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Abstract

Democracy is rule of the people, but this tells us little, and lack of conceptual clarity creates confusion and undermines productive discussion. This paper explores four dimensions of democracy, articulating ways we can think about and apply the concept. The first concerns who we mean by the people, and here a state is more democratic when its body-politic is more inclusive. The other three concern what it means for the people to rule, and pertain to the theoretical principle of democracy, sovereign structures that are democratic, and actual democratic practice within a state. Distinguishing the dimensions is important because states can be more or less democratic along different dimensions. Thinking in terms of the dimensions of democracy enables more precise and productive debate on democratic government. Moreover, it reveals ways that democracy may change and evolve in the 21st century.
FOUR DIMENSIONS OF DEMOCRACY

This issue probes new trajectories of democracy in the 21st century. This is an important though difficult task. This essay steps back, attempting to understand the concept and survey the present terrain. Democracy is a form of government based on rule of the people. This is unenlightening. Often it is used as an honorific term, its exact meaning unstated. At its worst, this becomes the sentiment that we are democratic and the world ought to be more like us. Bracketing the chauvinism, the problem here is that “we” are many things and bundling them together with an honorific label of “democratic” blinds us from self-criticism and understanding.

In order to develop new trajectories of democracy we need to isolate and clarify the concept. Here I make a start, playing out various dimensions of democracy. I make no normative claims on its behalf. Historically it has been viewed skeptically. Presently it is generally presumed to be good. I am only interested in the concept, what it means to be democratic. Failure to distinguish dimensions of democracy muddles further discussion; doing so can lead to more fruitful inquiry and argument. And better understanding different dimensions of the democracy can reveal ways it may change, grow, and adapt in the 21st century.

THE PEOPLE

Democracy is rule of the people. This is paradoxical, at least if we mean the conjunction of all individuals. Ruling means imposing a will. If the people truly ruled, there would be no rule. Each person would act as sovereign and, as such, there would be no sovereign. Anarchy is not a form of government. This can’t be what we mean. When we say that the people rule we mean a corporate body, the body-politic.

Fair enough, but this raises more questions. Which people are included in the body-politic? Even if we take the modern tack and expand the people to mean the corporate body of all citizens—regardless of whether the citizen can politically participate—there are still those left out. And we could include far fewer. Once this point is taken, difficulties arise in that we could end up with democracies wherein the body-politic includes a vanishingly small proportion of the people within the jurisdiction of the state. There have to be limits. Louis XIV’s France is not a democracy if we say that by “the people” we mean Louis XIV.

So one area of difficulty is discerning who we mean by the people. Generally we mean the citizens of a state, but there are difficulties lurking here. There is a sense of citizenship in which if one is excluded from participation in the state then one is not a citizen. If we adopt this sense, then in order to distinguish democracy from other forms of government we need another concept of the people, because
on pains of circularity democracy cannot be the form of government in which the body of citizens rules.\footnote{Cicero, for example, begins his discussion of forms of government by pointing out that a republic is the property of a public, not just any congregation of people, but a group naturally brought together and forming a community by “legal consent and community interest.” In ancient Athens it excluded slaves and women. In antebellum American society it included women but, by \textit{Dred Scott}, excluded blacks. This is what our modern conception of citizenship can do, in which it means genuine membership in society, even if one cannot exercise political control. Antebellum women were citizens with rights and responsibilities, but were denied participation. This is one democratic deficiency. We do the same now with minors. The exclusion of black people in antebellum America was different in kind from the exclusion of women. The exclusion of resident aliens is different from exclusion of minors. In the latter cases we have citizens who are part of the body-politic but cannot participate politically. In the former cases individuals subject to the state are denied citizenship and excluded from the body-politic.}

There is a set of people who are subject to the state. There is a set of people who participate in governance. Then there is a set of people who are members of the body-politic. To make sense of how a democracy can mean rule of the people without implying that a monarchy is a democracy because “the people” reduces to an individual, we need a gap between members of the body-politic and participants in rule.

We need, then, a sense of the body-politic that is conceptually independent. This is the public, the community, that sees itself as such. We tend to measure democracy by the gap between groups two and three. Another dimension of democracy, however, concerns the gap between categories one and two, the \textit{inclusiveness} of a political society. This is an important dimension. People are people, and a society is more democratic when it includes more of the ruled in the body-politic.

We have, then, two dimensions of democracy, the inclusiveness and the rule of the body-politic. A state can be more or less democratic along either dimension. When the 14th Amendment Citizenship Clause un-did \textit{Dred Scott} the United States became more democratic—more of the ruled became part of the body-politic.\footnote{When the 15th Amendment gave black males the right to vote the United States became more democratic.}
States also become more democratic, but along a different dimension. A greater proportion of the body-politic was given political participation.

We have a blind spot for the inclusiveness dimension of democracy. This is caused, I think, by our idea of the nation-state that idealizes attaching states to nations, or defined groups of already coalesced people. When there is a new national group, the principle of self-determination demands a new state. The existence of a state is indexed to the idea of a nation, and this immediately fills in the body-politic. When there is no pre-existing or co-evolving idea of a nation, we look to a sort of artificial nationhood idea or a minimal political coalescence that unites a people. But since we think of nations and states together, there is little worry about inclusiveness as a dimension of democracy.

