CHAPTER 3

Democracy and Our Relationship to the State

CHAPTER OVERVIEW

We have two major aims in this chapter. First, we will introduce the most important aspects of democratic theory. Second, we will examine the argument that democracy is the main grounding for political obliga-tion, that is, the morality behind why people should obey the laws of their state, or should be obliged to follow what the state wants people to do. Whether we see the laws, institutions, and electoral systems of our

▲ Ballot boxes are pictured as Ugandans in the Central Region line up to cast their votes in presidential and parliamentary polls on 18 February 2016 (Isaac Kasamani/AFP/Getty Images).

country as legitimate has a great deal to do with our relationship to the state. We will begin this chapter by exploring the historical evolution of the term "democracy" and the debate between advocates of the protective and participatory theories of democracy, as well as the cases for deliberative and cosmopolitan democracy. We will then outline why democracy is seen as the major grounding for political obligation and consider the implications for the rights of minorities when adhering to the majoritarian principle—that is, the idea that the majority should decide who gets what and how.

What Is Democracy?

As with many political concepts, it is difficult to find a definition of **democracy** that everyone can agree with. Certainly most people feel that democracy is a "good" system of government, certainly better than the Assad dictatorship in Syria or the violent type of fundamentalist rule promoted by the Islamic State of Iraq and the Levant (ISIL). Today, almost three decades after the collapse of the Soviet Union and its satellites, "[a]round two-thirds of all the countries in the world have a basic set of democratic institutions built around competitive elections that enable all adult citizens to choose and remove their government leaders" (Stoker, 2006, p. 7).

Not all democracies are equal in terms of voter power. With the expansion of competitive elections has come a simultaneous expansion in the number of **illiberal democracies** or, as they are also known, competitive authoritarian regimes or semi-democracies (Levitsky & Way, 2002; Zakaria, 2003). These are regimes in which, although elections are not blatantly rigged, elected rulers, once in power, have little interest in protecting individual rights such as free speech. This makes it difficult for those who oppose the rulers to organize, because the latter are able to manipulate electoral outcomes through their control of the media and state institutions. For this reason the turnover of political leaders through competitive elections is small. In 2015, Freedom House noted a severe decline in democracy: "In a year marked by an explosion of terrorist violence, autocrats' use of more brutal tactics, and Russia's invasion and annexation of a neighboring country's territory, the state of freedom in 2014 worsened significantly in nearly every part of the world" (Puddington, 2015, p. 3; see the Case Study in Box 3.1).

While it is true that democracy may mean different things to different people, most people might still agree on a core meaning. Very basically, "democracy" refers to a system of rule in which political power is widely distributed and power in some way rests with the people. Thus democracy has something to do with political equality. As Arblaster (2002, p. 7) points out, this definition is sufficiently vague to allow for a number of interpretations. Lively (1975, p. 30) suggests seven possibilities:

1. That all should govern in the sense that all should be involved in legislating, in deciding on general policy, in applying laws, and in governmental administration.
2. That all should be personally involved in crucial decision making (in deciding on general laws and matters of general policy).
3. That rulers should be accountable to the ruled (that is, be obliged to justify their actions to the ruled and be removable by the ruled).
4. That rulers should be accountable to the representatives of the ruled.

CASE STUDY 3.1

Singapore as an Illiberal Democracy

The city-state of Singapore declared independence from Britain in 1963. Since then, its political institutions have been impeccably democratic on the surface, with *plurality*-based elections and a Westminster system of Parliament, cabinet, and prime minister. Yet one party, the People's Action Party (PAP), has won control of Parliament in every election, and one individual, the late Lee Kuan Yew, was prime minister from 1959 to 1990, making him the longest-serving prime minister in the world. The current prime minister, Lee Hsien Loong, is the eldest son of Lee Kuan Yew and has served as head of government since 2004. As a result, opposition parties have argued that it is essentially a one-party state. Of course, the fact that one party has remained in power for decades is not necessarily inconsistent with liberal democracy—voters may really like the government and want to see it continue in power. The opposition parties may not represent a viable alternative to the government. However, elements of Singapore's politics suggest that it is a classic example of an illiberal democracy, containing elements of both democracy and authoritarianism.

PHOTO 3.1 | Singapore is an extremely wealthy and ultra-modern city-state, but its democratic credentials are questionable.

