

Democracy Where and Where Not

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Abstracts: Problem statement: Democracy is assumed to be the best mode of governance for every group. This assumption is put in question by making the following observations. Democracy is governance in view of equality. Governance is an activity in groups or institutions. **Conclusion/Recommendations:** Institutions function for ends or intentions. The only group with equality as its primary intent is state. The result is that democracy is required for governance in view of equality only in the state.

Key words: Principled democracy, educational activity, tyrannical bliss, civil society, civic nationalism, experiential commonplace

INTRODUCTION

“Democracy is a good thing.” Why say that? My question here is, where say that? Perhaps democracy is a good thing. Is it always and everywhere a good thing? To answer requires specifying in which context we’re saying it and which democracy we’re talking about.

Democracies: Only two senses of democracy prevail, to which others are associated. One is process democracy, the other is principled democracy. Process associates with procedures, from those as elementary as popular sovereignty or direct rule by a majority of persons, to those as finessed as proportional representation of minorities’ interests by scalar analysis of electronic polling. Also associated with the procedural are discursive theories that set a baseline of ideal communication for any outcome to be legitimate. Submerged in whatever the process for getting results is who gets to take part in it, which is all I will attend to.

Principled democracy legitimates processes by what outcomes they achieve, whether by enhancing socio-cultural benefits or celebrating civil and political rights. The rights may be positive ones of exercise such as the right to freedom of opportunity, or passive and accessory ones of enjoyment such as the right to tolerance (Gray, 2010).

The two sorts of democracy easily blur, as when the discursive conditions for ideal communication are seen as a right that one needs to have respected. As well, the two governances exert a limit one upon the other. The most representative procedures are illegitimate if they violate principles of rights; the most principled outcomes are illegitimate if they are achieved by improper procedures. Roughly,

majoritarian murder is as illegitimate as tyrannical bliss. I will not attend to principled results, but only to process that respects principles of equality.

For democratic equality is the driving force for each type of democracy. This is either equality of access to procedures for working the system, or equality in attainment of its results. Equality is then what needs attention in order to determine where democracy of some kind is appropriate at some moment. It has been a universal commonplace that human persons are equal because sharing in some basic ways. It is an experiential commonplace that human persons are not equal in most of their more superficial ways. It has become a philosophical commonplace that, like exactness, equality depends on the reason for seeking it. If there is less equality in terms of the reason for some sort of group, there is less reason to seek democracy therein.

This is the lay of the land. I wanted to lay it out only so as now to put figures of democracy on this background of types. The figures pose puzzles to figure out; they host discourses whose suggestive figures can be parsed.

Democracy is liable to figuring, as well, because its problems are sketched out and its tropes parsed according to some design among its components. Democracy is a regime of governance in groups, how and why the members make up the group is not irrelevant to its governance. This is what makes the group an institution. Systems theory postulates that a grouping cannot be penetrated in order to see the components that make it up. But penetration to persons and the aim of their relationships remain open to view. Their myriad modes are figured into groups typified by similarity. These types are the locales for distinction

among democratic processes and principles. I will look at the democracy appropriate to the equality of particular groups.

Democracy is some form of governance, facilitating while limiting decisions among alternative courses of action. Other senses reduce to this, such as equal conversation governed by the search for closure, that is, for conclusions or for healings. Governance becomes a matter of law, it may seem, only when the state's coercive force ensures performances. My study proceeds on the basis, however, that not only is state law a social force, different though not separate from other social forces; but also, correspondingly, social governance other than the state's has legal force; it is law but not the state's law. It is then possible to glimpse democracy as governance according to the rule of law, both socio-political and state-oriented.

The thrust of governance combines with the mode of equality to make up the idea of the institution whose democracy is in question. The distinctive structure (figure) of democracy is puzzled out (figured) in terms (figures) of its image (figure) of equality.

Institutions: Several settings for equality, governance and their expression are presented in terms of institutions not unique to my own experience. They will, of course, bear strongest similarity to my own. These several can be distinguished by saying what image or idea gives meaning to each. That idea gives the different terms for communication, because it is the institution's medium of expression. This central value in aspiration which the institution achieves or loses also formats the talk in and about it differently. While the institutions are standard ones whose membership is met socially, the idea or medium for expressing the equality of each is more contentious. The ideas of institutions are treated as if they are autonomous; whether their sequence is in fact "nested" and dependent each upon the preceding is not treated.

