

# Democracy

## Key Questions and Considerations

### What is Democracy: Core Arguments

#### *Democracy as Deliberative Democracy*

#### **Cohen's Ideal Deliberative Democracy**

- Predicated on appropriately arriving at collective decisions and to materialise the commitment to the resolution of problems of collective choice through public reasoning and regard for their basic institutions as legitimate insofar as they establish the framework for free public deliberation
- Formal structure
  - A deliberative democracy is an ongoing and independent association, whose members expect it to continue into the indefinite future (stability condition)
  - The members of the association share the view that the appropriate terms of association provide a framework for or are the results of their deliberation
    - They are a commitment to coordinating their activities within institutions that make deliberation possible and according to norms that they arrive at through their deliberations. For them, free deliberation among equals is the basis of legitimacy
  - A deliberative democracy is a pluralist association. The members have diverse preferences, convictions and ideals concerning the conduct of their own lives. While sharing a commitment to the deliberative resolution of problems of collective choice, they also have divergent aims, and do not think that some particular set of preferences, convictions or ideals is mandatory.
  - Because the members of a democratic association regard deliberative procedures as the source of legitimacy, it is important to them that the terms of their deliberation but also be manifest to them as such. They prefer institutions in which the connections between deliberation and outcomes are evident to ones in which the connections are less clear
  - The members recognise one another as having deliberative capacities, i.e. the capacities required for entering into a public exchange of reasons and for acting on the results of such public reasoning

#### **Dahl's rough sketch of democracy**

- Dahl argues that democracy is predicated on political equality; this is what distinguishes it from totalitarianism/aristocracy etc
- Consequently, he provides 5 conditions that he thinks are necessary to achieve political equality

- Effective participation: all members must have equal and effective opportunities for making their views known to other members as to what their policy should be
- Voting equality: When the moment arrives at which the decision about policy will finally be made, every member must have an equal and effective opportunity to vote and all votes must be counted as equal
- Enlightened understanding: within reasonable limits as to time, each member must have equal and effective opportunities for learning about the relevant alternative policies and their likely consequences
- Control of the agenda: the members must have the exclusive opportunity to decide how and, if they choose, what matters are to be placed on the agenda. Thus, the democratic process required by the three preceding criteria is never closed. The policies of the association are open to change by the members, if they so choose
- Inclusion of adults: all adult permanent residents should have the full rights of citizens that are implied by the first 4 criteria
- Each is necessary if the members are to be politically equal in determining the policies of the association — if any of these requirements are violated, the members will not be politically equal

### ***Majority rule as insufficient for democracy***

#### **Allen's precondition of political friendship for the stability of democracy**

- We require democracy to be stable
  - Disagreement is inevitable and unlike Rousseau, we should accept it as a political fact and live with it rather than trying to construct it away
  - Sacrifice is a necessary democratic fact because people benefit at the "expense of others" → my preference is voted in at the expense of your preference being voted out
- Allen's solution to the problem of persistent sacrifice is that of political friendship, that is, inculcating a spirit of reciprocity and "equity". This Aristotelian notion means that sacrifices from one group are honoured and reciprocated via sacrifices from another, sharing the "benefits and burdens [of collective choice] more or less equally."
  - This zeros in on the limits of the analysis of democracy. Too often, we consider democratic choice to be a single shot, once off game. This is why it seems so difficult to reconcile Rousseau's democratic procedure and the general will with deep political disagreement. We assume that the losses incurred by the "losers" must be resolved *within that choice itself*.
  - We fail to realise that democracy is in effect an iterative, repeated game – the common good is achieved not via a single decision, but through a series of collective choices over time. To preserve democracy then requires a mode of

democratic citizenship embodying political friendship and reciprocity which is independent of majority rule – it is the social preconditions that majority rule requires for it to remain stable, and thus truly become democracy which stands the test of time.