Although elections are not rigged, the PAP has been accused of manipulating the political system through censorship (the broadcasting media are state-owned, newspapers are heavily controlled, and the use of satellite receivers is illegal), gerrymandering (where constituency boundaries are altered to benefit the ruling party), and use of the judicial system against opposition politicians. As for liberal democratic values, freedom of speech is heavily curtailed and the penal system (which includes capital punishment) is draconian. In general, economic development (where there has been huge progress) is given a higher priority than democratic development.

Sources: *BBC News* (2011); Mauzy & Milne (2002); Worthington (2002).

5. That rulers should be chosen by the ruled.
6. That rulers should be chosen by the representatives of the ruled.
7. That rulers should act in the interests of the ruled.

Lively argues that interpretations 1 to 4 can justifiably be described as democratic, whereas interpretations 5 to 7 cannot (pp. 33–42). The key issue is accountability: The latter three interpretations include no provisions for the rulers to be removed by the ruled. Furthermore, number 7 allows for the inclusion of government types (such as communist regimes) that don't have competitive elections but still claim to be democratic on the grounds that their rulers act in the real interests of the people by promoting social and economic equality (Macpherson, 1966, pp. 12–22). This claim, however, can be seen as a logical mistake. This is so because the outcomes of a **political system** are separate from the means by which its rulers are chosen. It may be, as we will see below, that democracy (in the sense of a political system requiring regular competitive elections) is the most effective way of ensuring that rulers act in the interests of the ruled. It may also be that achieving political equality requires a degree of economic equality. Ultimately, a benign dictatorship with the interests of her people at heart is not impossible. Many one-party communist states, of course, were far from benign, precisely because their leaders were not accountable. We can also question whether illiberal democracies such as Singapore uphold the accountability rule and can be described as truly democratic. To add an extra layer of complexity, **liberal democracies** can be criticized from a democratic perspective because of the potential for conflict between majoritarian decision making and the protection of individual rights.

Focusing on the first four of Lively's types, we are still left with a lot of variation. The first two are forms of direct democracy, whereas the latter two are forms of representative democracy. **Direct democracy** is a system in which the people rule directly; this may be possible only in a very small-scale society. **Representative democracy** may be a more realistic proposition for larger societies. Here, the people theoretically choose others to represent their interests. There can also be stronger and weaker versions of representative democracy, depending on a country's political culture and the history of its institutions. British Members of Parliament (MPs), invoking the ideas of the eighteenth-century parliamentarian Edmund Burke, have long insisted on their independence from their constituents so that on certain issues (mainly moral ones, such as capital punishment and abortion) they vote according to their conscience. To enforce discipline, party whips are on constant patrol. Of course, it's unlikely that MPs can entirely ignore their constituents' views without suffering negative consequences in future elections. This is very different from the American function of representatives in the lower house of Congress, whose job it is to really represent their constituent's views in the House of Representatives, even if it clashes with their party. Each system has its problems: British MPs can spend much of their time ignoring the wishes of voters while following their respective party leaders. American representatives, by contrast, have little interest in party unity and are often subject to local business and other interest groups who influence their voting behaviour.

KEY POINTS

- The concept of democracy is, in theory, about popular rule, or the rule of the people.
- Lively suggests that democracy requires that the people either make decisions directly or choose, and be able to remove, those who make decisions on their behalf.

Historical Background

"Democracy" is a compound of two Greek words: *demos*, meaning the citizens within a city-state, and *kratos*, meaning power or rule (Arblaster, 2002, p. 15). The term was originally used to describe the ruling practices of the ancient Greek city-states. Many democratic theorists and activists today see in the city-states a model for participatory democracy that modern liberal democracies fall far short of achieving. But in fact the Greek system was possible only because it excluded and exploited a large number of people—notably women, slaves, and foreigners. It was because those noncitizens did a great deal of the work that those with the privilege of citizenship were able to engage in politics.

The Greek city-states practised direct democracy. More specialized and time-consuming tasks were allocated to a smaller number of office holders. Office holders were subject to regular rotation, chosen by the rest of the citizens. Jury service was also a feature of Greek city-states so that all citizens had a chance to exercise justice. Plato and Aristotle argued that democracy basically amounted to mob rule and was an aberrant form of government, although, as we saw in the Introduction, Aristotle did consider democracy less bad than tyranny and oligarchy (Cunningham, 2002, p. 7). Later political thinkers took a similarly negative view. Neither Thomas Hobbes nor John Locke—the two most important English political theorists of the seventeenth century—regarded democracy as a desirable form of government.

