

Can Democracy Mean Collective Action of Equal Partners?

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1. Introduction

‘Democracy has often had undemocratic roots’¹ the non-idealist² claim that the idea of a common national identification as a satisfactory embodiment and expression of every one’s aspirations is but only a theory. The egalitarian inclusions in terms of ‘participatory parity’ (equal right of participation in the democratic process) for all individuals and groups constituting the putative culture of a given polity, is only to promote the idea of common national identity³. But nevertheless, democracy strangely remains an important repository of popular aspirations even today and continues to enjoy advantages over other form of the government. The bewitching idea that democracy means self-government has concerned the democrats to engage in new theories to salvage democracy. Yet, serious challenges are posed to democracy on account that individual cannot have veto on the law or policy, therefore, how could democracy mean ‘self-government’ in any real sense. Ronald Dworkin calls this an interpretative challenge. To redeem the rhetoric of self government he develops an account of partnership democracy- “[t]he citizens of a political community govern themselves, in a special but valuable sense of self-government, when political action is appropriately seen as collective action by a partnership in which all citizens participate as free and equal partners, rather than as a contest for political power between groups of citizens.”⁴ Although Dworkin agrees to the fact democracy provides scope for major

¹ A. Kholi, *The Success of India’s Democracy*, CUP, Cambridge 2001, p. 7.

² I have used the term non-idealist to refer to the critics of democracy, who claim that democracy cannot be fully representative as opposed to those who consider democracy to be an ideal political institution encapsulating equal participation.

³ G. Aloysius, *Dalit-Subaltern Self-Identifications: Iyothee Thassar & Thamizhan*, Critical Quest, New Delhi 2010.

⁴ R. Dworkin, *The Partnership Conception of Democracy* [1998] 3CLR86

ritarian tyranny, nevertheless he makes a strong case for democracy's value by arguing that under a partnership conception every citizen has a share in collective responsibility for the community's political decision, whether or not he or she recognizes it. What I wish to analyze here specifically is this paradoxical reality in capitalist democracies of equal citizenship and majority rule. Partially agreeing with Dworkin's partnership conception of democracy, I argue that, the marginalized or subaltern groups experience themselves as excluded from the nation but at the same time trapped within the nation-state. These groups with varying degrees of intensities put forward their struggle for achieving social equality, which is often suppressed by the state. Without attaining social equality it is impossible for these groups to make any effective claims on governmentality through the means of political equality and electoral democracy.⁵⁵ Therefore, how can one claim that democracy means collective action of equal partners?

2. Democracy's Worth: the Classical Argument

Are there good reasons to believe that if rulers are selected through contested elections then political decisions will be rational, governments will be representative, and the distribution of the resources will be egalitarian? Whenever we talk about democratic disappointment we tend to question it just in terms of ballot and votes. Such propositions of 'form' restrict democracy to mere theorems⁶ that denude it of all substantive content. Such a simplistic appreciation of democracy's worth could be problematic even from the point of view of a critic. It was precisely against such oversimplified assumptions that Carl Schmitt wrote his most famous works in Weimar Germany, eventually leading to Hitler's capture of power through democratic means.⁷ Thus even those who disdain democracy, could ignore its more important gender capacity only at their own peril⁸⁸. However, I do not make this argument to deny the importance of representation through free elections and universal suffrage, it is a critical dimension of democratic theory and is important in its own right.

⁵ P. Chatterjee, *Democracy and Economic Transformation in India* [2008] EPW 19.

⁶ Theorems here refers to the procedural aspect of democracy, most popularly the one devised by R. Dahl. See, G. Stoker, *Why Politics Matters: Making Democracy Work*, Palgrave Macmillan, London 2006.

⁷ E. Kennedy, *Constitutional Failure: Carl Schmitt in Weimar*, Duke University Press, Durham 2004.

⁸ A. Phillips, *The Politics of Presence*, OUP, Oxford 1996.