- Political friendship is the realisation that our interests are not necessarily rivalrous, that they can be accommodated over time

### ***Redefining majority rule as necessitating other institutional conditions***

- See Cohen's argument on Injustice

### ***Majority rule as unnecessary for democracy***

#### **Schumpeter's representative democracy as electing officials rather than legislation**

- Unlike Rousseau's proposal of a direct democracy whereby the citizens partake in a "general assembly" to make legislative action, our modern-day *representative* democracies seem to be more analogous to Schumpeter's theory of democracy.
  - Schumpeter argues that the primary purpose of democratic arrangements ought to put "the election of the men who are to do the deciding" as the primary focus of the election.
  - Essentially, democracy is no longer about people collectively deciding on solutions to problems of collective choice, but on choosing which people are best suited to make such decisions.
- Similarly, our elections are about choosing the executives to make the decisions – while their proposed policies guide our intuitions on their suitability and alignment with our preferences, democratic citizens understand that the focus is on voting for the eventual executive who is to take office.
  - Schumpeter's technocratic view can hardly be described as majority rule. While it is true that the governors are chosen by the majority, there would no longer be a direct correspondence between the majority's preferences and the legislation enacted, precisely because Schumpeter's reasoning for such an arrangement is that the ordinary citizen is vulnerable to "irrational prejudice and impulse."
  - After all, such an arrangement implies that elections are to be about deciding the distribution of political power.
  - So, while the majority may decide and constrain who has political power, they in effect relinquish their political power to the elected, thereby no longer having a society which is actually ruled by the majority in that the majority loses its monopoly over political power
- Perhaps we ought to reject Schumpeter's (and therefore, our modern-day representative democracies) as democracies. After all, it seems objectionably elitist. However, I think Schumpeter's view remains reasonably democratic.

- First, it is not as if the outcomes produced by the elected rulers would be unrecognisable to the majority – there will be a marginal difference from the actual preferences of the majority, but it is still plausible that the majority would prefer those set of outcomes to the alternative produced by the other candidates for office. But this is not where the core of the objection lies.
- If we delegate the political power of legislation to a select few, is this not more analogous to an elected aristocracy than a democracy? Do the people lose the capacity of self-government so quintessential to the concept of democracy? It seems unlikely to be the case: as mentioned earlier, the majority constrain the governors via elections. In the same vein, the policies proposed by governors are invariably shaped by the preferences of the majority – there is no complete independence of the governors from the majority. So, while the majority does not rule the state per se, neither is the majority dominated by the elected government.
- Further, a Rousseauian justification may be launched in defence of Schumpeter. Precisely because individuals are irrational and there is no longer an independence in voting, they realise that the best way to identify the common will is through electing a set of rational and esteemed individuals.
- The choices made by the executives is what the majority would want if *they were rational*. Thus, they achieve self-governance because their elected governors identify what they *actually* want, and society willingly relinquishes their ability to exercise power directly in exchange for an elite to do so for them; they are, in effect, “forced to be free”.

### **Extension of Athenian democracy**

- If democracy is predicated on political equality, why can't we choose a vote at random to tell us what to do (almost similar to Athenian election of officials)
  - The expected value is majority anyway; but it is in fact fairer
    - Assume a 60/40 split → the majority, under majority rule, gets its way 100% of the time but under random voting, the majority gets its way 60% of the time in accordance with its majority size, and the minority gets its way some of the time
- Objection: Rousseauian objection against the lottery vote because it is about locating the common good people do not vote based on their particular wills and thus the minority does not “lose out”
  - But obviously, this is not the purpose of democratic voting for many → presumption of the existence of the common good rather than people just wanting to achieve the will of all

### **Challenging the existence of Majority Rule**

- Condorcet Voting Paradox

- Majority cycling (A is preferred to B, B is preferred to C, but C is preferred to A) → under ordinal voting schemes

Voter	First preference	Second preference	Third preference
Voter 1	A	B	C
Voter 2	B	C	A
Voter 3	C	A	B

- Arrow's Impossibility Theorem (see appendix)
  - If there is a dictator, then there is no majority rule

### ***Deliberation as unnecessary for democracy***

Mouffe's Agonism and the nature of modern democracy as predicated on insoluble antagonisms

Summary: The core value of democracy is political equality, or the prevention of social domination. But it is conceptually impossible to eliminate conflict in the political as 'consensus' merely consists in the exclusion of certain interests, so agonistic pluralism advocates a model of democracy which mobilises these passions "towards the promotion of democratic designs". It is the role of democratic institutions to mitigate us/them conflicts, to transform antagonistic sentiments into agonistic ones. As Mouffe writes "this presupposes that the 'other' is no longer seen as the enemy to be destroyed, but somebody whose ideas we are going to struggle but whose right to defend those ideas we will not put into question". The conversion of 'enemies' to tolerable 'adversaries' is fundamental to well-functioning democracies and the only way to properly limit domination.

