Is Democracy Special?

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Introduction, Polycarp Ikuenobe

THE BRITISH POLITICAL THEORIST Brian Barry argues that democracy is, in some sense, special and perhaps justifiable in that it fundamentally involves a procedure for determining the content of laws and public policies that reflect the preferences of citizens. The preferences are, according to Barry, formally connected to the outcomes or decisions that derive from democratic procedures. He rejects the view that democracy is justified solely by the content of its outcome—such as substantive equality, respect for human rights, individual liberty, rule of law, and the concern for general welfare. Barry specifies that the formal connection between outcome and preferences is an attempt to make sure that there is a concerted effort in a process for the outcome to be affected by the preferences. He wants to rule out the possibility of a situation where a decision-making process accidentally yields outcomes inconsistent with preferences. In other words, we ought not to have a situation where the outcomes are not brought about by concerted efforts to follow the rule underlying the process. The democratic procedure involves a situation where the votes of people that reflect their preferences have equal value and count equally.

Moreover, the notion of a formal connection leaves open a number of ways of implementing democratic procedures, which may include voting by people in general or by representatives. The value of a vote is not determined by its direct relevance to a result, in terms of being a positive determinant in the adoption of a policy. Rather, equal value is given to the vote of everyone involved—people or representatives. So, the fundamental reason that a democratic procedure is considered attractive is because when opinions are divided on an issue, people think it is reasonable to adopt a policy preferred by the majority. This idea Barry calls the "majority principle." The implication for the justification of democracy is that it is best to allow people to show their preferences on issues by a process of voting. However, the fact that this principle is justified does not imply that representatives will always vote such that the outcome becomes what the majority will in fact accept. This indeterminacy of the majority principle—with respect to not knowing that the outcome is what the majority will accept—raises problems for the

justification of democracy. The aggregation of majority preferences does not necessarily express the collective will of the people. However, Barry argues that there are assumptions which must be accepted in order for the majority principle to be used as a basis for justifying democratic procedures.

There is reasonable basis for the minority to succumb to the preferences of the majority; the fact that the minority view is not accepted and adopted is an indication that they have not been able to rationally convince people that their view is the correct one to adopt. The assumption here is that only one preference is to be adopted and there are only two positions to choose from. It will be difficult to get a majority on one issue if there are more than two alternatives. Moreover, while the decision made by a group on the basis of the majority principle is not open to doubt, the decision does not imply that the outcome will guarantee the long-term well-being of the people involved. As a way to resolve conflict, the majority principle is indeterminate when we consider what is at issue that requires a decision. When it comes to conflict over territorial boundaries, the majority principle offers no theoretical or practical way of resolving the conflict. The fact that one group is a majority does not imply that they have to acquire the territories or land of a minority group. With respect to issues where vital interests are involved, Barry argues that the adequacy of the majority principle does not suggest that the minority must be expected to allow the majority to trample on their vital interest.

As you read Barry, consider and reflect on the following questions: How is the democratic process related to its outcomes—in terms of public policy decisions? What makes the outcomes of a democratic system justifiable decisions? What necessary conditions must exist for the majority principle to justify democratic government?

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By a democratic procedure I mean a method of determining the content of laws (and other legally binding decisions) such that the preferences of the citizens have some formal connection with the outcome in which each counts equally. Let me make four comments on this definition.

First, I follow here those who insist that 'democracy' is to be understood in procedural terms. That is to say, I reject the notion that one should build into 'democracy' any constraints on the content of the outcomes produced,

such as substantive equality, respect for human rights, concern for the general welfare, personal liberty or the rule of law. The only exceptions (and these are significant) are those required by democracy itself as a procedure. Thus, some degree of freedom of communication and organization is a necessary condition of the formation, expression and aggregation of political preferences. And in a state (as against a small commune, say) the only preferences people can have are preferences for general lines of policy. There are not going to be widely-held preferences about whether or not Mr Jones should be fined £10 for speeding or Mrs Smith should get supplementary benefit payments of £3.65 per week. At most there can be preferences for a speeding tariff or for general rules about eligibility for supplementary benefit. If magistrates or civil servants are arbitrary or capricious, therefore, they make democracy impossible.