The method for answering "democracy where?" will be to identify a spectrum of institutions, from marital to international across many others more or less voluntary. For each, an institutional structure will be identified around its idea or core value. This affects its sort of law, the normative features of procedures which legitimate its accomplishments, particularly those of enforcement. Counterpart to this is the standing of members and the authority in regard to them; in terms of this core, its members' equality and thus their claim upon a mode of democracy can be figured. It is banal to say that all members of any institution have and deserve equality because they are all equally its members. So any discussion of democracy has to concern not that

commonplace, but members' standing in regard to its peculiar governance. Since its idea serves not only as its law but also as its medium of communication, the voice-address of democracy can be articulated in the way relevant to each institution.

While all of this is contentious, it is no more so than its disclaimers. Looking to idea or task does not freeze an institution's character a-historically across the passage of time, nor its diversity of forms at any period of time, although some limiting effect from the interplay of procedural and principled democracy was already seen. The method does have the advantage that it is empirical rather than ideal, even though not open to the repeatability required for scientific method.

Personal institutions: For the human relation of acquaintance, the anonymity compatible with it relieves it of any purpose and so institutional character, along with any norm, democracy and discourse. The same is not the case for a friendship, but this will be left until later.

A marriage is institutional because of its focus upon an idea of sex. No society values random sex, while most acquiesce in its fierce and relentless energy that becomes its own norm. Society privileges only that sex which admits norms and procedures other than itself, thereby involving fidelity and longevity. In the one-on-one negotiation of these ideas, the enforcement of failure is condign, by diminishing sexual satisfaction and by terminating it. Equality of marital partners is as great or little as their institutional sexual communication requires, from complete dominance by either, to outcomes thoroughly negotiated by both. Protection of spouses at any degree of equality by some other level of law is not determinative of this, a marriage's own procedural legality. Democracy in a marital unit may be almost nil, with one partner's sole governance as its regime, and yet the discourse of taking initiatives through kindness may be not at all impaired, when making expressions in the medium of sex.

The idea of family lies in rearing the offspring of sexual love. The differentiation of roles both in sustenance and in discipline for pursuing this long-term goal, requires direction of some members relatively incapable by other family members, at least for the short-term and often longer. Familiar ways of doing things must be followed in order achieve familial successes, dissonant to other families' procedures. Family often requires that roles be differentiated for a time, by their immediacy to the rearing of young people and to a focus upon livelihood, and thereafter by a habit of these. These roles influence the equality to be

expected in a family, when taking decisions on a common direction of its activity. This absence of democratic equality impedes none of the consultation and disagreement, much less the caring and reconciliations which inhabit family life. All it does is to fortify the inappropriateness of democratic practice where family practice is structured by inevitable hierarchy.

The gifting, the recognition of occasions, and the signs of attachment which communicate the familial idea of caring are little different from these same expressions of marital affection.

Family persists past rearing into the recognition of involuntary attachment, and voluntary inviting of others into it, which characterizes a family relationship. Intergenerational connection genetically and in-law is less purposeful than marriage and family, except insofar as it provides support for those. To that extent its institutional character is weaker than theirs, and the need to specify a relation to democracy is almost nil. Much the same is the case for a neighborhood relation, whose relations are involuntary even though the co-residency which is their condition is voluntary. Again, disciplines for ensuring compliance with neighborhood practices are effective, and constitute a law not assimilated to the civil law of their relations as proprietors. There being no goal for which they have associated, their only equality is one indifferent to hierarchy or to democracy, and so its pursuit is idle. Appropriate to this indifference is the "small"-talk which states its meanings.

The same is true for friendship, whose only goal is the joy in being together.

Voluntary associations: Not so for voluntary associations, so called not because these are unnecessary, since their objectives could hardly be achieved without them; nor because marriage, family and neighborhood are involuntary, since the formation of each requires some voluntary acts. Associations are voluntary when the person's membership is up to her.

Voluntary associations make up civil society. They have some features in common, while they differ in the ideas that found them. They have multiple faces of interaction: member to member, each member to his organization, member to clients who are not members, and their organization's relation to other organizations of the same sort, separately or combined. Continuing with the postulate that the idea points up the structure of membership and equality, the first of these, the relation of member to member, is closest to the most distinctive feature of each grouping. Dealing with clients, as well as combining with others, are at a secondary level so far

as their democracy is concerned, since those are affected by the structure of their memberships.

Voluntary groups have in common that since these are voluntary in origin, the exit from them is no less so, unless of course in joining them the member has bound his future within it by promise or more formally by contract. Penalties may nonetheless attend the exercise of this will to depart. On the other hand, the exit may be itself the penalty for failure to abide the procedures for acting within the group; there may be other penalties short of that. Their set of normative features or institutional law depends on this.

The sorts of voluntary groups can be distinguished as economic, and socio-cultural. The distinction is not redolent of meaningfulness, but is simply a catch-basin for several types in turn. Commercial, professional and labor groups line the first; recreational and religious groups, educational, medical and welfare groupings populate the latter.