- Schmitt's critique of liberal democracy: the centrality of the friend/enemy relation in politics and the link between politics and hostility between human beings
  - Arises from the notion of identity as a relational concept, that the "condition of existence of every identity is the affirmation of a difference", the "determination of an 'other' that is going to play the role of a 'constitutive outside' → we/them relations promote friend/enemy relations
  - Schmitt thinks that politics is inherently tied to friend/enemy relations or antagonisms
    - Therefore, the political is not tethered to the existence of some type of institution but is inherent to every human society
    - But this view is at odds with liberal thought: after all, Rousseau conceives of a civil society as a result of the institutions enacted by the social contract → the State of Nature is not 'political'

- The world will always have antagonisms and there is a necessity of the political sphere: the question becomes, under those conditions of antagonisms, how we can create or maintain a pluralistic democratic order
  - It requires that, within the context of the political community, the opponent should be considered not as “an enemy to be destroyed, but as an adversary whose existence is legitimate and must be tolerated”
    - The category of enemy does not ‘disappear’ but is ‘displaced’ → it now refers to those who do not obey the democratic rules and exclude themselves from the political community
- The problem with liberal democracy is that it requires consensus on the rules of the game, but it also calls for the ‘constitution of collective identities around differentiated positions’ and the possibility of choosing between real alternatives
  - This ‘agonistic pluralism’ is constitutive of modern democracy, and rather than seeing it as a threat, we should realise that it represents the very condition of existence of such democracy
  - Antagonisms are important in democracy because the blurring of distinctive political identities fosters disaffection towards political parties and discourages participation in the political process → this is why after the collapse of Communism, there has been a growth of collective identities organised around religious, nationalist or ethnic forms of identification
- Calls for consensus and unanimity (perhaps through deliberation) should be recognised as being fatal for democracy → in the absence of democratic political struggles, our identifications and antagonisms organise themselves around forms of identities more inherent in ourselves such as ethnic or religious lines
  - In this case, Mouffe thinks that our political enemies would be thought only as an “enemy to be destroyed” → this is what pluralist democracy must avoid and it can only protect itself against such a situation by embracing the nature of the political
  - The Hobbesian state of nature cannot be eliminated but only controlled
  - When democracy’s agonistic dynamic is hindered by excessive consensus, it is masking a disquieting apathy which endangers democracy
    - It is further endangered by the growing marginalisation of entire groups whose status as an ‘underclass’ practically puts them outside the political community
    - Factions are now determined by natural identities rather than political ideas
  - A healthy democratic process calls for a vibrant clash of political positions and an open conflict of interests

### ***A non-deliberative theory of democracy***

- Mouffe’s position is that rather than a democracy informed by a universalistic and rationalist framework, she advocates a view of a truly plural democracy, that draws

upon the full implications of the pluralism of values and confronts the consequences of acknowledging the permanence of conflict and antagonisms