Yet it is important. A state can govern a group of people who do not constitute a nation. The issue is what to do with such a situation. In antebellum America some wished to keep slaves. Others favored mass deportation. Integration of black America into the body-politic was a long time coming. Eventually the black population was incorporated in the body-politic, now changed, stronger, and more abstractly defined. At present it is quite inclusive—if you are born here then you are part of the body-politic, and there are other ways to join as well.

21st century democracy faces a number of issues in this dimension. First, in Europe a variety of self-determination movements seek to forge states out of nations currently included within larger nation-states. Doing so would lead to the continued fragmentation of Europe coupled with reliance on a more distant, less democratic, European Union. Such movements pose challenges to democracies, and the variant reactions of the United Kingdom and Spain to Scottish and Catalonian independence present different directions for democracy. Fundamentally this is an issue of the coherence and identity of the body-politic.

Another issue is how the western democracies adapt to changing national identity. One solution is a broad conception of citizenship, like that prevalent in most circles in the United States, but there are bound to be difficulties transitioning to conceptions of peoples based only on shared political participation. When cries are made both in Europe and the United States to “take the country back” they are based on conflicts over which people ought to be considered part of the body-politic. This is an oft repeated call of the Tea Party movement, which can be understood as reactionary—based on disquiet with a changing body-politic. While such movements may be extremely democratic in terms of how the people should rule, they have a narrower, exclusive conception of what it means to be part of the people. In the Tea Party this was seen in heightened concern with immigration, questions as to the authenticity of the President, and calls for repeal of the 14th Amendment Citizenship Clause.

These problems are dwarfed by those of the post-colonial world. Colonial powers did not carve up the world to correspond to pre-existing nations or cultures or anything beyond colonial interests. The result is states that lack a
coherent body-politic. For such countries to become more democratic in this dimension, more robust body-politics must be forged, but this is incredibly difficult to do. Sectarian divisions often dominate, and though different groups may raise the flag of democracy, who they mean by “the people” is limited. States without at least a minimal sense of a politically coherent body-politic cannot function as democracies. Much of the story of 21st Century democracy will be how well states can develop inclusive, pluralistic body-politics and, if not, whether they disintegrate or reject democracy. The challenge is to transcend the idea of the nation-state, adopting shallower and broader political conceptions of the body-politic that can include diverse peoples. That story is yet to play out, but it is important to distinguish this dimension as one that poses great problems.

SOVEREIGNTY: IDENTITY AND SCOPE

So far I’ve been concerned with democracy in terms of rule of the people. More difficulties arise in discerning what it means for the people to rule. In democracy the people are sovereign. To understand what it means to be sovereign we must learn two things. First, we must understand the identity of the sovereign. The answer may be simple—the king is sovereign and his word law. Or it may be incredibly complex, as it will be for modern democracies. Second, we must understand the scope of sovereignty. The sovereign has power, but to do what, to who, where, when and how?

When we talk about rights we are usually concerned with the scope of sovereignty. In the liberal tradition the scope of sovereignty is limited by individuals’ negative liberties. But it could be limited in other ways. A sovereign could be religiously limited in the sorts of laws it can make or limited by group rights. To be sovereign, there must be some power wielded, but the breadth of such powers needs to be defined.

Does democracy relate to scope? It can be easy to confuse classical liberalism and democracy. Classical liberalism relates to the proper scope of the sovereign. The two are linked in history and theory. Democracy is based on a principle of equality of sovereignty; liberalism is based on a principle of original sovereignty with the individual. They could come apart. An aristocratic regime could adopt a form of liberalism securing variant levels of basic rights for all. And a democratic regime could be illiberal or conceive rights differently.

I seek to understand the rule of the people as a form of government. This is a statement about the identity of the sovereign. It does not tell us the scope of rule. Democracy relates to republican freedom, not liberal freedom. Liberal freedom pertains to rights of an individual inviolable by the sovereign. Republican freedom concerns the freedom of the people to use the mechanisms of government to structure society and pursue collective ends.
Some restrictions on scope may be necessary for a “good” democracy, but this misses the point. I seek to understand the concept, not fill in how it ought to be applied. There is a danger here: those who build western liberalism into the definition of democracy eliminate the possibility of variant forms of democracy that define and limit scope in different ways. At its worst, this slips into an un-enlightening chauvinism in which the very idea of new forms of democracy and new cultures of democracy become impossible. The scope of the sovereign is important, but it should be distinguished from an investigation of what it means to be democratic. To trace new trajectories, we must first be clear about the conceptual core.

DIMENSIONS OF SOVEREIGNTY

Democracy relates to the identity of the sovereign and to understand it we must understand what it means for the people to be sovereign. There are different ways we can talk about this, and failure to distinguish ways of analyzing democracy causes a great deal of confusion. Three different dimensions of sovereignty, and hence of democracy, must be distinguished: the theoretical, the structural, and the practical. These correspond to ways in which we conceptualize the grounding of sovereignty, structures of sovereignty, and actual sovereign practices. Democracy means different things in different dimensions and, importantly, a state can be more or less democratic along various dimensions.

The first dimension of sovereignty concerns the foundation of the state. What is the justification of sovereignty? Where does the authority come from? The issue is the origin of political power. In democracy it rests with the people. In an autocracy it will be asserted that an individual (by nature, inheritance, or conquest) has a right to sovereignty. Theological grounds are quite likely, as the divine can be a powerful sort of grounding.

