophers, when they imagine a political system with people like themselves in charge, may convince themselves that democratic representation is not necessary to persuade them to take seriously and consider justly the (p. 192) interests of all. The impartial benevolence of the philosopher-kings may be sufficient. Yet for most of history and for most political systems, the interests of most people—particularly the common people (workers and the poor)—have been ignored by the powerful or, worse, treated as subjects for exploitation. Experience has shown that these interests will be taken seriously only when the common people are empowered politically to engage in public decision making themselves or to choose and hold accountable those who engage in public decision making.⁷ Admittedly, this is not a sufficient condition: Experience has not shown that democratic

institutions always take seriously the interests of the common people; sometimes their capacity to do so is corrupted by various factors, including the social and economic power of those who seek to neglect or subordinate them. But however much people talk of benign monarchs or an elite of philosopher-kings devoted to justice and the common good, the enfranchisement and representation of ordinary people appears to be necessary for the proper consideration of their interests.

Of course, people disagree about what it means for the interests of all to be properly considered. Most philosophers accept that people's interests should be considered equally—that people are entitled to equal concern—by those who exercise political power over them.⁸ But equal concern is not the same as aiming at equality (of outcome, opportunity, resources, primary goods, or anything else). There is much more work to be done in the wake of general acceptance of a principle of equal concern. So even when they dedicate themselves to equal consideration of the interests of all, people may still disagree about what the social welfare function ought to be. Interests pull in different directions, and we must not assume there is any greater univocality among the interests of the common people than among the interests of the rich. However, for most of history and invariably in all nondemocratic systems, “the neglect of the interests of the common people” is not a matter of the powerful adopting a social welfare function with which some of us disagree: It is a matter of their not adopting any credible social welfare function at all, so far as the interests of their powerless subjects are concerned.

Well-being can be understood in terms of interests or in terms of preferences. In the previous paragraph, I spoke of interests that can be understood in objective terms. I did this in order to be fair to the opponents of democracy, conceding at least the theoretical possibility that the well-being of the common people might be properly considered by others. But the principle of equal concern may also be

understood to require that rulers pay attention to the interests of each ordinary person as he or she sees them and to the impact of public measures of law and policy on the life of each ordinary person as that life is actually lived or experienced. Of course in a country of tens or hundreds of millions, detailed attention to the circumstances and lived experience of each person's life may be impossible. Still, democratic input or democratic representation may be indispensable for conveying effectively to the centers of power a sense of the typical impact (or the typical range of impacts) of proposed measures on ordinary people's lives. Academic political theorists sometimes talk about "deliberative democracy," in which abstract issues of justice are addressed in political debate (Elster 1998). That is no doubt important, (p. 193) but we also must not neglect the informational dimension of democracy—conveying to the centers of power information about people's lives of which the rulers may otherwise be ignorant or to which they may be indifferent or worse.

John Stuart Mill went further in *Considerations on Representative Government*. Speaking of a political system in which "the working classes may be considered as excluded from all direct participation in government," he conceded that it may no longer be the policy of those who are represented in Parliament to neglect or sacrifice the interest of the working classes to their own. But, he went on,

Does Parliament, or almost any of the members composing it, ever for an instant look at any question with the eyes of a working man? When a subject arises in which the labourers as such have an interest, is it regarded from any point of view but that of the employers of labour? I do not say that the working men's view of these questions is in general nearer to the truth than the other: but it is sometimes quite as near; and in any case it ought to be respectfully listened to, instead of being, as it is, not merely turned away from, but ignored. (1991, 67)

This view that attention must be paid not only to the interests of ordinary people but to their own perspective on any situation in which their interests are involved leads us in the direction of the second aspect of the principle of political equality: equality of respect in the political realm.

Respect is something that is accorded to people as recognition of their personhood and dignity (Darwall 1977). In moral theory (especially in Kantian moral theory), it is associated with a recognition of people's capacity for moral judgment and practical reason—their ability to form a judgment on the morality of a matter and act on it. Of course, people differ in their moral character and in the sophistication of their judgments, and there is a dimension of respect that addresses this as well: We may respect one person as a person of sound judgment or reliable moral disposition but not another. However, we have no doubt that people generally, barring some catastrophic mental impairment, are capable of moral judgment. We imagine that this capacity is directed, in the first instance, to the governance of each person's own actions. Each person, even the poorest or the most ordinary, has a life to live, and each uses his or her rational capacities to organize their lives in accordance with judgments they make about values (i.e., about what makes a life worth living). It is widely accepted that people are entitled to recognition and respect in regard to the exercise of these capacities, and individual rights such as personal autonomy and religious freedom are founded on this respect.