- These conflicts act as irremovable empirical impediments that render impossible the full realisation of harmony due to the fact that we will never completely coincide with our rational universal self
- But there is also a belief that a final resolution of conflicts is eventually possible, even if envisaged as an asymptotic approach to the regulative ideal of a free and unconstrained communication
- Such a democracy will always be a 'democracy to come', as conflict and antagonism are at the same time its condition of possibility and the condition of impossibility of its full realisation
- Notion of democracy
  - Requires giving up the notion of an abstract, undifferentiated human nature
  - Requires both democratic rights which while belonging to the individual can only be exercised collectively and which presupposes the existence of equal rights for others + also civic republicanism, to transcend the dichotomy between individual and political liberty (akin to negative and positive)
- Conception of liberty through civic republicanism
  - Quentin Skinner's civic republicanism, that does not postulate an objective notion of the good life (typical of -ve liberty), but includes ideals of political participation and civic virtue (typical of +ve liberty)
    - Idea of liberty is the capacity for individuals to pursue their own goals while also acknowledging the public functions that one is required to serve
      - If one is to exercise civic virtue and serve the common good, it is in order to guarantee oneself a certain degree of personal liberty which permits one to pursue one's own ends
    - Developing a new form of individuality that would be truly plural and democratic → we are in fact always multiple and contradictory subjects, inhabitants of a diversity of communities, constructed by a variety of discourses and precariously and temporarily sutured at the intersection of those subject positions
- Democratic Citizenship and the Political Community
  - The liberal view endorses an individual who is born free and equal and prior to society, and thus desires the same type of 'primary goods' → unencumbered self which leaves no room for a constitutive community
  - The communitarian, civic republican view is that an individual is situated within a community and thus has a commitment to the public good that is independent of one's individual desires → emphasises the value of political participation

- The main problem is that the idea of the 'common good' has totalitarian implications, by demanding a citizenship of active political participation and having the common good as the prioritised reason for action and so is irreconcilable with negative liberty
  - Quentin Skinner shows that only as citizens of a 'free state', of a community whose members participate actively in the government, that such individual liberty can be guaranteed
  - To ensure our own liberty requires us to cultivate civic virtues and devote ourselves to the common good; the idea of a common good above our private interests is necessary for enjoying individual liberty
    - But unlike Rousseau, Skinner does not endorse a transcendental notion of the common good, but that it is dependent on the citizens
  - Reconciles the notion of individual liberty and political participation
- Mouffe wants to conceive of a mode of political association that does not postulate the existence of a substantive good but nevertheless implies the idea of commonality
  - This entails having a common language of civil intercourse (the *respublica*), establishing shared norms of conduct in seeking their self-chosen plan of life and a common political identity created by such shared norms and principles
  - Individuals have differing conceptions of the good, but what binds them together is their common recognition of a set of ethico-political values
  - Citizenship is not just one identity among others or the dominant identity that overrides all others but an 'articulating principle that affects the different subject positions of the social agent while allowing for a plurality of specific allegiances and for the respect of individual liberty'
  - Leads to a 'common recognition among different groups struggling for an extension and radicalisation of democracy that they have a common concern and that in choosing their actions they should subscribe to certain rules of conduct...it should construct a common political identity as radical democratic citizens'

#### Criticism of agonism

- Agonism does not show how we can actually turn antagonisms into agonisms
- Agonism still requires some shared ethico-political commitments which in turn could allow consensus to occur under persistent conflicts
  - Agonistic pluralists maintain that, in order to mediate antagonism, all parties must share some ethico-political principles, such as 'equality' or 'liberty'



- Yet, on one hand, if parties shared the same ethico-political principles, then consensus need not be prohibited by ineradicable conflict (we can show this via Danielle Allen's position). On the other, if individuals do not share the ethico-political principles needed to reach a consensus, then there is little reason that antagonism can be reduced to agonism or anything less → enemies cannot be transformed into adversaries
- And if there are no shared ethico-political principles, then there is no normative basis to prohibit the use of political violence
- Further, antagonism requires the existence of common understanding because antagonism requires a certain degree of understanding of the "other" and speech to explain points of divergence with opposing parties
  - Deliberation is itself constitutive of conflict
  - So, the extent of political disagreement that agonistic pluralists hold is either (1) too extreme such that antagonism is transformed into something worse or cannot be reduced to agonism or (2) not so extreme such that consensus remains possible

## **The Value of Democracy: Core Arguments**

### **Empirical stances**

#### Dahl's Naive view

- Intrinsic value: political equality
- Extrinsic/instrumentalist values:
  - Avoiding tyranny
    - Avoid autocratic rule: large human costs of famine, disease and war
    - Stalin, Hitler etc
  - Essential rights: democracy guarantees its citizens a number of fundamental rights that nondemocratic systems do not, and cannot grant
    - Right to vote is essential → democracy is essentially a system of rights
      - But if such rights are merely resultant from the majoritarian process of voting, then the system of rights it guarantees is not an additional, primitive characteristic of democracy, but a derivative characteristic
      - Or it may be primitive in that it must accompany the voting process to make sure democracy works
    - Voting equality requires that citizens have right to vote, right to explore alternatives, right to free speech etc
    - Some despotic systems cannot allow for this because of instability → on the contrary, such rights are necessary for democracy to be stable
  - General freedom: insures a broad range of freedom than any feasible alternative