In the next dimension of sovereignty we examine the structure of the state. The first dimension concerns the origin of sovereignty; this dimension concerns the organization of sovereignty. We look at constitutional questions here, though it need not be written. In a basic autocracy the state is simply the autocrat. A theocracy implements some sort of religious code, perhaps clerics comprise the state. Various institutions can be incorporated relating to types of oligarchies. Sovereign structure need not be simple and singular—mixed governments have been historically popular.

The third dimension of sovereignty concerns the actual function of a state. This may be quite different than structure. A state may be structured as an autocracy and grounded as a theocracy but in fact operate as an oligarchy. We want to know how things work, who and what actually matters in the function of state. Divergence from structure is not necessarily a political vice. The obvious exam-
ple is usurpation, but a bad structure could be ameliorated through actual practice. The second and third dimensions interact a great deal—structure shapes practice, and practice can alter structure.

There as a great deal more to be said about sovereignty, but this is just a short essay on democracy. As such, the above is only a primer against which we can explore what democracy means along each dimension.

DEMONOCRACY AS PRINCIPLE

At the theoretical level of analysis democracy means that the grounding of sovereignty resides in the people. We often take this democratic principle for granted, and even despotic regimes pay it lip service. But historically it is radical. The issue is simple: by what right does the state wield power? How is it justified and grounded?

The democratic principle holds that the people are the source of sovereign power simply in virtue of their membership in the body-politic. This is a principle of equality. For example, the Funeral Oration of Pericles stresses that in democracy all, regardless of status, have equal standing and are equal before the laws. The democratic principle holds that, at least originally, all of the people have an equal right to rule. It was this democratic principle of equal liberty of political participation that so interested Tocqueville in his study of American democracy—the idea that by right all individuals have a say in sovereignty and are part of the sovereign.

In American history the democratic principle is expressed repeatedly, but three instances stand out. The Declaration of Independence states that, “all men are created equal.” The Preamble to the Constitution begins with “We the People…” indicating that sovereign authority ultimately lies with the body-politic.

In the Gettysburg Address Lincoln expressed the democratic principle simply and elegantly when he declared that we are a government of the people. The democratic principle begins with the idea that all individuals are equal and that justified authority is based on the sovereign will of the people. This alone does not require a particular form of government. But, for instance, it does require that if we have a king, we adopt Jefferson’s view that “Kings are the servants, not the proprietors of the people.”

If we take seriously the idea that the source of sovereignty is the people, then we need ways to legitimize or derive the state. This prompts contract theories of government whereby the people, explicitly or implicitly, freely enter into a contract ceding (part of) their innate sovereignty. Contract theory is a way to get from the democratic principle to an actual sovereign. Someone who denies the democratic principle has no such need.
Locke’s famous Second Treatise derives a theory of government based on a version of the democratic principle. Consider, however, Locke’s less celebrated First Treatise attacking Filmer’s paternalistic theory. Filmer tried to justify investing sovereign power in the king by reference to patriarchal theories of sovereignty going back to Adam and ultimately anchored in God. xi Locke goes to great lengths to refute the position. xxi Currently this is unnecessary. Does Filmer really think that political theory should examine what God said to Adam and how events unfolded in the Bible? Well yes, and Locke’s task is to reject Filmer’s whole conception of sovereignty. In Filmer’s view the project of the Second Treatise is misguided. The issue is whether sovereignty is originally vested in the people, free and equal, or in a monarch by God.

Locke subscribes to the democratic principle. The state of nature is one where each is in a state of perfect liberty and equality. xxiii He derives a law of nature such that “all being equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions.” The foundation of sovereignty is consent in a legislative authority to make law to protect these rights, and it transforms liberty to do as one wills to societal liberty to live under law applicable to all. xxiv The sovereign so justified can take multiple forms related to the type of government employed. xxv

Hobbes provides an even better illustration of what the democratic principle means for theory. We begin in a state of nature, a war of all against all in which life is “solitary, poore, nasty, brutish, and short.” xxvii This is a function of rough natural equality. xxviii Men have equal rights to all things, but security in none. From here Hobbes derives sovereignty—all cede their rights (save to life), enabling a sovereign to institute peace and liberty, as well as enable contracts. xxix Hobbes was revolutionary, but not because he was a defender of democracy or freedom. His theory can easily justify autocratic regimes. The crucial difference between Hobbes and his contemporaries is the way those governments are grounded. Hobbes’ revolutionary change is to skip the divine step and ground sovereignty in the people.

According to Rousseau, men are “born equal and free” and alienate their freedom only for utility. xxx When obstacles to self-preservation overwhelm private ability to confront them, a public individual is formed, the body-politic with a general will. As part of the body-politic each citizen has both a private will and public will, and indeed all share the same public will, though they may be mistaken about it. This general will is inalienable, indivisible, and unerring. It is simply the will of the corporate body directed toward the common good. xxx Private wills may contradict with the general will, but in such cases the individual is “forced to be free.” xxxi

This dimension of sovereignty concerns how we think about and justify the state. The democratic principle posits that sovereignty resides originally with the body-politic, and among the people equally. To subscribe to the democratic principle is to believe that this is the way to justify actual sovereign power.
For a state to instantiate the democratic principle is for the basic societal understanding of it to be based on the idea that sovereign power is ultimately grounded in the people. This does not mean that the institutions of the state take any particular form. Rather it is our way of thinking about and engaging in political justification that matters.

