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Introduction

1.1 INTRODUCTION

The representative institutions under which we live today evolved from a revolutionary idea that shook the world in the second part of the eighteenth century, namely, that a people should govern itself. Only when equal citizens determine the laws under which they live are they free. Furthermore, liberty was the ultimate political value, "everything," as many said. Yet if we judge contemporary democracies by the ideals of self-government, equality, and liberty, we find that democracy is not what it was dreamt to be. Could it have been? If it could have been, can we better implement these ideals today? These are the questions that motivate and structure what follows.

We tend to confuse the ideals of founders for a description of really existing institutions. This ideological veil deforms our understanding and our evaluations. It is politically pernicious because it simultaneously feeds unreasonable hopes, including quite a few hallucinatory projects, and blinds us to feasible reforms. Hence, my intent is to demystify, to free our understanding of real democracies from the perspective of their origins.

"Democracy," with all its changing meanings, has recurrently confronted four challenges that continue to feed widespread and intense dissatisfaction today. These are (1) the incapacity to generate equality in the socioeconomic realm, (2) the incapacity to make people feel that their political participation is effective, (3) the incapacity to ensure that governments do what they are supposed to do and not do what they

are not mandated to do, and (4) the incapacity to balance order and noninterference. At the same time democracy incessantly rekindles our hopes. We are perennially eager to be lured by promises, to put our stakes on electoral bets. A spectator sport of mediocre quality is still thrilling and engaging. More, it is cherished, defended, celebrated. True, those who are more dissatisfied with the functioning of democracy are less likely to see it as the best system under all circumstances. Nevertheless, even more hope that democratic institutions can be improved, that all which is valuable in democracy can be maintained while the malfunctions can be eliminated. Whether this is a reasonable hope is to be investigated.

Thus, the big question is which of these "incapacities" are contingent – specific to particular conditions and institutional arrangements, and thus remediable – and which are structural, inherent in any system of representative government. My ultimate concern is with the limits: How much economic and social equality can democracy generate? How effective can it make participation of various kinds? How effectively can it equip governments to act in the best interest of citizens and citizens to control governments? How well can it protect everyone simultaneously from each other and from the government? What should we expect of democracy? Which dreams are realistic and which futile?

Obviously, democracies appear in variations and their incapacities come in gradations. To assess the range of variation, I pay attention to all democracies that have existed around the world in the modern era. Reading histories of democracy, one quickly discovers that they focus predominantly on the experience of a handful of countries: Ancient Greece, England, the United States, and France. Indeed, one American reading of this history draws a lineage that extends from Greece, passes via England, and finds its culmination in the United States, the "New Athens." This lineage is not only ethnocentric; it is simply inaccurate. Europeans, in turn, see the two divergent experiences that dominated their history – constitutional monarchy as it evolved in England and republicanism ushered in by the French Revolution – as the first paths to democracy, ignoring the awkward fact that experiments with representative institutions in Latin America preceded those in most European countries. Hence, if we are to understand what democracy is, how it works, and what it does, we need to take a broader look. As Markoff (1999: 661) observed, "Not everything happened first in a great power."

I find little merit, however, in the exercise of looking for "democratic traditions" around the world (Sen 2003). It is easy to find elements of

democracy in ancient India,[1] medieval Iceland, or precolonial Africa, but the implication that modern politics in these places owes something to their own political traditions is at best farfetched. Indeed, modern Greek democracy has no roots in the democracy of Ancient Greece. English constitutional monarchy had more impact on modern Greek political history than Athens did. I understand the political intention behind the project to find native roots of democracy, to make it appear less of a Western creation. Particularly now that the very word "democracy" has been sullied by its instrumental use in American imperialist excursions, native authenticity can be a source of vitality. Nevertheless, in most countries that became independent at various periods during the twentieth century, representative institutions were an export or at best an import: Even in those places where political institutions emerged without foreign domination, they were designed in the world as it was at the moment. The repertoire of institutional choices is a world heritage, not a native tradition. Although innovations did occur, the choices available to any country are to a large extent confined to those that are around. While some people advocated basing the 1950 Constitution of India on the tradition of the panchayat raj system, in the end the constitution "was to look toward Euro-American rather than Indian precedents" (Guha 2007: 119). Still, the experience of latecomers is not any less a part of democratic experience and, as such, a source of rich information. Indeed, my second goal is to free the study of democratic history from its ethnocentric bias by extending the scope of vision to the entire world.

