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Democracy: universality and diversity

David Beetham*

Abstract

The argument of this paper is that the justification of democracy's core principles of popular control over government in conditions of political equality, and the defense of them against paternalist alternatives, requires appeal to basic features of political decision-making and of human nature, respectively—its capacities and limitations—which are universal in their scope, and do not stop at borders. It follows that if a democratic form of government is appropriate anywhere, it must be so everywhere, though differences of social structure and historical tradition may make it more difficult to establish and sustain in practice in some countries than in others. However, these common features do not entail uniformity. The fundamental freedoms necessary to popular self-government in any form encourage diversity, and allow it to find full expression in the public sphere. Yet, there is a limit to the movements and beliefs that are compatible with democracy, and that comes when they reject one or other of its core principles. At the same time, some of democracy's characteristic elements—freedoms of expression and association, electoral competition for office, majoritarian procedures—can serve to exacerbate societal conflict, especially though not only in newly democratizing countries. In such circumstances only the establishment of a process of inclusive dialogue, involving respect for difference and an understanding of the requirements of political equality, can serve to resolve such conflicts. In other words, a commitment to democracy's core principles is needed to moderate the effects of some of its own typical procedures.

Keywords: *democratic principles; universalist; paternalism; rights; democracy; majoritarianism; minorities*

In an article entitled 'Democracy as a Universal Value,' Amartya Sen put forward two different arguments as to why democracy might be regarded as a universal value.¹ First, because, as a matter of fact, it is becoming accepted across the world as the most legitimate form of government. Secondly, because there are good reasons for people anywhere to see democracy as valuable, on intrinsic, instrumental, and constructive grounds. In the first part of this paper I make a claim for the universality of democracy on different, and in my view even stronger, grounds: namely, the justification for its core principles and defense of them against alternatives cannot stop at the borders of a country or group of countries, since the considerations from epistemology and a shared human nature underpinning that justification carry universal applicability. In the second part of the paper I show how this universality

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can be consistent with diversity—of beliefs, values, and ways of living—and within what limits. In the third part I will argue that democracy as a form of practice is best equipped to managing the difficulties inherent in diversity, but only when it is true to its core principles.

I take the core principles of democracy to be twofold. First is the popular control of government, either directly, in self-governing communes, or indirectly, through the right to choose the government and subject it to continuing influence, accountability and oversight, both individually and in association with other citizens. Second is the principle of political equality—that all adult members of the political community should have an equal right to have their voices heard, and be given equal consideration in the formulation of public policy. These two principles, of popular control and political equality, are not self-evident; and they have to be continually struggled for and defended, even in countries which may claim to be formally ‘democratic.’

The chief alternative to these principles that has historically claimed legitimacy, and in many places continues to do so implicitly or explicitly, is some variety of paternalism: the doctrine that a special group is entitled to decide matters of the public interest on behalf of others by virtue of some superior knowledge, wisdom or capacity that they possess, which qualifies them uniquely for public office, and gives them a privileged insight into what is good for everyone else. It is in contesting this doctrine in its various manifestations that principled democrats are forced to appeal to universal considerations which cannot stop at borders, and necessarily go beyond ‘the way we do things here.’

Paternalism comes in two main forms. One is a monolithic, closed and anti-liberal form, which holds that what constitutes the public good, or the good for society, is a matter of *knowledge*, and that this knowledge is only available to those who have been inducted into its doctrines. The paradigmatic form of this theory is to be found in Plato’s justification for the rule of ‘philosopher kings’ in *The Republic*. According to his argument, knowledge of ‘the good’ was a province of special expertise, which required an extensive program of philosophical training. Just as you would look to the profession of medicine to tell you what were the conditions for a healthy body, so you would look to the profession of philosophy to tell you what were the conditions for a healthy society, which only those inducted into the profession were qualified to understand. It followed that philosophers were the only people who could be entrusted with government, since their special knowledge equipped them to make the right decisions for the good of society, and the rest should defer to them accordingly.²

Since Plato’s time there have been many forms in which this claim to exclusive knowledge has been couched, and some of them persist to this day: knowledge of sacred texts or divine revelation, as in a theocracy; knowledge of society’s place in the grand sweep of history, as in a Marxist partocracy; knowledge of some branch of science, as in a technocracy. Common to them all is the claim that there is a right answer to questions about the public good, known only to an exclusive circle of the initiated, by virtue of which they can rightly claim obedience from everyone else.

If these examples seem far-fetched, it is worth remembering the proposals of St. Simon early in the nineteenth century. Heralding the advent of the ‘industrial age,’ he concluded that the maximization of production (or GDP as we would now call it) was the self-evidently overriding goal for society; so all political questions could be reduced to administrative ones, and safely entrusted to committees of business people and technocrats to decide.³ Elements of that idea can be found even in otherwise democratic polities today.

