

Democracy's Value

Edited by

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1 Promises and disappointments: reconsidering democracy's value

Ian Shapiro and Casiano Hacker-Cordón

Democrats expect much of democracy. They expect to participate in making the collective decisions that govern them. They expect these decisions to be informed by extensive public deliberation. They expect those who lead public discussion and implement the collective will to be held accountable for their actions by the electorate. Democrats also expect democracy to help make the world a better place. They believe it will diminish injustice and oppression, and bring reason to bear on the organization of collective life. Nor does this exhaust the list. Democracy is often touted as diminishing the likelihood of war, protecting human freedom, and facilitating economic growth. It might be going too far to say democracy is all things to all people, but it is fair to say that there is a strong propensity to associate democracy with a wide array of activities and outcomes that people value.

In reality, democracy often disappoints. Both in its operation and its consequences it fails to live up to the promise people associate with it. Usually, democratic participation is fleeting, accountability is little more than nominal, and the true mechanics of “democratic” decisions are obscure. Far from reducing injustice and oppression, grinding poverty in the midst of opulent wealth persists in democracies across the world. Democracies find sustenance in prejudice as often as in reason, and they seem compatible with policies that single out vulnerable minorities for maltreatment. Democracies manage to avoid war only with one another. Economic growth can occur as well without democracy as with it, and when the two go together it is unclear that the latter has much causal responsibility for the former. At best we can perhaps say that the democratic ideal lives in adaptive tension with the political realities in most so-called democracies. At worst it provides a misleading gloss for practices that scarcely deserve the name.

This has been true from the beginning. The ancient understanding of democracy centered on the egalitarian idea of ruling and being ruled in turn. Yet citizenship was so restricted in the slave-owning and patriarchal “democratic” Greek city-states where the ideal was developed that

in reality this turned out to be a decidedly superficial egalitarianism. Among those recognized as citizens a measure of truncated democracy prevailed, perhaps, yet this proved compatible with the maintenance of a social order that few today could defend as even minimally democratic. On inspection, ancient democracy turns out to have lived more in the minds of philosophers than in the realities of politics on the ground. Nor has any subsequent form of political organization lived up to the egalitarian dimension of the ancient ideal. To be governed by it, a society would have to be small and homogeneous. It would have to be marked by high levels of like-mindedness and trust among citizens, underpinned by common interests on most major issues of collective concern. The world would have to be comparatively simple, requiring few technical or professional skills for governing. It also would have to be a world in which no permanent political bureaucracy was required.

Some of these features were exhibited in the small principalities Jean-Jacques Rousseau (1968 [1762]) had in mind when writing *The Social Contract*, but even he was forced to abandon the ancient ideal of ruling and being ruled in turn. He replaced it with two ideas that were to become building blocks in the theory of representative government. One was the idea of the “general will,” which he famously – if imprecisely – described as the “sum of the difference” which results from finding “the sum of individual desires” and subtracting “the pluses and minuses which cancel each other out.” The other was the notion of a lawgiver, among whose tasks was to discern and act on the general will. In these ideas we see in embryonic form a view of a type of democracy in which such institutional devices as electoral systems express the population’s will, which in turn operates to direct and constrain the actions of public officials. It is often described, following Schumpeter (1942), as the classical theory of democracy, even if it is really a neoclassical view: an adaptation of the ancient theory to what were thought to be the realities of eighteenth-century European politics.

Rousseau was still thinking of homogeneous principalities in which the entire populace could meet in the town square, a far cry from politics in modern democracies. Their landscapes are large, sometimes continental, with populations of multiple millions. They are marked by conflicting interests revolving around market dynamics, gender, racial, and cultural divisions. They are governed by professional politicians who must work with autonomous bureaucracies over which they exert limited control, not to mention transnational forces and institutions before which they often stand powerless. Citizen oversight over politicians who “represent” them is arguably *de minimus* when compared to the influence exerted by well-heeled financial contributors in an age of

multimillion-dollar television campaigns. Voters do little, even, to set political agendas. As political participants they are but infinitesimal voices in periodic retrospective judgments as to how a government has done. The administration can be returned to office, or rejected in favor of the alternative (usually there is only one) that will be similarly judged in the not too distant future. This reality bears scant resemblance to the classical ideal of representative government in accordance with a general will, not to mention the ancient one of ruling and being ruled in turn.