In addition to the claim of representation I wish to point out other significant characteristic of the modalities of democratic practice in political theory, the most fundamental of which is ‘equality’. Hence, I will delve upon Dworkin’s interpretation of different forms of democracy.

In his last book *Justice for Hedgehogs*, Dworkin explores the relationship between democracy and equality by addressing the question: “What form of democracy is most appropriate to an egalitarian society?”⁹ Dworkin introduces two different interpretive approaches to the understanding of democracy; (i) dependent interpretation of democracy and (ii) detached interpretation of democracy.¹⁰ The first approach supposes that the best form of democracy is the one that is most likely to produce the substantive decisions and outcomes that will treat all members of the community with equal concern. Thus according to this view the main features of a democracy —universal suffrage, free speech, and the rest— are important to the extent that they enable distribution of material resources and other opportunities in an egalitarian way. The real test in case any controversial question with respect to the form of democracy would be; “[w]hich decision of these controversial issues seems most conducive to advancing or protecting these substantive egalitarian goals?”¹¹ The second approach is more feature-oriented, it insists that the democratic character of a political process be judged by looking to features of that process alone. The primary emphasis here would be on the distribution of the political power in an equal way, not what results it promises to produce. So it argues that features such as freedom of speech, and universal suffrage, helps to make political power more equal. In case of any controversial question regarding the political process, should be resolved by asking “[w]hich decision is best calculated to improve equality of political power still further?”¹²

In spite of the popularity of the detached conception, Dworkin argues that it cannot be successful in a pure form and outlines a pure dependent conception, which provides the most attractive choice. However, a shift in focus from relevance of numbers to equality will engender an understanding of how in a democratic society political decisions are taken by collective action of equal partners. It is important to mention here that I only partially agree with Dworkin’s partnership conception of democracy, which is based on the idea of political equality. Even though Dworkin

⁹ R. Dworkin, *Justice for Hedgehogs*, Harvard University Press, Cambridge 2011.

¹⁰ *Idem.*

¹¹ *Idem.*

¹² *Idem.*

contends that political equality is most fundamental to democracy, he fails to address the question of social equality, which is a condition precedent for an inclusive society. The marginalized groups that do not fit into the definition of political society cannot be equal actors in a democratic process. I will get back to this point in section IV of this paper, after having discussed Dworkin's partnership conception of democracy at some length.

3. Why Theorems of Democracy should not be taken seriously: Partnership Conception as an Alternative

Ever since Tocqueville in the early 19th century, it is a common argument that electoral democracies foster the tyranny of the majority. Problem often arises when rule by people comes to mean rule by particular ethnic group: "*when in ethnic society the demos becomes defined as the ethnos*"¹³. It is arguable that the democratic institutional design, including the choice of voting rules and forms of representation has often proved to be a harbinger of brutal attacks on minorities, underprivileged and poor by the majority ruling elites¹⁴. Therefore, should these theorems of democracy be taken seriously? As an alternative, Dworkin provides a redeeming concept of democracy – "The Partnership Conception"¹⁵, which I have discussed here.

Partnership conception would imply government by all the people, acting together as full and equal partners in a collective enterprise of self-government. A partnership conception requires that all citizens must play a part collectively in *shaping* as well as *constituting* the public's opinion—therefore every citizen plays two main roles; first, as judges of political contests whose verdicts expressed in form of formal election, referenda or direct legislation are decisive. Second, where they act as participants in the political contest they judge—here they are participating in form of candidates and supporters, whose actions help in different ways to *shape public opinion* and how rest of the public vote. As discussed in the previous section, Dworkin's primary concern is the way in which democracy is construed. The narrow detached interpretation i.e., the majoritarian conception purports to be purely procedural and therefore independent of other dimensions of political morality; it allows us to say, that a decision is dem-

¹³ G. Stoker, *Why Politics Matters: Making Democracy Work*, Palgrave Macmillan, London 2006.