Is democracy strictly a European concept, as some theorists suggest? The answer is no. We should not assume that there was only one source of democratic ideas. Indeed, much of what we take to be democratic today originated in what is now North America *before* colonization, not after. Ronald Wright (1992) has suggested that the Indigenous Six Nations were very influential in creating the basis for democratic norms of government in North America. The Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Iroquois nations lived together in peace for some two centuries under their "Great Law of Peace." His racist language aside, Benjamin Franklin was so taken with the idea of the Great Law that he wrote in 1751 "It would be a very strange thing if Six Nations of ignorant savages should be capable of forming a scheme for such a union, and be able to execute it in such a manner as that it has subsisted ages, and appears indissoluble; and yet that a like union should be impracticable for ten or a dozen English Colonies" (Wright, 1992, pp. 115–16). Note the central role of women in the Confederacy as Wright describes it:

> The Peacemaker's Great Law was an inspired blend of elective and hereditary rights, of checks and balances. He established a Confederacy Council of fifty *royaneh* (sachems, or lords) chosen by clan mothers—the Iroquois, like the Cherokees, being matrilineal and partly matriarchal. . . . The *royaneh* reach their decisions through a series of small caucuses (an Amerindian word, by the way) until all are of one mind. Though sachems are male and elected in life, women have the right to depose them. In addition, anyone of outstanding merit may be elected to the council as a Pine Tree Chief. (Wright, 1992, p. 119)

Accounts of the Confederacy's origins—"part constitution, part mythology" (Wright, 1992, p. 119)—were transmitted orally for centuries until they were collected and translated by people such as Seneca ethnologist Arthur C. Parker around the turn of the twentieth century. In his introduction to a collection of texts, Parker wrote:

© SF photo/iStockphoto

PHOTO 3.2 | A reconstructed Iroquois longhouse in southern Ontario. Villages were made up of many longhouses, and the Six Nations population numbered in the tens of thousands.

> Here . . . we find the right of popular nomination, the right of recall and of woman suffrage, all flourishing in the old America . . . centuries before it became a clamor of the new America of the white invader. Who now shall call Indians and Iroquois savages? (quoted in Wright, 1992, p. 120)

Unlike the democracy of ancient Athens, which has long since disappeared, Six Nations continues to practise traditional forms of governance, although subject to the (sometimes questionable) oversight of the Canadian state.

The French and American Revolutions

The French and American revolutions of the eighteenth century turned the tide of world history in favour of democracy. Both proclaimed democracy to be one of their goals, based on European and First Nations models. The framers of the US Constitution, most notably James Madison (1751–1836), were very keen to rid themselves of the absolute monarchy of King George III. But they were equally concerned about the consequences of introducing majoritarian rule. The potential for the supposedly ignorant masses to be swayed by a powerful orator meant that majority tyranny was an ever-present threat. Therefore, the founding fathers established a directly elected legislature, the House of Representatives, but at the same time set strict limits on its power. First, they required that legislative power be shared between the House and the Senate, whose members were to be appointed by state legislatures. Second, they created two other branches of government, each with its own specific powers: the executive, headed by the president, and the judiciary, headed by the Supreme Court, made up of judges appointed for life by the president and approved by the Senate. In reality, then, only half of one of the three branches of government was truly democratic.

The Nineteenth-Century Move toward Democracy

By the nineteenth century, democracy was becoming more popular in both theory and practice. Many countries began the long journey toward universal suffrage. In theoretical terms, the utilitarian theory of democracy was extremely influential; see Box 3.2.

As the Canadian theorist C. B. Macpherson (1977, pp. 23–43) pointed out, utilitarian theory represented the first attempt to apply democracy to a class-divided capitalist industrial society. Utilitarianism gave rise to liberal democracy, which links democracy with the kind of liberal principles originally associated with the industrial middle class. The linking of democracy and capitalism raised the crucial question of how to reconcile political equality with economic inequality. Many property owners in the nineteenth century feared that universal suffrage would result in pressure for greater economic and political equality and put their privileges at risk.

In fact, the advent of universal suffrage in 1928 did not produce any significant move toward a socialist political program. Macpherson (1977, p. 62) and other left-wing academics blamed trade union and left-of-centre political leaders for co-operating too much with the factory owners and government officials, thereby diluting the rights of workers. Other theorists have suggested that even when there are obvious economic elites in a society, this does not mean that certain people or groups always get their way. Rather, free and fair competition between organized groups in society can level the political playing field. A multiplicity of pressure groups means a multiplicity of democratic claims, creating what Robert Dahl (1971) calls a **polyarchy** in which "minorities rule."