Perhaps Rousseau's ideal can be rethought by reference to the distinction between ideal and non-ideal theory, yet still retain a purchase on contemporary politics. What we have come to know as representative government might not be fully representative, but, on this line of thinking, we would identify it as a reasonable second-best approximation, given contemporary conditions. Modern electoral procedures might not rationally encapsulate the collective will, but perhaps they do as well as can be done among large heterogeneous populations. And modern democracies might not be inclusively egalitarian, but what is the force of this criticism if no more inclusive system has been shown to be durable in the contemporary world? Likewise with the other goods people associate with democracy. Its failure to deliver on expectations that it will reduce injustice and inequality, attenuate violent conflict, or promote sustained economic growth is cast in a different light if in the non-ideal world of the second-best. To describe a system as democratic, on this view, is partly to make a comparative judgment capturing how well it approximates the ideal as compared with the going alternatives. The oft-repeated epithet to the effect that democracy is the worst system of government, except for the others, rests on considerations of this kind.

I Minimalist democracy

Alluring as the comparative tack might be, it understates the difficulties that modern political theorists have identified at democracy's core. As Adam Przeworski argues in chapter 2, democracy's main operating principle – majority rule – turns out to be a poor device for achieving even second-best approximations of the classical ideal. There are good reasons to doubt that majoritarian politics converge on common interests in modern polities, that politicians in any meaningful sense are constrained by elections to represent voters' interests, or that they even pursue policies – such as egalitarian redistribution – that would benefit an unambiguous majority of the citizenry. Przeworski makes a powerful case that the principal arguments that have been advanced to the effect

that democracy can be expected to achieve these results are unsuccessful. Accordingly, if democracy is to be defended it must be on minimalist grounds, detached from the classical expectation that it can rationally represent a general will, not to mention the widespread impulse to argue that it produces ancillary benefits such as egalitarian redistribution. While on a pure operation of democratic procedures in the light of the median-voter model, people have good deductive reasons to expect egalitarian redistribution, in actual practice such is not the case. One explanation for this, among the several Przeworski discusses without endorsing, is the mechanism of the state's structural dependence on capital. Voters, who know that capitalists make decentralized decisions in reaction to state policies, must factor in the dead-weight losses that should be expected if redistributive policies are pursued beyond a certain point – as when high marginal tax rates result in declining investment. Accordingly, they temper their redistributive demands, reinforcing a circumstance in which democratic governments are structurally dependent on private capital. At any rate, whether the state's structural dependence on capital explains it or not, it is patently clear that really existing democracy is “compatible with a fair degree of inequality.”

In the modern world driven by endemic conflicting interests, democracy's value derives not from the promise of redistribution, but rather from the possibility it holds out of managing conflict peacefully. This is the core idea Przeworski adapts from Schumpeter's *Capitalism, Socialism and Democracy* (1942), the work that is perhaps singly most responsible for the twentieth-century abandonment of the classical theory of democracy. Schumpeter modified classical democratic theory not only by junking the idea of the general will, but also by delinking democracy's legitimacy from any pretense that politicians represent voters. Instead, Schumpeter modeled his democratic theory on the neoclassical theory of price competition: just as firms compete for business in market systems, would-be political leaders compete for votes. Although political elites must in some minimal sense be responsive to voters on this view (or at least less unresponsive than their competitors), democracy is not fundamentally about representation; it is about selling a product – governmental output – in exchange for votes. The *sine qua non* of democracy, on this view, is institutionalized competition for power. Losers accept defeat in return for peace and the possibility of victory in the future. Winners are kept sober by what Przeworski describes as the “flexing muscles” inherent in majority rule. At best, majority rule is “a reading of the chances of violent conflict,” and is, at the very least, a source of information about values, passions, and interests that should

be taken into account if elections are to continue as a peaceful substitute for rebellion. It does not always work, but when it does “the miracle of democracy is that conflicting political forces obey the results of voting. People who have guns obey those without them. Incumbents risk their control of governmental offices by holding elections. Losers wait for their chance to win office. Conflicts are regulated, processed according to rules, and thus limited. This is not consensus, yet not mayhem either.” Przeworski thus endorses Engels’s description of ballots as “paper stones,” but not his deprecation of them. To those who reject this view as too minimal to be worth valuing, his answer is straightforward: tell that to the billions in the world who currently live without it.

John Roemer, in chapter 3, pursues further the view that it is a mistake to expect democracy to deliver many ancillary benefits. Just as those on the Left were misguided, in the 1960s, when they identified socialism as the confluence of all good things, Roemer thinks we should resist similar temptations with democracy today. In particular, he is skeptical of attempts to insist on an internal relationship between democracy and justice. Arguing that the question “does democracy engender justice?” can be interesting only if we avoid settling it by definition, he endorses Przeworski’s minimalist conception of democracy, and asks whether, as a causal matter, it should be expected to promote justice – or at least to diminish injustice. The answer, he argues, turns partly on how we comprehend justice and partly on what the distribution of interests and values is in the society in question. Roemer is willing to concede that democracy can generally be expected to promote justice of a purely procedural kind, but this is not the kind of justice that is widely embraced in the literature, and not the kind that Roemer believes ought to command allegiance. The justice that interests Roemer would involve significant diminution in income inequality in virtually all of today’s market economies. How should we think about the likelihood that democracy will promote that?