This contention that decisions about the public good are a matter of *knowledge*, and amenable to a ‘correct’ answer, can readily be shown to be false, on basic epistemological grounds. There is simply no single ‘good’ which can be shown to be the supreme end of public policy, unless this is couched in such vague and general terms (such as ‘the welfare of the people’) as to be either meaningless or open to multiple interpretations. Political decision-making is about hard choices between competing goods, or values or priorities, about which there can in principle be no clearly right and wrong answers.⁴ Even supposing we were to agree on some goal such as St. Simon’s ‘maximisation of production’ (unlikely with climate change in process), there would still be difficult choices to be made about the means (market vs. state, or some combination of the two), the priorities (basic vs. discretionary goods and services), the relative distribution of costs and benefits, and so forth, which could never be decided by reference to any settled body of knowledge.

Or we could take something which most people would agree on—the supreme value of human life. What does this value entail when it comes to practical issues of policy and legislation?

- That we should impose capital punishment for murder, or not?
- That we should allow abortion or euthanasia, or not?
- That we should prioritize prevention over care when it comes to health budgets, or not?
- That we should make physical security the overriding consideration in transport policy, or not?
- That we should ban the sale of firearms or not?
- That we should double our overseas aid budgets, or not?

These are all matters of *judgment*, about which there can be no right and wrong answers deducible from some body of expert knowledge. Of course, knowledge and expertise have a vital contribution to make to the debates about such issues, but they can never be sufficient to resolve them conclusively. It is an irreducible feature of the political condition that legislators and policy makers confront choices between competing values and priorities, without any way of showing that one solution is incontestably ‘correct’ or ‘in the public interest.’ Even in the area of public policy where modern governments typically claim exclusive knowledge—the security and intelligence fields—this does not lead to any self-evident single outcome in terms of policy, though it often produces the typical paternalist refrain of ‘trust us, because we know best.’

If this argument against what I have called a monolithic or anti-liberal version of paternalism—which must reject all views other than its own as simply wrong and stemming from ignorance—seems self-evident, then we should turn to consider a more liberal version of paternalism, which has been much more common in recent centuries. This accepts that issues of public policy are matters of judgment, not of knowledge alone, and that therefore divergent views about what constitutes the public interest are legitimate. However, it holds that only some people are qualified to make these judgments, whether through superiority of birth (aristocracy, patriarchy, and ethnarchy), of age (gerontocracy), of education (rule of the certificated), or some other such quality. In the modern period, arguments of this kind have led to all manner of exclusions from the suffrage, on grounds of age, race, gender, education, or whatever. They have also, as Bernard Manin has shown, become embedded in the theory of representation itself, and continued even when the suffrage became widely extended.

Manin argues that the theory of representative government has from the outset contained a strong aristocratic component, in the principle that the representative is not bound prospectively by his (or later her) constituents, though the right of constituents to pass judgment on their representative retrospectively constitutes its democratic component. Moreover, this decisional autonomy has repeatedly been justified on the grounds of the superior qualities of the representatives, to whom electors rightly defer—a view which Manin himself endorses when he calls it an ‘aristocratic’ component, and the system ‘representative government’ rather than ‘representative democracy.’⁵

So, for example, in the eighteenth century, James Madison wrote that, by delegating government to a small number of citizens ‘whose wisdom may best discern the true interest of their country...the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves.’⁶ In the nineteenth century, John Stuart Mill, rejecting the idea of electors binding their representative in advance, wrote that ‘individuals and peoples who are acutely sensible of the value of superior wisdom... will be far too desirous to secure it than to impose their own opinion as a law upon persons whom they look up to as wiser than themselves.’⁷ And in the twentieth century, Joseph Schumpeter contended that ‘the typical citizen drops down to a lower level of performance as soon as he enters the political field,’ and that voters ‘must therefore understand that, once they have elected an individual, political action is his business and not theirs.’⁸ For all such writers, the idea of referendums and other forms of direct democracy would be anathema, not on grounds of practicality or continuity of policy, but because ordinary citizens are not competent enough and should defer to those who are.

Whatever form these different varieties of what I call ‘liberal paternalism’ may take (though I acknowledge that not all of them have been liberal in practice), there are two basic objections that principled democrats have to make against them, both grounded in general characteristics of human nature, its capacities and limitations.