- By virtue of having rights + direct democracy freedom by non-domination
  - Anarchy → plunge into the state of nature and thus have no freedom because we would always be under threat by another
    - Coercion would be prevalent
- Protect fundamental interests
  - A principle “of as universal truth and applicability as any general propositions which can be laid down respecting human affairs,” he wrote, “...is that the rights and interests of every or any person are secure from being disregarded when the person is himself able, and habitually disposed, to stand up for them...Human beings are only secure from evil at the hands of others in proportion as they have the power of being, and are, self-protecting”
    - You can protect your rights and interests from abuse by government, and by those who influence or control government, Mill goes on to say, only if you can participate fully in determining the conduct of the government. Therefore, Mill concluded, “nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state”, that is, a democratic government
  - Democracy is uniquely related to freedom
- Self-determination: Only a democratic government can provide a maximum opportunity for persons to exercise the freedom of self-determination — that is, to live under laws of their choosing
  - Expands self-determination to maximum feasible limits — cannot guarantee all members will literally live under the laws of their own choosing
    - To live a satisfactory life, we need to live with others
- Moral autonomy: maximum opportunity to exercise moral responsibility
  - Exercise moral responsibility means that you adopt your moral principles and make decisions that depend on these principles only after you have engaged in a thoughtful process of reflection, deliberation, scrutiny, and consideration of the alternatives and their consequences. For you to be morally responsible is for you to be self-governing in the domain of morally relevant choices
- Human development: Democracy fosters human development more fully than any feasible alternative
  - This is because democracy allows adults to act to protect their own interests, consider the interests of others, take responsibility for important decisions, and engage freely with others in a search for the best decision

- Political equality
  - No dominant sovereign like a king → people restrain the government
- Peace-seeking: modern representative democracies do not fight wars with one another
  - Historical point
- Prosperity
  - Also historical point

### Cohen's idea of the value of democracy lying in its deliberative nature

- Rawlsian structure of democracy
  - Political debate is organised around alternative conceptions of the public good → democratic politics consists of fair bargaining among groups
    - Citizens ought not to take a narrow or group interested standpoint but parties should only be responsive to demands that are argued openly by reference to a conception of the public good
    - Public explanations and justifications of laws and policies are to be cast in terms of conceptions of the common good
  - Egalitarian implications that must be satisfied in ways that are manifest to citizens: **political liberties must have a fair value**; political agenda is **not controlled by the interests of economically and socially dominant groups**
  - Democratic policies should be ordered in ways that **provide a basis for self-respect, that encourage the development of a sense of political competence, and that contribute to the formation of a sense of justice**
    - It should fix “the foundations for civic friendship and [shape] the ethos of political culture”
- Cohen argues that, when properly conducted, democratic politics involves **public deliberation focused on the common good**, requires some form of manifest equality among citizens, and shapes the identity and interests of citizens in ways that contribute to the formation of a public conception of common good
  - The idea [of fair value of political liberty] is to incorporate into the basic structure of society an effective political procedure which mirrors in that structure the fair representation of persons achieved by the original position”
  - We arrive at the ideal of a fair system of cooperation when we consider what is required to preserve fair arrangements and to achieve fair outcomes
  - Less instrumentally, these 3 qualities are attractive because they are the appropriate way of arriving at collective decisions
- Outcomes are democratically legitimate if and only if they could be the object of a **free and reasoned** agreement among equals
  - Ideal deliberation is free in that it satisfies two conditions. First, the participants regard themselves as bound only by the results of their deliberation and by the preconditions for that deliberation. Their

consideration of proposals is not constrained by the authority of prior norms or requirements. Second, the participants suppose that they can act from the results, taking the fact that **a certain decision is arrived at through their deliberation as a sufficient reason for complying with it**