Exploring this question leads Roemer to tackle the question “why do democracies based on universal suffrage not redistribute downwards more than they do, as many nineteenth-century liberals feared and some on the Left hoped that they would?” In contradistinction to the notion that the state is structurally dependent on private capital, Roemer’s solution to this puzzle relies less on speculations about prudent calculations on the part of voters, and more on the complexities of their preferences. He agrees that some factors which lead voters not to press for greater redistribution are rooted in their beliefs about its likely effects on the economy and, perhaps, themselves. Roemer speculates that these beliefs might change as voter sophistication increases and expert

opinion diverges less than it does now, favoring more redistribution. Yet there are more profound obstacles to redistribution in many democracies. Roemer observes that in circumstances where there is a high degree of agreement on values other than those relating to distributive issues, as in the Nordic countries, democracy does in fact lead to pressure for downward redistribution. But when politics are multidimensional, for instance if a left/right dimension with respect to distributive concerns is intersected by an authoritarian/libertarian dimension concerning “values,” as in the United States, then vote-maximizing parties might well find it to be in their interest not to advocate strongly redistributive policies. If justice requires significant redistribution, Roemer does not think we should expect democracy to deliver much of it in this type of circumstance.

Przeworski and Roemer both offer incisive critiques of those who think democracy should be valued because it converges on the right decisions, is genuinely representative, or that it promotes other values democrats often care about, such as egalitarian justice. Trenchant as these critiques are, there is a still more fundamental one that they do not take up, deriving from Kenneth Arrow’s (1951) famous impossibility theorem. Arrow showed that unless significant restrictions are placed on individual preferences, any collective decision procedure that satisfies some quite minimal conditions is subject to the possibility of “cycles” in which every apparent majority can be beaten by some other majority. Arrow’s result questions the coherence of all procedures of collective decision-making. In response, democratic theorists have developed a vast literature geared to undermining, avoiding, reinterpreting, restricting, or otherwise escaping from the apparently devastating implications. If this cannot be done, it is commonly assumed that libertarians – who often try to draw sustenance from Arrow’s findings – appear to have a home run. If all procedures of collective decision-making are as internally flawed as the theorem suggests, how can collective action ever be deemed legitimate?

In fact the libertarian conclusion does not follow, since it assumes, implausibly, that a scheme of collective action is an alternative to a scheme of private action (Shapiro 1996). The latter is in fact parasitic on the former. The institutions of private property, contract, and public monopoly of coercive force that libertarians characteristically favor were created and are sustained by the state, partly financed by implicit taxes on those who would prefer an alternative system. The real question, for democrats, is not “whether or not collective action?” but whether or not democratic modes of managing it are superior to the going alternatives. Enter Partha Dasgupta and Eric Maskin. In chapter 4 they demonstrate

that once the question is thus conceived, majority rule can indeed be shown to avoid the possibility of Arrowian cycling over a broader range of preference orderings than any other procedures of collective decision-making. Maskin's demonstration, in an earlier work, of majority rule's robustness in this sense was limited to cases where the population is odd, because it could not deal with populations that are evenly divided. Here Dasgupta and Maskin demonstrate that the result holds when populations are large, and the knife-edge case is thus exceedingly unlikely. Accordingly they can conclude that to the extent that Arrow identified a genuine problem for the practice of collective decision-making, majority rule avoids it more than the going alternatives.

Dasgupta and Maskin's defense of the reasonableness of democratic procedures of collective decision-making extends beyond the realm of pure theory. They are less skeptical than Przeworski and Roemer of general claims about democracy's ancillary benefits, but concede that benign authoritarian regimes can sometimes deliver greater benefits than do democracies. Yet they caution that the common belief that "benevolent authoritarianism is a sure-fire route to sustained economic betterment is a belief in an incongruent object: sustained benevolent authoritarianism." Dictatorships are prone to turn nasty in tough times or when opposition develops, and they are subject to chronic information problems. In any case, anecdotally based observations about benign authoritarianism are not supported by systematic data. Dasgupta and Maskin note that the available evidence weighs against those who contend that democracy is a luxury good that poor countries can ill afford. While causal arguments about the relations between democracy and human well-being are notoriously difficult to establish, they leave little doubt that, statistically speaking, poor countries that enjoy greater political and civil liberties also experience greater improvements in life expectancy at birth, real per capita income, and infant survival rates (but such is not the case with literacy).

