

THE DEMOCRATIC CAPABILITY

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Discussion of “democratic deficit”, which is now burgeoning, began rather modestly in the 1990s, initially provoked by the Maastricht Treaty (Falkner and Nentwich 1992, Boyce 1993, Norris 1997), although discussion of democratic deficits in the United States (Durant 1995) and Northern Ireland (Carmichael 1996) was not long in coming, with non-geographic theorizing not far behind (Hindess 1997 and 2002). Eventually attention focused on a third topic as well: democratic deficits in national and global governance arising from globalization (Linklater 1999, Porter 2001, Nielsen 2003).

Much less attention has been given to a conceptual problem that the notion of “democratic deficit” raises. The dominant common conceptions of democracy are categorical: either a political system is democratic, or it is not, and the usual criteria are (a) that office-holders are determined by elections, and (b) that speech and political participation are free. The idea of democratic deficit implies that a political system that qualifies as “democratic” can be less democratic at some times than at others, or that some political systems are more democratic than others. But this underlying concept of ‘more democratic’ has not been worked out. It is tempting to think that it might line up with comparative political freedom, but this is certainly not the issue raised by the discussion of democratic deficit in the European Union. It is also tempting to invoke a broad notion of popular control, as Thomas Pogge did when arguing that the Maastricht

process was beset by “two serious democratic deficits: The people lack meaningful democratic control over the central executive organs of the European Union as well as meaningful participation in designing the emerging European institutions” (Pogge 1997, 163). But this conception risks exaggerating the importance of broad control over decisions that are not of broad importance: for instance, decisions made by International Telecommunications Union assigning orbits to satellites (Commission on Global Governance 1995, 152).

The last book-length attempt to sort out these conceptual issues about ‘more democratic’ and ‘less democratic’ was *Democratic Theory and Socialism* by Canadian philosopher Frank Cunningham, published in 1987. While Cunningham’s approach has much to recommend it, and the account I offer in this paper may bear a family resemblance to it, I am going to start afresh, and my primary reason for doing so is that we now have a tremendous normative and theoretical resource that was not then so widely known: the capabilities approach.

Briefly, the question that the capabilities approach allows us to answer is: Which are the aspects of life over which democratic control or influence would be most *important*? If we cannot tell which decision-making it is most important to bring under democratic control, then we cannot tell when a democratic system is functioning more democratically or less so. Suppose we follow Cunningham in saying that a social unit becomes more democratic insofar as more of its members acquire greater control over more aspects of their lives that are important (Cunningham 1987, 25-27). The question remains: important how? Adopting subjective importance as the criterion would raise the familiar problem of reduced expectations. In order to avoid subjective importance as the

criterion, Cunningham proposed, instead: importance for the sake of enhancing democracy. This pragmatic, recursive approach has its advantages, chiefly in avoiding both subjectivism and dogmatism over which aspects of one's life it is important to control. However, with the resources of the capabilities approach, another account can be given, by tying the criterion for decision-making importance to the capabilities that people have reason to value.

1. Defining 'the democratic capability'

Before presenting this account in detail, it will be useful to put the concept of democracy in context by considering what kind of concept it is. I find that the concept of democracy has much in common with the concept of development. While both are anchored by their descriptive content, they are also normative concepts that cannot be restricted to this descriptive content. 'Development' refers descriptively either to expansion of productive capacity or social infrastructure, or, more commonly, to economic growth. Nevertheless, an irrepressible question within development discourse has been: What is development, insofar as it is a worthy social policy goal? Answering *this* question yields a normative concept of development, of which several have been proposed: growth with equity, growth with participation, sustainable growth, and growth that enhances valuable capabilities (ul-Haq 1995, 3-23). Notice that none of these latter conceptions is considered to be arbitrary or alien to the concept of development; they may be debatable, and some economists may argue that this debate is without resolution, but none is an extraneous addition if we conceive of development as the kind of growth that is a worthy social policy goal.