- Deliberation is reasoned in that the parties of it are required to state their reasons for advancing proposals, supporting them, or criticising them. They give reasons with the expectation that those reasons (and not their power) will settle the fate of their proposal. In ideal deliberation, no force except that of the better argument is exercised.
  - Reasons are offered with the aim of bringing others to accept the proposal, given their disparate ends and their commitment to settling the conditions of their association through free deliberation among equals. The deliberative conception emphasises that collective choices should be made in a deliberative way and not only that those choices should have a desirable fit with the preferences of citizens
- In ideal deliberation parties are both **formally and substantively equal**. They are **formally equal in that the rules regulating the procedure do not single out individuals**. Everyone with the deliberative capacities has equal standing at each state of the deliberative process. The participants are **substantively equal in that the existing distribution of power and resources does not shape their chances to contribute to deliberation**. Nor does that distribution play an authoritative role in deliberation
  - The existing system of rights do not bound the participants but this system is the potential object of their deliberative judgement
- Ideal deliberation aims to arrive at a rationally motivated consensus, to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals. If there are no consensual reasons which are forthcoming, deliberation concludes with voting, subject to some form of majority rule
- Common good
  - Promotes the common good instead of personal interest for two reasons: (1) members are committed to resolving their differences through deliberation and thus provide reasons that they sincerely expect to be persuasive to others who share that commitment; (2) a consequence of the reasonableness of the deliberative procedure together with the condition of pluralism is that the mere fact of having a preference/conviction is insufficient to support a proposal
    - The motivational thesis is that the need to advance reasons that persuade others will help to shape the motivations that people bring to the deliberative procedure in two ways: (1) it will shape the content of preferences and convictions (I realise I have no good reasons for my

belief and thus adapt); (2) the practice of presenting reasons will contribute to the formation of a commitment to the deliberative resolutions of political questions

- Autonomy

- Actions fail to be autonomous if the preferences on which an agent acts are, roughly, given by the circumstances, and not determined by the agent
- Two threats to autonomy: (1) adaptive preferences – preferences that shift with changes in the circumstances of the agent without any deliberate contribution by the agent to that shift (2) accommodationist preferences – psychological adjustments to conditions of subordination in which individuals are not recognised as having the capacity for self-government
  - Adaptive preferences underlines the importance of conditions that permit and encourage the deliberative formation of preferences; accommodationist preferences indicates the need for favourable conditions for the exercise of the deliberative capacities
- Ideal deliberative procedure neutralises the threat of accommodative preferences via muting the difference between relations of power and subordination and each individual being recognised as having deliberative capacities
- Resolves the threat of adaptive preferences since preferences are formed by deliberative procedures, making these types of preference formation consistent with autonomy since they are not simply given by external circumstances

- Objections to Ideal Deliberative Democracy

- Objectionably secretarian: the political conception is objectionably secretarian because its justification depends on a particular view of the human good (because politics is about locating the conception of the good) → but the democratic conception is organised around a view of political justification – that justification proceeds through free deliberation among equal citizens – and not around a conception of the proper conduct of life
  - But is the value of deliberation not inherently tied to self-government, which is a conception of the good? This is why I suspect Cohen's use of "political justification" obfuscates the true reason for why democracy is not objectionably secretarian – what renders a political association secretarian is that it relies on a particular view of an *individual's* good. Democracy, and every other political association, is justified based on a particular view of what is good for *the community* – whether it is efficiency, self-government etc. So, such a value of democracy is reasonable, given that it is not committed to any view of an individual's good and thus does not presuppose certain outcomes from democracy.