Important as competitive elections are, on Dasgupta and Maskin's view, they are not sufficient for effective democratic government. They must be accompanied by mechanisms of accountability at every level of administration, lest government be captured by powerful interest groups. They buttress this contention via an examination of collective management of local common-property resources among rural communities in poor countries. Since Garrett Hardin's (1968) seminal discussion of the "tragedy of the commons," it has been conventional to assume that common resources will inevitably be eroded by self-interested actors. In the absence of sanctions, each individual has an incentive to overgraze the common pasture, free-riding on the collective

bounty until it is destroyed. While Dasgupta and Maskin are skeptical of this as an argument for privatizing all common resources, they are equally skeptical of proposals to police the commons by a centralized state. The former excludes some from any access to the resources in question, while the latter assumes, unwisely, that central governments – even democratic ones – have the requisite knowledge to police commons effectively. They take note of a burgeoning empirical literature which tends to show that although large-scale commons, such as ocean fisheries, rain forests, or clean air, are often eroded by the logic of individual incentives, this is not generally true of small commons which function as risk-pooling devices in poor communities. Partly because the players know one another, partly because their behavior is observable, and partly for other reasons, these communities do manage to use common resources efficiently.

Yet Dasgupta and Maskin do not idealize local communities. The systems of local norms through which commons are policed can be exclusionary, they can operate to the disproportionate benefit of some, and they can become inefficient if those who work most on commons (often women, in rural areas) and thus have the most pertinent local knowledge about them, are excluded from systems of local decision-making. As with national democracy, at the local level democracy works in tandem with efficiency by helping bring relevant knowledge to bear on decisions about governance. That is partly why Dasgupta and Maskin find it desirable. This leads them to argue that enlightened governments will seek to foster democracy in the procedures by which local communities regulate themselves rather than obliterate local control through either privatization or direct assertions of central power. Introducing mechanisms of democratic accountability wherever power is exercised is, in their view, the best course to pursue as far as promoting well-being is concerned. Yet they are careful to emphasize that it will not guarantee prosperity. Rather, it will encourage “the creation of a social and economic environment where citizens have a chance to thrive.”

II Beyond minimalism

But perhaps more can be said. Perhaps democracy has predictable effects on the organization and operation of a country’s economy. Pranab Bardhan takes up this much-debated question in chapter 5, also with particular emphasis on developing economies. Noting that systematic empirical evidence concerning democracy’s effects on the economy is inconclusive, he tries to make the case that democracy is

more conducive to development in some contexts than in others, that different kinds of democracy may be more important at some phases of development than in others, and that, taking all the imponderables into account, it makes better sense to bet on democracy rather than against it as far as development is concerned. In the course of his discussion Bardhan shows that there is neither decisive reason nor compelling evidence to suppose democracy to be better or worse equipped than authoritarianism at solving precommitment problems that are important for economic development, that while it may be reasonable to expect less bribery in the bureaucracies of democracies, this may be more damaging to development than bribery that arises under authoritarianism, but that it is sometimes easier for authoritarian rulers to sacrifice development to other goals than it is for elected governments. He notes that democratic accountability mechanisms may be better for heading off developmental catastrophes, such as famines, than authoritarian systems, but they may be worse at dealing with endemic hunger and nutrition. "Sometimes in a democracy it seems easier to focus political attention to dramatic disturbances in a low-level equilibrium, than to the lowness of the level itself."

Turning to the issue of what kind of democratic accountability is most conducive to development, Bardhan notes that in developing countries, where much economic activity occurs in far-flung villages at the edges of the informal sector, local political power may be most significant. Yet he notes that there are no one-to-one relationships between national democracy and local accountability. Whereas Chinese local Communist Party officials have sometimes been quite responsive to local needs, in large parts of northern India rampant absenteeism of salaried teachers in village schools and doctors in rural public health clinics results from the absence of effective systems of local accountability. Solutions to such difficulties can be hard to come by. Increasing local accountability can be regressive in its effects in inegalitarian circumstances, as in the reassertion of "states' rights" in the American context or the decentralization of financing of local schools which leads to the secession of the rich. Efforts to democratize at the local level can also destroy traditional systems of common resource management, and the new self-governing forms of local association that democrats envisage might fail to eventuate or be corrupted by agents with ulterior motives. Democratization can also lead to populist pressures for protectionism and preferential policies that benefit strategically well-placed groups. In the short term these can advance development, but in the longer term they can produce dependent interest groups that should be expected to manufacture continual pressure to abolish sunset clauses, and preserve infant

industry and other remedial protections. Bardhan notes that authoritarian governments have found these pressures easier to resist than democracies when they are committed to development. But partly because there is less likely to be pressure on them to be committed to development in the first place, on balance Bardhan concludes that pressing for democracy – without romanticizing it – is to be preferred.