Human capacities

If a basic principle of democracy is that of political equality, then this can only be defended on the grounds that the capacity to determine what is good for one's life, and to make reflective choices between goods where they conflict, is a generalized capacity which everyone is capable of exercising. Certainly this capacity of 'reflective judgment' as we might call it, is one that requires developing, and that is the reason why we do not allow children to enter into binding contracts, to sit on juries, to vote or stand for public office, until they have reached a certain age—by which time they have gained sufficient experience of making such judgments in lesser matters that they can be entrusted with larger ones, and enough experience of the world to appreciate what the typical consequences of different choices or different courses of action might be.

Now it may be objected that public decisions are different from private or personal ones, in that they require giving attention to the interests of a range of others, rather than simply one's own. However, this can be shown to be characteristic of all judgments made in a collective context, whether that be the family, the school group, the workplace or any other associational context, and is not unique to political decision-making. Indeed, one of the answers that Plato allowed his democratic opponents to make against his own version of paternalism was that the capacity of moral judgment—to distinguish what was good and bad for people generally, not just for oneself—formed an essential part of civic virtue, and that the good society required this capacity of all its members, not just a special few.⁹ It was by virtue of such a capacity that the voice of the ploughman or carpenter was as entitled to be heard in the deliberations of the assembly as that of the wealthy or more educated. The same argument could of course have been made against the well-known exclusions that Athenian democracy made in practice from the enjoyment of full citizenship. Yet it follows that the burden of proof is on the defenders of paternalism in any form to show what is the special or exclusive capacity which they possess, which justifies their decisional prerogative in what are essentially matters of normative judgment.

Now, to be sure, making such judgments in potentially complex political matters requires two conditions: access to relevant information, and time to consider it and assess the different arguments through discussion and debate. In the contemporary world most of the information relevant to political issues is freely available, if there is no censorship, though not everyone has the same incentive to devote time to accessing it. It is the time constraint that is the crucial one. And this is the only reason consistent with democratic principle why some people should be allowed to concentrate on public decision-making and decide on behalf of the rest; but they do so only as representative citizens, not by virtue of some special (and unspecifiable) capacities which others do not possess. All the evidence shows that where the same conditions of information and time are available to ordinary citizens—as in jury service, citizens' juries, deliberative polls, co-governance arrangements, and such like—they are just as capable as elected politicians of arriving at considered

judgments about the public interest.¹⁰ No doubt this capability could be enhanced by imaginative social and political education, but the potential exists in everyone.

Now the point to make here (and I will return to it) is that this argument against paternalism and in defense of political equality does not stop at borders, or apply only to a section of humanity, but is universal in its reach. If it is valid for my country (wherever ‘my’ is), then it must be so everywhere. This much is also clearly recognized in Articles 19–21 of the Universal Declaration of Human Rights, which specify for everyone the rights to freedom of opinion and expression, to peaceful assembly and association, and to take part in the government of their country.¹¹ The claim that these rights are universal presupposes that all adults, at least, wherever they may live, possess the capacity to make use of them, and in a manner that is socially as well as individually advantageous, even if this may not actually be recognized in the political arrangements of a given country.

Human limitations

If one feature of human nature that underpins the democratic case against paternalism lies in the capacities we all share, another lies in the limitations that are exposed when people come to exercise governmental power over others. The most significant of these is what we might call limited benevolence or altruism. An extreme version of this is to be found in the classical utilitarians’ assumption of universal self-interest—that we all tend to prefer our own interest over others when they diverge—which formed the basis of the utilitarian justification for representative democracy.

Even supposing *per impossibile*, the argument went, that some all wise or all knowing ruler or ruling group could know what was in the people’s interest better than they themselves, what possible incentive would they have to promote it? None at all, they argued. ‘What is the *proper* end of government?’ asked Jeremy Bentham. ‘The greatest happiness of the greatest number.’ ‘What is the *actual* end of government?’ ‘The greatest happiness of those in whom the powers of government are invested.’¹² James Mill put it even stronger. Why do we need government in the first place, he asked. Because of that principle of human nature by which each of us requires protection against the self-interest of others. Does this principle stop short at members of a government? By no means. ‘We have seen that the very principle of human nature upon which the necessity of government is founded leads on, by infallible sequence, where power over a community is attained, and nothing checks, not only to that degree of plunder which leaves its members the bare means of subsistence, but to that degree of cruelty which is necessary to keep in existence the most intense terror.’¹³

To this problem the utilitarians offered their standard solution of carrots and sticks, which would artificially align the interest of the governing in staying in power with the interests of the community at large. Only the realistic sanction of public exposure and removal from office and its benefits would bring those in government

to serve a public interest; and this sanction had to be placed in the hands of the community itself through the suffrage, since it was only its members themselves who had any settled will to protect their own interests. Here, Bentham took the argument a step further than Mill, and argued that women had to be given the vote, since they had interests distinct from men, and could not rely on their husbands, fathers or brothers to protect these.¹⁴