The democratic principle has been incredibly successful, so much so that we sometimes lose sight of other possibilities. Perhaps nothing speaks more to the success of the democratic principle than its use by the most anti-democratic regimes. Dictators hold elections and speak in terms of the will of the people. It is all a lie, but tellingly they feel the need to mimic the democratic principle. The current language of political legitimacy is the democratic principle of sovereignty.

Democracy in the 21st century will engage this dimension in a number of ways. The central problem will be as before—how to understand and justify a state in terms of the democratic principle. Traditionally this has proceeded along contractarian lines, but theory could well develop in different way, rejecting individualistic political atomism while retaining a principle of equality. Practically the challenge is to confront and change regimes that pay only lip service to the democratic principle but really conceive sovereign power differently. Both Occupy Wall Street and the various movements emergent in the Arab Spring worked along these lines, challenging the state’s commitment to the democratic principle and charging that the state had violated its implicit compact with the people by departing from the principle of equality.

The assertion of fundamental equality stands at the base of the Occupy movement and its progeny. Though on the surface the initial grievances were economic, at base the movement was reacting against a political system and structure that worked for the rich, or the 1%, and within which the people, or 99%, did not matter. One set of rules seemed to apply to the elites while another set applied to the rest, rigging the game so that success was beyond the reach of the people, who were frozen out of political control. The movement sought to change this, reasserting the democratic principle and reclaiming the future for the disenfranchised 99%.

Concern with this principle of equality defines democratic movements. They react against structures and regimes in which there is fundamental political inequality, where some of the people—whether because of family, sect, party, or whatnot—possess the state as if by right. A democratic movement asserts that this is fundamentally incorrect, and that power must flow from the people possessed of equal original sovereignty. There are great difficulties translating this principle into action, and the Arab Spring certainly testifies to the precarious nature of democratic movements. Looking ahead into democracy in the 21st century the question will be how movements can draw on the democratic principle in opposition to other principles of sovereignty that would found sovereign power on
religion, an individual, a party, or a particular group and then translate that principle into change in the other dimensions of democracy.

Tracing the dynamics of the conflict involving the democratic principle and other principles of government will be difficult because even regimes that reject the democratic principle tend to pay it lip service, but it will be a major clash in the decades ahead. The Arab Spring and other popular movements raised the issue of the true basis of the state, whether states are founded on the people or if rule flows from religion or is a private possession of individuals or groups. For much of the world, this remains an open question. This is not to say that democracy requires adopting classic contractarian theories of the state or is incompatible with different religions or cultures—rather the point is that properly distilled the democratic principle requires that political legitimacy start with the people equally. This is the point of dispute about the democratic principle, but accepting the principle can be done in a variety of modes.

In the United States the Occupy movement raised the question of the commitment of the state to the democratic principle, raising the question of whether the country has departed from this principle and instead based political power on money, adopting a plutocratic principle. Rampant, solidified inequality challenges the democratic principle because the sovereign seems to be at the service of the highest bidder. The democratic principle alone does not require equality throughout society, but high levels of inequality put pressure on the commitment to the democratic principle, and will continue to be a flashpoint for democracy.

DEMOCRACY AS STRUCTURE

The democratic principle of sovereignty holds that sovereign power is grounded in the equal sovereign authority of each member of the body-politic. But it tells us little about the shape a state should take. How do the people rule? What mechanisms of state are appropriate to instantiate the will of the people? This is a fundamental issue in democratic government. The point can be put in terms of the problem of Rousseau’s general will. People disagree, but somehow we need to discern a will. This is the general will, the will of the people as a body-politic. Rousseau’s innovation is to view this as sovereign, and he thinks this solves rather than creates problems because the general will is clear, the will of a citizen properly enlightened.

History has shown otherwise. We disagree, and not just because of different particular interests. The concept of a general will can be dangerous. Rule of the people means getting in touch with the general will. The problem is epistemic; the solution is for those with a grasp of the general will to govern. The masses may be deluded. Quickly democracy becomes tyranny. Witness the revolutionary terror of France and the totalitarianisms of the 20th Century. Self-appointed elites
rule in the name of the people, instituting their conception of the general will. Such states are iterations of the democratic principle, though we would be loathe to deem them democratic. This is not a historical problem. It is particularly troubling in emerging democracies. Elections may be held, but quickly democracy becomes dictatorship as elites claim a democratic mandate, ruling in the name of the people.

Nonetheless, the general will is needed to get us from the principle to actual rule. Thus how a state is structured so as to instantiate the general will is one great difficulty. This leads to another dimension of democracy, the structure of the state. A state is democratic when its structure works to enable the people to rule, to capture the general will, through concrete participation of the people in some capacity. It is a government of the people and by the people as well. The key feature of a democratic structure that distinguishes it from dictatorships in the name of people is that the general will is either established or determined through some sort of aggregation or sampling of the actual wills of the citizens. Structure makes abstract general will concrete sovereign will. There are a great variety of democratic structures, and states can be more or less democratic. The structural problem of democracy is to create virtuous structures that allow the people to rule.

