

Democracy promotion: a conceptual problem

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Challenges of Democracy Promotion: Do all good things go together?

Abstract

In this paper I will argue that main controversies in relation to democracy promotion depend on conceptual disagreements which are not directly resolvable through application of empirical methods. Investigating empirically the causes and effects of successful democracy promotion presupposes as a minimum that, in a logical sense, democracy can be promoted from the outside of the political community that will practice it. While this is not an implausible position, to many rather a truism, it brackets an intense disagreement among politicians as well as political theorists on whether the concept of democracy actually allows for this possibility. Definitions of democracy as collective self-determination, or a bottom-up process of participation, may lead to different conclusion than do definitions in terms of institutional protection of majority rule, human rights, and civil society. In this paper I will open up the question of what the concept of democracy tolerates in terms of promotion from the outside as a reminder that method-driven research may sometimes lose sight of the very problems that it ultimately seeks to understand.

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The success or failure of democracy promotion (DP) is commonly treated as a matter of empirical research. The enabling conditions of democracy, as well as the dilemmas and hard choices it gives rise to, are then conceived of as concrete attributes in social, economic, political, and cultural life.¹ Perhaps most forcefully this ontology of the research area is expressed in its standard cause-and-effect hypotheses. Whether external initiatives contribute to the adoption or consolidation of democratic rule in a country might be explained for instance by the existence of an effective state apparatus, the level of internal agreement on the distribution of citizenship, the experience of democracy or violent political conflict in the recent past of the society, or whether the country is for the time being stable or in transition. Or the outcome of DP may be explained by the choice of external policy, such as the use of hard or soft power, limited or extended in time, targeted against elites or grassroots, decided unilaterally or multilaterally, implemented by foreign states or transnational civil society. Research on the existence of goal conflicts in DP – as between early organizing of general elections and political stability in post-conflict societies – entertains the same presupposition as well, that is, of defining the enabling conditions and consequences of DP as matters of empirical research.

There is of course nothing wrong with empirical research in general. When applied to the issue of what enables DP, however, empirical methods are not theoretically neutral but have substantial and controversial implications for the concept of democracy, i.e. for what the promotion of ‘democracy’ is all about and what further consequences and dilemmas it can accordingly be expected to produce. Investigating empirically the causes and effects of success or failure in DP presupposes as a minimum that, in a logical sense, democracy can be promoted from the outside of the political community that will practice it. Otherwise the relationship between DP and democracy would follow from logical relations among concepts which are true or false regardless of empirical observation. But this assumption, that the consequences for democracy of DP is in general open for empirical study, is precisely what influential arguments in political theory and practice contest at least in some cases. Let me

¹ E.g. Laurence Whitehead, (ed.) *The International Dimensions of Democratization. Europe and the Americas*, (Oxford: Oxford University Press, 1998); Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve*. Washington: Carnegie Endowment for International Peace. 1999); Richard Young, *The European Union and the Promotion of Democracy: Europe's Mediterranean and East Asian Policies* (Oxford: Oxford University Press, 2002); James Dobbins et al. *America's role in nation-building: From Japan to Iraq* (Santa Monica: Rand, 2003); Jeffrey Pickering and Mark Peceny, ‘Forging Democracy at Gunpoint’, *International Studies Quarterly* vol. 50 (2006), no. 3: 539-560; Bruce Bueno de Mesquita and George W. Downs, ‘Intervention and Democracy’, *International Organization*, vol. 60 (2006), no. 3: 627-649; Anna K. Jarstad and Timothy D. Sisk (eds.) *From war to democracy: dilemmas of peacebuilding* (Cambridge: Cambridge University Press, 2008).

recall a few examples of how this proposition follows from, and has been developed in, some mainstreams of political theory and practice.

That particular variants of DP are flawed even for conceptual reasons was a common theme in academic reactions against the US war in Iraq and Afghanistan following 9/11 2001. In his article on the ‘*contradictions* of democratization by force’ David Beetham argued, with particular but not exclusive focus on Iraq, that ‘if the basic idea of democracy is that of self-determination ... then it is *self-contradictory* to try to initiate that through a violation of their self-determination by a forcible invasion and occupation.’² Against a similar empirical background, Daniele Archibugi suggested that the notion of democracy as a method of non-violent resolution of political conflict implies that ‘a war of aggression is a means that *contradicts* its [democratic] ends’, and furthermore that this predicament ‘*rules out the possibility* that democracy can be exported militarily.’³ John Dryzek pictured the cosmopolitan reaction to unilateral impositions of democracy by recalling that the ‘invasion [of Iraq] was justified by American neoconservatives in democratic terms ... [but] the unilateral military means they prescribe are *decidedly antidemocratic*.’⁴ And Jürgen Habermas saw a need to clarify in normative but no less categorical terms that ‘[i]t is precisely the universalistic core of democracy and human rights that *forbids* their unilateral realization at gunpoint.’⁵

The ideas reflected in these arguments are not limited to US attempts at nation-building. That political institutions must, if democratic, be shaped through the unique experiences of a unique people was suggested for instance by Jacques Burzan in a critical reaction to external support for democratisation in South Africa and some other countries in the mid 1980-ties: ‘The parts of the [democratic] machine are not detectable; the organism is in fact indescribable, and what keeps it going, the “habits of the heart,” as Tocqueville called them, are unique and undefinable. In short, we cannot by any conceivable means “show them how

² Beetham, David 2009. “The Contradiction of democratization by force: the case of Iraq”, *Democratization*, 16:3, (pp. 443-454) p. 443. My emph.