In the last three decades, the democratic landscape has been transformed with a doubling of the number of states holding competitive elections. This is partly a reflection of the collapse of the Soviet bloc and the emergence of independent states in Eastern Europe, but the trend can also be seen in southern Europe (Greece, Portugal, and Spain), Latin America (Chile), parts of Africa (Botswana), and Asia (Malaysia).

KEY CONCEPT BOX 3.2

The Utilitarian Theory of Democracy

The utilitarian theory of democracy was developed in the nineteenth century by the British theorists Jeremy Bentham (1748–1832) and James Mill (1773–1836; the father of the liberal philosopher John Stuart Mill). At first Bentham was not concerned about democracy, feeling that an enlightened despot was just as likely to pursue the utilitarian aim of the greatest happiness. But he changed his mind after the British government failed to implement any of his schemes for reform.

Bentham and Mill argued that, left to their own devices, members of a government will simply work to maximize their own pleasure; they will not pursue the greatest happiness of all unless their positions in power depend on it. It was on these grounds that utilitarians argued for democracy: to ensure that the government would remain accountable to the people. From the utilitarian perspective, therefore, elections are protective devices designed to ensure that decision makers take the preferences of the people into account.

KEY POINTS

- For much of its history, democracy was seen in a negative light.

- The turning point came in the late eighteenth century. Following the French and American revolutions, democracy was cast in a more positive light, partly because of the influence on the US Constitution of the "Great Law" of the Six Nations Confederacy. Democratic ideals and models today represent a fusion of European and Indigenous ideas.

- The nineteenth century saw a sustained effort to achieve universal suffrage in practice and to justify it in theory. The utilitarian theory of democracy developed by Bentham and Mill was the first attempt to justify the introduction of democracy into a class-divided society.

- The final quarter of the twentieth century saw a major increase in the numbers of regimes holding competitive elections and proclaiming themselves democratic.

Competing Theories of Democracy

By the mid-twentieth century, the most important dispute in academic political theory was between two competing theories of democracy. On one hand is what has come to be known as the "participatory" theory. On the other is **democratic elitism**, also known as "protective" theory (see Box 3.3). This theory became prominent in the post-1945 period and is associated with the Austrian economist and sociologist Joseph Schumpeter (1883–1950), who articulated it in his widely cited book *Capitalism, Socialism and Democracy* (1942/1961).

Schumpeter was reacting to what he saw as the inevitable role played by elites in modern polities. He recognized the importance of the arguments advanced by the Italian elite theorists, whom we encountered in Chapter 1. However, far from agreeing with their conclusion that democracy is a sham, Schumpeter argued that it could be reconciled with elitism. In his view, the classical model of democracy, emphasizing the active participation of citizens in making political decisions, was both unrealistic and undesirable.

KEY CONCEPT BOX 3.3

Advocates of the Protective and Participatory Theories of Democracy

Protective Theory	Participatory Theory
Jeremy Bentham	Greek city-states
James Mill	Jean-Jacques Rousseau
Joseph Schumpeter	John Stuart Mill
Anthony Downs	George Douglas Howard Cole
	Peter Bachrach
	Carole Pateman

The classical model is unrealistic, Schumpeter argued, because mass participation is not an important part of modern democratic societies: Most people seem happy to leave politics to the political elites. It is also undesirable, he felt, because the masses are often irrational, tend to have authoritarian values, and can be seduced by charismatic and dictatorial leaders. It was no accident that Schumpeter was writing during the rise of fascism in Germany and Italy, where Hitler and Mussolini appeared to have the consent, some of it enthusiastic, of a large proportion of the people. In such circumstances, far from threatening democracy, elites became the protectors of democracy against the authoritarian values of the masses.

Thus Schumpeter sought to replace the classical theory of democracy with a narrower idea, where people can choose their representatives but the bulk of decision making is in the hands of a political elite. What makes the system democratic, for Schumpeter, is competition between elites. The voters do not even choose between different sets of policies—they simply choose between different teams of leaders who then decide what policies to carry out. How far is this from how politics in Canada, the United States, or Great Britain works today?

This elite theory of democracy, which amazingly held sway in political science circles for roughly 20 years after the end of World War II, was reinforced by an "economic theory of democracy" that built on the earlier utilitarian model; see Box 3.2. Theories of the latter kind can be classified as "protective" models of democracy in that they seek to hold political leaders accountable to the wishes of the voters. They are concerned with democracy as a tool for voter utility maximization.