Second, I require that there should be a formal connection between the preferences of the citizens and the outcomes produced. My intention in specifying a formal connection is to rule out cases where the decision-making process is *de facto* affected by the preferences of the citizens but not in virtue of any constitutional rule. Thus, eighteenth century England has been described as 'oligarchy tempered by riot'.[1] But however efficacious the rioters might be I would not say that their ability to coerce the government constituted a democratic procedure. In the concluding words of the judge appointed to enquire into riots in West Pakistan in 1953: 'But if democracy means the subordination of law and order to political ends—then Allah knoweth best and we end the report.'[2]

Third, by 'some formal connection' I intend deliberately to leave open a variety of possible ways in which democratic procedures might be implemented. In particular, I wish to include both voting on laws by the citizens at large and voting for representatives who exercise the law-making function. I shall take either of these to constitute 'some formal connection with the outcome' in the sense required by the definition: in the first case the citizens choose the laws and in the second they choose the law-makers (in both cases, of course, within the limits of the choice presented to them).

Finally, the phrase 'each counts equally' has to be read in conjunction with the preceding phrase 'some formal connection with the outcome'. That is to say, nothing is suggested by the definition of democratic procedure about equality of actual influence on outcomes. The equality is in the formal aspect: each adult citizen is to have a vote (only minor exceptions covering a

tiny proportion of those otherwise eligible being allowed) and there are to be no 'fancy franchises' giving extra votes to some.

What about the notion that each vote should have an 'equal value'? This is valid if we construe it as a formal requirement. If there are two constituencies each of which returns one representative, the value of a vote is obviously unequal if one constituency contains more voters than another.[3] To talk about 'equal value' except in this *a priori* sense is, in my view, sheer muddle. In recent years, for example, supporters of systems of proportional representation in Britain have succeeded in scoring something of a propaganda victory by pressing the idea that the vote for a candidate who comes third (or lower) in a plurality system is 'wasted' and the people who vote for the candidate are 'effectively disfranchised'. But then why stop there? The only way of making sense of this argument is by postulating that anyone who voted for a candidate other than the actual winner—even the runner-up—was 'effectively disfranchised'; and it was not long before some academics stumbled on this amazing theoretical breakthrough.[4] I do not think that anyone of ordinary intelligence would be found saying of an election for, say, the post of president of a club: 'I didn't vote for the winning candidate. In other words my vote didn't help elect anybody. And that means I was effectively disfranchised'. It is a little alarming that such palpably fallacious reasoning should have the power to impose on people when the context is a parliamentary election.

There is one simple, and, on the face of it, attractive, reason for giving special weight to laws arrived at by democratic procedures, namely that, on any given question about which opinion is divided, the decision must, as a matter of logic, accord with either the preferences of the majority or the preferences of the minority. And, by something akin to the rule of insufficient reason, it seems difficult to say why the decision should go in the way wanted by the minority rather than in the way wanted by the majority.

Obviously, even if the majority principle were accepted, there would still be a gap between the majority principle and democratic procedures as I have defined them. The implication of the majority principle is, fairly clearly, that the best form of democratic procedure is that which permits a vote on issues by referendum. There is no guarantee that elected representatives will on every issue vote in such a way that the outcome preferred by a majority of citizens will be the one chosen. However much we cry up the effects of electoral competition in keeping representatives in line, there is no theoretical reason for expecting that a party or coalition of parties with a majority will always do what a majority of voters want. (Persistent non-vot-

ers will in any case have their preferences disregarded by competitive parties—though it may be noted that this is equally so in a referendum.) Even a purely opportunistic party would not necessarily be well-advised to back the side on every issue that the majority supports, as Anthony Downs pointed out.[5] And in practice no party is purely opportunistic—indeed a purely opportunistic party would in most circumstances be an electoral failure because it would be too unpredictable. The party or parties with a legislative majority are therefore always liable to have a package of policies approved of by a majority and policies opposed by a majority. (On many other issues, there may be no single policy with majority support, but that is a complication in the specification of the majority principle that I shall discuss below.)