³ Daniele Archibugi, *The Global Commonwealth of Citizens* (Princeton and Oxford: Princeton University Press, 2008) p. 224, (my emph.).

⁴ John Dryzek, ‘Transnational Democracy in an Insecure World’, *International Political Science Review*, vol. 27, no. 2, p. 103. (my emph.). Dryzek’s point is part of his overall argument that discursive transnational democracy was less damaged by the US unilateralism than was the conception of cosmopolitan democracy.

⁵ Jürgen Habermas, ‘Interpreting the Fall of a Monument’, *Constellations*, vol. 10 (2003), no. 3, p. 369. (my emph.).

to do it.”⁶ More generally, this argument reflects a republican or nationalist theory of legitimate political foundations. Theorising the constituent power at the time of the French revolution, Emanuel-Joseph Sieyès suggested that a new regime should be founded by the members of the nation and only by them.⁷ In social contract theory, reflected for instance in the principle of self-determination invoked above by Beetham, the founding of legitimate states is conceived of as analogous with voluntary associations freely entered into by the people themselves.⁸ The opening paragraph of the US constitution – for long a major source of inspiration for revolutionaries around the world – testifies to the importance of the same ideal also in political practice.⁹ According to these assumptions of what democracy is, a rule is not democratic if founded and sustained through involvement of foreign powers.

Of course, disagreement over the founding assumption for empirical study of success and failure in DP is not a concern only of academics. According to George W. Bush, the promotion of democracy in Iraq was a matter of strategy and choice on the part of the US: ‘There are five steps in our plan to help Iraq achieve democracy and freedom. We will hand over authority to a sovereign Iraqi government, help establish security, continue rebuilding Iraq's infrastructure, encourage more international support and move toward a national election that will bring forward new leaders empowered by the Iraqi people.’¹⁰ During his first year in office, Barack Obama categorically rejected this theory on both conceptual and normative grounds: ‘I know there has been controversy about the promotion of democracy in recent years, and much of this controversy is connected to the war in Iraq. So let me be clear: no system of government can or should be imposed upon one nation by any other.’¹¹ Again,

⁶ Jacques Barzun, ‘Is democratic theory for export?’, Sixth Morgenthau Memorial Lecture on Ethics & Foreign Policy (Carnegie Council, 1986). p. 25. Available at http://www.cceia.org/media/268_barzun.pdf. Accessed 2009-03-27

⁷ Emmanuel-Joseph Sieyès, ‘What is the Third Estate?’, *Political writings* (Indianapolis: Hackett, [ca 1788-] 2003), p. 136-37. For a more recent variant of the argument, see Roger Smith, ‘The principle of constituted identities and the obligation to include’, *Ethics & Global Politics* vol. 1 (2008), no. 3, p. 139-41; cf. Bernhard Yack ‘Popular Sovereignty and Nationalism’, *Political Theory* vol. 29 (2001), no. 4, p. 519, 531-32;

⁸ E.g. John Locke, *Two Treatises of Government*. (New Haven and London: Yale University Press, [1690] 2003), 142; Robert Nozick *Anarchy, state, and Utopia* (Oxford: Blackwell, 1974), Ch. 10; Habermas, *Between facts and norms*, p. 124-26 *et passim*).

⁹ ‘We the people ... establish this constitution’. While the founders perceived of themselves as republicans rather than defenders of democracy, which they understood in terms of direct government, their formulation has since then been appropriated in explicitly *democratic* political theory, for instance by Bruce Ackerman, *We the People*, vol. 1-2 (Cambridge, Mass: Harvard, 1991 and 1998)..

¹⁰ George Bush's address at the Army War College May 24, 2004, as transcribed by *The New York Times* the same day. Available at <http://www.nytimes.com/2004/05/24/politics/25PTEX-FULL.html?pagewanted=all>. Accessed 2010-02-10.

¹¹ Speech in Cairo, June 4, 2009, as transcribed by *The Guardian* the same day. Available at <http://www.guardian.co.uk/world/2009/jun/04/barack-obama-keynote-speech-egypt>. Accessed 2009-10-01.

questioning of whether the consequences of DP on democracy itself are in general open for empirical study does not derive only from concerns with the usefulness of military power. In a publication from the Czech presidency of the EU in 2009 on the need to build consensus on DP policy, the following ambivalence on the possibility of DP was selected even as a motto of the report: “Democracy cannot be imported, it also cannot be exported. But it needs to be supported”.¹²

There appears to be a considerable divide therefore between a background assumption for empirical analysis of the success or failure DP, on the one hand, and contributions which suggest that some combinations of democracy and DP are self-contradictory rather than empirically contingent. To come to terms with this controversy my strategy will in this paper not be to defend either of the two most general positions, i.e. that DP is in principle possible or impossible; the amount of efforts that has already been invested in research and politics relying on either position guarantees that no argument will be useful to a broader group of researchers if it does not accommodate elements of both sides. Instead I will proceed by specifying kinds of democracy, and kinds of DP instruments and political circumstances, which support competing answers to the question of whether DP is logically possible or not. What kind of democracy is it that cannot be achieved by what instruments of DP under what circumstances? What instruments of DP is it that remain to be operated if the aim is one kind of democracy rather than another?