The alternative, of course, is the classic "participatory" model, which sees participation as enriching, helping to instill civic values and build a better more informed citizen. Whereas the protective theory sees participation as a burden that individuals accept only to ensure that politicians are accountable, the classic theory values participation for the positive effect it has on those individuals. Citizens who participate become more virtuous and intelligent, they understand the need for co-operation, and their own self-worth increases, as does their status in the eyes of others.

The roots of this participatory model can be found in the practice of the Greek city-states and in the political philosophies of Jean-Jacques Rousseau, John Stuart Mill, and the British socialist thinker George Douglas Howard Cole (1889–1959) (Wright, 1979). Support for it began to re-emerge in the 1960s, when a new breed of radical democratic theorists (Bachrach, 1967; Duncan & Lukes, 1964; Pateman, 1970) began to argue that, in abandoning participation, the elite theorists had lost sight of the true meaning of democracy and abandoned the principle of rule by the people. What was needed was a revival of participation in the political process. These insights coincided with the rise of mass movements in both North America and Europe in the 1960s (for example, the movements against nuclear weapons and the war in Vietnam, and in favour of grassroots environmentalism).

Assessing the validity of these competing theories is difficult, partly because the meaning of democracy is disputed. Take Schumpeter's theory of democracy, where leaders are barely accountable to the electorate. Further, he makes no recommendation about the frequency of elections—his position could even justify the election of a monarch for life (Lively, 1975, pp. 40–1).

We can make two observations about these competing models of democracy. First, if democracy is defined as political equality, then the elite theory does not seem to be

democracy at all. Second, advocates of the participatory model must be able to show that their version of democracy is desirable and realistic. In fact, this is what much of the literature in the area seeks to do. For example, advocates say that people can be encouraged to participate more, and that once they start they will get better at it. They also argue that political apathy is a reflection of the lack of participation in decision making in the working environment; thus industrial democracy is extremely important (Pateman, 1970).

Finally, advocates of the participatory model have to show that participation is possible (Arblaster, 2002, pp. 84–5). Technological developments may facilitate involvement in politics through use of the Internet, mobile phones, and interactive television technology. Apps for phones and tablets may make e-voting an easy and desirable way of consulting the electorate and making decisions. Another way of increasing participation might be through greater use of referendums, in which electors vote on particular issues. This form of direct democracy has been used in many countries, including Canada (although not often; see Box 3.4), and has been particularly common in Switzerland and the United States.

Deliberative Democracy

An offshoot of the idea of democratic participation is **deliberative democracy** (Bessette, 1994; Dryzek, 2000). Heavily influenced by the ideas of Jürgen Habermas, this model suggests that it is not enough for voters to have an opportunity to exercise a political choice: "True" democracy must allow for choices to be developed through discussion and

KEY QUOTE BOX 3.4

Canada's Three Referendums over a Century

In Canada, the federal government has held 3 referendums (or, more strictly, plebiscites). The first was in 1898, on Prohibition, in which only 44% of the electorate voted, with 51% voting yes and 49% voting no. The second was in 1942, on Conscription, in which the Liberal government of Mackenzie King asked Canadians if they were in favour of releasing the government from its promise not to use conscripts for overseas military service. Over 60% of the voters replied yes; the others, no. In Québec, however, about 72–73% voted no. A third referendum was held in 1992 on the Charlottetown Accord. During the negotiations leading to the accord, several provinces had made arrangements to put any new deal to a referendum. In Québec, the government had threatened to hold a referendum on sovereignty by October if an acceptable offer was not forthcoming from the rest of Canada. Thus the referendum had become a strategic tool in the negotiations. After a new agreement was reached by the First Ministers in September, [Prime Minister] Brian Mulroney announced that a national referendum would be held on October 26. Seventy-five percent of eligible voters went to the polls. The accord was rejected by 6 provinces (Nova Scotia, British Columbia, Alberta, Saskatchewan, Québec and Manitoba) and one territory (Yukon). The overall vote nationally was 44.8% for and 54.2% against. (Lemieux & Noël, 2016)

reflection. Supporters maintain that the process of public debate and argument increases both the rationality and the legitimacy of the decisions that are made. This means that political choices are never set in stone. As Cunningham (2002, p. 165) points out, "democracy on the deliberative conception should be more than voting, and it should serve some purpose other than simply registering preferences."