Much the same can be said of democracy. The core descriptive content might be that the holders of public decision-making power are determined by free and fair elections.¹ In short, those who govern must win at elections. Let us call this 'electoralism'. This still leaves room for further debate about what *further* conditions may be required for electoralism to be a worthy social policy goal. Indeed, every major position advocated in democratic theory can be understood as contributing a particular answer to this question. (1) One might object that those who win at elections may impose one group's interests over others, rather than reconciling or combining them. The view that electoralism is a worthy social goal only if it resolves interest conflicts yields the normative conception of democracy that we associate with pluralism. (2) Similarly, one might object that it is possible to win at elections, yet ignore in office much of what the public wants, in which case one might hold that electoralism is a worthy social goal only if the public will continues to be expressed and engaged by those who are elected. This yields participationism as a normative conception of democracy. (3) Finally one might object that those who win at elections could still, for all that, trample citizens' rights. This would argue for a liberal conception of democracy, according to which the proper sphere of electoralism is bounded by rights.

My proposal is simply that one more element must be added to this normative concept of democracy. That is, there is one further answer to the question: What is democracy, insofar as it is a worthy social goal? I would begin from the observation that

¹ I introduce this only as an illustration. In fact, the broader and vaguer idea of rule or decision-making by the many might be more plausible as the core concept of democracy.

it is possible to win at elections, and yet deprive people of influence over social conditions affecting the capabilities that they have reason to value. This occurs, for instance, whenever upper and middle strata form coalitions that succeed at ganging up against the poor. If electoralism is to be a worthy social goal, it must not do this. If we conceive of democracy normatively, as electoralism that is worth having, then we observe that, when this kind of ganging-up occurs, the political system is not functioning as democratically as it might.

Now let me make this more precise by identifying three constituent ideas. (1) First we need to bear in mind that, while voting in elections is a type of collective action that counts as ‘political’, there are other equally important forms of collective action, such as public advocacy campaigns, demonstrations and strikes, and trade-union activity.² We are interested in these types of collective action both (on the input side) regarding their availability to individuals and (on the output side) regarding their effectiveness. (2) The capabilities of individuals to engage in such collective actions vary with the effective extent of their civil and political rights. Arguably they vary as well with the availability of education and communication, and with the degree to which cultural factors encourage or discourage such activity. (3) On the output side, we are interested in impacts upon capabilities that can be effected by these means. Political activity leading to better public finance for education may have the effect of enhancing

² To exclude trade union activity from this broad category of collective action would seem arbitrary, even though it is more commonly regarded as economic rather than political. It resembles narrowly-regarded political activity in that it is a type of collective action that can have an impact on valuable capabilities, which is of course a common motive for engaging in trade unionism.

capabilities to become educated, which may likewise be diminished where political activity cannot resist imposition of higher school fees.

Taken together, these three elements give us the idea of sharing in political influence over capabilities that people have reason to value. They also enable us to distinguish in several ways between sharing well and sharing badly in such influence. On the input side, 'better sharing' means that more people are capable of engaging in political activity, possibly in a greater variety of ways. Examples might include removing impediments to voting, but also removing impediments to association, organizing and mobilization, and various means of expression. On the output side, 'better sharing' means that the political activity in which people can engage can be more effective in enhancing or protecting their valuable capabilities. As an example, there is ongoing debate between federalists and separatists in Québec as to whether an independent Québec would be better able to protect and enhance health care, employment, and other aspects of social welfare. Debates about whether developing countries are being hamstrung by international financial institutions can be placed in the same category. These are debates about whether there is sufficient shared influence through domestic political activity over the state of citizens' capabilities.

Unmistakably, these also seem to be debates about democratic deficits. We can make the connection explicit simply by stipulating that a society functions more democratically when political influence over valuable capabilities is better shared. We can define 'the democratic capability' of a population, then, as a dual capability: first, that of its members to engage in a wide range of collective political actions, and secondly their capability, by such means, of protecting or enhancing the state of capabilities in that

population. The democratic capability of a population is enhanced insofar as political influence over their capabilities is better-shared. Democratic deficits, by contrast, are circumstances or arrangements that diminish the democratic capability of a population.

So much for definition-mongering. Let us see now whether this conception of democracy, as democratic capability, can do any useful work.

2. Does participation make development more democratic?

Though participatory development is regarded by many as part of the current orthodoxy in development thinking (Parfitt 2004, 537; Henkel and Stirrat 2001, 168), the fifteen-year debate over it has not come to an end, and many criticisms are well-documented and deserve careful consideration (Williams 2004). Within this debate, the capabilities approach has been used mainly to illuminate some of the virtues of participatory approaches and to begin developing measures of success. Sabine Alkire's work (Alkire 2002) is most noteworthy in this regard. However, not all attempts at participatory development are equally virtuous, and there are nagging questions about whether even exemplary cases of participation do not serve to subordinate local people to the agendas of national governments and international organizations (Rahnema 1992; Ferguson 1994; Kothari 2001). I find that the democratic-capability approach can support a more complex view of participation by sorting out which of these criticisms has merit, while at the same time recognizing the merits of participatory development. In this respect the approach can make a useful contribution not only to the capabilities approach but also to the ongoing debate on participatory development.