The aim of the paper is to introduce a nuanced discussion of what the concept of democracy tolerates in terms of promotion from the outside. Alternative conceptions of democracy will be distinguished on the basis of whether they draw attention to (1) normative ideals or to institutions and practices only; (2) the exercise of constituent or constituted powers; and (3) power relations inside of individual states or the world as a whole. I will ground the conceptual alternatives in existing theory and highlight their diverging implications for the legitimacy and possibility of particular external strategies in DP. As the three distinctions will be seen to overlap, the argument will grow from relatively simplistic to more complex as the discussion proceeds. I conclude with a summary of the argument and some reflections on the relationship between theoretical and empirical research in political science more broadly.

¹² Report from the conference Building Consensus About EU Policies on Democracy Support. Available at <http://www.epd.eu/homepage/advocacy/epd-events>. The motto is a citation from Kim Campbell, Former Prime Minister of Canada and Chairman of the World Movement for Democracy.

Ideals or institutions

DP is directed most easily and commonly at realities such as economic structures, political behaviors, and juridical institutions in the target country. Let me refer to these elements as part of an institutionalist conception of democracy. More difficult to influence through DP, but no less real, are the normative principles reflected in political institutions and behavior,¹³ for instance that human beings should be treated equally or unequally, and with or without respect for their individual and collective autonomy. Let me refer to normative principles as part of idealist conceptions of democracy.¹⁴ No theory of democracy is complete without an institutionalist dimension, since there must be some way of translating normative ideals into practice in order for them to be normative ideals in the first place.¹⁵ Institutionalist conceptions, however, have sometimes been argued not to require an idealist dimension.

The lesser but still considerable difficulties of DP to achieve institutionalist features of democracy is mirrored in the greater attention to institutionalist features in empirical study. For example, most ways of measuring democracy, such as the Polity or Freedom House indices, are sensitive to government violence against individuals while few or none of them register for instance the extent to which public opinion formation is constrained by fear of social or political oppression, however relevant the latter is on the normative standard of individual and collective autonomy.¹⁶ This balance of attention in the practice as well as empirical research of DP produces a particular stand on the following theoretical issue:

- Is democracy reducible to the functioning of a set of democratic institutions, such as general elections, accountable and responsive rule, legal protection of human rights, and a civil society free from government domination? Or is there in democracy necessarily some normative ideal – such as individual freedom and equality, and collective self-determination and recognition – for which the institutions are but a means or an expression?

¹³ For a similar point on the people's "habits of mind", see Francis Fukuyama, "The Imperative of State-Building" in *Journal of Democracy*, Vol. 15 (2004), No. 2, April 2004, abstract.

¹⁴ The distinction between institutional and ideal definitions of democracy intended here is commonplace in political theory, for instance the work by Dahl, Robert (1982). *Dilemmas of Pluralist Democracy*, ??

¹⁵ Should implies can

¹⁶ E.g. Habermas 1996, op. cit.

Before exploring the implications of this issue for DP, let me ground the question in existing theory so as to recognize what is gained and lost from adopting either position.

A main advantage of institutionalist conceptions of democracy is methodological: political behavior, economic structures, and juridical institutions are all more directly observable than is the reflection of normative ideals in political action. To exclude from the conception of democracy what can anyway not be observed will reduce theoretical complexity which is unnecessary in the view of researchers who think in empirical categories alone. The strength of institutionalism may also derive from weaknesses in idealism. Influential arguments against particular idealist conceptions of democracy is offered for instance by Schumpeter and Arrow. According Arrow's impossibility theorem, the will of the people cannot be understood in a consistent way.¹⁷ According to Schumpeter's realist theory of democracy, participation does in fact not attain the virtues it has traditionally been associated with in theories of democracy, e.g. personal and collective autonomy and development.¹⁸ Whatever normative value there is in democracy comes from empirically contingent consequences of its political institutions, such as freedom from inter-state war¹⁹ and intra-state famine.²⁰

The strength of idealist conceptions of democracy, on the other hand, is their ability of capturing more of what at least some people actually mean when they use the term. More directly observable institutions or practices of democracy, such general elections, protection of basic human rights, and equality before the law, need not in every instance exhaust, or even contribute to, democratic ideals such as collective self-determination and freedom from arbitrary domination. The significance of participation in general elections for the collective self-determination of the participating people will depend not only on the levels of turnout and other easily observable behaviors, but also on the reasons for their participation in the first place. If people participate because of being indoctrinated and unable to imagine any alternative ways of making political decisions, or because they will be punished by a powerful minority or neighbor in case they don't vote,²¹ normative ideals commonly associated with democracy, such as personal and public autonomy, will be realized to a lesser extent than if

¹⁷ Andrew Hindmoor, *Rational Choice*, Houndmills and New York: Palgrave Macmillan, 2008

¹⁸ Schumpeter, Joseph A. 1950/1975. *Capitalism, Socialism and Democracy*. New York: Harper Perennial.