It would seem, then, that in addition to democracy's inability to guarantee advances in government's representativeness or rationality and its detachment from values of equality and justice, its capacity to foster economic development is speculatively contingent at best. If so, one is bound to wonder why democracy emerged at all. Przeworski's answer to this question, it will be recalled, is that, when it can be self-sustaining, democracy offers a solution to the Hobbesian problem: it gives losers in the political process a reason not to reach for their guns; but as Margaret Levi notes in chapter 6, a rigorous argument has yet to be made establishing that democracy, thus conceived, should be expected to sustain itself rather than fall apart. Moreover, there are other solutions to the Hobbesian problem, most obviously Hobbes's own. If democracy's only contribution is that sometimes it can avoid the anarchic violence of a war of all against all, authoritarianism can achieve that result as well. The question remains, therefore, why democracy should have survived, against the odds, when it delivers so few of the goods people commonly associate with it and even its minimalist value is debatable.

This is the question Levi takes up, and reverses. Instead of asking what norms and values democracy might be thought instrumental in promoting, her concern is with the norms and values that promote democracy. Perhaps democracy is an institutional expression of other values, or it is a by-product of other purposes. If so, understanding democracy's nature and its place in the social order will require attention to those values and purposes. Surprisingly, she notes, despite the rivers of ink that have flowed in attempting to account for democracy's origins, the standard explanations fail to square with the available evidence. We have serviceable explanatory accounts of the emergence of constitutionalism, and of so-called "proto-democracy" – the limited expansion of the franchise to include elites whose involvement is sought in joint projects with the state. But this is a far cry from the mass extension of the franchise characteristic of modern democracy. Why would people seek to achieve this, and why would non-democratic rulers accede to it?

Among other things, governments seek to raise revenue and fight wars, for which they must extract both money and soldiers from the population. In principle this can be done by force, but it is costly, and in

some cases the required institutional wherewithal is unavailable. Levi suggests that a "contingent consent" on the part of the population can facilitate government's extraction of the relevant resources. Contingent consent involves "a norm that sometimes means a citizen will act in a way counter to self-interest but only if she is convinced that she is not a sucker within her reference group and that government actors are acting in ways that promote democracy and its long-term benefits." In Levi's view, it is the demand for egalitarian fairness that gives rise to democratic expectations. In the area of conscription, for example, governments found that insisting on universality (and thus refusing to allow discriminatory exemptions for wealthy and powerful constituents) produced more active compliance from the masses. Similarly, she argues, democratization provided "a means for popular discussion and approval of the war and conscription policy," making wars more difficult to fight without popular support but more effective when it was forthcoming. Levi proposes that we conceive of the demand for "no taxation without representation" in a similar fashion. Confronted with obligations to deliver up taxes, people pushed for democracy to ensure that the burden would be equitably enforced against all. Rulers discovered that the bargain was worth making because it reduced the costs of ensuring tax compliance. Democracy arises, on this account, when large numbers of unenfranchised persons control resources that the state needs, and they have a view of fairness "that implies relative equality and voice." If empirical research turns out to support Levi's contention, it may also shed light on a conundrum noted by Roemer: that in democracies no matter whose interests political parties actually represent, they claim to be fairly representing the interests of all.

In chapter 7 John Dunn registers skepticism at any attempts to find general relationships between democracy and development, or between democracy and the needs of governments to secure widespread compliance with their extractive ambitions. He notes that democracies have emerged as a consequence of a great many factors, among them the departure of colonial governments, the arrival of victorious occupying forces, threats of international sanctions, the loss of nerve by military rulers, and angry insurrections on the part of local populations. Moreover, he points out, claims about the relations between democracy and the extractive ambitions of governments are often so ill-specified and contradictory as to defy all possibility of systematic evaluation – as when democracies are simultaneously said both to be congenitally incapable of taxing adequately and hence fiscally profligate, and unable to resist taxing too much for redistributive or rent-seeking purposes. If there is a generalization to be had about the forces that give rise to democracy,

Dunn thinks about it in negative terms: no such generalization is likely to be persuasive unless it includes the motivations of those who fight for democracy and create democratic institutions. On the basis of his “skeptical, historical approach which sees normative categories as inexpugnable from the understanding of political causality,” we should not expect democracy to be a mere by-product of political bargaining. Important as bargaining often is in politics, those who fight for democracy typically seek something more “in which a miscellany of free agents deliberate freely with one another and choose interactively what is to be done through the apparatus of public choice.” As a description of the way politics actually works, this is typically “impertinent,” but that is because it captures a political aspiration; it is not a category of social-scientific prediction.