To describe deliberative democracy as another version of direct participatory democracy would be a mistake. In fact, its advocates are skeptical about the possibilities of direct democracy in large-scale modern societies. They may also doubt whether direct democracy can necessarily produce the kind of reflective deliberation they seek. David Held, for example, argues that the quality of participation may be more important than its quantity (Held, 2006, pp. 236–7). One suggestion for putting deliberative democracy into practice is through deliberative polling, in which a small group of people would be polled for their views on certain issues before engaging in debates about them. Then, after the deliberation, they would be polled again to see if their views have changed; the results would then be disseminated to a wider audience (Held, 2006, pp. 247–8).

Supporters of deliberative democracy see it as a way of promoting altruism in liberal democracies that are currently dominated by private interests. They expect it to increase toleration of other people's views in divided societies and lead to greater consensus. Moreover, decisions made following deliberation are more likely to be rational (because they were not made in haste) and to be considered legitimate. The downside is that real, substantive deliberation on important issues takes a lot of time. Extensive debate on an issue such as free trade with China or an oil pipeline from Alberta to Texas may result in delays, or even paralysis, in decision making. In addition, the theory has been criticized for exaggerating the degree of consensus that can be reached as a result of deliberation (Cunningham, 2002, p. 166).

© Holger Mette/iStockphoto

PHOTO 3.3 | The Democracy Monument in Bangkok, Thailand, commemorates the 1932 *coup d'état* that led to the creation of a constitutional monarchy in Thailand.

KEY POINTS

- Since the 1960s, debates have focused on two basic models of democracy: participatory and elitist.

- In the post-1945 period, Schumpeter's theory of democratic elitism held sway. The classical theory, associated with participation and citizen involvement in decision making, was widely considered undesirable and unrealistic.

- Beginning in the 1960s, elite theory was challenged by a new breed of participationists who were eager to pursue the possibilities of greater citizen involvement. The success of their enterprise depends on showing that greater participation is both desirable and realistic.

- Participatory theory has been built on by exponents of deliberative democracy who suggest that political discussion is likely to produce better and more legitimate decisions.

Why Is Democracy Thought to Be Special?

Today "democracy" is almost synonymous with "politics" not just in the West but in much of the world: an indispensable part of good governance. Why is this? The usual answer is that democracy is the main reason we are obliged to accept and obey the laws of our state. In other words, if we ask why we should obey the law, the answer would be "because it is democratically made"—that is, it is based on the popular will of the people. Even in cases where laws discriminate on the basis of gender, race, or sexual orientation, the fact that laws were made democratically seems to give them a legitimacy they might not otherwise deserve. Sometimes the courts become instrumental in challenging laws, which might be supported by the majority but are in fact discriminatory. In 2015, the US Supreme Court in *Obergefell v. Hodge* made it legal throughout the United States for individuals of the same sex to marry; it is probably unlikely that Congress would ever have passed a law making same-sex marriage legal. Continued hurdles will be faced at the state level, where state legislatures will now decide how to implement or ignore the Supreme Court decision (Epps, 2015).

This question of **political obligation**—why we should obey the laws of the state—is one of the central preoccupations of political theory. It is crucial because of the compulsory nature of living in the state. If we join a voluntary organization, such as an activist group or a church, we have to accept the rules of that organization; if we don't like them, we have the option of leaving. The situation is different when it comes to the state. Some people may be able to go and live somewhere more to their liking, but most people don't have that option. Most of us have no choice but to accept the laws of the state; if we choose not to obey them, then we can expect punishment of some kind to be applied against us.

Democracy seems to offer the ideal grounding for political obligation, because laws that we make are likely to be in our interests; therefore, we get what we want and don't lose anything by belonging to our particular political community. Thus democracy has a strong claim to be the political system that (as social contract theorists would say) people in the state of nature would choose, since it would give all of them a say in the making of the laws under which they were to live. In other words, the freedom of the state of nature would be maintained in a democratic political system.

Is Democracy Special? The Problem of Majority Rule

The main advantage of democracy is that it allows us to participate in the making of the laws we live under; therefore, those laws are more likely to be in our interests. The principal problem with democracy is that we will rarely arrive at unanimous decisions. As a result, democratic government means accepting the will of the majority.