¹⁹ E.g. Russett, B. (1993). *Grasping the Democratic Peace: Principles for a Post Cold War World* (Princeton: Princeton University Press).

²⁰ Amartya Sen, A. (1999b) "Democracy as a Universal Value", *Journal of Democracy*, 10, 3: 3-17.

²¹ or in case the people don't vote in sufficient numbers for a particular alternative, as anyone in the world might fear after incidents like the Palestinian 2006 elections (when the victory of Hamas was followed by severe international sanctions).

participation was motivated by commitment to those ideals themselves. To bracket the normative dimensions of democracy is to blind oneself to what makes this concept interesting in the first place.²²

What are the implications of the distinction between idealist and institutionalist conceptions for the availability in practice of DP instruments capable of attaining aims of either sort under different political conditions? If compliance of the people with democratic institutions is the only requirement of democracy, there will be relatively few restrictions as to what outcomes of DP should count as having furthered democracy. Imagine an extreme case (because a less extreme case will lend even stronger support for the conclusion I now aim at) where the whole of a population agrees that liberal democracy is not in their interests and a foreign power decides unilaterally to embark on a mission of democratizing the country by force.²³ The kind of democracy available through DP is then institutionalist but – in view of the normative ideals commonly associated with democracy – not idealist. Say for instance that the institutional requirement by which democracy is identified is citizen participation in general elections. On that measure alone, it will make no difference whether citizens vote because of republican spirit or because of pointed at by a gun. Sensitive researchers would try to avoid the most absurd consequences of institutionalist conceptions, for instance by disqualifying as instances of democracy acts of voting that take place under the threat of severe punishment. But in order to retain its methodological advantages in empirical research – for instance to allow for the usage of existing democracy indices – the institutionalist conception of democracy will at some point have to reveal itself. For instance, the standard view in DP history that Japan was successfully democratized by the US after the Second World War rarely or never considers as relevant that the readiness of the US to drop nuclear bombs on civilians in case of an irreconcilable conflict over alternative sovereigns might have been a factor in Japanese compliance with the constitution of 1946.²⁴

Because institutionalist conceptions are relatively permissible with regard to which kinds of DP policy can work, they will invite a correspondingly large number of normative dilemmas regarding the means and ends of DP. Only if democracy is understood so as to allow for the

²²Cf. Pateman, Carole 1970. *Participation and Democratic Theory*. Cambridge: Cambridge University Press.

²³ Whether the decision to democratize is itself a motive for the military intervention can for the moment be ignored, however important for many other purposes (see e.g. Sonja Grimm and Wolfgang Merkel, 2008, “War and Democratization: Legality, Legitimacy and Effectiveness” in *Democratization* 15 (3): 457-471).

²⁴ Which in Japanese is sometimes referred to as *oshitsuke kenpo* — the imposed or enforced constitution. I thank Japanese speaking political scientist Linus Hagström for this note.

promotion through force can there be a question as to whether democracy is worth the cost of being promoted in this way. More generally, the room for conflicts between democracy and other goals – however related to democracy – will expand as democracy is defined in more permissible ways. For instance, the argument that in post-conflict societies external actors face a choice between democratisation and security – because election campaigns and majority government will allow expression and prolongation of the conflict – presupposes commitment to an institutionalist democracy conception. If democracy is defined in the idealist terms of for instance collective self-determination there would simply be no democracy left where a society is plunged into civil war. By contrast, if democracy is defined as the running of general elections alone, the impact of democracy on social violence or civil war is an empirical question. This is only a conceptual clarification, but it does carry practical significance. Because the alleged dilemma between democracy and security in post-conflict societies presupposes an institutionalist understanding of democracy, it would not contradict the underlying concept of democracy if compliance with democratic rights and institutions was secured through increasing police efforts, possibly supplied by external actors. What might at first glance have looked like an inescapable choice between either democracy or security is actually (from the normatively poor perspective on democracy which allowed the formulation of this dilemma in the first place) a problem of insufficient resources that may call for a practical response.