The equality and in turn the democracy appropriate to each voluntary group will depend on their idea. It is true that despite a hierarchy of offices in each, the general assembly of members is often taken by statute or bylaw to have ultimate deciding power, superseding its officers' decisions. Whether this procedural democracy is required by its principles for exercise or is even consistent with them, has to be determined from its idea of its tasks. In most cases the discourse and practice of equality may be needed only for the success, not for its identity, in the same way that raw materials are needed for its activities.

This investigation becomes relevant to commercial activity when that ceases to be sole proprietorship and single management. Assuming that the idea of a commercial operation is the provision of goods or services for the sake of profitable livelihood, the employment relation between employers and employees has no provision for democratic procedures. The employee is hired solely to let the employer succeed in her aim. That enterprise is achieved in the manner, also, that the employer decides, without an employee having any expectation that decisions on this will be left to him. Even though any employee's tasks will require him to make some decisions, these are decisions whose liabilities and so responsibility remain the employer's; and so the employee does not stand equally entitled to make them. While good service may require that employees be kept content by being involved in the enterprise, and that customers have even greater say since they are "always right," these distributions are warranted not by the idea of the enterprise but only by the circumstances of its exercise. Essentially, employees are not members of the

enterprise but, like suppliers and customers, facilitate it from outside, however long and devoted their connection to it may be.

The partnership relation illustrates this commercial structure differently from the corporate one. Partners have no distance between them and their grouping. Their contribution, input and liabilities remain singular, whether equal or proportionate to one another. The democracy in decision-making remains the same: equal in authority to make decisions, because equal in terms of their membership. It can always be contracted to be unequal; and statute may make it so; but these are not differences coming from its own idea.

The corporate venture is different: it has no members. Incorporators just as later directors are selected to activate the whole being of the corporation, as officers are employed to activate daily policy and practice. But neither of these two any more than its shareholding owners are its members; and so no relation among them allows any issue of equality in their exercise to be raised. The corporation as pure creature of statute has no inherent claim for or against democracy in its procedures. Again, either statute or bylaw or client pressures may enforce democracy among its non-members as an external demand.

Professional associations and labor unions are set up for the commercial benefit of their members, whether limited to their income enhancement or extended beyond that, to the public weal or the political influence respectively that support these earnings. The professional membership consists of independent persons, whether enterprisers who may incorporate, or professionals who may not lest they shirk diligence along with personal liability. Although independent outside of their association, their goal as members allows them to achieve it by whatever legitimate means, which may include democratic procedures but equally may not. Both professional and labor associations are empowered by statute beyond their inherent capacities, and are controlled in their democratic procedures for the public's protection and that of their members as a consequence. But this is over and above any democratic demands stemming from their members' structure.

The socio-cultural groups include much greater diversity among aims, and so an expectation of greater diversity in their democratic demands. Recreational groups are the darling examples for philosophers to cite; their grouping is much more various than one single analysis can capture. The focus here is upon the core group, a team, and not upon the team's conjunction with other teams, its sporting or gaming organization, nor its spectators as clients. The sole aim is to gain enjoyment or reward by struggling skillfully

at winning a contest. This is the only contact inherently competitive; no other activity need be inherently contest at all. The structure of the activity being completely artificial, since the winning has no impact beyond the constructed confines of the contest, its members' equality too can be completely artificial. It may be present or not, usually not.

Players must cede prominence one to another, for the team to succeed. "There's no 'i' in 'team'," say interviewed athletes; there's no 'u' either. The team's performance has no democratic demand or exercise against its captain's decision. Even the sole competitor has no equal say against his coach's decisions; while out on the course performing the player can ignore the coach, that is sufficiently contrary to the aim of the activity that it will ensure their relation terminates.

Here even more than in professional and labor groupings, the discourse is imperative, the do's and don'ts of success in its manager's eyes. While her continuing in office may depend upon members' agreement, the legitimacy and efficacy of her decision while in office does not. The discourse of consultation may precede that, but ends when that begins.

Artistic groupings follow this and the preceding model, despite the absence of competition in excellence with anyone but oneself, in the few instances where it becomes communal. The terms for master and apprentice or associate manifest the complete absence of any governance approximating democracy.

The grouping inherent to educational activity likewise pits teacher toward student or pupil in unequal process, despite their joint subjection to truth or its variants. More than physician-patient, jurist-client or merchant-customer, the educational activity is constituted not by the relation of practitioners one with another as modes of performance, but by the interchange of unequals. Still, since learning can occur without teaching, and since higher learning becomes increasingly joint, this relation can begin to bear kinship with those others in its democratic character.