¹⁴ *Idem*.

¹⁵ R. Dworkin, *The Partnership Conception of Democracy*, cit.

ocratic even if it is very unjust. But the partnership conception does not make democracy independent of the rest of political morality. However, this justification ensues a very important question of “How” i.e., are these claims just an appeal to the psychology with respect to how one should construe one’s position in relation to others in a political society? If not, then is there any theoretical basis for explaining how all citizens can act as equal partners in any real sense?

These questions are not left unaddressed. Dworkin has in some of his most prominent work and else where, developed fundamental conceptions; he has developed the conception of equality as “equality of resources” and “equal concern” at length in *Sovereign Virtue*¹⁶. In his book review of John Rawls’ *A Theory of Justice* in 1973 and following which in his book *Taking Rights Seriously* in 1977 he developed the conception of liberty¹⁷. In developing a partnership conception, he has brought these ideas together, which has been present at the heart of his overall argument for political equality and its intrinsic connection to democracy¹⁸. His defense can be together summed up as.

The Agency Argument

Dworkin puts forward the agency argument on moral and ethical grounds. He begins on the premise that as human beings we already hold certain moral beliefs that could be exploited further to defend the partnership conception of self-government. This would be to believe that under some circumstances we are jointly responsible, as individuals, for the consequence of the collective action of groups to which we belong—that we share a responsibility for the collective achievements or failures that goes beyond our responsibility, as individuals, for our own contribution to that action. But there are cases where we are held responsible even though we did not contribute to—indeed, even if we dissented from—particular actions. How do we justify such situations? According to him the language of agency would be justified for a reason that is independent of any causal claim: “[C]ollective agency is an example of an opposite kind of separation, when we have responsibility without causal impact, and that explains, I think, our temptation to say that this, too, is a kind of agency, though again a special and limited one.”

¹⁶ R. Dworkin, *Sovereign Virtue. The Theory and Practice of Equality*, Harvard University Press, Cambridge 2010.

¹⁷ R. Dworkin, *Taking Rights Seriously*, Harvard University Press, Cambridge 1978.

¹⁸ R. Dworkin, *Justice for Hedgehogs*, cit.

The Argument of Shared Responsibility through Equal Membership

However, the agency argument does not justify ethical integration of all in the collective action of a community. It is not always appropriate to ethically integrate everyone in the collective action of the community to which one in some sense belongs. In fact it is pervasive when ethical integration is done in the more mundane cases, where the action is collective only in statistical sense. Also in cases where the community does not recognize certain minority group as full members, even when they participate in political life; “[i]t would be wrong for members of racial minority to accept a shares responsibility for the political decisions that systematically ignored their own needs and fate, even if they were each allowed an equal vote in the majoritarian processes that produced those decisions.” Therefore he concludes that ethical integration with the collective acts of a political society is only appropriate for citizens whom the society treats as full and equal members of it; “[C]itizens have shared responsibility for political decisions in, but only in, a democracy that provides every citizen substantial equality of part and voice in its collective decisions, that recognizes the equal importance of every citizen’s fate in deliberating and executing those collective decisions, and that guarantees each individual a sovereign immunity from such collective decisions over certain matters of conscience and faith that, as a matter of self-respect, people must decide for themselves.” These conclusion that Dworkin draws, has an important implication; although it is essential that democracy provides self-government, but that essential connection can be claimed only if we conceive democracy as something more than majority rule. We must understand it as a kind of partnership among citizens that presupposes individual rights as well as majoritarian procedures. But that is still wanting of a justification that if self-government does not empower individual in any straightforward manner, then why should we care for it at all? Once again Dworkin, delves upon the idea of a shared responsibility for collective action- “[b]ecause it invites us to look at the idea of partnership as itself a source of value. It is valuable to work with others as partners toward something important, both because that kind of relationship with other people is ethically satisfying, at least to many people, and because, particularly in politics, the conditions of equality and respect that make it possible are independently good. So we do, after all, make a large and important claim when we say that democracy means self-government, and we must do our best, as lawyers and scholars and citizens, to realize what that claim really means”¹⁹.