On the basis of an idealist conception of national democracy, conclusions will be very different.²⁵ If participation in general elections is only a means towards collective self-determination it will indeed make a difference whether people participate because of a will to realize their independently formed preferences or because fear to be punished or lose support from an overwhelmingly powerful internal or external actor. Even if there is no democracy in a country to begin with, the people do not come closer to democracy by having to surrender to aggressive domination. What instruments, if any, are available for DP if democracy is defined in the normative ideal of collective self-determination? Standard interpretations of the concept are not contrary to the use of violence per se; the historically dominating locus for realizing collective self-determination has been sovereign states – i.e. organizations empowered and in part established to exercise physical violence to the point of killing human beings. The

²⁵ It may be noted that my reasoning in this section proceeds on the assumption that democracy is a national political project. The conclusion changes if democracy is thought of instead as a kind of transnational or global politics (see section below).

limitation of what will count as democracy in this sense is given instead by what the people want. If a democratic intervention in an authoritarian state is successful and supported by the people, the outcome might seem to be in no contradiction with the ideal of collective self-determination. On the other hand, domination of such sort as violates the ideal is not limited to military means. Philippe Schmitter distinguishes four international factors relevant for the democratization of states – contagion, control, consent, and conditionality – and defines conditionality as the ‘deliberate use of *coercion* – by attaching specific conditions to the distribution of benefits to recipient countries – on the part of multilateral institutions.’²⁶ Since it is impossible to be self-determining and subject to coercion at the same time, the kinds of DP that can achieve democracy as self-determination – one among many idealist definitions of democracy – should not be distinguished in terms of the policy instruments used, but in terms of the popular support for the constitution of the state.

It is generally difficult to know what the people want prior to the establishment of democratic procedures in their country. Some would question the very concept of a will of the people before preferences can be aggregated in democratic procedures.²⁷ However, there are clearly cases when it is easier than in others to confirm that some people are in support of an external intervention. If a democratically elected government has been ousted by a military junta, a democratic intervention will simply allow the continuation of a democratic process which the people may already have accepted through earlier political participation. Intervention and DP programs which are brought to an end sooner rather than later will run a smaller risk of making leaders and people act in ways contrary to what they had done in the absence of the external actors.²⁸ Some assessment of the will of the people is also possible in authoritarian states. Consultations with civil society groups, inside and outside the country, in opposition and in support of the government, will obviously require careful judgments in order to provide useful information about what the people wants; but that challenge need not be impossible to meet.

²⁶ Philippe C. Schmitter, ‘The Influence of the International Context Upon the Choice of National Institutions and Policies in Neo-Democracies’ in *The International Dimensions of Democratization. Europe and the Americas*, ed Laurence Whitehead (Oxford : Oxford University Press [1996] 2001), p. 30. For survey of conceptions of conditionality as either coercion or invitation to voluntary adaptation, see Agné, Hans (2009) “European Union Conditionality: Coercion or Voluntary adaptation?”, *Alternatives: Turkish Journal of International Relations*, vol. 8, no. 1 (Spring 2009)

²⁷ E.g. Richardson op. cit., Henry S. (2002). *Democratic Autonomy: Public Reasoning about the Ends of Policy*. Oxford: Oxford University Press, p. 206;

²⁸ Which of course is a standard definition of having power exercised over oneself. See Robert Dahl, ‘The Concept of Power’, *Behavioural Science* 2 (1957): 201-215. Reprinted in *Power: Critical Concepts*, ed. John Scott (London and New York: Routledge, 1994), 290.

To sum up then, the kind of democracy which is possible to promote is either concerned with institutions, absent ideals such as collective self-determination, or with countries where the population supports the external actors. What makes DP difficult even to conceive of, on the other hand, is the definition of democracy in ideal terms like collective self-determination and application of the concept to countries where the population is mixed or opposed to the external action.

If these conclusions seem simple, even banal, the reason might be that they presuppose that the positive or negative influence of DP depends on how it affects the democracy of a political entity which already exists. By assuming that a people, a territory, and a constitutional order are all in place, the analysis has so far exposed DP as an obstacle or a facilitator of a democracy whose most basic conditions have already been established. That is, democracy has been implicitly understood as an exercise of constituted powers, not constituent power. However, this is itself a theoretical controversy with implications for the possibility and legitimacy of particular DP cases. I will expose the reasons and implications of this disagreement in the next section.

Exercise of constituent or constituted power

Political processes – and processes of democratisation in particular – are commonly separated into the following two phases.²⁹ First, the political order is constituted. This includes deciding on the boundaries of the political community and what powers should be exercised in common and through what procedures. Political actors then exercise *constituent* power. Second, the so constituted powers are exercised within the existing political order. This involves the shaping of political alternatives, the making of collectively binding decisions, and the implementation of what has been decided within the now bounded and constitutionally ordered political community. In this phase political actors exercise *constituted* power.³⁰

²⁹ E.g. Macdonald, K. and Macdonald, T. (2010), 'Democracy in a Pluralist Global Order: Corporate Power and Stakeholder Representation', *Ethics and International Affairs* 24 (1), p. 23.

³⁰ Different accounts of the distinction between constituent and constituted power are provided for instance in Schmitt, C. (2008), *Constitutional Theory*, Durham and London: Duke University Press. Transl. by Jeffrey Seizer; Ackerman, B. (1998), *We the People I. Foundations*, Cambridge, MA: Harvard University Press; Kalyvas, A. (2008), *Democracy and the Politics of the Extraordinary*, Cambridge: Cambridge University Press.