People's moral capacities also include a sense of justice and the common good—an ability to reflect on and determine a reasonable relation between their values and activities and the similar values and activities of others (Rawls 1999, 441–49; Rawls 1996, 48–54). This capacity may be directed to personal relations with others, in families, for example, or in the workplace, or it may be directed to broader questions about appropriate relations among millions of people living in a given society. This capacity commands respect, but its exercise

cannot be given the same decisive authority as an individual's autonomous direction of his or her own life. The reason—obviously (p. 194) enough—is that many people will be directing a similar capacity to the same situation, and people may well differ in the judgments they make in the exercise of this capacity. If my sense of justice yields results that are different from yours, then its application to a given situation (in which we are both involved) may not be compossible with the application of your sense of justice. This prospect of disagreement is crucial to our thinking about democracy. Even if we think there are objective, right answers to the questions of justice and the common good that people direct their senses of justice toward, we know that the issues are complicated and that with the best will in the world people will come up with different answers, reflecting perhaps their differing perspectives and experiences.⁹

Questions of justice and the common good are, of course, the fundamental questions of politics. They are questions about property, economy, what aid we owe to one another personally and collectively, and the basic terms of social and economic coexistence. They include questions about what social welfare function should direct public policy, but they are also questions about fundamental duties and rights, responsibilities, and entitlements that must be embodied in law. These questions have to be answered—usually in a single answer that can stand in the name of the whole society. But the objectively right answer to any of these questions, if there is one, does not disclose itself authoritatively from the skies: All we have on earth are humans' best attempts to identify the right answer.

At this point, then, there is a choice to be made in the organization of a political community. Should the answer to these questions of justice and the common good be entrusted to some expert or committee of experts who, there is reason to suppose, are more likely than any ordinary person to reach the right answer? Or should we proceed to

decisions about them on the basis of respect for the sense of justice of everyone in the community?

A commitment to democracy represents a choice in favor of the second of these options. When decisions about justice or the common good need to be made in a given society, all the members of that society are empowered to form a view and contribute to the process of public decision. Two lines of reasoning support this option. The first is simple respect for the capacity of ordinary men and women to form reasonable and considered views on matters of public importance. To assign decisions to an expert or committee of experts would be to act as though individuals' views did not matter; it would insult them, and it would mean slighting rather than respecting the capacities involved in their formation. Of course, empowering ordinary individuals might involve a greater risk of wrong or inappropriate answers than empowering a committee of experts, but the case for democracy is that it is worth accepting this risk for the sake of respect for the opinions of ordinary people.

Also, the democratic option is bolstered by the difficulty of identifying experts whose decisions would be superior to those of ordinary people working through some democratic mechanism. These include difficulties of determining the criteria for expertise, which are likely to be as controversial as the first-order questions the experts must address. Even if the criteria can be agreed on, there are difficulties in identifying the persons who satisfy the criteria. Thus, it is important to remember (p. 195) that expertise cannot be thrust on a people as an alternative to democracy. The rule of the experts must be made legitimate if it is to work politically, and that means it must have popular consent or popular appeal at some level (Estlund 1993).

A second line of argument for the democratic option is based on autonomy. It draws on the principle that justifies our empowerment of people in regard to decisions about their own lives. In a self-regarding case, where an individual's own interests are at stake, we believe that

that person should have a say in any decision; his attention to his own interests and his opinion about his own conduct should be respected. A principle of autonomy explains why we privilege individual self-determination in these cases.