In its extreme utilitarian version this assumption of universal self-interest seems unduly narrow, and demonstrably false, unless we define 'self-interest' in a quite circular way. It is certainly at odds with the more expansive view of human capacities already discussed, which allows the possibility of people acknowledging the need to recognize and compromise with the views and interests of others when collective decisions have to be made. However, if we recast the utilitarian assumption as a counsel of prudence in the face of the powerful, it has greater validity. Just as the fact that we lock our bicycles up when we leave them in public does not mean, *pace* Hobbes, that we are accusing everyone of being a cycle thief, so the fact that we need strong public checks against the abuse of power does not mean that we suspect all heads of government of being a potential Amin or Bocassa. The Benthamite injunction to 'minimise confidence' should be read as a counsel of prudence in the face of a known human limitation. But I should prefer to term this 'limited altruism or benevolence' rather than 'universal self-interest.' Regrettably there are enough examples of kleptocracy in the contemporary world, not to mention lesser corruptions, to show how valid this assumption is.

A further human limitation which societies need protection against in their rulers is that of human fallibility. Even where those come to power who genuinely seek the public interest, rather than a narrow personal one, they are perfectly capable of making serious errors of judgment. These can become magnified or made chronic by the tendency to 'group think' among governing circles and advisors; by the need to present policy in the best possible light and cover up inconvenient facts; by the collective cocooning of the powerful from the daily lives and experiences of ordinary people; above all, by the natural human resistance to admitting one's mistakes. It is as much against these characteristics as that of self-interest that polities need maximum openness to alternative points of view, independent sources of public information, including from those most affected by questionable policies, above all mechanisms for exposing and sanctioning those responsible for serious errors of judgment. In effect this forms the core of Amartya Sen's argument that it is impossible to have large-scale famines in the open political system of a democracy, where problems become known at an early stage, and policies which might lead to disaster are subject to public inspection and criticism before they can become chronic.¹⁵

Now if we put all the considerations mentioned above together, it is evident that we have a conclusive argument against paternalist government in any of its forms, to defend which all of the following have to be shown to be true: that there is some special knowledge or wisdom about the public good available only to a chosen few, by virtue of some distinguishing and relevant quality they possess; that these few can be trusted to act in the public interest once they have discerned it; that they either do

not suffer from normal human fallibility, or are capable of self-correction once this occurs. Well, these are very strenuous, not to say heroic, assumptions, and will not stand up to serious examination.

By the same token, these considerations also make a conclusive set of arguments for democratic principles and practices: on *protective* grounds, to protect societies against the common human failings which can prove so damaging in those who exercise political power over others; on *participatory* grounds, given the common capacities for reflective judgment about their own and the wider social good which all share. Often the protective and participatory arguments are counterposed as the basis for two quite separate ‘models’ of democracy¹⁶; but they should be seen as complementary, since both are necessary to the defense of the twin democratic principles of popular control and political equality.

The crucial point to make, in conclusion, is that all these arguments—from the nature of political judgment and decision-making, from common human capacities and limitations—do not stop at borders, but are universal in their reach. The terms in which we are required to defend democracy against paternalist encroachments at home necessarily require that we also support it as appropriate abroad, though the precise form of that support must be a matter of context and circumstance. Here it should be insisted at once that a universalist justification for democracy does not give license to unilateral state interventions in other societies in the name of ‘bringing democracy’ or ‘regime change,’ least of all by force.¹⁷

There have been well-known attempts to avoid the universalist conclusion I have been arguing for. John Stuart Mill, for example, roundly condemned his utilitarian predecessors for lacking a sense of history, and for ‘claiming representative democracy for England and France by arguments which would equally have proved it the only fit form of government for Bedouins or Malays.’ He argued instead that forms of government had to be adapted to the stage of civilization reached by a people; and that a society not yet ready for self-rule should be entrusted to a paternalist ‘government of leading strings,’ as he called it, until such time as they were ready.¹⁸

This is not an argument that carries conviction in an anti-imperialist age. No more convincing is its current counterpart, to the effect that democracy is a Western idea that is inappropriate for some cultures in the contemporary world, whether these be Asian, Islamic, Confucian, or whatever. Defenders of this position need to show what it is about these cultures that renders their populations incapable of exercising reflective judgment on matters of personal and public interest, and their leaders immune from the common failings outlined above. If the answer is simply that a paternalist form of government is what ‘the people’ have themselves chosen, then we can reasonably ask for evidence about how, when and by whom this choice has been made. In practice, of course, democracy has proved to be perfectly viable in countries with each of the cultures that has been claimed as fundamentally antithetical to it. And their populations have shown as much determination as those in the West in their struggle to achieve it.