The hybrids which are schools, hospitals or firms tease out an uneasy balance of commercial and socio-cultural ethos. This is because the idea of task, the structure of members and so the location of authority in the group supplying enhanced services by reason of their grouping, often conflicts with the autonomy and in turn more fully democratic decisions by the sole professional agent. The "shop talk" or locker-room argot which identifies and includes members while excluding others from voluntary associations, now is replaced by bureaucracy-speak which captures the concerns of staff focused upon organization as an end, instead of the task orientations of its members.

This balancing intensifies in religious groups whose members are worshippers. Since their worship is to be done in the way that their object of worship intends, the space for their democratic equality in decision seems seriously contracted. Only in religions that hold no revealed mode of worship can the relevant grouping be the numerous local churches, as in other sorts of grouping, rather than the single church which everywhere acknowledges as its law the inequality of all worshippers together to its deity. Specifying church as their union with deity adds no more to the democracy of the religion, despite the members' perfect equality in respect of their deity, and their complete autarchy facing countervailing laws from other sources.

Political groups: As we verge upon this dimension of civil law, the political groupings whose aim is to influence the election and thereby the policy of government can be fitted. In principle they are no different from the non-governmental organizations recently glimpsed: their end is the attainment of power, members have no equality in that regard, and that end may be effected in a more or a less democratic manner depending on circumstances. Even in parliamentary governments, where the leader of the majority political party is the head of government, the authority, interests and finances of the head of party are never merged with the head of government's, much less with the head of state's.

With government, this begins to change. Government that is local or municipal is undertaken by persons in their role of beneficiaries from public services. Only persons close at hand can manage roads and sewers, water and land use, or their environmental impact at a slightly less local level of government. Cities' and towns' citizens have as much right to involve themselves in these political issues as their role in the issues gives to them, that is, they are not part of that with full equality, so they do not have claim upon full democracy in its determinations.

It is different with nation states' government, all the more when it has matured free from ethnic nationalism and has emerged into civic nationalism. The state has as an aim the well-being of all members, not in terms of their various roles but simply because they are members. This is the public function of state government, both the enterprising function of developing healthy public policy to direct its exercise of sovereignty, and the remedial function internal of police and external of military. For this to be done, some level of government must claim that no less and no more extensive a grouping can impede it, unless acting as its authorized agent. It requires sovereignty.

Currently that is still state, as it has been for the several centuries contemporaneous with an increasing demand for its democratic exercise. The only reason for persons to fulfill their needs in a state context not bound by those needs is because in the state they are present in no other guise than as equals. Nowhere else is this so fully the case, for everywhere else their needs and functions hierarchizes them both in the outcomes of authority and so in its exercise. While state is not a place to highlight members' natural equality as sharers in the fact of humanity, state is the virtual construction of that for persons who have become members of this grouping. It is not just that that people are equal as Canadians (or any other nationality), but that becoming Canadians makes them equal at last for the first time. It is for this reason that the claim of all to hold Canadian authority and to perform it is equal, and must be accommodated in some manner of procedure for exercising the authority that is equal. The discourse which embodies this procedure contains figures of human rights for their own sake, and not simply to escape disabilities resulting from discriminatory exclusions.

It is tempting to look for a yet more comprehensive equality that people can have in groups. Such a grouping would have to reach to people's bona fide equality as human beings, not constructed as national members. International community and its law does not do this, because people claim its benefits only as members of some state and in virtue of the equality of that state afforded to it, but not in virtue of being equally humans and owed human rights. The emerging cosmopolitan order has laid claim to the stature of facing *erga omnes* on the matters that it concerns, the universal concerns of world climate, pandemics, common resources, degradation of space, depletion of fertility, and more locally managed issues as genocide, asylum seeking and global terrorism. The interests and vulnerability of all humans and their rights to well-being are certainly linked in terms of these; but the threat that joins is artificial, and their dangers are singular, not distributed to all humans. So humans do not stand as equally human in the face of it, but as differentially threatened. This is not yet the reality of equality for which state was the virtual surrogate. Some transcendent grouping may purport to do so; but it would first have to consist of all human persons, joined by no more than the fact of their equality; and yet have to be the construction of that equality by their fact of being human. Otherwise, the equality is democratic yet not voluntary. Governance in the exercise of such equality to determine the grouping's directions to act would be no less needed; the democracy of its exercise

could only be a direct democracy, and so require the same transcendence of information and communication as is postulated for the grouping itself. We do not enjoy that now.

CONCLUSION

The result of this sketch is that democratic procedure is called for only in the context of states, even though it may be absent there and may be present elsewhere. This is because the equality among members which authorizes democratic procedure is constructed as an idea or task only there. As any construct, that can be lost. As any valuable contingency, it requires a husbanding of effort, to keep it where it is called for, and not to dissipate that effort everywhere it is not.

REFERENCES

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