Alkire defines 'participation' by saying, "'Participation' refers to the process of discussion, information gathering, implementation, and evaluation by the group(s) directly affected by an activity," and "Participation is a method of decision-making in which the participants who are directly affected by an action make the choice" (129-130). So defined, it has four main virtues: (a) Participation is intrinsically valuable insofar as it enhances the participants' agency (130-131); as well, "being able to do something not only for oneself but also for other members of the society is one of the elementary freedoms which people have reason to value" (Drèze and Sen 1995, 106), and participation can also have intrinsic value insofar as participants achieve friendship, sociability, and sense of community (Alkire 2001, 131). (b) Participation is instrumentally valuable insofar as it causes the well-being freedom of participants and others to be enhanced. (c) Participation can influence value-formation in important ways, insofar as discussion makes participants better aware of effects that realization of particular values will have, not only on themselves but also on other people. Finally, (d) participation enables identity formation to be affected by people's own choices, rather than by inertia or the choices of more powerful others (Alkire 2002, 131-143).

If participation is to have these effects, it must be defined somewhat narrowly. By contrast, some authors combine participation in effective decision-making with numerous weaker forms of "participation", yielding a continuum of grades of participation like the following:

1. Passive participation ... being told what is going to happen....
2. Participation in information giving

3. Participation by consultation ... by being consulted, and external people listen to their views. ... Such a consultative process does not concede any share in decision making....
4. Participation for material incentives ... for example labour, in exchange for food, cash, or other material incentives. ...
5. Functional participation ... to meet predetermined objectives ... after major decisions have been made. ...
6. Interactive participation ... joint analysis, which leads to action plans and the formation of new local institutions or the strengthening of existing ones. ... These groups take control over local decisions, and so people have a stake in maintaining structures or practices.
7. Self-mobilization ...taking initiatives independent of external institutions to change systems. They develop contacts with external institutions for resources and technical advice they need, but retain control over how resources are used. ...may or may not challenge existing inequitable distributions of wealth and power. (Gaventa 1998, 157, based on Pretty 1994).

Clearly grades 1 through 4 will have little impact on participants' agency, value formation, or identify formation, although "participation" through material exchange may enhance well-being freedom, if only in the short term. Therefore the "participation" that can be expected to have these effects must be defined as "a method of decision-making in which the participants who are directly affected by an action *make the choice*," (Alkire

2002, 130, emphasis added), thus limiting its scope to grades 5, 6, and 7 in the foregoing scheme.

One further virtue of participation, narrowly defined in this way, is that it can enhance the participants' democratic capability. Thus it can have a virtue not explicitly mentioned in Alkire's account, namely the virtue of making development *more democratic*. This would occur in two conditions: (i) the participatory decision-making actually brings about enhancements to the participants' well-being freedom, and (ii) their influence within this decision-making is better-shared.

This does coincide with Alkire's account, I believe, insofar as the first condition (i) involves the instrumental value of participation in enhancing well-being, and the second condition – (ii) better sharing of influence – is achieved insofar as stakeholders themselves make decisions that will affect them. However, participants' democratic capability is not enhanced by projects that fail to enhance well-being; nevertheless, these projects may have some of the other virtues enumerated by Alkire, touching on agency, value-formation or identify-formation. The democratic capability approach may therefore end up laying more stress on the effectiveness of stakeholder decision-making. For instance, there would clearly be a democratic deficit in Sahelian forestry management if it is as Jesse Ribot describes:

Decentralization and participation projects currently practiced in the Sahelian countries do not necessarily devolve central state powers or create truly community institutions. Many apparent decentralization efforts re-centralize with one hand what they devolve with the other. ... when local structures have an iota

of representivity, no powers are devolved to them, and when local structures have powers, they are not representative (Ribot 2000, 31).

