

The what of democracy

In political science the consensus across the spectrum has long been that

democracy is (just) 'a system in which rulers are selected by competitive elections'
That's from a progressive, Prezworski (2010), echoing a conservative, Schumpeter (1942).
But the word 'democracy' came to be used in this purely electoral sense only from mid C19. Electoral representation was embraced by the US founders—*Federalist Papers* 1787—but they rejected 'democracy', taking it, like Rousseau, to be rule by an assembly of all.

The word is from Greek 'demokratia': a system where citizens have a deal of equal power. Democracy is defined by the goal of empowering ordinary people, not by any chosen means: not by means of an assembly of all, e.g., and not by elections to fix who are in power. Thus, Athens, a 'lottocracy', counted for the Greeks as an exemplar of democracy, although there was little if any election, and the citizen assembly could not (re)make the laws.

Let us take democracy in this broad, surely uncontentious sense, to mean a political **system that gives citizens an adequate, equal degree of control over gov't.**

In other words, a system of control to which citizens have intuitively equal access and that enables them to view gov't laws and policies as despotic towards none.

Even when certain measures go against their personal interests or their political opinions, they should be able to see them as a compromise dictated by procedures of control that they access equally with others, and so as a fair resolution of differences.

The why of democracy

Why prize democracy in that sense? Broadly, because it would ideally guard people against having to live under a gov't that has an arbitrary degree of power.

An arbitrary gov't can choose and impose laws and policies at its own will or judgment, regardless of the wishes and opinions of any of the citizens over whom it rules.

Democracy would force gov't to register and respond to such attitudes and thereby **reduce the arbitrariness of gov't power in how it treats citizens as individuals.**

Democracy cannot ensure in any society that every citizen will be happy with its measures. No one can control gov't on their own, no one can expect others to always agree with them, and no one can reasonably think that they are special: superior or inferior to others. Thus, people can only expect gov't to be responsive to them and others, as to equal citizens. Democracy promises such responsiveness, helping to ensure that all are treated as equals, and to ensure this by giving each equal access to an adequate system of control.

What would be a good test of whether democracy supports such adequate, equal control? Plausibly, this: that there is reason for those who are disappointed in some gov't measure to think that it was just tough luck that that was the measure passed.

If that is so, they need not resent it as the imposition of an arbitrary, hostile/indifferent will. They will lack a reason for resentment if the system of control that democracy establishes forces every gov't decision to register and balance rival claims, including their own.

If it met the tough-luck test, a democracy would deny gov't objectionably arbitrary power. The test is not impossibly demanding and allows a degree of discretion in government, provided the authorities are constrained appropriately, on pain of civic resistance. It certainly improves on the populist test that asks whether 'the popular will' is in power.

The how of democracy

If the people are to operate an equally accessible, adequate system of control over gov't, the first requirement is that gov't should be controllable: open to popular control. This condition makes a case for ***a constitution or framework for organizing government*** that is itself subject to a suitable degree of equally shared popular control. Ideally, control of a sort that requires supermajority convergence across conflicting sectors; otherwise it is in danger of being captured for its own purposes by any rival group.

Distinguishing legislative, executive and judicial branches, the constitution will determine who are to operate in gov't, what they are to do, and under what restrictions. And, ideally, it will impose checks and balances, and a rule of law on those in power.

A system of ***checks and balances*** will require the judiciary to be an independent agency, designed to interpret the law faithfully, not to keep others happy, even electors. It will also require independent bodies to do jobs where others have conflicting interests. Some will regulate other authorities, auditing their performance legally or ethically and if necessary, sponsoring or prompting a public investigation or legal action. Others will replace them in controlling elections, interest rates, statistics, prosecutions etc; this generally requires outsourcing executive jobs to domain-specific officials.

Rule-of-law constraints require laws to be promulgated, intelligible, & effective guidelines; to be the same for all, to be relatively stable, and to be interpreted uniformly. Their satisfaction will require too that those making, executing or adjudicating the law should provide an explanation, in public terms, of the reasons for their decisions. And it will be enhanced if the constitution sets out the duties of decision-making bodies and the immunity or resistance rights of ordinary decision-taking citizens.

If such devices render a government susceptible to democratic control—controllable—what are the institutions of control that are going to be available to citizens? They come in two forms: as devices of contestatory and selectional control.

Contestatory control presupposes freedom of information, exchange, and association. Hands-on, active contestation in protest may be via the media, the courts or the streets, or via a standby counterpart if citizens are poised to protest at perceived abuses. Arms-length protest, active or standby, will be via bodies that go proxy for the citizenry: independent NGO's or regulative agencies like inspectorates, citizen assemblies...

Selectional control may be by election to domain-general roles in legislature & executive; election may not select the best but it will commit all to contestatory freedoms. Or by the appointment of impartial, qualified individuals to domain-specific authorities under transparent procedures that give them their briefs, & impose suitable checks. Why not elect them? As with judges, that might give them motives in conflict with their role. Ideally democratic control should ensure that gov't is held to community expectations and, consistently with these, to electorally tested policies. (What are these?...) It is implemented, not by empowering a unitary elected authority, or an assembly of all, but by ***a polycentric system*** with diverse channels of popular influence on gov't. Polycentric democracy is in the republican tradition that goes back to Rome (and Athens); it is the founders' model of gov't that Americans are called on to retain and improve.