It is true that we should not give decisive weight to P's autonomous determination in cases where the decision involves Q's interests and conduct. But it is a mistake to think that our concern for autonomy simply evaporates when other people's interests enter the picture. What happens instead is that we keep hold of the principle of autonomy but apply it in a modified way. In simple two-person cases, we may say that the individual self-determination of each person must be respected in the mode of decision making that is used to settle some question involving them both. We privilege, for example, anything the two of them agree to (when no one else's interest is involved), and, on the basis of respect for the autonomy of the two of them, we say that their decision—taken in a way that respects them both—is no one else's business. We certainly do not say that because there are now two of them, rather than just one, the value of autonomy goes out the window and the decision might as well be taken by a third party—more expert in moral matters than either of them.

None of this changes when we are talking about decisions that must be made among millions of people rather than just one or two individuals. It remains the case that the decision in question is to be made by them, in a way that respects each and every one of them. The importance of the autonomy principle that requires the involvement of each person in a social decision affecting him or her does not evaporate simply because the decision also affects the interests and conduct of millions of other members of the group. However, autonomy now has a bearing on the question of the decision procedure that is much more complicated and indirect than what it had in the one-person case. Given that many people are involved, no one person's view can be made decisive in and of itself simply based on

the fact that his interest and his conduct are affected. But notice that we do not swerve away from autonomy as a general principle. Nothing is allowed to qualify respect for any one person's view except respect for the view of some other person who is involved, and even then only on terms that treat their autonomy equally. Just because many people are involved does not mean that individual autonomy gives way to the independent claims of expertise. We look instead for a decision procedure that gives each person's view as much weight as possible in determining the social choice, provided that no less weight is accorded to the views of each of the others.

One such procedure might be the principle of unanimity, which we imagined operating in the two-person case. However, using only this decision procedure (p. 196) might be impracticable in cases involving social decision making by millions. In the two-person case, failure to secure the consent of both leaves them in a default position of inaction (at least as far as joint action or action concerning them both is concerned). Each is thrown back on his or her own resources to pursue purely self-regarding action or to try and work something out with someone else. That may or may not be satisfactory in the two-person case. It is almost certainly unsatisfactory in the million-person case, where it may be a matter of material or moral necessity that some decision be made in the name of the whole group and where leaving things as they are—in a default position absent unanimity—may itself wreak serious injustice. So we look for alternatives to the unanimity rule, and once again we look for alternatives that represent complicated ways of continuing to respect individual autonomy.

Whether it is motivated by the value of autonomy in each person's governance of his or her own life or a by principle that respects the political views that individuals have formed, the choice of a democratic decision procedure will be imbued by a concern for equality. On both lines of argument, we will attempt to accord as much weight as possible to each person's views (on some matter of public decision),

but we will subject that attempt to a constraint of equality: No greater weight is to be accorded to any one person's views than to those of any other.

Defending the equality constraint is easier when the case for democracy is based on the autonomy argument than when it is based on the equal respect for political opinions argument. In the case of the autonomy argument, we may say that each person has an equal stake because each must make a life under the conditions that the political decision determines. Colonel Rainsborough summed it up in 1649 in the Putney Debates when he said, "[T]he poorest he that is in England has a life to live as the greatest he; and therefore truly, sir, I think it's clear that every man that is to live under a government ought first by his own consent to put himself under that government" (Sharp 1998, 103). Of course, on any given measure, some may be affected more than others. We respond to this in some cases with a principle of subsidiarity in an attempt to match the decision-making constituency to the interest most affected. But if we accept that democratic decision making determines a whole range of political, social, and economic issues—indeed, the broad shape of the basic structure of a society—then a case can be made that each person who has a life to lead within that structure should have an equal say.

With the equal respect argument, the situation is more controversial. John Stuart Mill is famous for proposing a system of plural voting, giving greater weight to the opinions of those who were better educated:

[T]hough every one ought to have a voice—that every one should have an equal voice is a totally different proposition.... If, with equal virtue, one is superior to [another] in knowledge and intelligence—or if, with equal intelligence, one excels the other in virtue—the opinion, the judgment, of the higher moral or intellectual being is worth more than that of the inferior: and if the institutions of the country virtually assert that they

are of the same value, they assert a thing which is not. (1991, 179–80)

(p. 197) The difficulty, however, which Mill acknowledges, is discerning who is superior along any of these dimensions. Political theorists and statesmen have not found Mill's proposals relative to educational qualifications convincing. Certainly the legitimacy conditions for such extra weightings will be very difficult to satisfy in a polity where people disagree about the value of education and about what it is to be more or less expert or more or less responsible in the exercise of the franchise.¹⁰ The problem is likely to be particularly intractable in societies where high education qualifications are correlated with distinctive class interests.¹¹ In the face of these difficulties, equality might be defended as a default position.