Yet limits cannot be derived inductively from observing even all the historical variations. Even the best democracies we observe may be far from all that is possible. To identify limits, we need analytical models.

1.2 DEMOCRACY AND "DEMOCRACY"

When representative institutions were first established, they were not democracy as we see it today, nor were they seen as such by their founders (Dunn 2005; Hansen 2005; Manin 1997; Rosanvallon 1995). As Dunn observed, this fact raises two questions that must be treated as distinct: (1) How did it happen that political institutions evolved into arrangements under which political parties compete in periodic elections and assume

[1] During the Indian constitutional convention of 1946–9, someone invoked a 1,000-year-old inscription "that mentioned an election held with leaves as ballot papers and pots as ballot boxes" (Guha 2008: 121).

office as a function of their result? (2) How did it happen that we came to call such arrangements "democracy"? Moreover, there is no reason to suppose the actual institutions and our labels for them evolved together: Words and realities have their own histories.

Consider the second question first, because it is easier to answer and ultimately less consequential. The story is bewildering. The word "democracy" appeared during the fifth century BC in a small municipality in Southeastern Europe, acquired a bad reputation, and vanished from usage already in Rome. According to the *Oxford English Dictionary*, its first appearance in English was in 1531. The 1641 constitution of Rhode Island was the first to refer to a "Democratical or Popular Government." In Europe the term entered public discourse only in the 1780s, significantly at the same time as the word "aristocracy" came into common usage as its antonym (Hanson 1989: 72; Palmer 1959: 15; Rosanvallon 1995: 144); "democrats" were those who wanted everyone to enjoy the same rights as aristocrats. "Democracy" as a system of government was still employed almost exclusively with reference to its ancient meaning: The first edition of the *Encyclopedia Britannica* referred in 1771 to "Democracy, the same with a popular government, wherein the supreme power is lodged in the hands of the people; *such were Rome and Athens of old* . . . " (quoted after Hansen 2005: 31; italics added). The word continued to carry a negative connotation, so that both in the United States and in France, the newly established system was distinguished as "representative government" or "republic."[2] "Under the confusion of names, it has been an easy task to transfer to a republic, observations applicable to democracy only," complained Madison in *Federalist #14*. A positive view of Ancient Greece as a democracy emerged in the first half of the nineteenth century (Hansen 2005). Still, identifying good governments as democracies became the norm only after World War I, when, at the instigation of Woodrow Wilson, "Democracy became a word of common usage in a way that it had never been previously. An examination of the press, not only in the United States but in other Allied states as well, shows a tendency to use the word democracy in ways that Wilson made respectable and possible" (Graubard 2003: 665). According to Manela (2007: 39 ff.), Wilson accepted Lenin's language of "self-determination," but to counter its political impact he combined it with the "consent of

[2] The first thinker to use the term "representative democracy" in place of "republic" in Latin America may have been the Peruvian constitutionalist Manuel Lorenzo de Vidaurre, in 1827 (See Auguilar 2009).

the governed." As a result, he used this term "in a more general, vaguer sense and usually equated this term with popular sovereignty, conjuring an international order based on democratic forms of government." And "democracy" ended up to be the label all governments would claim. Even the "Democratic and Popular Republic of North Korea" mimics the self-reference of Rhode Island. I can only echo the astonishment of Dunn (2003: 5): "But what I want to emphasize is not just the implausibility of the idea of a single global criterion for legitimacy; it is the strangeness of the criterion we have chosen: the sheer weirdness . . . of picking on democracy as our name for how politics should be conducted everywhere and under all but the very worst of circumstances."