There are actually two problems here that get folded together. The first is the abstract issue of what we mean by the will of the people as an aggregation of individual wills. If we adopt the democratic principle, the will of each, at least abstractly, is equal. Majority rule is the obvious candidate. But the level of abstraction can change the outcomes. A majority may favor free trade abstractly but oppose a free trade treaty with a particular country. When and how we ask can change the result. On some questions perhaps a super-majority is a better requirement. And preferences ought to matter. If two thirds slightly favor A to B and the other third favors B to A, but consider A to be a great evil, why not aggregate to account for comparative interests? Perhaps degree of preference ought to matter. We could distribute a certain number of voting points to each to be freely allotted across issues. Maybe we should average votes to account for minority views. If 2/3 favor a 30% tax rate and 1/3 a 15% rate, the will of the people might be a 25% rate. We need a method of aggregation to arrive at the will of the people, but there are many ways to do this and how we aggregate shapes the result.

The second issue is related. How can we structure the sovereign so as to funnel that will into a workable, stable, virtuous form of government? This is the problem of making democracy work. Ancient Athens was a simple direct democracy. It didn’t work well. Demagogues ruled. Stirred to anger the assembly ordered the mass killing of a captive population. The next day it thought better and sent a retraction that, fortuitously for the captives, arrived just in time. Victorious in a sea battle the masses were convinced to execute the admirals for
failure to save stranded sailors in a storm. Thus was the state deprived of its most competent military leaders.\textsuperscript{a1}

Such poor function made democracy seem a vicious form of government for most of history. Government by the people was not very good for the people. The modern history of democratic thought has centered on creating structures of sovereignty that involve the people in ways that create stable, virtuous forms of government. This problem animates the Federalist Papers. Anti-Federalists argued that the new constitution abandoned democracy too much, ceding too much power to a central government. The Federalists argued that the new scheme struck the right balance, preserving republican liberty, while at the same time creating a stable, workable state. Republican freedom requires that power be derived from the people and that authorities be accountable to them. The constitutional problem is allowing the people to control the government but tempering this by the need for a stable, workable government.\textsuperscript{a11}

So there are two issues, how to determine the will of the people and how to turn that into a government that works. They dovetail in that they must be confronted simultaneously in structure. We seek structures of sovereignty that somehow latch onto the will of the people in a way that leads to virtuous, stable government. When we call a state democratic in this dimension we are evaluating the way it lets the people participate in the governing process.

There are many ways a constitutional structure can be democratic. Elections are the obvious method, though they differ in what they are elections for, how often they are held, the rules concerning who can and how to vote and more. In a representative democracy the location and boundaries of districts can matter and various mechanisms can be introduced to blunt democratic effect, such as the electoral college and long terms.

Democracy does not pick out one structure; there are many possibilities. We can measure it in degrees, but even here two states may look different but be democratic to a similar degree A two year term is more democratic than a six year term. But it isn’t clear that proportional representation is more or less democratic than direct representation. More elections tend to mean more democracy, but this depends on the structural impact of elections. The more expansive the franchise within the body-politic and the more frequent the elections, the more democratic the state. The same holds for smaller districts, elections directly on an issue, and elections for more powerful positions. Unelected judges are less democratic than elected judges, though this does not mean judicial elections are wise. There may be good reasons to temper democracy.

Elections are not the only democratic structure. Juries involve the people in the dispensation of justice. It may seem odd to modern American ears to speak of the right and privilege of serving on a jury, but it is just that and one powerful mode of discrimination is exclusion from jury service. Other methods include rights of petition to the government, open meetings, and town hall institutions.
Officials can be employed as representatives of a group, like the way plebian tribunes functioned in the Roman Republic. Rotating magistrates are another way of bringing the people into governance. The militia and posse are democratic, though ineffective, ways of providing for national defense and criminal justice.

Federalism can be a way to increase democracy. One worry in revolutionary America was that the country was too large for republican government. A solution is to delegate some sovereign authority to smaller units within the state. In the order of justification the people are the foundation; in the order of structure sovereignty is delegated back to empower smaller units on some issues in order to allow for more direct democratic participation, whether it be town hall meetings at the local level or representatives closer to the people in larger units. In this way communities of people can actively order their affairs. Federalism along these lines may be an important part of stable democracies in the post-colonial world insofar as it is a way for a state with disparate groups with divergent interests to operate as a state while allowing local rule.

A democratic structure is one that incorporates the participation of the people. It is misleading to think of democracy in this sense as something that is or isn’t. It comes in degrees. The more citizens are incorporated into the structure of the state, the more democratic the state. States can be democratic in different ways. Democracy in the 21st century will need to explore variant structures to deal with the basic problems of democracy and local conditions. Too often Western structures have simply been thrust onto emerging democracies, with the well-meaning but misguided idea that democracy means having elections and thus elections can be a panacea. This hasn’t worked. Iraqi elections produced political paralysis and less legitimacy for the state because it was treated as the dominion of the dominant sect. The result has been disintegration and the rise of ISIS. In Egypt a democratic revolt deposed a dictator, but elections produced a government that seemed to think it possessed a mandate to structure the state to perpetuate its rule. The result was more unrest, the rise of the army, and the current retreat from democracy. Both stories are still playing out, but a persistent theme in emerging democracies is that elections alone are not enough. The future of democracy requires probing other sorts of democratic structures and experimenting with homegrown methods of democratic rule. The urge to declare anything that doesn’t resemble western electoral structures undemocratic must be resisted. A democratic structure is one that harnesses the actual wills of the people to direct sovereign will. This is a broad category, with room for great experiment to find structures that work in context to instantiate an aggregate will and provide stable government.