Thus by deploying these two arguments Dworkin concludes that approach to democracy must be more result-oriented i.e., a political system must be judged by its capacity to improve the conditions of democracy.

¹⁹ R. Dworkin, *The Partnership Conception of Democracy*, cit.

However, in drawing such conclusions he does not rule out the importance of majoritarian political procedure. He contends that even the conditions of political partnership plainly require certain majoritarian political procedures. Citizens are not offered an equal role in government unless their representatives are chosen in periodic elections in which no one has more votes than anyone else. However, it would be a mistake to suppose that a genuine democracy is one which has been created only in accordance with or is sustained only by the will of the majority, the individual rights of equality and freedom must be in place and protected by the majority as well.

4. In Partial Agreement

By establishing an intrinsic connection between political equality and democracy, Dworkin, thus surmounts the interpretive challenge. If practices of representation are present in a nominally democratic state, but citizens are disallowed from freely participating in politics, the formal existence of representative bodies alone cannot compensate for the absence of participatory mechanisms. However, in his analysis Dworkin, omits more complex dynamics of the relationship between equality and democracy. This would hold true, particularly in case of non-western democracies—where the word “democracy” becomes highly interpretable in the context of a largely illiterate, multilingual, heterogeneous, and un-politicized electorate.²⁰ In this section I will delve upon the underside of political society that is unable to recuperate certain groups from utter marginalization. This is where Dworkin’s claim on centrality of political equality falls thin, for these are group of people who fall outside the spectrum of political society and therefore are unable to gain access to the mechanisms of political society. I agree with Dworkin to the extent that political equality argument can be used to operationalize a substantive concept of democracy; what about social equality? Indian democracy becomes a classic example in this regard, which I wish to delve upon, to demonstrate limitations of Dworkin’s partnership conception of democracy.

I would like to here, draw attention to the critical difference that marks the Indian political system. This is produced by a split in the field of the political—between a domain of properly constituted civil society, and a more ill-defined and contingently activated domain of political so-

²⁰ G. C. Spivak, “*Draupadi*” by *Mahasveta Devi*, [1981] *Critical Inquiry*, Vol. 8, No. 2, Writing and Sexual Difference.

ciety²¹. Civil society in India today, peopled largely by the urban middle classes, is the sphere that represents the domain of capitalist hegemony. The other domain includes large sections of the rural population and the urban poor. These people do, of course, have the formal status of citizens and can exercise their franchise as an instrument of political bargaining²². But they do not relate to the organs of the state in the same way that the middle classes do, nor do governmental agencies treat them as proper citizens belonging to civil society. However, there is yet another domain present in every region of India; the marginal groups of people who are unable to gain access to the mechanisms of political society. They are often marked by their exclusion from rural (peasant) society, such as low-caste groups who do not participate in agriculture or the tribal peoples who depend more on forest products or pastoral occupations than on agriculture. Political society and electoral democracy have not given these groups the means to make effective claims on governmentality²³. In this sense, these marginalized groups represent an 'outside' beyond the boundaries of political society. While there is much passion aroused over ending the discriminations of caste or ethnicity or asserting the rightful claims of marginal groups, there is little conscious effort to view these agitations as directed towards a fundamental transformation of the structures of political power²⁴. The continued existence of feelings of alienation among these marginalised or sub-national groups has given rise to secessionist movements and threats to political stability of the nation. In the recent past, there have been several movements by sub-ethnic identities²⁵ in several states in India, that have resulted in rearrangements of internal state boundaries.