4. Majority Decision

So far we have said nothing about which decision procedure should be used against the background of these concerns and constraints. A unanimity principle seems to give great weight to each person's view, and in a way it satisfies the constraint of political equality (provided we ignore the greater interest that some may have in preserving the status quo, which is almost inevitably the outcome of the use of such a principle). But it is unsatisfactory for the reasons given earlier.

One principle that does promise a way of making social and political decisions, that breaks the impasse generated by the unanimity requirement while continuing to offer respect for the participation of each person affected, is the principle of majority decision MD.¹² Decision theorists have shown that, at least for straightforward cases, MD uniquely satisfies constraints of decisiveness, equality, maximal weight for each person's input, and impartiality among outcomes (May 1952). As already argued, MD should not be valued in a democratic context because it empowers some entity called "the

majority” or because it is a way of getting at “the will of the people.” The entities that it empowers are ordinary individuals, and its virtue is simply that it treats them as equals, it accords the views of each as much weight as is consistent with equality, and it is not biased *ex ante* in favor of any one of the options under consideration.

I believe this defense of MD is a compelling one, though in the next couple of sections we will identify some complexities and qualifications. MD has also been defended on epistemic grounds. James Mill (1992) famously argued that MD’s form creates outcomes that may represent an application of the utilitarian greatest happiness principle, but this is a highly unstable result, hostage as it is to certain assumptions about what motivates people to vote. If they are voting their ideals or their own view of the general interest, or if there are great differences in the intensity of preference represented by each vote, then there is no guarantee whatever that a majority result will represent the greatest happiness of the greatest number.

Even less convincing is the argument for MD based on Condorcet’s “Jury Theorem.” The Marquis de Condorcet (1976, 33–70) proved that, if voters are facing a (p. 198) simple binary question and if the average voter is more likely to get the answer right than wrong, then the likelihood that the right answer will be chosen by a majority increases to certainty as group size increases. The trouble with this argument is partly in its premise—Condorcet himself believed that “a very numerous assembly cannot be composed of very enlightened men” (Condorcet 1976, 49)—and partly in applying some of the assumptions it makes about the independence of individual votes. Political philosophers continue to be attracted to the Jury Theorem due to its formal character. However, we need to remember that it is an utterly mechanical result and that its workings have no epistemological dimension whatsoever: The Jury Theorem works best when we are explaining the enhanced likelihood that a majority of balls chosen at

random from a shaken jar will be white when the jar contains fifty-one white balls and forty-nine black balls.

We are familiar with MD in all sorts of areas other than democratic decision making. Judges use it in supreme courts; tenure committees use it in universities; juntas may use it in administering oligarchies. Its main advantages are its decisiveness (at least for simple cases), its neutrality, and the way it treats voters as equals. In some contexts the latter feature may be less important. However, in the theory of democracy it is of paramount importance, and that explains why the idea of democracy is so often associated with majoritarianism.

5. Procedures and Outcomes

In the arguments just considered, the principle of political equality is applied to questions about the empowerment of persons so far as their inputs into the process of arriving at collective decisions are concerned and it is applied also to the decision procedure itself. Some philosophers argue that our use of political equality is incomplete if it is not also deployed to evaluate the outcomes of the decision procedure and that where these outcomes seriously offend or violate the principle of political equality, some adjustment to its application to the decision procedure and to the inputs may be required. So, for example, Charles Beitz (1989, 64) argues that applying the principle of political equality simply to legitimize majority decision as a procedure narrows its meaning unacceptably. Political equality might also be called up to justify institutional arrangements dedicated specifically to scrutinizing the content of majoritarian outputs and screening out egregious violations. (Judicial review of legislation is often defended as such a mechanism.)