When one speaks about words, one must ask whose. Who were "democrats"? Was Madison a democrat? Were Robespierre, Bolívar? In itself, this question is not interesting, for any answer immediately becomes ensnared in definitions. If Dahl (2002) considers Madison to have been more of a democrat at the age of 80 than at 36, it is because he, Dahl, has a particular conception of democracy. Someone else may argue – Wills (1981) does – that Madison was as much of a democrat in Philadelphia as in his old age. Gargarella (2005) thinks that he was not one at any time during his life. But this is not a discussion about Madison, but about definition of a "democrat."

The 1955 (fifteenth) edition of the *Encyclopedia Britannica* defined "democracy" as "a form of government based upon self-rule of the people and in modern times upon freely elected representative institutions and an executive responsible to the people, and a way of life based upon the fundamental assumption of the equality of all individuals and of their equal right of life, liberty (including liberty of thought and expression) and the pursuit of happiness." This definition may satisfy contemporary sensibilities: Today democrats are those who cherish the trio of representative institutions, equality of all, and liberty for all. But the language of "democracy" is ours, not that of the protagonists whose views and actions we need to examine. They would see themselves as monarchists and republicans, *Montagnards* and *Girondins*, federalists and antifederalists, *conservadores* and *liberales*, but not democrats and antidemocrats.

Democracy was not made by "democrats." The negative example of Greece made the label foreboding: in Madison's (*Federalist* #55) words, "Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob." For many, not just in the United States but in Europe and Latin America as well, the French Revolution confirmed these fears: "democrats" were "Jacobins," whose belief in the unlimited

power of the people was lethal to individual liberties. Despotism of one had its mirror image in the tyranny of the many. Most founders of modern representative institutions, even those who rebelled against England, thought that the best system in the world, the ideal to be emulated, was the English one. What they took from the ancient world was not democracy but the idea of a mixed constitution, in which the influence of the people would be tempered and balanced, if no longer by monarchy and aristocracy, at least by the structure of representative institutions. "Democracy" could enter at most as a part of this system, a democratical or popular element of a system that would refine, filter, and check the raw will of the people.

Perhaps it is more enlightening to ask who were not democrats. They certainly included those who believed that laws are given by God or nature, so that they cannot and should not be made by man. But how are we to qualify the view that once a government is chosen, even elected, it is the duty of all to obey it in silence? The three modern components of "democracy" did not necessarily cohere together. As Hansen (2005: 17) observed, "In Classical Athens and again in our times we meet the same juxtaposition of liberty, equality and democracy. But in Montesquieu, in Jaucourt's article about democracy in Diderot's *Encyclopédie* and in other sources as well, democracy was associated with equality, not with liberty. Quite the contrary: democracy was seen as a threat to liberty." Parties, associations, unions – quintessential intermediate bodies of modern democracy – were seen as divisive and thus inimical to the common good of the nation. The role of the people, not just for Madison of the Convention but also for some French revolutionaries and Latin American conservatives, was just to elect the government, not to participate in governance.

If the problem were only the label, we could simply ignore whatever our protagonists thought of themselves. We could decide that "democrats" were those who would have accepted as their own the system we today call "democracy." We could claim that because of their views about Ancient Greece, most early democrats did not want to identify themselves as such, but in fact, that is, by our contemporary criteria, they were democrats. Indeed, we now know that their views about Greek democracy were uninformed and erroneous. Had they been familiar with Perikles's description of the Athenian democracy – "It has the name democracy because government is in the hands not of the few but of the majority. In private disputes all are equal before the law. . . . Freedom is a feature of our public life" (quoted after Hansen 2005: 1) – they

would have recognized it as almost identical to the definition given by the *Britannica*.