DEMOCRACY AND DIVERSITY

If the characteristics which justify treating the basic democratic principles as universally applicable are common to human beings everywhere, what room does this allow for diversity—of cultures, values, identities, beliefs or ways of living? Does it entail uniformity? By no means. This is because the freedoms necessary to a self-organizing society, and without which no popular control of government is possible, themselves encourage diversity, as well as reflecting in the public sphere the diversity that already exists within a society. Societies today are everywhere characterized by pluralisms of language, religion, culture, ethnicity, and so on, which will find distinctive expression in a freely organized public sphere.

Such diversities also find expression in the differences between countries in the way in which their democracies come to be organized and institutionalized. The longer established democracies show wide variations between them—as to presidential or parliamentary systems, federal or unitary structures, electoral systems, use of referendums, and so forth—all reflecting the different traditions and societal dynamics out of which their democracies evolved. Some recently established democracies have also shown the way in innovations appropriate to the conditions of less economically developed societies. As the Indian academic Peter de Souza has expressed it, ‘the caravan of democracy changes shape as it travels.’¹⁹ However, there is a limit to the differences that can count as ‘democratic,’ and that is their consistency with the basic democratic principles already outlined. Just as not everything a recognized democracy does counts as democratic, so the possession of one or two institutional features, such as elections or a parliament, does not of itself qualify a country as a ‘democracy.’ The point is how far these institutions help to realize the principles of popular control and political equality. If they do not, then labels such as ‘façade democracy’ or ‘elections without democracy’ may be justified.

These principles also provide the touchstone for determining what types of belief are incompatible with democracy, and at what point they become so. Labelling Confucianism or Islam *tout court* as incompatible with democracy is now as discredited as Catholicism was earlier pronounced hostile to, if not incompatible with, democracy in comparison with Protestantism.²⁰ Yet contemporary politicized versions of Islam which seek to establish a new caliphate following sharia law embody two forms of paternalism which are clearly antithetical to democracy. In the first place the theocratic claim that all valid law is of divine or prophetic origin, and that its articulation and interpretation should be in the hands of religious authorities rather than elected representatives of the people, or only endorsed after the event by the latter, directly contradicts the principle of popular control of government. And the patriarchal demand for the subordination of women and their disempowerment in the public sphere directly contradicts the principle of political equality.

What democrats outside a country can and should do in a situation where Islamist movements with these agendas gain influence or become institutionalized in power, as in Iran, is limited. Certainly their ideational basis should be challenged, rather than deferred to out of some post-modern relativism or ‘respect for other cultures.’

Yet the fate of democracy in any country has ultimately to rest in the hands of its own people and their own struggles, however oppressive the conditions under which these take place. These struggles can certainly be supported from outside, though preferably only at the level of civil society to civil society support, not through state agencies, which are invariably compromised by state power interests.

More complex to determine are challenges arising within democratic polities to the principles of democracy on which they are based. How should they be responded to? Two examples can be taken to illustrate this complexity. First is from Turkey, where the currently ruling Welfare Party has several times been challenged in Turkey's constitutional court for advocating Islamic policies which purportedly run counter to Turkey's secular constitution. The most recent attempt to have the party banned by the court, in 2008, failed by only a single vote. However, an earlier indictment, in 1998, to the effect that some of the party's leading members were on record as having advocated the introduction of sharia law for Turkey's Muslim majority, led to the party being dissolved by the court, and the members responsible excluded from parliament.

What is interesting about this case, and gives it a wider significance, is that the party appealed to the European Court of Human Rights on the ground that the decision violated its members' rights to free expression and association. Since these rights under the European Convention may only be limited by such restrictions as are 'prescribed by law and necessary in a democratic society,' the judges who heard the case were required to determine what a 'democratic society' required in such a situation. Some of them argued that a party which advocated the subordination of human rights and freedoms to the 'static rules imposed by a religion' could not claim the protection of these same freedoms under the European Convention. Moreover, 'there can be no democracy,' they concluded, 'where the people of a state, even by a majority decision, waive their legislative and judicial powers in favor of an entity which is not responsible to the people it governs.' In other words, the principle of popular control had to be curtailed in the present in order to protect it for the future.

The judges on the other side held that democracy required that diverse programs for government should be proposed and debated, even if they called into question certain aspects of the way the state was currently organized. Democracy was meaningless, they concluded, without the 'free expression of electoral opinion,' and this was 'inconceivable without the participation of a plurality of political parties representing different shades of opinion.' When it came to a vote, the court decided by four to three in favor of the judicial ban on the party, which was upheld. As with any legal case, issues of fact as well as of legal interpretation were at issue. Yet it revealed a level of principled debate about democracy which is unusual in a court of law, and one which sharply focused the issue of how far it is appropriate for a democracy to resort to legal exclusions on a movement or party which challenges one of its core principles.²¹

A second example is one that has regrettably become common in established democracies in Europe, where racist movements and parties openly challenge racial equality principles and policies, and campaign to reverse anti-discrimination laws in

favor of an 'indigenous' white majority. Should the freedoms of expression and association be legally denied to these movements, which reject the principle of political equality, or should they be countered at the level of civil society opposition and mobilization?