Nor should we think that the structural problem has been “solved” in the United States or elsewhere. One core grievance of the Occupy movement was that the electoral structures in the United States, and in particular rulings like Citizen United that gave corporations free speech rights and the ability to spend lavishly in elections, no longer functioned democratically. It is not just that democracy
had been thwarted by money—it was that as structured our process no longer successfully aggregated the will of the people, that the sovereign will had become the will of the 1%, and thus the country was no longer even structurally democratic.

The Occupy movement also highlighted variant forms of democratic structure in the ways it functioned. It consciously sought to engage in direct, participatory democratic mechanisms. Equality was an essential principle, and decision making was made largely through consensus after a deliberative process. There were no clear leaders and decisions required general consent. Activists self-sorted into working groups, and committees arose to provide for community needs. The movement was structured more like a town hall than a local election. “The ordinary people who have chosen to be part of the movement are the ones who debate the issues, determine strategies, and lead the work.” Such models may not be workable on a large scale and may be inappropriate in other situations. But they do suggest different directions for democratic structures. Technological advance, exploited in both the Arab Spring and the Occupy movements can also provide templates for more direct democratic structures.

The democratic principle grounds sovereignty in the people. The problem it poses is how to justify actual sovereign power. The democratic structure is one answer to this, holding that government ought to be structured so as to involve the actual, and not just theoretical or abstract, participation of the people. The problem it poses is how to construct structures that do this in a genuine way, but also so that the state is stable and well governed. By distinguishing this dimension and stating the structural problem in the abstract, we can begin to think creatively about different ways democratic structures can be designed in the future.

DEMOCRACY AS PRACTICE

Democracy in the theoretical dimension holds sovereignty is originally vested in the body-politic and adopts a principle of equality. This is not to say that the institutions of a state that is based on the democratic principle will themselves be democratic. Autocrats and elites often rule in the name of the people, claiming privileged access to the general will. In the structural dimension democracy isn’t binary, but falls on a spectrum of various ways of creating mechanisms and institutions that involve actual popular participation.

There is a final dimension of democracy, the practice of democracy. Here we are concerned with the degree to which in practice the people do exercise sovereign authority. Structure and practice can come apart, and both can display various democratic and undemocratic features. Democracy is messy, and in this dimension we examine how people do exert power.

Are elections free? Is information available to the public? Are there genuine options? Do leaders manipulate the system to inhibit the will of the people, say
by gerrymandering? Is participation made discouragingly burdensome for some? All of these questions probe the ways democracy is practiced, and how a democratic structure can be less democratic in practice.

Practical features about the state and how it functions are the focus of this dimension. What do politicians respond to and who shapes the direction of affairs? Elections work to make leaders accountable to the public. But they are imperfect. The incentive is to win elections and only derivatively to do the will of the people. Money may be more useful in a campaign than studious attention to the general will. This was a core accusation of the Occupy movement—that democratic structures had been perverted by money, partly through change in structure and partly through the actual practice of politics. At an extreme, this is an accusation that the country functions more as a plutocracy where the 1% rule. Even President Obama voiced concern that rising inequality distorted the function of democracy, creating the impression that the system is rigged. The accusation and worry isn’t directed at the principle of sovereignty or the structures we use, but how practice can fail to be democratic.

In this dimension we can distinguish sham-democracies. In our obsession with structure and elections we often lose sight of practice. Elections may be stolen, rigged, or structured to be inconsequential. This was often the complaint in the Arab Spring. Some of the affected countries could be deemed democracies on some level, but the practice was cursory and democracy lacked any depth. Disempowered, people found other ways to assert control. The pathway forward has been difficult, and in many ways is just beginning, but fundamentally the movements were based on frustration that no matter the abstract structure of the sovereign, in practice the states were authoritarian. Similar points hold for the various recent revolutions in Eastern Europe and the former Soviet Union. The recent movement in Hong Kong displays the same dynamic—concern that structures are being manipulated to thwart any rule of the people.

When we examine a state in this dimension we want to know what the levers of power are and whether they are in fact democratic. What gets someone a seat at the table? What drives policy? It could be democratic, either through elections or informal inputs to the process. But it could also depend more on money, membership in an educated elite, advantageous family or personal connections, and so on.

An important facet of democratic practice is the idea of an electoral mandate—a win in an election entitles the winner to enact some policies. Elections provide political capital, and the opposition may bow to the consequences of an election even though they could thwart the process. This could be for fear of future electoral failure or because of respect for the democratic process. The idea of political capital is illuminating: it is gained by victory in a democratic contest, and the amount varies by win. It can be used to enact policy, but it diminishes with time and use. An elected politician often exercises power in reference to her amount of political capital. But there is no structure for this.
No constitutional mechanisms keep such accounts. It is a heuristic device in the practice of democracy, bending policy to democratic results in ways deeper than the structure requires.

Practicing democracy can mean restraint from structural powers. Imagine one party wins a narrow election with multiple opponents and proceeds to rule with an iron fist. Such behavior is undemocratic. Narrow pluralities don’t entitle democratic leaders to rule as autocrats. Even majorities are democratically tempered by significant minorities. Recent Egyptian events provide a nice example. A democratic revolt led to the ouster of President Mubarak. Elections were held, and the Muslim Brotherhood led by Mohamed Morsi prevailed. President Morsi, however, acted well beyond his democratic mandate. This created renewed popular unrest and the military intervened, ending Egypt’s latest experiment with democratic structures. Clearly such intervention was undemocratic, but when we examine this dimension we can see that President Morsi, though elected, did not operate with a commitment to democratic practice.