- Incoherence: Since majority rule is unstable, the actual decision of the majority will not be determined by preferences themselves but by the particular institutional constraints under which they were made. This is independent of actual preferences → government by institutions and not by ourselves
- Injustice: **Basic liberties are dependent on judgements** → unacceptable
  - But Cohen argues that **basic liberties are secured prior to deliberation because such rights are required for determining what advances the common good**
  - Even for rights that are independent of issues on public policy (like expression not about public policy) → but politics is about forming preferences as much as articulating and aggregating them which such rights in preserving the private life allows us to do
- Irrelevance: begins from the assumption that direct democracy with legislative assemblies is impossible so it is irrelevant to our circumstances
  - But direct democracy is not uniquely suitable to institutionalise the ideal procedure
  - Institutionalising deliberative democracy is simply the existence of arenas in which citizens can propose issues for the political agenda and participate in debate about those issues
    - Material inequalities are an important source of political inequalities
    - Deliberative arenas organised exclusively on local, sectional or issue-specific lines are likely to bring together a narrow range of interests and can at best produce coherent sectional interests instead of a more comprehensive account of the common good

**Barry's view (is there any reason to give special weight to laws arrived at by democratic procedures/does democracy have any value?)**

- Democracy is to be defined as procedural terms; reject the notion that one should build into democracy any constraints on the contents on the outcomes produced like substantive equality, respect for human rights etc + establish a formal connection between preferences of the citizens and the outcomes produced (like majority rule) + equality only in participation, not in how the outcome affects individuals
- Majority rule and its value
  - Still a gap between the majority principle and democratic procedures → no guarantee that elected representatives will on every issue vote in such a way that the outcome preferred by a majority of citizens will be the one chosen
    - But we could also say that no method of selecting law-makers and governments that was not democratic could provide a better long-run

prospect of producing outcomes in accordance with the majority principle

- What is a “fair test” of majority opinion?
- Naturalness of majority rule rests on 4 features (first 3 make the majority rule determinate and the fourth makes it acceptable)
  - We implicitly assumed that the people have to make only one decision
  - Only two alternatives are imagined (smoking or not smoking for e.g.)
  - Decision-making constituency is not open to doubt
  - The outcome is not an issue of vital importance for long term well-being of any of those involved
- Two sources of indeterminacy of majority principle (majority cycling)
  - Three possibilities instead of 2
  - Multiple peaks → two positions have an equal number of supporters against one another
- Majority of what? When the question is regarding the boundaries of political entities (empires, supranational organisations, nation state), the question becomes ‘who is included’
  - The use of the majority principle to establish boundaries involve begging the question (applies to institutional boundaries too): Locke argues that the majority principle could come into play only after the constituency has been identified but resorts to the fiction that those who are to form ‘one body’ all individually agree to do so
    - But people are disagreeing about the ‘body’ they want to be members of
  - No minority can, or should be, expected to acquiesce in the majority’s trampling on its vital interests
    - A bit like Mill
- Barry’s point is that the majority rule can be justified not in satisfying everyone’s preferences but in **safeguarding the interests of everyone** → essentially endorsing Mill!
  - Majority rule will not be considered sacrosanct because minorities should not respect laws that disregard its vital interests; this constraints the results of majority rule to allow for minorities to respect laws
  - Rawlsian veil of ignorance: someone who is looking at all the possible positions he or she might turn up will be particularly concerned with the protection of vital interests
  - Acceptance of law is a function of both procedure and outcome
- Arrow’s impossibility theorem is not the main issue given that a single dichotomous decision can satisfy all of Arrow’s conditions for a fair voting system
- Does a law having been passed by democratic procedure give us special reason for following it (i.e. the value of democracy): the common argument is that even if you

dislike the law, you should accept loss and sacrifice for in the long run you would win more than half the time

- Instrumental reason: Mathematically, the majority principle will give each group a good chance of being in the majority over half the time insofar as groups are fluid (vs a monolithic majority block facing a minority which is always on the losing side) and that the majority principle would produce acceptable outcomes under favourable circumstances
- Intrinsic reason: Must move beyond instrumental reason because any procedure that produced the same outcomes would be equally acceptable; decision by majority has a natural attractiveness about it because **majority rule implies certain institutional preconditions that follow democratic institutions such as freedom of publication and political organisation**
  - These freedoms do not accompany non-democratic systems and the choice between trying to prevent the government from implementing unjust policies and trying to overthrow the government is a purely tactical one
  - This argument does not suppose that majority principle is attractive insofar as it corresponds to majority preferences; instead, it places the value on the associated institutions that accompany democratic procedures such as the majority rule