All this, however, is not as damaging for democratic procedures as might be supposed. For it may surely be said that no method for selecting law-makers and governments that was *not* democratic (in the sense defined) could provide a better long-run prospect of producing outcomes in accord with the majority principle. However disappointed an adherent of the majority principle might be in the actual working of democratic procedures, it is hard to see what he or she would stand to gain by helping to secure their overthrow. . . .

I have suggested, then, that the majority principle provides fairly strong backing for democratic procedures. What now has to be asked, of course, is whether there is any reason for accepting the majority principle. The view that there is something natural and inevitable about it was expressed forcefully by John Locke in paragraphs 95–9 of the *Second Treatise*. The argument is tied up with Locke's consent theory of political authority but can, I think, be detached from it. The nub is that if there is going to be a body capable of making binding decisions then it 'must move one way' and 'it is necessary the Body should move that way whither the greater force carries it, which is the *consent of the majority'*. Locke adds that 'therefore we see that in Assemblies empowered to act by positive Laws where no number is set by that positive Law which impress them, the *act of the Majority* passes for the act of the whole, and of course determines, as having by the Law of Nature and Reason, the power of the whole'.[6]

In my first book, *Political Argument*, I put forward the example of 'five people in a railway compartment which the railway operator has omitted to label either "smoking" or "no-smoking"' each of whom 'either wants to smoke or objects to others smoking in the vicinity'.[7] (I should have added that the carriage should be understood as one of the sort that does not have a

corridor, so the option of changing compartments is not open.) I still think that the example was a good one. Unless all five can reach agreement on some general substantive principle—that in the absence of positive regulation there is a 'natural right' to smoke or a 'natural right' for any one person to veto smoking—it is difficult to see any plausible alternative to saying that the outcome should correspond to majority preference.

The position of someone who is outvoted but refuses to accept the decision is difficult to maintain. As I have suggested, quite persuasive arguments can be made for saying that the decision should not simply reflect the number of people who want to smoke as against the number who dislike being in the presence of smokers. But, since opposing principles can be advanced, the existence of relevant principles does not seem to offer a sound basis for resistance to a majority decision. Or suppose that one of the travelers happens to be the Archbishop of Canterbury. He might claim the right to decide the smoking question on the basis either of his social position or on the basis of his presumptive expertise in casuistry. If his claim is accepted by all the other passengers, no decision-making problem arises because there is agreement. If not all the fellow-passengers accept his claim, however, it again seems difficult to see how the question can be settled except by a vote. And if he finds himself in the minority it must be because he has failed to convince the others (or more than one of them) of his claim to authority. He may continue to maintain that it should have been accepted, just as a believer in the natural right to smoke may continue to maintain that the others should have accepted that principle. But in the face of actual non-acceptance, the case for bowing to the majority decision looks strong.

On further analysis, however, we have to recognize that the 'naturalness' of the majority principle as a way of settling the dispute rests on several features of the particular example which are not commonly found together. I am therefore now inclined to say that it was a good example in the sense that it illustrated well the case for the majority principle but that it was in another sense a bad example because of its special features. I shall single out four, the first three of which make the majority principle determinate while the fourth makes it acceptable. First, we implicitly assume that the people in the compartment have to make only this one decision. Second, only two alternatives are envisaged: smoking or non-smoking. Third, the decision-making constituency is not open to doubt. And fourth, nothing has been said to suggest that the outcome on the issue is of vital importance for the long-term well-being of any of those involved.

To begin with, then, let us retain the feature from the original case that the decisions to be made are dichotomous (that is to say, there are only two alternatives to choose between) but now say that several different decisions have to be taken. In addition to the question whether to permit smoking the passengers also have to decide whether to allow the playing of transistor radios. Suppose that a vote is taken on each question and there is a majority against each. It may be that a majority of the passengers would nevertheless prefer permitting both to prohibiting both, if they were given a choice in those terms.