However, the difference between the two approaches is at most a difference in emphasis, since, after all, Alkire's conception of participation is one in which choices affecting stakeholders must be made by stakeholders. Both views, then, would be critical of the "brief-case NGOs" that spring up to capture development funds by pretending to offer projects that are community-based (Peters 2000, 8). It seems clear enough, then that Alkire and I would have compatible answers to the criticism of participation that it is subject to elite capture. Because the stakeholders end up being more or less excluded from decision-making, these projects are not properly speaking "participatory", for her, and so while she would be critical of elite capture, I take it she would not regard this as a problem of participation, properly speaking. On the other hand, if one is more tolerant of wider conceptions of "participation," my view would identify this as an important criticism of weaker forms of "participation" which, by failing to share decision-making well, create a democratic deficit that, with better-shared decision-making, could have been avoided.

A second line of criticism sometimes leveled at participatory development schemes is that they sometimes reproduce social inequalities within communities. Hence some stakeholders will end up having greater voice and influence than others. Often it is women who are marginalized in this way. For instance, "In one smallholder project in The Gambia, difficulties arose when land allocation committees failed to ensure access by poor women to newly cleared swampland. This was because the committees, designed to give women full representation, were gradually co-opted by the men who did

the clearing work.” Resolving this inequity required intervention, rather than a hands-off approach to community decision-making (Alamgir 1989, 16). In this way, as Cornwall has observed, adducing numerous further cases, “The very projects that appear so transformative can turn out to be supportive of a status quo that is highly inequitable for *women*” (Cornwall 2003, 1329). Moreover, even in cases where women achieve formal representation on decision-making bodies, having a voice may be far less than equivalent to having influence, and even where influence is achieved, it may end up being used by some women against others (1329-1330), or, in other cases, it can be met with a damaging male backlash (1334).

The democratic-capability approach acknowledges the complexity of these cases in an interesting way. It acknowledges the value of introducing participatory schemes for enhancing the democratic capability *of the community*. On the other hand, it also highlights the democratic deficits that remain for the community’s *women*, or for poor women in particular. When one deficit is reduced, others may be revealed, or even exacerbated, for instance by male backlash. These backlash cases also illustrate the flexibility of the democratic-capability approach: it is not a criterion that applies just to structures, it also applies to the politics, to particular ways in which those structures may operate. So while the women achieved voice, their influence was temporary, and eventually the political process was damaging to their well-being. The normative conclusion to draw is not that it was wrong to seek voice, for that would have been to avoid one democratic deficit by accepting another. The normative conclusion is rather the obvious one, that women ought to enjoy capabilities of political participation without having to pay for this with beatings and a higher divorce rate (1334).

It is sometimes argued that participation schemes are inevitably dominated by socially and economically more powerful groups within communities, who thereby seize the greater share of benefits. Consequently, the argument goes, because this is inevitable, it should not be regarded as a failing. Writing of the Eastern India Rainfed Farming Project, Sanjay Kumar and Stuart Corbridge have asserted:

...the Project is a success in conventional (here 'farming systems') terms. Better-off villagers are making good use of Project seeds, and there is broad support for the check dams and irrigation schemes that have benefited more landed social groups. But ... there is little to suggest that the Project is doing much directly to improve the livelihoods of the poor and the poorest. By this standard the Project is 'failing' But this 'failure is in large part a consequence of the definition of 'success' that has been imposed on the Project. ... Just as it would be absurd to judge DFID [the UK Department for International Development] against its commitment to halve world poverty by 2015, so it would be unhelpful to conclude that the EIRFP has failed as a development project. (Kumar and Corbridge 2002, 96).

From the democratic-capability viewpoint, we would see cases like this differently: we would see some success in enhancing the democratic capabilities in communities, yet we would also see residual democratic deficits specific to the poorest members of those communities. It does not follow from this that these projects should not have proceeded at all, for that would be to use the democratic deficit of the poor as an excuse for inaction against the democratic deficit of the community as a whole. Where Kumar and Corbridge go wrong is in thinking that the failings of the project are insignificant

compared to its successes. Again, the more reasonable conclusion to draw would be that the business of reducing democratic deficits in these communities remains unfinished. The democratic capability approach, then, does criticize participatory schemes for the deficits that they leave untouched, but it would not view these as grounds for opposing participatory development altogether.