The difficulty with such arrangements arises when the members of a community are divided as to which outcomes (in their content) offend the principle of political equality. Disagreement about this quickly

opens up into disagreement about the essentials of justice, which is of course one of the issues that political equality commands us to settle by a procedure that respects the disparate views of all citizens. The institutional arrangements that are envisaged for scrutinizing outcomes (p. 199) do not normally satisfy this criterion. Even if some citizens judge them effective in screening out outcomes that they believe are unjust, others will protest that their views about justice are slighted in the matter. So, if the outcome-scrutinizing arrangement is a court, some will complain that the court is using inegalitarian decision procedures to settle important matters for the polity. For example, whether affirmative action to remedy past discrimination treats members of the political community as equals will now be settled, one way or the other, by majority voting among a handful of judges, and the outcome of that vote among the judges will determine whether or not the resulting legislation prescribing affirmative action is treated as an acceptable outcome of majority voting among all the citizens. That is bound to seem like a procedural affront to political equality.¹³

This leaves us at something of an impasse. The defender of majoritarian procedures cannot deny that the principle that justifies them also has implications for evaluating the output of majority decisions, and the defender of output scrutiny cannot but be troubled by the use of what is essentially an aristocratic method (rule by a wise and trustworthy elite) to resolve major issues of contention in what purports to be a democratic society. This issue is not going to be settled any time soon.

6. Complexity and Representation

It is important to grasp all these features of the fundamental relation between majority decision and political equality (and all the difficulties as well) before going on to consider further complexities in actually existing polities. In a number of regards, the account of majority decision considered in the previous two sections is quite simplistic.

Some of the complexities that we must consider relate to formal decision theory, and some are institutional.

Simple majority decision may be fine for binary decisions, but as Arrow (1950) and others have shown, more complex procedures may be necessary to avoid circularity or impasse for decisions among multiple options. This is certainly an important result. However, we should not lose sight of the fact that Arrow's paradox does not specifically discredit democracy. It points to difficulties that may afflict any decision procedure (including voting on a court or among the members of a junta of philosopher-kings in case they disagree with one another); and its "impossibility" implication is not the impossibility of making decisions by fair procedures but the apparent impossibility of guaranteeing that a procedure is available to yield a fair and determinate result under all of the circumstances of decision that may arise. The challenge posed by Arrow's paradox is to devise various arrangements that might preempt or resolve democratically the difficulties that it poses. Possible candidates include arrangements for legislative leadership and other forms of agenda-setting, as well as the bundling of issues through the commitments of political parties. These are almost certainly imperfect solutions, but they may be adequate (p. 200) for the purposes of real-world polities. Certainly, they can be judged better and worse from a democratic point of view—better, for example, if they represent plausible elaborations and applications of the very principles of political equality that underpin the primary argument for the enfranchisement of ordinary people.

In general, we should bear in mind that whatever the vicissitudes of formal decision theory, in the real world, decision procedures will be established in the context of complex institutional arrangements. These include not just political parties and legislative agenda setting but also government through representative assemblies and the organization of an electoral system.

It is sometimes said that modern representative democracy is a distant second-best to the Athenian ideal of direct democracy, where decisions were taken in a plenary assembly of all enfranchised citizens.¹⁴ We adopt it as second-best either because we are fearful of the outcomes of direct democratic decision making or because we think that direct democracy is impracticable. The first of these reasons takes us back to the concerns about expertise discussed in Section IV. If representative government is justified as a way of empowering (and legitimating the rule of) a class of persons whose expertise is somewhat greater than that of ordinary people, then we shall have to concede that Jean-Jacques Rousseau (1968, 141–42) was correct in saying that it rests in the last analysis on a fundamentally nondemocratic approach.