Public opinion and preferences can impact the function of state in myriads of informal ways, not just through the formal mechanism of elections. If politicians are deeply committed to democracy, the affairs of state can be driven by public opinion and reflection on the various wills of the people. This includes looking for democratic compromise solutions that while not ideal for both blocs are a fair middle ground. It involves letting opponents govern when they win and being willing to change positions based on public opinion.

Elections guarantee none of this. We need a political virtue of democracy among the political class, a commitment to work in office to actualize the idea of the people ruling, not to game the system. Power must be entrusted somewhere, and in this dimension of democracy we are examining the democratic commitment of those so entrusted. This, perhaps, is the most important part of making a democracy work, and it cannot be created structurally. We design structures through which the people can exercise power. But no matter how good the structures, if those invested with authority are not committed to democracy, then democracy can be a dead letter. We might have the principle as a foundation of society and great structures. But if politicians have more commitment to parochial and personal interests, self-assured that they alone know the contours of justice, then democratic practice fails. The question we must ask regarding the political class is this: do they treat their rule as a means of enacting the will of the people or the will of the people as a means to enabling their rule?

We should also look at the democratic commitment of the body-politic, the degree to which the people are engaged. If voter turnout is low and jury duty loathed, in practice the state is democratically deficient. Just as a monarchy deteriorates if the king is disinterested, so does a democracy diminish if the body-politic is not engaged. The democratic commitment of the political class and the
body-politic captures what Montesquieu deemed the essential principle of virtue in democracy." This is what actualizes the rule of the people.

Could a state be democratic in practice but not structurally? Certainly. The structure may privilege a particular person or group, but informal means of exercising power, such as demonstrations, or even polling could be given a great deal of actual influence. Oppressed peoples may arise and assert actual power in the state, as has been seen recently in the Arab Spring (to varying degrees of success). Even if the structure has democratic features, in cases where these are subverted in practice mass movements can assert another form of democratic power in practice, re-ordering the state. In the United States both the Tea Party and the Occupy movement were able to assert a degree of "people power" outside of the structural channels of the democracy. Bracketing subsequent developments, both movements in their infancy were popular reactions, and both successfully change the national discussion.

Whether or not a state is democratic in practice is a question of degree. In most cases we will have a structure that involves democratic elements. Now we ask how well the people actually do direct the exercise of sovereignty in the state. How do the elections work? Are the legal or other impediments to participation? Are the people provided with genuine options and independent, reliable information? In practice a country becomes less democratic when the people are asked to participate but are misinformed to a significant degree. Moreover, how many do actually participate? How do those with authority behave?

We are concerned with the following: do the sovereign institutions treat the democratic structures as a tool to govern or as a guide to governance? More concretely, we must look at whether leaders view elections as a game to be won so that they may enact their program or as a way of resolving disputes and moving forward. This dimension can be the most difficult to evaluate. We are trying to look at how systems actually function, not just their formal features. Usually when we deride a country for failure to be truly democratic or for having a sham democracy we are talking about this dimension of democracy.

Five inquiries are relevant. Begin with the adherence to democratic structure. Second, investigate whether democratic structures are implemented in the spirit of democracy, or whether informal practices subvert popular participation. Next look at how undemocratic structures play out in practice (e.g. judges being sensitive to popularity). Informal practices may also increase the role of the people. The last two inquiries concern the attitudes of the political class and the people themselves and their commitments to democracy. For both we must look at their investment in democratic rule and treatment of democracy as a political virtue. All of this will be a matter of degree and in the end what matters most is whether the political class and the people practice a virtue of democracy. Theory and structure cannot do it alone.
This is a modest paper. Much is left yet to be said. My hope is that this discussion enables us to say it more clearly and productively. Argument surrounding democracy often becomes confused because we fail to understand that it is neither bipolar nor one-dimensional: states are not simply democratic or undemocratic, they are more or less so along four different dimensions. Each dimension raises different challenges for 21st century democracy.

The first concerns who we mean by the people. To make sense of a people ruling, we must conceive it as a corporate body, but this opens up the historically real possibility that the body-politic excludes some. Along this dimension a state is more or less democratic depending on how inclusive it is in the conception of the body-politic. States with developing democracies are faced with the question of whether they can develop a coherent sense of a body-politic. Though this need not be deep, without some sense of a unified people sectarianism prevails and there is no people that can rule. In established democracies the issue is inclusiveness, and how democratic the state will be in conceptualizing the body-politic.

Next I turned to what it means for the people to rule. To rule is to exercise sovereignty. We must distinguish the identity of the sovereign and the scope of sovereignty. Scope relates to rights, the domain over which a sovereign can rule. Democracy concerns the identity of the sovereign, not its scope. Three dimensions were discussed in terms of the identity of the sovereign: theory, structure, and practice.

Theoretically democracy is the view that ultimately the source or grounding of sovereignty is the people, conceived as sovereign equals. In the 21st century this principle will continue to vie with competing conceptions. Though the democratic principle is predominant, below the surface alternatives compete, resting sovereign authority on theology or some privilege. Moreover, recent movements emphasizing inequality bring to the fore the issue of how sovereign authority can be justified based on the equal sovereignty of all—if current models are suspect, new ways of conceiving and justifying the state may be necessary.