We could then proceed genealogically, back from our idea of democracy to its historical origins, yet we would still confront a difficulty. We may all agree that democracy consists of self-government, equality, and liberty, but this consensus quickly breaks down when applied as a criterion to specific persons, bodies of thought, or institutions. When Dahl (1971) argues that in the real world we have only competitive oligarchies, polyarchies, he is appealing to normative ideals that are not shared universally by contemporary democrats. Schumpeter (1942), for one, thought that a competitive oligarchy is all democracy can be. While some people consider any restrictions on majority rule, say judicial review, as antidemocratic, others see them as an essential ingredient of democracy. We face today the same tensions and many of the same divisions as the founders; we are no closer to a consensus about good institutions than they were. For, by what criteria is the United States not a "democracy" but merely a "polyarchy"? Greek, Rousseau's, of the Jacobins? Gargarella (2005), for example, believes that in the nineteenth-century Americas the only true democrats were the "radicals," who believed in unrestricted majority rule, which was to be implemented by the sovereignty of unicameral legislatures elected through universal suffrage. By this criterion, "liberals," among whom he includes Madison, who wanted to weaken the legislature by bicameralism and to constrain it by executive veto, were not democrats. Even in our times, the trio of equality, self-government, and liberty does not easily cohere together: "because participation in self-government, is, like justice, a basic requirement, an end in itself, Jacobin 'repressive tolerance' destroys individual liberty as effectively as a despotism (however tolerant) destroys positive liberty and degrades its subject," so that "there is no necessary connection between individual liberty and democratic rule" (Berlin 2002: 49–50 and 176).

The retrospective criterion would not work because no one could imagine 200 years ago what democracy would become. Whatever were the intensions of the architects of representative institutions, the institutional systems they created did not evolve the way they intended. It was not only because in the long run social and economic transformations rendered the original ideas inoperative – Wills's (1981) defense of Madison is feeble – but, almost immediately, just because the architects did not correctly anticipate the consequences of their blueprints. Having vilified political parties in 1788, Madison went on to create one when he found himself on the losing side only three years later; having barred the people from

participating in governance, he found them to be the last resort to control governments; having accepted restrictions of suffrage to those with property, he discovered such restrictions to be unfair and inefficient; having assured himself and others that the Constitution would protect property, he had to admit that property is always in danger when the people have a say in government. And Madison was as smart and as educated as one could be. The "founders," not just in the United States, were doing something truly new and, as they repeatedly bemoaned, they had only distant experiences to rely on for guidance. They could not have anticipated and they did not anticipate what their blueprints would generate. Indeed, they knew they were fallible: This is why they provided that the Constitution could be altered (Schwartzberg 2009). It is obvious that confronted with the reality of contemporary democracies, they could have said only that it would never occur to them that this is what democracy might become.

Few people defined themselves as democrats 200 years ago and those who did are not necessarily those whose actions had consequences for the world in which we live today. Conversely, even if we knew how to read the minds of historical protagonists, they would be simply bewildered if asked for their views about contemporary democracies. Neither method gets us anywhere, yet I think there is a way out of the conundrum: We can ignore their self-identification but we do not need to use our contemporary criteria. We can ask what was the ideal that shaped the establishment of representative institutions *and* guided its evolution into democracy as we see it today, the ideal that motivated actions of historical protagonists throughout the past 200 years, that brought us from representative institutions to "democracy."

As I see it, this ideal was *self-government of the people*. Again, even if etymologically it is nothing but "democracy" – *demokratia* = *demos* (people) + *kraiten* (rule) – it is important to remember that this ideal was not imported from Ancient Greece.[3] It advanced gradually to become a novel construction that took liberty as the paramount political value and went on to claim that this value can be achieved only if people are governed only by the laws they themselves determine and to which they are equally subject. The "civil constitution," to use Kant's (1881 [1793]: 35) formulation, was to be based on "1. The Liberty of every Member of the Society as a Man, 2. The Equality of every Member of the Society with every other, as a Subject, 3. The Self-Dependency [self-determination] of

[3] According to Hansen (2005), the myth that American and French founders were inspired by the Athenian democracy was invented by Hannah Arendt in *On Revolution*.

every Member of the Commonwealth, as a Citizen." The people should be the only sovereign; it should rule itself; all people in plural should be treated as equals; and their lives should be free from undue interference by others, including the government. This ideal was theirs and it is ours. As Skinner (1973: 299) would insist almost two centuries later, democracy is a system in which people rule, not anything else.