Let us assign the following symbols: W is no smoking, X is smoking allowed; Y is no playing of radios, Z is playing allowed. The preferences of the five passengers (A, B, C, D and E) are in descending order as in Table 8.1.[8]

Table 1

Rank order	A	B	C	D	E
1	WZ	WZ	XY	WY	WY
2	XZ	XZ	XZ	WZ	XY
3	WY	WY	WY	XY	WZ
4	XY	XY	WZ	XZ	XZ

In a straight vote A, B, D and E all prefer W to X, and C, D and E prefer Y to Z, so the outcome would be W and Y. But the pair WY is less well liked than the opposite pair XZ by A, B and C.

We now ask: what does the majority principle prescribe in a situation like this? Are we committed to the view that neither smoking nor playing radios should be allowed, because there is a majority against each? Or can we take account of the fact that there is a majority in favor of overturning the result of the two separate votes and substituting their opposites?

The case just presented is consistent with each person's preferences on smoking being independent of what is decided about radio playing, and vice versa. But, in most political matters, this assumption of 'separability' does not hold. What we favor on one issue depends on how other issues are settled. Some things are complementary: we don't want to vote for buying the land unless there is going to be a majority for spending money on the building that is proposed to go on the land. Others are competitive: if expensive project X is going to be funded, we don't want to vote for expensive project Y as well, but if project X is going to be defeated, we would favor project Y. In such a case, the whole concept of a majority on a single issue becomes

indeterminate, because each person's preference depends on his or her expectations about the way the other relevant issues are going to be decided. And the outcome if issues are packaged together depends on the way the packaging is done.

A further difficulty is that as soon as we aggregate two or more dichoto-mous decisions we get a choice between more than two outcomes, and there is then the possibility that no one is capable of getting a majority over each of the others in a pair-wise vote. (In the jargon of collective choice theory, there is no Condorcet winner among the alternatives.) Thus, in the example I set out, I pointed out that A, B and C prefer XZ to WY. But I could have gone on to say that C, D and E prefer XY to XZ, that A, B and D prefer WZ to XY, and that C, D and E prefer WY to WZ. Since, as we already know, A, B and C prefer XZ to WY, it is clear that we have here a cycle including all four possible combinations. No outcome is capable of getting a majority over each of the others and so the majority principle offers no guidance.

The simplest way of generating a situation in which there are cyclical majorities is to have a choice between three possible outcomes. Suppose that our passengers consider three candidates for a binding rule about smoking: X (no smoking), Y (smoking but only of cigarettes) and Z (smoking of pipes and cigars as well as cigarettes). There may, of course, be an outright major-ity for one outcome. . . .

The trouble is that there may not be any outcome that is capable of get-ting majority support against any other (or, in the case of even numbers, two that are equally good . . .). Thus, suppose now that D and E do not like to smoke cigarettes and, if they cannot smoke their pipes, would prefer a smoke-free environment to one contaminated by C's cigarette smoke. Then the preference matrix becomes as in Table 8.3. We now pit each possible out-come against each other in a series of three pairwise comparisons and get the result that X beats Y (A, B, D and E prefer it), Z beats X (C, D and E prefer it) and Y beats Z (A, B and C prefer it). Thus, a quite plausible distribution of preferences generates a 'paradox of voting' in which the majorities arising from pairwise comparisons form a cycle.