The second justification for representative as opposed to direct democracy—the practicability justification—needs careful unpacking. At one level it is about crude considerations of time and place: Our modern polities comprise tens (sometimes hundreds) of millions of citizens, and there is not the remotest possibility of assembling them in one place as the Athenians could do (just) with their plenary assemblies of eight or ten thousand (Hansen 1999, 125ff). At another level, it is about the possibility of dialogue and deliberation: How can there be real deliberation among millions of people? Of course there are various media like newspapers and the Internet that do enable thousands of people's views to be brought into relation with one another in some sort of rough deliberative struggle. But responsible political deliberation requires a more structured forum, not as an alternative to the rough process of society-wide debate but as a way by which rough, society-wide deliberation can be brought into focus for the specific purposes of policymaking and legislation. To the extent that representative structures make this possible, they have a justification that is not necessarily at odds with the political equality. Like political parties (with whose work they interact), representative arrangements frame and channel deliberation and decision making

among the people, so that it takes on a character appropriate for formal tasks such as legislation. Indeed, a case can be made that representative structures are superior to direct democracy so far as legislation is concerned because they present both the interests and the opinions of ordinary people in an abstract form that matches the abstract generality required in legislation by the principle of the rule of law.¹⁵ (Much the same too can be said about structures like bicameralism in a democracy and the formalities of parliamentary deliberation.)

(p. 201) Much depends, of course, on how the system of representation is set up. We are familiar with the abstract idea of a legislature being a microcosm of the nation—geographically, for example, if representatives are elected on a constituency basis, and ideologically in terms of party-political affiliations. It is often thought important that legislatures also represent a country's mix of gender, ethnic, and perhaps class identities; this can be achieved both through choices that are made about districting and electoral boundaries and through parties' responsiveness to informal norms of diversity in the candidates they sponsor. These matters are intensely controversial, but for the most part the hard choices they represent are not choices that cut across the fundamentals of political equality. They are choices about the appropriate way to ensure the equal representation of interests and perspectives and about the appropriate way to relate the egalitarian foundations of democracy to the specific framing of policy and legislative debates.

It is important to ensure that the organization of the electoral system in a representative democracy does not undermine the basic premise of political equality. If, for example, legislative choices are made by majority voting among representatives, efforts must be made to ensure that the empowerment of particular legislators does not amount to the privileging of some electors over others. An example might be a system that treated the vote of legislator A as the equal of the vote of

legislator B, even though legislator A's constituency comprised ten times as many voters as legislator B's constituency.¹⁶ I do not mean that we should think necessarily in terms of a simple arithmetic function for mapping political equality among voters onto districting and onto the status and empowerment of representatives.¹⁷ But it is important that the foundational principle of political equality be kept in mind when we are considering and evaluating representative arrangements. Political equality does important work in the foundations of democratic theory, but it must not be confined to the foundations.

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Notes:

- (1) . I am indebted to Gorman (1978) for this simplification. Anscombe's own paradigm is more elaborate.
- (2) . This well-known quotation can be traced to Keay (1987).
- (3) . For different forms of individualism, see Lukes (1973).
- (4) . In Section V, I briefly consider the utilitarian theory of democracy, espoused by thinkers such as James Mill (1992), who thought that the use of MD among individuals with each voting on his or her own interests makes it likely that democratic outputs will conform to the greatest happiness principle.
- (5) . See, e.g., Rosanvallon and Moyn (2006, 229).
- (6) . See the discussion in Waldron (2010).
- (7) . See the excellent discussion in Mill (1991, ch. III).
- (8) . But see Dworkin (1986, 295–96) for the view that the principle of equal concern is incumbent only on organizations that exercise coercive authority, such as states.
- (9) . See Rawls (1996, 54–58) on what he calls “the burdens of judgment.” See also Waldron (1999, 111–13 and 151–52).
- (10) . For a fine discussion see Christiano (2008, 116–28).
- (11) . See Beitz (1989, 35) and Estlund (2008, 215–16).
- (12) . I use the term “majority decision” rather than “majority rule” because the latter has inaccurate connotations of rule by an entity called the majority. See also the discussion in Arendt (1973, 164).
- (13) . For an argument to this effect, see Waldron (2006).
- (14) . Indeed, some have argued that the two kinds of system are so radically different that it is misleading to use the same word—“democracy”—to cover them both (see Dunn 2005, 19–20).
- (15) . See the discussion in Waldron (2009, 345–54) and Urbinati (2006).
- (16) . This happens in the U.S. Senate between, say, a senator from New York and a senator from Delaware, but in that context it is a historical reflection of the coming together of quasi-independent states; it is rather like the equal representation of demographically disparate nation-states in the U.N. General Assembly.
- (17) . For a helpful discussion of the issues here, see Buchanan and Tullock (1962, ch. 16).

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