It is in reference to exclusion of these marginalized groups from the realm of political society, I would say that Dworkin's partnership conception of democracy has serious limitation. On the question of ethical integration of the member of these marginalized communities, which Dworkin himself suggest, such integration through voting rights would not be possible. Since these groups are outside the spectrum of political

²¹ P. Chatterjee, *Democracy and Economic Transformation in India*, cit.

²² *Idem.*

²³ *Idem.*

²⁴ T. Lemke, *The Birth of Bio-politics: Michel Foucault's Lecture at the College de France on Liberal Governmentality* (2010), Economic and Society.

²⁵ Telangana, in Andhra Pradesh; Vidarbha in Maharashtra, Coorg in Karnataka; the new states of Jharkhand, Chattisgarh, Uttarakhand are a result of agitation by groups seeking a separate ethnic identity.

society, they are unable to make claims on even the basic necessities of life. Thus even if they are allowed equal vote in the majoritarian process, from the point of view of governmentality their right of equal citizenship is denied. In such cases how can they assume roles of equal actors or take equal responsibility for collective action in the democratic process.

5. Conclusions

In asserting the value of democracy, Dworkin argues that ‘democracy means self-government’ wherein ‘every citizen participates as free and equal partners’. It is this claim that I have examined in this paper. Through the partnership conception of democracy Dworkin sufficiently establishes how can democracy uphold self-government. However, there are great difficulties in stating what the claim of self-government means. With respect to achieving it through equal socio-political partnership the theory still remains wanting. This particularly holds true in case of country like India where deep and politicised diversities have proved to be an anathema to democracy. India has reached 67 th year of its democratic rule – however, there is a frequent criticism by political and social activist that India’s political democracy in its working has produced its own exclusions²⁶. To operationalize a substantive concept of democracy it is important that all citizens of the polity are equal. The political deprivation induced by the irregularities in the governance mainly affects the marginalized groups. Therefore the contemporary democrats and political thinkers have emphasized on treating political equality fundamental to democracy. They argue that economic performance, social opportunity, political voice and public reasoning are interrelated²⁷. To appropriate Amartya Sen’s words, “we must remember what John Rawls taught us while measuring democracy’s value”-democracy has to be understood primarily in terms of ‘public reasoning’, including the opportunity for public discussion as well as interactive participation and reasoned encounter²⁸. But then those who fall within the realm of political society make their claims on government through the institution of democracy, and in turn are governed. The latter domain, which represents the bulk outside the democratic politics in India

²⁶ P. R. de Souza, S. Palshikar and Y. Yadav, *State of democracy in South Asia : A Report / by the SDSA Team*, OUP, New Delhi 2008.

²⁷ A. Sen, *The Idea of Justice*, (Penguin, 2010), p. 350.

²⁸ A. Sen, *What’s the Point of Democracy?* [2004] Bulletin of American Academy of Art and Science.

cannot be ethically integrated into the process, therefore, how can they act as equal partners. As a matter of fact, it could even be said that the activities of political society represent a continuing critique of the paradoxical reality in all capitalist democracies of equal citizenship and majority rule.

ABSTRACT: The non-idealist claims that a common national identification as a satisfactory embodiment and expression of every one's aspirations is but only a theory. The egalitarian inclusions in terms of 'participatory parity' (equal right of participation in the democratic process) for all individuals and groups constituting the putative culture of a given polity, is only to promote nationalistic aspirations of the elite. Ronald Dworkin counters this argument by calling it an interpretative challenge. To redeem the rhetoric of self-government he develops an account of partnership democracy - "the citizens of a political community govern themselves, in a special but valuable sense of self-government, when political action is appropriately seen as collective action by a partnership in which all citizens participate as free and equal partners, rather than as a contest for political power between groups of citizens" Delving upon Dworkin's argument, in this paper I have analyzed the paradoxical relationship between equal citizenship and majority rule in a capitalist democracy.

KEYWORDS: Citizenship and Majority Rule, Capitalist Democracy, Ronald Dworkin.