Table 3

Rank order	A and B	C	D and E
1	X	Y	Z
2	Y	Z	X
3	Z	X	Y

The two sources of indeterminacy in the majority principle that I have so far been pointing out may be considered rather dull and technical, incapable of arousing political passions. This is by no means true. Consider, for example, the importance that both sympathizers of President Allende and apologists for the coup that overthrew him and the regime have attached in their polemics to the question whether or not he had majority support for his policies. Given a political set-up with three blocs, Allende was able to come into power as President on a bare plurality; and the Popular Unity Coalition that supported him never achieved a majority of votes cast. It was on the basis of these facts that the junta claimed legitimacy in terms of the majority principle for overthrowing the constitutional government. On the other side, however, it may be argued that 'one cannot infer that those who opposed Allende necessarily supported a military coup, especially the bloody one that ensued following his overthrow. Thus there is little evidence that a majority of Chileans wanted Allende overthrown by the military.'[9]

It is not my intention to join in this debate, merely to point out that, where the majority principle is indeterminate, generals find it worth appealing to it and scholars find it worth rebutting that appeal. However, if we measure the importance of a question by the blood spilt over it (and I find it hard to think of a better criterion) the importance of the third reason for the indeterminacy of the majority principle can hardly be denied. The question is the deceptively innocent one: majority of *what?*

In the railway carriage example this is not a problem. If the decision about permitting or prohibiting smoking is to be made according to majority preference there can be no doubt that the people whose preferences should be taken into account are the five people in the railway carriage who will be affected by the decision. But when the question is the boundaries of political entities—empires, supranational organizations, federations, nation states, provinces or other sub-divisions—and their respective decision-making powers, the question 'who is included?' is an explosive one.

There is no need to labor the point. The briefest survey is enough. In Western Europe, after centuries of wars between states, civil wars, and heavy-handed centralizing government, Northern Ireland is paralyzed by conflict, Scottish nationalism is a powerful force, the centralized Belgian state has been virtually partitioned, unfinished business from the nineteenth century still hangs over the Swiss Jura and the Alto Adige, while in Spain Basque and Catalan separatism are stirring again after the long freeze. In Eastern Europe almost every state has claims on the territory of at least one

other. Order, of a kind, is maintained by the Soviet Union, which is itself a patchwork of nationalities held together by coercion. And nobody is taking bets on the existence of Yugoslavia in ten years time. In North America, Quebec has a separatist government, and the unity of the country is in question. In the Middle East three wars have been fought over the boundaries of Israel and no end is in sight. In Africa, the boundaries bequeathed by the colonial powers, after a period of surprising stability (interrupted only by the Biafran and Katagan secessions) are coming under pressure in the Horn of Africa, and the trouble looks as if it may well spread further in coming years. The Indian sub-continent has seen first the convulsion of the creation of Pakistan and then the almost equally bloody process of its splitting into two; while in India the states have had to be reconstituted, amid a good deal of disorder, in an attempt to satisfy the aspirations of linguistic groups. There are few parts of the world where boundaries are not a potential source of serious conflict, and where we do not hear that there are (e.g. China) this is as likely to reflect our ignorance as the absence of potential conflict.

The only thing that has to be established, beyond the existence of conflicts over boundaries, is that the majority principle has no way of solving them, either in practice or in theory. In practice, the majority principle, so far from alleviating conflicts over boundaries, greatly exacerbates them. It may be tolerable to be ruled over by a cosmopolitan autocracy, like the Austrian empire, or a more or less even-handed colonial power like the British in India. But to be subject to a majority of different language, religion or national identity is far more threatening. In an area where nationalities are intermingled, like the Balkans, every move to satisfy majority aspirations leaves the remaining minorities even more vulnerable.

On a theoretical level, any use of the majority principle in order to establish boundaries must involve begging the question. Locke, to do him credit, saw that the majority principle could come into play only after the constituency has been identified, but he finessed the problem by resorting to the fiction that those who are to form 'one body' all individually agree to do so. This approach obviously fails to provide any guidance in any situation where it is actually needed, that is to say where people are disagreeing about the 'body' they want to be members of. . . .

Meanwhile, it should be noted that the upshot of the discussion is that any attempt to justify boundaries by appealing to the majority principle must be void. You can have as many referenda as you like, and show every time that over half of the people within the existing boundaries approve of them,

but you cannot use that to prove to a minority that wants to secede that they ought to acquiesce in the *status quo*. If their loyalty is to be awakened, other and better arguments—backed by deeds rather than votes—are needed.