A third line of criticism is that whatever decision-making can be done by stakeholders in participatory schemes, the wider range of options has already been set by institutional agendas of local states and donor organizations. Hence participation merely gives an appearance of local autonomy to a process that more fundamentally is being “teleguided” from afar (Rahnema 1992, 116). Moreover, if local stakeholders have been made to believe that they are responsible for a project, then they can be blamed if this and similar projects fail to achieve significant improvements in people’s lives (Williams 2004, 565). The most widely-published version of this argument is inspired by a reading of Michel Foucault which claims that, by infecting communities with foreign “knowledge systems,” participatory activities disrupt, displace, and disable local knowledge systems and thus undermine local communities’ capabilities of authentic action. This opens up a rich line of questioning:

Did the new participatory approaches actually lead to any substantial change in the nature of development, or did they serve only as band-aid operations to give a new lease of life to an ageing institution? Did (or can) such methods as dialogical interaction, conscientization and participatory action research really succeed in halting the processes of domination, manipulation and colonization of the mind? Can they really help bring about new forms of knowledge, power, action and

know-how, needed to create a different type of society? Or is the new participatory myth like a Trojan horse which may end up by substituting a subtle kind of teleguided and masterly organized participation of for the old types of intransitive or culturally defined participation, proper to vernacular societies?

While I find that this approach rests on multiple errors about the nature of knowledge, power, and normative criticism – indeed, leaving no room at all for legitimate normative criticism – addressing these issues adequately would take us too far afield. Instead, I will merely note that the democratic capability approach articulates in a rather different way questions about whether local participation is sufficiently autonomous.

The first question is whether an attempt at participatory development achieves a forum for collective action for stakeholders. Some schemes that are purported to be participatory do this poorly: levels 1 through 4 in the Gaventa/Pretty hierarchy, “briefcase-NGOs” and similar instances of elite capture. In these schemes there is no collective political decision-making in which to be included. Others do better. The democratic capability approach entails no preference amongst modern vs. traditional forms of decision-making. Some fora for collective political action blend modern and traditional elements, for instance the legislative assembly of the new Canadian territory of Nunavut, which is structured as a non-partisan consensus government, in keeping with traditional values of the majority Innu people (White 2001, O’Brien 2003). The democratic capability of a people is not necessarily diminished by reliance on traditional arrangements. Instead, we judge the rise or fall in a people’s democratic capability according to its influence on capabilities that the people have reason to value, and on how well-shared that influence is.

And so the second question is what influence such decision-making has on people's well-being, especially on prospects for reducing capability deficits. If the Foucauldian critics are wary of ethnocentrism regarding people's well-being, so is the capabilities approach, and it expresses this wariness by insisting that the capabilities that matter are those that people have reason to value.

The third question, of course, is whether the influence that stakeholders have, through a participatory scheme, over these capabilities, is well-shared. Consequently the concerns expressed by Cooke and Kothari along these lines – “Do group dynamics lead to participatory decisions that reinforce the interests of the already powerful?” – are also taken on board, *sans Foucault*, by the democratic capabilities approach, which recognizes that a democratic deficit persists when the marginalization of women and other social groups is reinforced by participatory decision-making.

These questions can be posed again regarding non-local decision-making over development policy and finance. In relation to national governments and international organizations, the democratic capability of communities is extremely weak. Social movements are at present the primary form of collective action by which local communities can influence development institutions or national governments, and their occurrence testifies to an underlying lack of influence over conditions and plans dramatically affecting people's well-being. The claim that participatory development does nothing to address *this* democratic deficit is obviously true. But this is not a reason for opposing the implementation of participatory development, for a number of reasons. First, with participatory development in an undemocratic system of national/international institutions, we have one *less* democratic deficit than we would have in the absence of

participatory development. Second, some types of participation afford greater autonomy of decision-making to local communities than others do. Some critical questions here are how dependent the local community is for resources and what degree of initiative it is able to take in seeking resources from national and international sources. Recall that the top level in the Gavenka/Pretty scale of participation schemes is “Self-mobilization ...taking initiatives independent of external institutions to change systems. They develop contacts with external institutions for resources and technical advice they need, but retain control over how resources are used.” Third, participatory schemes can promote and enhance practical “political capabilities” that “provide the set of navigational skills needed to move through political space, and the tools to re-shape these spaces where this is possible” (Cornwall 2002; Williams 2004). Therefore the weakness of local people’s democratic capability to influence national and international institutions should be expressed as a criticism of national and international politics and political structures, and it is misplaced when it is made as a criticism of participatory development.