The issue has recently come to a head in the UK, where the British National Party for the first time won two seats in the June elections to the European Parliament, giving it access to public funds and facilities. Not only have its leading members repeatedly engaged in 'hate speech' (for example, denying the holocaust, and claiming that black people can never be 'British'), but the party's criteria for membership and employment confine them to 'indigenous Caucasians' and 'defined ethnic groups emanating from that race.' At the same time its stated mission is to represent the interests 'of the indigenous Anglo-Saxon, Celtic and Norse folk communities of Britain and those we regard as closely related and ethnically assimilated.' The UK's Equality and Human Rights Commission is now threatening to take the party to court for breach of the Race Relations Act, with the possibility that the party might lose its registration status if it does not change its policies and practices.

Some commentators argue that it is high time the BNP's policies and practices were subject to a legal challenge, which should have been made long ago before the party achieved its electoral successes. Others argue instead that a court case will only give more free publicity to the party, and reinforce its 'victim' status as representative of a white population which feels itself victimized by immigration policies endorsed by 'out of touch' politicians. The mainstream parties, on this view, should tackle the economic and social deprivations of the communities which vote for the BNP, rather than use the law to stifle democratic dissent and remove a successful competitor from the electoral scene.²²

There is no generally 'correct' solution to these dilemmas; much will depend on the particular context of each case. What is important to recognize is that, while democracy encourages diversity of all kinds, there is a clear limit to the diversity that is consistent with it; and that comes at the point where social or political beliefs and practices contradict its core principles of popular control and political equality, and the universalist assumptions on which these are based.

DEMOCRACY AND THE MANAGEMENT OF DIVERSITY

If one issue that democracy's encouragement of diversity poses is how to respond to social beliefs and political movements which reject its core principles, a second is how to deal with the tensions and conflicts that can arise when different social groups come into conflict with one another, or engage in competition for limited opportunities and resources. In theory, the democratic method of dialogue, discussion and compromise should be well suited to resolving such conflicts, and in many contexts has proved the only way of doing so. However, there are also a number of features of democracy which can militate against this process, and serve to

exacerbate conflict, especially in newly democratizing countries where the potential bases of conflict have been suppressed under a previous authoritarian regime.²³

First, the democratic principle of popular control or rule of the people necessarily problematizes who precisely constitute 'the people' who are to be the subjects of that rule. It is no accident that democracy and nationalism developed together in the aftermath of the French Revolution, since they share a common ideational root; the idea of popular self-government readily translates into hostility to rule by those who are not recognizably 'of the people.' And since the established state boundaries rarely coincide neatly with a single identifiable people, sharing features that make for a sense of common identity, the process of democratization is vulnerable to exclusivist pressure on the part of those who see themselves as a 'core' national group, and corresponding movements to secede or to join a neighboring state on the part of those who fear exclusion.²⁴

Increasing the potential for such a development are other characteristic features of democracy. There are the freedoms of association and expression, which allow grievances to be aired and conflicts to emerge which may have been suppressed under an authoritarian regime. Above all there is the competition for power through the electoral process, in which elites may seek a ready basis of voter support in ethnic identities, when other sources of political mobilization barely exist in weakly developed civil societies. So nascent political parties become organized along the fault lines of major ethnic divisions, and the electoral contest becomes less a disagreement about policy or program than an affirmation of collective identity.

Such developments become particularly damaging because of the tendency to fetishize the idea of majoritarianism, and to equate popular rule with rule of the majority. Majority rule is not a basic democratic principle, as many people assume; it is a *procedural device* for settling disagreement when other methods have been exhausted. Of course, majority decision must be more democratic than allowing minorities to decide; but insofar as it leaves a minority impotent, without any influence on a decisional outcome or any share in power, it should be regarded more as a rough and ready device for resolving disagreement than as the acme of democratic perfection. The basic principle from which the majoritarian procedure of counting heads derives its legitimacy is that of political equality ('everyone to count for one and none for more than one'); but it becomes undemocratic as soon as it threatens that same principle of political equality.