DP can be conceived of most easily as an element in the first of these political phases, i.e. in the exercise of constituent power of an individual state. It plays a role, if at all, in the process of establishing and consolidating new power relations within existing states, and sometimes it helps to create new boundaries of political communities, whether more inclusive, exclusive or better protected than the existing boundaries. This conceptualisation of DP is not inconsistent with a hypothesis that most DP resources are directed towards political entities whose boundaries and constitutions are already in place in a formal sense. The fact that external actors involve in supporting the political structures is itself sufficient evidence that the social and economic conditions necessary for stability in the political institutions are still in the making. The exercise of constituent power is not finished once a piece of paper has been adopted and internationally recognised as the constitution of a state; it involves social, economic, and cultural work as well. Once politics gets into the second stage, however, DP has made itself superfluous. Here one argument is conceptual. According to both idealist and institutionalist definitions of democracy as exposed in the previous section, the alternatives of public choice are in democratic politics shaped and decided by the people, not the representatives of international organisations or foreign states. Hence the foreign influence over political decisions inherent to DP must come to an end before political powers is exercised under a fully democratic constitution. Just as DP is conceptualised most easily as an activity in the first stage of politics, i.e. when democracy is still in the making, it follows that democracy itself is located in the second.³¹

The conceptualisation of DP and democracy as taking place in two phases of the political process provides for an explanation of why democracy – understood as a system in which people rule themselves – is not contradicted by the involvement of foreigners in the political process. However, the conceptualisation can serve this purpose only through adopting a critical background assumption, namely that democracy is about the exercise of constituted – but not constituent – power. This assumption is worth theoretical attention:

³¹ Though of limited empirical relevance, DP could theoretically speaking be viewed as an element in the second stage of politics, in case the politics of DP – that is the ways in which decisions on DP are made, primarily in the actor countries – is itself made an object of democratisation through DP (in the sense of opening this politics for universal and equal participation of everyone affected, including the people in target countries of DP). However, since this is generally not the kind of democracy which guides DP, we can for the moment ignore the theoretical possibility of viewing DP as an element in the second stage of politics distinguished above.

- Is democracy limited to how power is exercised in political orders already constituted? Or is it necessarily also about how political orders are constituted, i.e. the ways in which they come into being in the first place?

Before detailing the implications of this issue for DP, I will make some notes on the relative strengths of each position. Limiting the concept of democracy to the exercise of constituted powers has been commonplace in the mainstream of analytical political theory over the last century.³² Apart from the fact that academically dominating states like the US and the UK are relatively stable and themselves in less need than many others of consideration of constituent power, the reasons for omitting constituent power from democratic analysis has not always been very clear, however. From the viewpoint of social contract theory, what is of normative value is in the first place the existence of political order in contrast to the state of nature. Hence to prioritise attention to democracy as an exercise of constituted powers is to focus on what is ultimately valuable. Limiting attention to the exercise of constituted powers may also serve to avoid notoriously difficult, and perhaps irresolvable, problems. Treating the boundaries and separateness of political communities as a given frees the analyst from the task of explaining why humanity should be segregated into discrete political communities in the first place³³ or how a people can decide democratically on its own composition, i.e. before the people as such exists.³⁴ Finally, the exercise of constituent power is often perceived of as an exceptional event,³⁵ performed most visibly if not exclusively in the making of new states or drafting of new constitutions, in contrast to the routinized exercising of constituted powers in times of political and social stability. Prioritising attention to the exercise of constituted powers is then justified as a way of focusing on the empirically dominating category of politics.

In contrast, conceptualising democracy as entailing the power even to constitute political orders widens democratic theory's field of application. Political orders must begin at some point in time, or through some process in time, and the concept of constituent power serve

³² E.g. Dahl, Robert 1979/1998. "Procedural democracy" in Goodin, Robert E. and Pettit, Philip (eds.) 1998. *Contemporary Political Philosophy*. Oxford: Blackwell; Rawls, John, 1972. *A Theory of Justice*. Cambridge (Mass.): Harvard University Press.

³³ Agné, Hans "Why democracy must be global ", Paper prepared for the 2010 SGIR conference in Stockholm, section on World Community, (also in *International Theory*, fall or winter 2010, forthcoming) or Bartelson, J. (2008), 'Globalizing the democratic community', *Ethics & Global Politics* 1(4): 159-73; or

³⁴ Näsström, S. (2003), 'What Globalization Overshadows', *Political Theory* 31 (6): 808-834.

³⁵ Kalyvas, Andreas (2008), *Democracy and the Politics of the Extraordinary*, Cambridge: Cambridge University Press.

precisely to include politics of such time in the analysis democracy. Hence the theoretical ideal that explanations should, other things being equal, cover more ground rather than less speaks in favour of recognising the exercise of constituent powers as part of the democratic process. Moreover, the exercise of alternative ways of exercising constituent powers is not only an issue to which the application of democratic theory can be tried out as a means to provide for a more general theory, but also an issue which must be accounted for in democratic reasoning. Since preferences are not equally distributed across alternative delimitations of political communities (we can see this simply because majorities in different countries prefer different public policies) the outcome of majoritarian decision-making procedures will depend on how the political community was delimited.³⁶ To explain why democrats have reason to abide by the outcome of democratic procedures, defined as the exercising of constituted powers, it will therefore be necessary to explain how decisions on alternative delimitations of the political community should be made. On this note, without an explanation of legitimacy in constituent power no theory of democracy will be complete.