Suppose, however, that the composition of the group that is to be subject to a common policy is not at issue, and that the two more technical sources of indeterminacy are absent, does that make the majority principle unassailable? Of course not. The fourth and last of the special features of the railway carriage case that I singled out was that, as the story had been told, we had no reason to suppose that the question of smoking or not smoking was of vital importance to any of the people involved. (It might be said that smoking is inherently a vital interest in that being smoked at lowers one's expectation of life; but, if we put it as a question of interests, is a few minutes more life a greater interest than the freedom of the addict from withdrawal symptoms?) Suppose, however, that one of the passengers suffers from severe asthma or emphysema, and that being subjected to tobacco smoke is liable to precipitate a dangerous attack. No doubt one would hope that this fact, when explained, would lead the others to agree not to smoke, however many of them would like to. But say that it does not. It seems clear to me that the person at risk would be behaving with an almost insane disregard for his or her interests in accepting a majority decision to allow smoking. The obvious recourse would be, I presume, to pull the communication cord and bring the train to a grinding halt.

It might be argued that nothing said here shows that the majority principle lacks universality: it still applies but in some cases the reason it provides for obedience is overridden by a more pressing consideration, such as self-protection against a risk of substantial harm. However, it does not seem to me that this is a correct representation of the position. Where the decision is sufficiently threatening to the vital interests of (some of) those affected by it, its pedigree is neither here nor there.

Take for example a group of youths like those in *The Clockwork Orange* who beat up strangers for fun. Would we be inclined to say 'Well, at least there's one redeeming feature: they choose their victims by majority vote'? I think not. This example of course raises the question of constituency, since the victim is outside the decision-making group. But if we modify it so that the members of a group decide by majority vote to beat up one of their own number I still do not think that the chosen victim has less reason to resist or escape than he would if the decision were taken by a strong-arm leader. I do not see any significant respect in which my modified example of the railway

passengers differs from that. I suppose that someone might adduce the difference between deliberately causing harm and doing something whose known but unintended consequences are harmful, but that is not in my view a morally relevant distinction.

The political parallels hardly need to be filled in. No minority can be, or should be, expected to acquiesce in the majority's trampling on its vital interests. Unfortunately the parallel to pulling the communication cord—bringing the state, or that part of its policy that is objectionable, to a grinding halt—is a much more messy business and carries the risk of incurring costs much higher than a £25 fine. But the principle is clear enough. Nobody but a moral imbecile would really be prepared to deliver himself over body and soul to the majority principle. . . .

ENDNOTES

1 W. J. M. Mackenzie, *Power, Violence, Decision* (Harmondsworth: Penguin, 1975), p. 151.

2 Quoted in Hugh Tinker, *Ballot Box and Bayonet: People and Government in Emergent Asian Countries* (Chatham House Essays, 5; London: Oxford University Press, 1964), p. 83.

3 This is, it may be noted, the line taken by the U.S. Supreme Court in its decision requiring redistricting to secure approximately equal constituencies. (The leading case is Reynolds *v*. Sims, 377 U.S. 533 (1964).)

4 An analysis with whose general line I concur is Paul E. Meehl, 'The Selfish Voter Paradox and the Thrown-Away Vote Argument', *The American Political Science Review* LXXI (1977): pp. 11–30.

5 A. Downs, *An Economic Theory of Democracy* (New York: Harper and Brothers, 1957), pp. 55–60.

6 John Locke, *Two Treatises of Government*, ed. Peter Laslett (New York: The New American Library, Mentor Book, 1965), pp. 375–6.

7 B. M. Barry, *Political Argument* (London: Routledge and Kegan Paul, 1965), p. 312.

8 Adapted from Appendix, Example I (p. 69) of Nicholas R. Miller, 'Logrolling, Vote Trading, and the Paradox of Voting: A Game-Theoretical Overview', *Public Choice* 30 (1977): pp. 49–75.

9 James Petras and Morris Morley, 'Chilean De-stabilization and Its Aftermath', *Politics* XI (1976): pp. 140–8 at p. 145.