There are a number of problems with the majoritarian principle, however. In the first place, it is well documented that if there are more than two alternatives on which voters can have preferences, then it is difficult to reach a majority decision (Lively, 1975, pp. 14–15). Canadians are only too familiar with what happens when there are more than two parties running for election in a first-past-the-post electoral system: In two of Canada's last four federal elections, the Conservatives formed the government even though the Liberals and the New Democrats together won more seats in the House of Commons. This means that while the majority of Canadians voted centre-left, their preferences were split and thus a minority of voters were able to elect the government and influence public policy.

Even if majority rule can be established, we can't be certain that it is the most appropriate political mechanism. For one thing, majority rule leaves open the possibility that a government elected with majority support will deny the principle of majoritarianism in the future, passing legislation to impede or even prevent the practice of democracy. Furthermore, if the principle of majoritarianism is upheld, every decision will leave some people in a minority. Some political philosophers suggest that we cannot expect people to obey a law they did not support. Robert Paul Wolff, in his book *In Defense of Anarchism* (1970), argues that those who find themselves in a minority are not obliged to accept the law; furthermore, because there is no solution to the majority rule problem, no government can ever be considered fully legitimate. For Wolff, the only legitimate society would be one that preserves individual autonomy: an anarchist society, without government.

Indeed, there are situations in which the same people make up a permanent minority. The classic case is Northern Ireland, where traditionally most issues have been decided on ethnonationalist lines with Protestants in the majority and Catholics in the minority on key issues. It was the persistent discrimination faced by the minority Catholic community that led to the resurgence of troubles in the late 1960s. A form of rule known as **consociational democracy**, involving the sharing of power in divided societies, is one possible solution to the problem of entrenched minorities. In Canada, Indigenous peoples usually find themselves in the minority when federal and provincial elections take place. In 2015, the Assembly of First Nations identified 51 key swing ridings where Indigenous voters might tip the balance in favour of parties promoting treaty implementation and federal investment in education, training, and better housing. This sort of tactical voting signals the beginning of what could be a major change in how Indigenous peoples understand and articulate their interests (Kirkup, 2015).

Many political systems have sought to protect minority populations by including protection for individual rights in their constitutions. In Canada, that protection is theoretically provided by the Charter of Rights and Freedoms (1982). People can challenge any perceived violations of the Charter in Canadian courts, and the Charter has been an important vehicle for political change in at least six areas (see Box 3.5). In the United States this protection takes the form of the first 10 amendments to the Constitution, also known

KEY CONCEPT BOX 3.5

Six Big Changes the Charter of Rights Has Brought

1. Limiting police powers: Court-enforced legal safeguards and accountability for policing . . . There were a number of Charter cases that codified these changes, including the *Oakes* case in 1986 in which the Supreme Court overturned a law that had required the accused to disprove a presumption of guilt, in this case for possession of narcotics for the purpose of trafficking. . . .
2. Women's reproductive rights: The key decision in this instance was the 1988 *Morgentaler* case, in which the Supreme Court ruled that the Criminal Code sections on abortion were unconstitutional. . . . The court left the door open for Parliament to rewrite the legislation but that has not happened and abortion has effectively been legal in Canada since 1988. . . .
3. Recognition of the LGBT community: Through a series of decisions the courts have recognized rights of lesbian, gay, bisexual and transgender Canadians, despite the fact that sexual orientation is not specifically mentioned in the Charter itself. In the 1998 *Vriend* decision, the court read sexual orientation into Alberta's human rights legislation, confirming earlier decisions prohibiting discrimination on those grounds. . . . From *Vriend*, decisions on pensions and the marital rights of same-sex cohabiters, followed by a reference to the Supreme Court on same-sex marriage and the constitutionality of the Civil Marriage Act extended rights and recognition to the LGBT community. . . .
4. Linguistic rights for francophones outside Quebec: Through a series of provincial and Supreme Court decisions, the Charter gave francophones outside Quebec access to French schools, school boards and even hospitals. Canada now has a generation called "section 23 kids" who were educated in these schools, where numbers warranted. . . .
5. Strengthened aboriginal rights: The Charter's recognition of aboriginal peoples [section 35] "sent a very important message" . . . The other amendment to the Charter, to section 25, was on aboriginal land claims. The Charter has imposed on governments a duty to consult aboriginal peoples when resource development and other government changes affect them unduly. It does not give native groups an absolute veto on these changes but it does ensure they will be able to participate in the process. . . .
6. Judicial activism: The Charter "amounts to a significant transfer of policy making to the courts," especially in an area that could be described as "morality issues." (Schwartz, 2012)

as the Bill of Rights, which the founding fathers created precisely because they were concerned about the potential for what they called "the tyranny of the majority."