A practical implication of viewing democracy as an exercise only of constituted powers might be that DP programs should proceed fast and finish soon.³⁷ The democracy that can exist, according to this conception of democracy, does not appear until its constituting has been completed. By the same token, commitment to the conception of democracy as an exercise also of constituent power does not require DP programs to finish as soon as possible. As long as the very constituting of the new political order fulfils sound criteria of democracy it will yield legitimacy as it proceeds, and need not be rushed in order for democracy to begin. The conception of democracy as an exercise of constituent power will therefore not by definition rule out the democratic legitimacy of long-term commitments to development and state-building typical of DP in post-conflict societies. However, the conception of democracy as constituent power will imply normative criteria of its own whose approximation by DP in different variants must be investigated in their own right.

While there is for the time being no widely accepted theory of democratic constituent power, especially not in the context of DP, the principles that do exist rely heavily on territorially bounded conceptions of self-founding, or self-determination, which give little or no room for

³⁶ Whelan, F.G. (1983), 'Prologue: Democratic Theory and the Boundary Problem', R.J. Pennock and J.W. Chapman (eds), *Liberal Democracy*, New York: New York University Press, p. 41.

³⁷ Walzer, Michael, 2007, "The Argument about Humanitarian Intervention", in David Miller (ed), *Thinking Politically*. New Haven & London: Yale University Press, p. 246.

activities similar to DP. According to social contract theory, the founding of a legitimate state presupposes a unanimous voting among the people subject to the new political order³⁸ or a voluntary association of people free to initiate, and to migrate among, alternative associations³⁹. According to nationalist theory, it is the members, and they alone, who should participate in the making of a new political order;⁴⁰ the idea then is that some people share a pre-political sense of belonging and identity which ultimately justify their exclusion of others in the exercise of constituent power. Both doctrines share the assumption of self-founding in the sense that the authors and the addressees of a constitution are one and the same people and, more specifically, that both doctrines apply this idea to the making of territorially bounded political communities. If foreigners are given any role at all,⁴¹ it is limited to the drafting of the constitution, not its establishment through changing or consolidation of power relations at which DP typically aims. On these doctrines of democracy as an exercise of constituent power, therefore, the involvement of foreigners in the shaping of new political orders is consistent with democracy only if the democracy promoters don't exercise any power at all.⁴² This conceptual presupposition then implies (in contrast to those analysed in the previous section) that the instruments used in DP are directly relevant for the democraticness of DP: the less powerful the instruments, the less they obstruct democracy in the sense of an exercise of constituent power aimed at creating a territorially and socially bounded political community and order. It bears recalling, however, that implications of classical theories (like contractualism and nationalism) in a new context (like that of DP) may suggest a rethinking of these theories just as much as a rectification of political practice in accordance with those theories.

Applying nonetheless the theories we actually have, it is easy to conclude that the division between democracy as constituent and constituted powers have implications as to whether DP is possible. If democracy is defined so as to imply a democratic exercising of constituent

³⁸ Rousseau, op. cit.

³⁹ Nozick, Ch. 10, op. cit.

⁴⁰ Sièges op. cit.; Smith op. cit.

⁴¹ Rousseau op. cit.; Honig, B. (2001), *Democracy and the Foreigner*, Princeton and Oxford: Princeton University Press.

⁴² These doctrines do not imply that a foreign intervention cannot liberate a people from a dictator (although that could be denied as well, for instance on the basis of John Stuart Mill's argument that sustainable freedom must be fought for and earned; see his 'A few words on non-intervention'). What these doctrines say is rather that democracy requires something more than being liberated, namely that the freed people prove willing and capable to establish political order by themselves. So if a foreign intervention would succeed in removing a dictator while the people would not succeed in founding a new state or a new constitution, the political result would be something like anarchy or foreign domination, or a mix of both, but not democracy – as in Iraq in the years following the US declaration of victory in 2003.

power and, more specifically, the democratic criterion is defined as some variant of self-founding into territorially bounded political communities, most and perhaps all strategies for promoting democracy abroad will need to be rejected as self-contradictory. Democracy, in that sense of the term, is not the name of process in which foreigners participate in the making of government for others. By the same token, the democracy which external actors may in fact try to promote is limited to the exercise of constituted powers. This in turn has implications for what promotion strategies are democratically legitimate: the faster the external actor gets out from the target country, the sooner it is possible for democratic procedures to come into being, and the better it is. Hence external actors must choose between the ideal of a self-founding people and long-term commitments to the goals of restructuring a society as alternative source of legitimacy.