Important as the aspiration of those who design and manufacture democratic institutions might be, Dunn and Levi agree that on their own they cannot account for the growth of modern democracies. Much conventional wisdom in political science implicitly denies this by focusing exclusively on elite pacts as the only – or at any rate the principal – means by which democracies are brought into being. But as Levi helpfully points out, unless more widespread demands for democratic inclusion emanate from civil society, anti-authoritarian elites will have scant reason to endorse a universal franchise, let alone insist upon it. Of course, Levi could be right that democracy develops partly due to widespread expectations that the state should be made to promote egalitarian justice and fairness, while at the same time Przeworski and Roemer could be right that in fact democracies fail to do this. Indeed, part of the Schumpeterian move in democratic theory is motivated by the perception that this disjunction is real. Because democracy will not deliver on expectations about egalitarian justice and fairness, the argument goes, it is important to detach democracy from these expectations. Hence Samuel Huntington’s (1991: 165–9) contention that elites who sell out on constituents’ demands for social justice are more likely to consolidate democracy than those who do not, and Guiseppe Di Palma’s (1990: 23) insistence that the democratic ideal should be disengaged “from the idea of social progress” if it is to endure.

Nor is it only the Schumpeterians who perceive the disjunction. As Iris Young points out in chapter 8, in recent years libertarians, communitarians, and post-Marxists of various stripes have sought to delegitimize the democratic state by appeal to similar arguments. Whereas Schumpeterians seek to diminish demands on democratic states by casting off ancillary agendas that are likely to fail in a democracy (with damaging results), these commentators think it is misguided to rely on

democratic states as instruments for advancing such agendas for the same reason. However, they draw a different implication: that egalitarian justice and fairness is better pursued, if at all, through the institutions of civil society. Young questions this turn, arguing that we should decline the available invitations to abandon the role of a democratic state in advancing social justice. These claims generally turn on a combination of appeals to the alleged virtues of "strong" civil societies and the vices of democratic states that become hostage to sectional interests or the bureaucrats who manage them, and generally lack the capacity for efficacious action. Dismissing neither claim, Young argues instead that both are overstated and underanalyzed. On her telling, the claim that strong civil institutions promote social justice is true of some aspects of social justice and some civil institutions only.

On Young's account, social justice is about the absence of domination that promotes self-determination as well as the absence of oppression that facilitates self-development. Civil institutions are a lot better at fostering the former than the latter. Whereas self-determination often flourishes best in the voluntary contexts of human association that are characteristic of civil institutions, self-development requires the development of skills and capacities – what Amartya Sen (1992) calls "capabilities" – for which the needed resources are typically maldistributed. Particularly given the ubiquitous character of market systems and the systematic inequalities they bring with them, Young thinks it is sheer fancy to suppose that capabilities will be anywhere near as widely developed as they might be without a regulatory state geared to regulating the market, acting where it fails, redistributing through the tax system, providing and maintaining infrastructure and other public goods, and generally serving as guarantor of people's basic interests. Mindful of the arguments about the limitations of state capacity, Young cautions against misleading comparisons of state failures with civil society successes. She points out that despite the state's failures when it has embarked on totalizing ventures, it has been comparatively successful when its activities have been limited to fostering the capacities for self-development. It is in this area that a democratic state can and should promote social justice. Young would not dissent from the proposition that democratic states have often failed to do this, but for her the appropriate resulting imperative is to try to get them to do it better in future.

A conventional objection to claims, such as Young's, that democratic states are needed to prevent domination is that they can actually foster it. This is the stock libertarian critique of democratic government, although as Philip Pettit notes in chapter 9 it has been around for some

time. An influential strand of political ideology in the West has persistently condemned democracy as particularly threatening to liberty at least since Sir Robert Filmer (1991 [c. 1633]: 275) insisted that “there are more laws in popular estates than anywhere else, and so consequently less liberty.” In the nineteenth century this critique took the form of worries about majority tyranny, most commonly associated with the names of Alexis de Tocqueville and John Stuart Mill. During the second half of the twentieth century, in the wake of the post-Arrovian public choice literature, the libertarian critique has become yet more trenchant: what appears as majority tyranny might not even be that. Majoritarian processes all too easily lend themselves to capture and manipulation by well-organized minorities to advance their particular interests. On these accounts, one might be persuaded by Young’s discussion of the sources of domination and oppression, yet remain skeptical that centralized authority wielded by a democratic state is the appropriate response. Instead one might conclude that the cure is worse than the disease. In addition to democracy’s problematic interactions with the values of justice, equality, rationality, representation, and development, there appear to be enduring tensions between it and the demands of human freedom or liberty. No discussion of democracy’s relations with other values would be complete without attending to these tensions. They are Pettit’s central preoccupation.