1.3 IDEALS, ACTIONS, AND INTERESTS

Obviously, some ideas must precede institutions. Political institutions are always created as a deliberate act, the ultimate of which is the writing of a constitution. Hence, they always materialize ideas. But, Hegel notwithstanding, ideas are too messy for history to be driven by just a single one. One danger we must avoid is assuming that the actions of the historical protagonists were an application of some ready-made, logically consistent blueprints. True, reading Sieyes, Madison, or Bolívar, one finds numerous references to "great thinkers," whether Locke, Montesquieu, Hume, or Rousseau. Moreover, many slogans heard since 200 years ago until today echo these thinkers. Does this mean that founders of representative institutions tried to implement philosophical systems? One could think that causality runs the other way: that protagonists want to do some things for other reasons and use philosophers to justify their positions.[4] Philosophical writings may be, as Palmer (1964) says about Kant, only "The Revolution of the Mind," rather than of practice.[5] If the protagonists appear confused in their thoughts and inconstant in their actions, is it because they do not understand what philosophers had in mind? Is it because they do not comprehend that, as an eminent French historian of Rousseau (Derathé 1964: 48; italics added) claimed, "All the arguments of *The Social Contract – this is the part of the book most difficult to understand* – tend to show that the citizen remains free by submitting himself to the general will"? Or is it because Rousseau just did not

[4] Here is an anecdote. Not so long ago, I received an e-mail from a former student who worked for a prime minister of a European country. This prime minister decided to launch policies liberalizing divorce, abortion, gay marriage, and euthanasia. The message asked which philosophers could be used to justify such policies.

[5] This is the title of his chapter on Germany. "The criticism to be made of Kant," Palmer (1964: 447) observes, "is that, despite his undoubted knowledge of current events, his philosophy left too impassable a gulf between the ideas of liberty and political action on the one hand, and the domain of empirical knowledge and the actual thinking of individual persons on the other."

make sense? Palmer (1959: 223) notes that John Adams read the *Social Contract* as early as 1765 and ultimately had four copies in his library. However, Palmer goes on, "I suspect that, like others, he found much of it unintelligible or fantastic, and some of it a brilliant expression of his own beliefs."

Even if ideas precede institutions, one should not read the history of actions from the history of thought. As will become abundantly clear, the founders of representative institutions often groped in the dark, seeking inspiration in distant experiences, inventing convoluted arguments, and masking personal ambitions under the guise of abstract ideas, sometimes driven by sheer passion. They often disagreed, so that the institutions they would establish reflected compromises. They were repeatedly surprised by their own creations and with a remarkable alacrity changed their minds, often too late to remedy their mistakes.

To understand the relation between ideas and actions, it is useful to ask what we can observe and what we cannot. We observe what some of the protagonists said and what they did, but we cannot observe what they wanted or thought. Often they said different things, or they said one thing and did another, or at least shouted about what they did not do and whispered about what they did. Consider the first two sentences of the French 1789 Declaration of Rights and Man and Citizen: The first shouts about everyone being equal, the second whispers about treating them as unequal.

Whenever speech and action diverge, we can suspect that interests are at play. Indeed, the skeptical social scientist believes that actions reveal intentions better than pronouncements. Speech is not credible when interests conflict. Take a politician who tells us that we all share common goals: We know that he means his, not necessarily ours.

This introduction serves to identify a central difficulty of the arguments subsequently presented here. I argue two theses.

1. The ideal that ostensibly justified the founding of representative institutions and their gradual evolution into democracy was logically incoherent and practically infeasible.
2. The actions of the founders can be seen as a rationalization of their interests; specifically, the institutions they created protected their privileges.

We do not know, however, that they used speech to rationalize their interests. Morgan (1988: 49–50), who was always skeptical about motives, thought for example that "It would perhaps not be too much to