There are two familiar ways in which this may happen. One is when a majority colludes in the denial of a basic right to a section of the population in a way that prevents them exercising their citizenship on equality with others. These are the all too familiar discriminations and oppressions on grounds of race, religion, language, ethnicity, and so on. Since the principle of political equality entails the enjoyment of fundamental rights and freedoms by all, it cannot be undemocratic to give these rights special legal or constitutional protection, enforceable by the courts, in a way that sets them beyond the reach of any particular majority decision. In this context to complain about the power of unelected judges is to misunderstand what democratic

principle requires. As Ronald Dworkin put it, in advocating a bill of rights for the UK:

True democracy is not just *statistical* democracy, in which anything a majority or plurality wants is legitimate for that reason, but *communal* democracy, in which majority decision is legitimate only if it is a majority within a community of equals. That means not only that everyone must be allowed to participate in politics as an equal, through the vote and through freedom of speech and protest, but that political decisions must treat everyone with equal concern and respect, that each individual person must be guaranteed fundamental civil and political rights no combination of other citizens can take away, no matter how numerous they are or how much they despise his or her race or morals or way of life. That view of what democracy means is at the heart of all the charters of human rights.²⁵

In a robust defense of majority decision-making against judicially enforced rights, Jeremy Waldron has argued that in a Rousseauian democracy, where voters attend to a wider public interest than simply their own (as in the alternative Benthamite conception), there should be no reason to prefer any judicial decision over a popular majority one.²⁶ While I agree with Waldron that people are capable of taking a Rousseauian standpoint—indeed it forms part of my defense of democracy against paternalism—this does not mean that they always will. It is one thing to expect people *in principle* to support a bill of fundamental rights in a constitutional referendum; another to assume that they would always support a given right *in practice*, for example in the context of some media-orchestrated demonization of a vulnerable minority group. The same holds equally true for an elected legislature. It is for such situations that a justiciable bill of rights acts as an essential restraint on majority debate and decision-making, whether or not the issue actually gets to a court to adjudicate.

Any denial of basic rights to members of a minority is intensified when, as already suggested, the electoral contest and party system becomes aligned along the social divisions of language, religion or ethnicity, in such a way that a minority becomes permanently excluded from any share in government. A moment's reflection will show that the only ground on which a minority could reasonably agree to be bound by a majority would be according to the principle of *reciprocity*: we agree to abide by your decisions, policies, period in office or whatever, provided that you will do the same for us when we have won a majority. But what if they can never win a majority? The principle of reciprocity can only apply where the issues at stake in the political contest are matters of opinion, policy or political competence, which are changeable according to changing circumstances, rather than issues of identity, which are not, or not to the same extent. When these latter issues are involved, the principle of reciprocity cannot work, and the majoritarian procedure loses its legitimacy. In these circumstances what we have is not rule of the whole people, turn and turn about, but the rule of one section of the people over another. In conclusion, the basic principle is that of political equality, and the majoritarian procedure is only valid in so far as it embodies and does not infringe this principle.

If, then, democratic procedures can serve to exacerbate major social divisions, especially in newly democratizing countries, what resources do democracies have to resolve such conflicts? If democracy can be part of the problem, can it also provide a solution? The only sure method is through an evolving and inclusive dialogue around constitutional rules which will guarantee disempowered minorities a share in power, if not *through* time, then *in* time. This may be through the autonomy of self-governing regions where the minorities are territorially concentrated, as in many federal systems (India, Nigeria, Spain, for example); through electoral rules which prevent single-party majorities, and facilitate changing governing coalitions, as under most systems of proportional representation, or with special representation for minorities (the Maoris in New Zealand, for example); through formal power-sharing executives (Northern Ireland); and other such devices according to the circumstances. None of the solutions may be perfect, but all are preferable to the threat of secession, civil war or armed suppression.

In sum, democracies are only capable of resolving deep and chronic social divisions when they remain true to their core principle of political equality, and acknowledge that majoritarianism has to be limited where it infringes that principle; and also where they allow room for inclusive dialogue between all conflicting parties toward a constitutional settlement that can achieve a sufficient consensus to become popularly accepted.

CONCLUSION

The argument of this paper is that the justification of democracy's core principles of popular control over government in conditions of political equality, and the defense of them against paternalist alternatives, requires appeal to basic features of political decision making and of human nature, respectively—its capacities and limitations—which are universal in their scope, and do not stop at borders. It follows that if a democratic form of government is appropriate anywhere, it must be so everywhere, though differences of social structure and historical tradition may make it more difficult to establish and sustain in practice in some countries than in others.

However, these common features do not entail uniformity, whether of constitutional forms that democracy may take or of societal beliefs and ways of living. Indeed the fundamental freedoms necessary to popular self-government in any form encourage diversity, and allow it to find full expression in the public sphere. Yet there is a limit to the movements and beliefs that are compatible with democracy, and that comes when they reject one or other of its core principles. How democracies should deal with such challenges, whether through civil-society mobilization, legal prohibition or a combination of the two, must be a matter of context and circumstance.