In sum, the democratic-capability approach supports a complex and judicious view of some primary merits and shortcomings of participatory development schemes. While endorsing participation for the democratic deficits that it removes, it remains critical of deficits that persist, both within these schemes and in their external relations with national and international institutions. It gives reason to recognize as a merit of participation that it makes development more democratic, and, as a fault, that it may not always make development democratic enough.

Now I turn from practice to theory.

4. Is well-being irrelevant?

According to the conception of democracy that I am developing, a system is more democratic insofar as it affords people better-shared influence over the preservation and enhancement of their valuable capabilities, especially over reduction of capability deficits. Thus democratic deficits are related conceptually to deficits in capabilities, that is, in well-being freedom. This idea, that there is a conceptual link between democracy and well-being, can be disputed. I find, however, that by considering this criticism, the strength of the conception between well-being and democracy stands out.

The criticism is that any connection between democracy and well-being as at most a contingent, factual connection, not a connection in meaning, not a necessary or essential connection. This can be argued in different ways.

To find a closer connection, it might be argued, is to confuse the *meaning* of 'democracy' with the *uses* of democracy. While democracy might be useful for preserving well-being, it has many other uses as well, including self-aggrandizement and corruption, and yet none of these are considered part of the meaning of 'democracy', nor should they. Call this 'the meaning/use argument'. In response I would recall my previous observations on the concept of democracy as a complex concept with descriptive as well as normative content. The core meaning of democracy, on this interpretation, is: voting-based decision-making, insofar as this is a worthy social goal. This core concept is therefore open to different specifications based on different views of what further features voting-based decision-making needs to have, in order to be a valuable social goal. My thesis is that voting-based decision-making is a valuable social goal insofar as it renders people better able to defend their well-being freedom, especially

against deficits. This would seem to be the underlying moral premise that is invoked by the well-known observation that, in the face of food shortages, democratic systems avert famines due to public pressure for action to be taken (Sen 1999, 92-93; Sen 2000, 152-3). Some uses of democracy, therefore, *are relevant* to the meaning of ‘democracy.’ If it is correct to think that voting-based decision-making is valuable because it provides for defense against famines and other capability deficits, then this thesis is directly relevant to the concept of democracy as a worthy social goal, and the meaning/use argument fails.

Still, the argument can be made in another way: enabling defense of well-being may be what makes democracy just, and it may be what makes democracy valuable, but it is not, for all that, what makes democracy democratic. I have found it quite instructive to take this challenge seriously, for in doing so I have found that defense of well-being is an idea we cannot do without, in order to distinguish between democratic and undemocratic uses of voting-based decision-making. In particular, we cannot do without this idea if we wish to show why a tyranny of the majority is *undemocratic*.

To show this, I will not define ‘tyranny of the majority’, since that would risk building into the definition (or excluding from it) references to well-being that might end up begging the question. Instead I will indicate what I take to be some prime examples of it. These will not include the Toquevillean; rather, I want to focus on examples like the use of majority rule to establish and sustain discrimination against racial minorities. What is it, then, that makes racism undemocratic?

The democratic-capability approach has a straightforward answer. Its premise is that a system is more democratic insofar as its particular features of voting-based decision-making enable a population to exercise better-shared influence in defense of

their well-being freedom. By this criterion, majority-imposed racial discrimination is clearly less democratic; it constitutes a racially specific democratic deficit.

Still, it could be argued that this reference to well-being is unnecessary, that this democratic deficit can be captured perfectly well in a purely political way, without referring to well-being at all. Thus: 'tyranny of the majority' means that an independently identifiable minority group is persistently overruled. This is undemocratic because their influence on public decision-making is nil; so far as their influence is concerned, it makes no difference that their political system is voting-based rather than autocratic. The conceptions of democracy that this argument invokes could be pluralist: majoritarian racial discrimination is undemocratic, on this account, because the interests of other groups are not reconciled or mediated with those of the racial minority. Or the underlying conception could be participationist: on this view, it is the exclusion of the minority's *will* from the public decision-making that makes majoritarian discrimination undemocratic. According to either view, invoking any connection to well-being would be superfluous.