Before one can determine whether and to what degree democracy undermines liberty, the relevant terms must be defined. With respect to liberty, Pettit counsels avoiding Isaiah Berlin’s famous dichotomy between “negative” conceptions (in which freedom is regarded as non-interference) and “positive” conceptions (in which self-mastery is the motivating idea). Instead he argues for a republican conception, “akin to the negative one in maintaining that what liberty requires is the absence of something” yet akin to the positive conception “in holding that that which must be absent has to do with mastery rather than interference.” Liberty consists, for Pettit, “not in the presence of self-mastery, and not in the absence of interference by others, but rather in the absence of mastery by others.” In short, for Pettit as for Young, liberty consists in the absence of domination.

Is democracy better placed than the going alternatives to maximize liberty by limiting or preventing domination thus construed? This is the question we must answer to be able to decide whether democratic institutions can shoulder the burden Young believes that they should. To answer it, one must first settle on a particular view of democracy. Here Pettit’s proffered candidate is what he describes as “contestatory democracy.” Conventional majoritarian democracy cannot pass muster

from his point of view because it can indeed foster domination. Majority rule may express the will of the people, but “the people” exist severally as well as collectively and it is in their several existence that majoritarian politics threatens them with domination. Pettit is aware that the libertarian option of “not having” collective action is chimerical for reasons we have already discussed. For him the institutional design challenge for democratic theory is thus to build and sustain democratic institutions that can limit domination more than the going alternatives. His notion of contestatory democracy draws on the oppositionalist impulse in democratic theory, traceable at least to Locke’s (1965 [c. 1681]) discussion of the right to resist and emphasized in the contemporary literature by Robert Dahl (1956), Barrington Moore (1989), and Shapiro (1996: chaps. 5 and 8) among others. On this view democracy is as much about the freedom to oppose collective decisions as it is to participate in making them.

Because we all have good reasons to fear domination through the actions of governments, we also have good reasons to embrace forms of democracy that can institutionalize the right to oppose those actions. Opposition here cannot mean a veto power, however. Giving individuals vetoes, is in effect, to embrace unanimity rule, privileging whatever forms of domination might be built into the prevailing status quo. Rather, Pettit has in mind a variety of institutional devices, ranging from constitutional constraints, to the insistence on publicity of deliberation and debate, to multicameral institutions that facilitate the second-guessing of legislative decisions, to fora for local consultation in which people can force a reconsideration of decisions and help “edit” them as they apply in particular cases. In extreme cases consociational solutions and even separation may be justified, if it will create populations who are better placed to participate in contestatory democracy. Pettit thinks we should be hostile to opaque institutions that undermine contestatory democracy, even if such institutions are internally democratic, as well as to apparently democratic devices such as the citizen-initiated referendum, where reason-giving is not required and the majorities that prevail are under no compulsion to reconsider their policies in light of the claims of those who are harmed by them. On Pettit’s account, those who value liberty ought to comprehend it in republican terms and embrace contestatory democracy as its most feasible institutional ally. This conclusion dovetails neatly with Young’s ideal of a democratic state as geared to the prevention of domination and oppression. To the charge that the cure may be worse than the disease, Pettit’s answer must be that the medical metaphor misleads. The question is not: “whether collective action?” Rather it is: “what sort of collective action?” Contestatory

democracy, he argues, is better geared than the alternatives to institutionalizing mechanisms that limit the state's potential for tyranny.

One might be persuaded that contestatory democracy is the best available device to preserve republican liberty, yet still remain skeptical that the republican conception captures every worry that champions of freedom have in mind when they question democratic politics. This skeptical stance motivates Philippe Van Parijs's response, in chapter 10, to Pettit's argument. For Van Parijs, freedom is not to be valued as an end in itself but rather as a component of justice. To get at this issue, he contrasts Pettit's account with his own view of "real" freedom, asking how the latter should be expected to fare under contestatory democracy. Van Parijs defines real freedom as a supplement to purely formal freedom in that it encompasses "the means and not just the right" to do what one may wish to do. Anatole France's famous quip to the effect that the poor are free to sleep under the bridges of Paris captures what is at stake here. Purely formal or legal freedoms, while not without value, are seldom sufficient to make people meaningfully free. When Van Parijs advocates "real freedom for all" he is calling for universal availability of the resources needed to make their legal freedoms meaningful, and he wants to know how a contestatory democracy would affect their distribution.

Van Parijs concedes that in many circumstances contestatory democracy will vindicate real freedom as well as republican freedom. After all, Pettit defines republican freedom rather robustly when he says that exercises of power will be non-arbitrary – and hence compatible with republican freedom – only if they are "forced to track the interests and judgments of those on whom they are imposed." Moreover, Pettit construes adequate contestation to require a significant measure of deliberation. As Van Parijs notes, theorists of deliberative democracy have generally held that, in pluralist societies, meaningful deliberation requires both strong protection of fundamental liberties and strongly egalitarian distribution of the means needed to pursue the good life. With republican freedom and its connotations construed in this expansive fashion there is evidently considerable overlap with Parijs's real freedom, so that if contestatory democracy is the best bet for protecting the former it follows a fortiori that it will often be sufficient to vindicate the latter.