Cosmopolitan Democracy

In this chapter we have focused on democracy in connection with the city-state and, in more recent times, the nation-state. Nevertheless, in this era of globalization we should also mention the idea of **cosmopolitan democracy**. Held (2006, pp. 304–9), for example, suggests that since citizens of nation-states are increasingly affected, if not dominated, by forces beyond their home countries, political leaders need to ensure that global forces are controlled by democratic means.

Democratic theorists should therefore ensure that international institutions can both effectively control global developments and be accountable to democratic control. Held (2006, p. 306) suggests the creation of regional parliaments with the power to make decisions binding in international law and the use of referendums across national boundaries. He points to the European Union (EU) as an example, though where the existing sovereign state fits into the EU model is not clear. As Hoffman and Graham (2006, p. 119) point out, this undermines the radical force of Held's argument. For them, the "concept of a 'cosmopolitan democracy' can only be coherently sustained if the international community ceases to be composed of states" (p. 123).

An alternative approach to the undemocratic implications of globalization is to "urge *strengthening* the sovereignty of [democratic] states by defending their internal political structures against external constraint and interference" (Cunningham, 2002, p. 201). Of course, the cosmopolitan model is based on the assumption that globalization is a reality—a position challenged by the realist school of international relations, which puts the nation-state at the centre of political analysis.

KEY POINTS

- The problem with democracy as a source of political obligation is that few, if any, decisions are unanimous. As a result, there is always a minority of people whose freedom is reduced by the fact they have to accept decisions with which they disagree. If there are laws that are discriminatory, overturning them can be very difficult. Sometimes the courts get involved to change the status quo.

- Some political philosophers, most notably Wolff, argue that because of the minority rule problem, no state can ever be legitimate.

- As long as different groups form the minority on different decisions, the problem is relatively minor. However, permanent minorities are likely to suffer oppression at the hands of the majority.

- In recent years, the impact of globalization has led some political theorists to discuss ways of democratizing supranational institutions and processes to create a cosmopolitan democracy.

Conclusion

However democracy is defined, it is almost universally supported. Yet when we examine its claims to be the most important grounding for political obligation, we come up against the fact that majoritarianism has consequences for minorities. The obvious solution to the problem of minorities is to create some mechanism to protect their interests against those of the majority, such as the Canadian Charter of Rights and Freedoms and the US Bill of Rights. These allow citizens to go beyond the legislatures to appeal to federal courts if they feel their rights are being infringed upon. The problem of minorities leads us to conclude that democracy may not provide an adequate theory of political obligation after all and that other principles, such as the protection of individual rights, may be equally important. Perhaps the key to a successful democratic system is to balance the ability of the majority to express its will with protections for minorities.

Key Questions

1. What is democracy?
2. Is it possible to reconcile elitism with democracy?
3. Distinguish between direct democracy, democratic elitism, and representative democracy. Which is to be preferred?
4. Is democracy special?
5. Are we obliged to obey decisions made democratically?
6. Why should we obey the state?
7. Critically examine the economic theory of democracy.
8. Is democracy consistent with a class-divided society?
9. Discuss the relationship between democracy and majority rule.
10. Is cosmopolitan democracy possible? Is it desirable?

Further Reading

Held, D. (2006). *Models of democracy* **(3rd ed.). Cambridge: Polity Press.** Probably the best general text on democracy, coupling comprehensive descriptions with astute evaluation.

Macpherson, C.B. (1977). *The life and times of liberal democracy.* **Oxford: Oxford University Press.** A contentious account of the development of democratic thought and practice. Compelling reading.

Shapiro, I. (2003). *The moral foundations of politics*. **New Haven: Yale University Press.** An admirably concise account of the answers given by political theorists to the question of political obligation.

Wright, R. (2003). *Stolen continents* **(10th Anniversary ed.). Toronto: Penguin Canada.** Explores five of the great Indigenous civilizations of the so-called New World before the European Conquest. This includes discussion of democratic and other governance practices.

Web Links

www.snpolytechnic.com/index.php/indigenous-knowledge-centre
For more on the origins of North American democracy from its Six Nations roots, see the Indigenous Knowledge Centre—Deyohahá:ge, based at the Six Nations of Grand River.

www.chinadaily.com.cn/english/doc/2005-10/19/content_486206.htm
The full text of the Chinese White Paper on Democracy.

www.freedomhouse.org
A useful site that rates countries according to their degree of freedom and democracy.