At the same time, some of democracy's characteristic elements—freedoms of expression and association, electoral competition for office, majoritarian procedures—can serve to exacerbate societal conflict, especially though not only in

newly democratizing countries. In such circumstances only the establishment of a process of inclusive dialogue, involving respect for difference and an understanding of the requirements of political equality, can serve to resolve such conflicts. In other words, a commitment to democracy's core principles is needed to moderate the effects of some of its own typical procedures.

NOTES

1. Amartya Sen, 'Democracy as a Universal Value', *Journal of Democracy* 10, no. 3 (1999): 3–17; see also his *Development as Freedom* (Oxford: Oxford University Press, 1999), Chapter 6.
2. Plato, in *The Republic*, ed. F.M. Cornford (Oxford: The Clarendon Press, 1941), Sections 471–509.
3. St. Simon's ideas are discussed in Bernard Crick, *Socialism* (Milton Keynes: Open University Press, 1987), 32–4; Anthony Wright, *Socialisms* (Oxford: Oxford University Press, 1986), 27–8.
4. For a convincing critique of Plato along these lines, see Renford Bambrough, 'Plato's political analogies', in *Philosophy, Politics and Society*, 1st Series, ed. P. Laslett (Oxford: Blackwell, 1957), 98–115.
5. Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1993), 161–92.
6. James Madison, in *The Federalist Papers*, ed. I. Kramnick (Harmondsworth: Penguin Books, 1987), no. X, 126.
7. John Stuart Mill, *Utilitarianism, Liberty, Representative Government* (London: Dent, 1910), 319.
8. Joseph Schumpeter, *Capitalism, Socialism and Democracy* (London: George Allen and Unwin, 1943), 262, 295.
9. Plato, *The Protagoras* (London: Heinemann, 1924), Sections 320–8.
10. See Archon Fung and Erik Olin Wright, eds., *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance* (London and New York: Verso, 2003); Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (Cambridge: Cambridge University Press, 2008).
11. Ian Brownlie and Guy S. Goodwin-Gill, eds., *Basic Documents on Human Rights*, 4th ed. (Oxford: Oxford University Press, 2002), 21.
12. Jeremy Bentham, 'Constitutional Code', in *Works*, ed. J. Bowring (Edinburgh: William Tate, 1843), vol. IX, 95–100.
13. James Mill, in *Political Writings*, ed. T. Ball (Cambridge: Cambridge University Press, 1992), 15.
14. Bentham, *Works*, 107–8.
15. Amartya Sen, *Journal of Democracy*, 3–17; *Development as Freedom*, Chapter 6.
16. See, for example, David Held, *Models of Democracy*, 3rd ed. (Cambridge: Polity Press, 2006).
17. See David Beetham, 'The contradictions of democratization by force: the case of Iraq', *Democratization* 16, no. 3 (2009): 443–54.
18. John Stuart Mill, *Utilitarianism, Liberty, Representative Government*, 197–9.
19. In a memo to the author.
20. On Islam and democracy, see Alfred Stepan and Graeme B. Robertson, 'An "Arab" More Than a "Muslim" Democracy Gap', *Journal of Democracy*, 14, no. 3 (2003): 30–44; 'Arab, Not Muslim, Exceptionalism', *Journal of Democracy*, 15, no. 4 (2004): 140–6.
21. For the full text of the judgment, see Council of Europe, *Case of Refah Partisi and others v. Turkey*, Strasbourg, 31 July 2001. The majority judgment was upheld unanimously after a further hearing by the Grand Chamber of the European Court of Human Rights on

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- 13 February 2003. For a wider discussion of Islamist parties and democracy, see *Journal of Democracy*, 19, no. 3 (2008): 5–54.
22. See EHRC press release of 23 June 2009, <http://www.equalityhumanrights>; also the report and comment in *The Guardian*, 24.06.09, 4, and 25.06.09, 26.
23. For a recent review of the literature on this subject, see Judith Vorrath and Lutz F. Krebs, 'Democratization and Conflict in Ethnically Divide Societies', *Living Reviews in Democracy*, March 2009.
24. For a fuller discussion of the challenges facing democracy in multi-national states, see Alan Gagnon and James Tully, eds., *Multinational Democracies* (Cambridge: Cambridge University Press, 2001).
25. Ronald Dworkin, *A Bill of Rights for Britain* (London: Chatto and Windus, 1990), 35–6.
26. Jeremy Waldron, 'Rights and majorities: Rousseau revisited', in J. Chapman and A. Wertheimer, eds., *Nomos XXXII: Majorities and Minorities* (New York: New York University Press, 1990), 44–75.