But not always. Even if it falls well short of a veto power, as Pettit insists that it must, for contestatory democracy to work at all, minorities who lose in the electoral process must be able to slow down collective action significantly, effectively paralyzing government while their claims are reheard. The danger is government by filibuster, and Van Parijs

points out that this would be particularly likely in multilingual polities such as Belgium or the European Union. In such settings it is more difficult for minority voices to be heard, for Pettit's consultative editing to take place, and for legislative and administrative procedures to be seen by all to be impartial. These considerations suggest that if a smoothly functioning contestatory democracy is the most important value, then preserving or developing multilingual polities such as Belgium or the European Union is a bad idea. Better to divide the world into monolingual republics which can be efficient contestatory democracies internally, and avoid the costs of achieving meaningful contestation across linguistic boundaries. South Africa now has eleven official languages. If citizens regularly invoked their rights to transact any public business in their native tongue, South Africa would be a better contestatory republic than it is now. The country would also grind to a halt, however, devoting vast public resources to achieving the required translations in the process. Yet if this potential consequence were invoked as a reason to divide up the country, the chances that the injustices of apartheid could be rectified by governmental action would be greatly reduced. The same is true in Belgium, on Van Parijs's account. Dividing the country into its linguistically more homogeneous components would mean splitting up a social security system that currently redistributes from richer to poorer areas. Furthermore, he speculates, the newly autonomous fiscal components would engage in cut-throat fiscal competition with one another, "leading to lower redistribution within each of the components." In short, to the extent that real freedom requires significant redistribution across linguistic lines, contestatory democracy becomes its enemy not its ally.

The debate between Pettit and Van Parijs brings us full circle. The force of Van Parijs's critique is, in effect, to suggest that contestatory democracy will work best among internally homogeneous groups that are not perceived by substantial subgroups to be beset by inherited injustices that it is part of government's job to remedy. This sounds remarkably like the sort of conditions that Przeworski argued would be needed for the classical model of democracy to operate. Yet as we noted at the outset, even the ancient polis can be held to have fitted the description only from a myopic standpoint that excludes attention to women and slaves. One wonders if there are any countries in the modern world that do not contain significant perceptions of inherited injustice, reinforced by linguistic identities and cultural affiliations.

More generally, Pettit is surely right to conceive of contestation as important to ensure that disempowered and marginalized voices are heard in any democratic process worthy of the name, but this is not the

only case we need to be concerned about. The difficulty is that the institutional devices he recommends for achieving this end – bills of rights enforced through judicial review, multi-cameralism, and other forms of stickiness in collective decision-making process – can all too easily be hijacked to serve the interests of disproportionately powerful minorities rather than disproportionately powerless ones. The *Lochner* era in the United States, when a conservative Supreme Court acting in the name of the Bill of Rights struck down masses of redistributive and other social legislation passed by Congress, is one sobering reminder of this possibility. The Court's refusal, since its 1976 decision in *Buckley v. Valeo*, to allow meaningful regulation of money in American politics on the grounds that this violates the First Amendment is another. The Clinton administration's decision to dismantle large parts of the welfare system on the grounds that these can be better managed by the several states – where more effective contestatory politics can and will take place – is a third.

This is not to say that contestatory democracy is a defective ideal any more than the ancient notion of democracy was. It is, rather, to acknowledge that democratic aspirations will always be at odds with reality in a world that is riven by widespread inequalities and injustices. People find democracy appealing partly because its universalist ethic holds out the possibility of undoing, or at least mitigating, many of the evils they see around them. Nowhere has this been more obvious in recent years than in the fights against communism and apartheid, where people demanded meaningful rights of democratic participation as engines for transforming their societies away from appalling cumulative effects of arbitrary power. That democracy gains popular legitimacy from the promise it holds out in this regard cannot be surprising. Why else would people want it, if not to make the world, if not better, at least less bad? That democracy typically fails to deliver fully in this regard – that it remains, perhaps forever, something of an impertinent ideal – should be no less surprising. Democracy invariably disappoints. But if we respond to this reality by abandoning the aspirations people associate with democracy, the danger is that we will end up with an ideal that will not merit enduring allegiance. Przeworski is right that the benefits of minimal democracy are manifest in circumstances where it is absent; but once minimal democracy has been established, people will inevitably expect, and demand, more from it than peace. The challenge remains, therefore, to come up with forms of political organization in which the chasms between democracy's promise and its disappointments can be bridged better, and more often.

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