Structurally democracy pertains to various mechanisms that are designed to insert the people into the exercise of power. Such institutions can be more or less democratic in various ways, and there are different types of democratic mechanisms. This is an area that could see a great deal of creativity. Recent democratic movements throughout the world have exploited technology to aid in organization and effectiveness and experimented with novel democratic structures. Looking ahead the task will be for such movements to develop these tools and structures in a way that can effectively harness the popular will and translate it into sustainable, stable sovereign rule. The important lesson to draw from distinguishing this dimension is that democratic structures can in a multitude of forms, and which structures are best able to bring the people into rule and do so
in a stable, sustainable way may well vary based on historical and cultural conditions. Different sorts of democratic structures do not necessarily imply more or less or better or deficient democracy.

In the dimension of practice we make the rule of the people a reality, and movements in the 21st century can work as practical assertions of people power to push for faithful adherence to democratic structures. An open question is the ability of democratic movements to effectively challenge and change states. A continued issue will be the democratic virtue of the people and the leaders of the state. Will leaders and the people see democracy and its structures as tools and pathways to their rule or as ends in themselves? The question cuts deeply, both in emerging and established democracies. The answer will drive the future of democracy.

Democracy, as an idea, is quite simple. The people rule. But as this essay has shown, filling in what this means is a complicated task. This issue asks us to look ahead, and it is my humble hope here that by better understanding the concept of democracy and its dimensions we are able to think more clearly and creatively about the future of democracy and how it can continue to adapt and evolve in the world to come.

NOTES

i Aristotle gets into some difficulty here—he defines citizens as those entitled to a share of governance, which makes him unable to define the forms of government by reference to the role of citizens. The result is that economic factors are used to distinguish between oligarchy and democracy. Aristotle, Politics, trans. Ernest Barker (New York: Oxford University Press, 1995), III: 1274-75.


iii Dred Scott v. Sanford, 60 U.S.393 (1857).

iv U.S. Const. amend. XIV, § 1.

v U.S. Const. amend. XV, § 1.

vi The same happened when women were given the franchise (U.S. Const. amend. XIX, § 1) and when the Court forbade race discrimination in jury selection (Strader v. West Virginia, 100 U.S. 303 (1880)).

E.g., after winning the 2010 Republican primary for a Senate seat from Kentucky, Rand Paul declared: “I have a message from the Tea Party, a message that is loud and clear and does not mince words. We’ve come to take our government back.” Rand Paul, *The Tea Party Goes to Washington* (New York: Hachette Book Group, Inc., 2011).


Examples are myriad, but this issue has been playing out bloodily in the Syrian civil war and continued violence in Iraq. Fouad Ajami, *The Syrian Rebellion* (Stanford, CA: Hoover Institution Press, 2012), 126 poignantly captures the issue in referring to post-colonial Syria as “war-booty” exploited by a ruling caste rather than an integrated state.

E.g., Andrew C. McCarthy, *Spring Fever: The Illusion of Islamic Democracy* (New York: Encounter Books, 2013). The argument here begins by defining “authentic” democracy as Western democracy and is thus able to easily produce the desired conclusion.


U.S. Const. Preamble.


Locke, Two Treatises, Book II: § 4.

Locke, Two Treatises, Book II: § 6.

Locke, Two Treatises, Book II: §§ 22-23; cf. §§ 95, 123-130.

Locke, Two Treatises, Book II: § 132.


Rousseau, Social Contract, I: ch. 1-3. This is such a basic principle that Rousseau can only meet the opposed principle of Filmer, which so exercised Locke, with mockery.


See esp. The Occupy Wall Street General Assembly, “Principles of Solidarity,” in This Changes Everything, 25-26 and Jeffrey D. Sachs, “Occupy Global Capitalism,” in Occupy Handbook, 473; see also “Scenes from an Occupation,” in Occupy!, ed. Taylor et. al. (Brooklyn: Verso, 2011), 4, where one activist recalls that an early, basic goal was simply to restore government to citizen control.

President Obama argues along these lines in “Inequality and Democracy,” in Divided: The Perils of Our Growing Inequality, ed. David Cay Johnson (New York:...
The idea is forcefully stated in the “Declaration of the Occupation of New York,” in *This Changes Everything*, 36-38.


xxxvii Abraham Lincoln, “Gettysburg Address,” 734.


xlii Based on Montesquieu’s considered historical judgment that “It is natural for a republic to have only a small territory; otherwise it cannot long subsist.” Montesquieu, *Spirit*, VIII: 16.


xlv See, e.g., Turow; Amy Goodman and Denis Moynihan, “It’s One Person, One Vote, Not One Percent, One Vote,” in *The Silenced Majority* (Chicago: Haymarket Books, 2012), 56-57; “Scenes from an Occupation,” 4-5.


Consensus,” in *Occupy!*, 46-49; see also “Scenes from an Occupation,” 4; Andy Kroll, “How Occupy Wall Street Really Got Started,” in *This Changes Everything*, 16-21.


The theme is ubiquitous: see *This Changes Everything*, 2, 4, 13, 25, 51, 69; Martin Wolf, “Reforming Western Capitalism,” in *Occupy Handbook*, 345-46.

“Inequality and Democracy,” 6-7.

See generally Adeed Dawisha, *The Second Arab Awakening* (New York: W.W. Norton & Co., 2013) Part II for a clearheaded account of the various movements and challenges they have encountered.