But purely political conceptions of majoritarian tyranny have some peculiar consequences. The Flat Earth Society represents an independently identifiable group that is persistently overruled, and so by this criterion they are victims of majoritarian tyranny. This group has a persistent identity, based on their belief that the Earth is flat, and should they demand at school boards that their view be introduced into the curriculum, it would predictably be rejected. So according to a purely political conception, they would be a tyrannized minority. The interesting question to ask is *why* this is preposterous. The answer seems to be that we distinguish somehow between never convincing a majority

and being victimized by a majority. Flat-earth advocates simply fail to convince; they are not victimized. But how can we capture victimization, except in terms of some suitably broad conception of well-being? (I say ‘suitably broad’ in view of the following: arguably people are victimized by encroachment on their autonomy, but as this would have to be autonomy of a kind that one has reason to value, it would fall within a suitably broad conception of well-being.)

As well, according to a purely political conception, groups who make crime their occupation are tyrannized by the majority who support the rule of law. Here we have a different reason for thinking that this minority is not victimized: it is rather the wider community that is victimized, when the occupational criminals are *not* persistently outvoted. Once again the question arises: how can the meaning of ‘victimization’ be captured without some suitably broad allusion to well-being. Of course, there is a deontological response: what criminals do wrong is not just to harm people but to do so by lying, cheating, and coercing. Still, if being comparatively free of deception and coercion is something that people have reason to value, then they will count this as a valuable capability, as an element of their well-being freedom. As in the previous example, alluding to well-being freedom enables us to capture the relevant notion of victimization. Unlike the previous example, this one has a twist: the reason why the occupational criminals would not be victimized by being persistently outvoted is that greater harm would be done to the non-criminals, should the criminals have their way.

Consequently, considerations of harm seem to be inextricably involved in judging which instances of majority rule are majoritarian tyrannies. It must be the case that the minority is victimized by the majority, and it must be the case that the majority would not

be victimized, if the minority were to have its way. Otherwise there is no tyranny of the majority. Both conditions are met in cases of racial oppression, which are tyrannical not merely because members of a racial group are outvoted, but rather because they are thereby oppressed.

Strictly speaking, what this shows is that there is a conceptual link between the idea of majoritarian tyranny and ideas of harm and well-being. What we are seeking, though, is a link between well-being and democracy. I believe the connection is something like the following.

Is it incoherent to hold that tyranny of the majority is democratic? Descriptively, no: if by 'democratic' we mean simply voting-based decision-making, then majoritarian tyranny is democratic simply in virtue of being majoritarian. And so the fact that democracies (in this narrow descriptive sense) permit majoritarian tyrannies would stand as a powerful critical warning about voting-based decision-making – that it ought not to be given unqualified endorsement. But with such a narrow descriptive sense of 'democratic' it is difficult to keep the idea of democratic deficit coherent, unless it means that there is some voting-based decision-making but less than there might be. However, the idea that there is not enough voting-based decision-making may masquerade as a quantitative idea, it rests on normative claims that there are some issues that *ought to be decided* by voting, but are not. The idea of democratic deficit is necessarily a normative idea, resting on one or another normative premise that there is a range of issues on which decision-making ought to be voting-based. So if one is willing to talk about democratic deficits, then one must be willing to use a complex concept of democracy that is both descriptive and normative: voting-based decision-making *insofar as* it is a valuable social

goal. In that case one needs to know why tyranny of the majority is undemocratic. The democratic capability account offers an elegant solution: majoritarian tyrannies are undemocratic for the same reason that they are tyrannical, namely, that they prevent minorities from defending themselves against harm. Showing *why* majoritarian tyrannies are undemocratic is a distinctive virtue of the democratic-capability approach.

To frame this somewhat differently, the strength of the democratic-capability conception begins in response to a particular dilemma. The concept of democracy is complex in that it has a descriptive as well as a normative component. If someone wants to hold that there is no contradiction in calling tyranny of the majority ‘democratic’, they cannot mean this normatively, *i.e.*, ‘democratic’ in the sense of being a worthy social goal. On the other hand, a descriptive concept will not support the concept of democratic deficit, since it lacks a criterion for marking out the important decisions that ought to be carried out by voting, or by representation, or (more vaguely) by the many. If the most important decision-making is that which has greatest impact on people’s well-being (conceived in a suitably broad way), then ‘democratic’ should mean including more people, and including them better, in decision-making that meets this criterion. If the capabilities approach can be used to correctly rank more and less important public decision-making, then differences in what I have called ‘the democratic capability’ will correctly rank greater and lesser democracy.

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