If again the conclusions drawn here sound simple or even banal, my guess would be that this time it depends on their taking for granted that democracy is a nation-state kind of politics – either because constituent powers is about establishing territorially bounded political communities or because constituted powers are exercised within such communities. In recent years, however, economic globalisation, supra-nationality, foreign intervention, and failed states have drawn critical attention to these assumptions. A large and still growing number of authors now locate democracy beyond or above the level of individual states. It remains open to question then whether DP should be described as an exercise of non-democratic constituent power because it violates century old principles of territorially bounded self-founding. It is time to consider therefore the implications for the possibility of particular variants of DP of defining democracy as a domestic or a transboundary phenomenon.

Power within or beyond the state

Democracy has traditionally been imagined and desired as a particular kind of domestic politics. The assumption has been empirical, that the impact from the outside on democracy is in fact limited, but also conceptual, that the impact from the outside is in any case irrelevant for what democracy is. The conceptual variant of democratic theory limited to domestic politics was made unusually explicit by Brian Barry: “Surely the normal way of understanding the term ‘democracy’ is to suppose that it refers to the internal distribution of power within a political unit ... [A] state is democratic if the government acts in accordance with the wishes of the citizens - and it is not less democratic if there are some things of concern to the citizens that the state has limited control over, like sea pollution, nuclear war or

worldwide inflation.”⁴³ Not few democratic theorists continue to work in this tradition today. The conception of democracy as located in domestic politics of individual states apparently captures what many analysts mean by the term and what they are able to measure with democracy indices. However, diverse debates on globalization have brought forward a range of theories which suggest that assessing the democraticness of political power – in ideal as well as institutional terms, in constituent as well as in constituted form – requires that international relations are taken into account.⁴⁴ A basic conceptual question can then be phrased as follows:

- Is democracy only about the distribution of powers within states? Or is it about the distribution of power in the world as whole, as it may be held and exercised by not only by domestic institutions and interest groups but also by foreign states, international courts, global business, transnational actors, etc.?

The implications of this issue for the democraticness of DP are straightforward. If democracy is limited by definition to the domestic politics of individual states, a democratic state may be dominated by external powers without implications for its democraticness, as long as the internal distribution of power remains unchanged and the external powers don't challenge the notion of the people having a state in the first place. Whether external actors or factors prevent the people of a democratic state to make and implement the decisions they want – for instance regarding sea pollution or worldwide inflation to keep with Barry's examples – is from this perspective irrelevant for the realization of their democracy. This definition of democracy applies generally, and therefore also to the political issue of choosing between democracy and other kinds of rule. Hence whether a democratic constitution is kept in place because the people want it or because required global actors or structures is again irrelevant for their democracy.⁴⁵

⁴³ Barry, Brian 1974. "Size and democracy" in *Government and Opposition*, vol. 9, no. 4, pp. 492-503, page 494-45

⁴⁴ E.g. Held, D. (1995), *Democracy and the Global Order*, Cambridge: Polity Press. Macdonald, T. (2008), *Global stakeholder democracy: power and representation beyond liberal states*, Oxford: Oxford University Press.

⁴⁵ The notion of collective self-determination (as used in an earlier section to illustrate idealist conceptions of democracy) implies that the people should not be dominated by a foreign actor. Hence this concept presupposes that democracy is not limited to the domestic politics of individual states. Traditionally, however, the concept has been explored under the empirical background assumption that external forces do in fact not pose any significant limitation. A normative problem which this concept has more typically served to highlight is that of arbitrary domination within states (e.g. Pettit, Philip. 1997. *Republicanism: A Theory of Freedom and*

By contrast, if democracy is not only about the internal but also the external relationships of states, as well as political relations which transcend the distinction between internal and external, the democraticness of DP will depend on how we define the criterion of democracy in politics beyond the nation-state. On this point there is nothing like a consensus in political theory today, but a large and growing literature as to what democracy really means in this context. To bracket of the details of this debate, let me draw attention only to one particularly influential idea, namely the so called all-affected principle, stipulating that everyone significantly affected by a political decision should be offered equal opportunities to participate in the making of that decision.⁴⁶ If democracy implies that everyone affected by a decision must be able to participate in making it, it follows that people should be unaffected by decisions which they have no democratically sufficient possibility to participate in making. As for politics within territorially bounded states, which is the main or even the only concern of DP as it exists today, DP might then seem inherently undemocratic. People within the country will not be offered equal rights of participation in the decision-procedures of the external actor, although they might depending on the kind of DP indeed be significantly affected. Hence DP does not observe the corollary of the all-affected principle, namely that people should be unaffected by decisions whose making they have had no possibility to participate in making.

This conclusion would seem to follow most naturally if the normative aim is democracy in the sense of exercising constituent power. After all, the constituted powers of an individual state have not yet been fully established during the DP, and their observing of any democratic principle could not be obstructed prior to their own existence. Hence it is only the constituent power of the prospective state that would contradict the all-affected principle if it involved external actors. However, as we have now abandoned the assumption that democracy is necessarily realized only in the domestic politics we can also drop the assumption that DP is limited to exercising democracy's constituent power. Equally possible is that DP is an example of how the existing powers of world politics, i.e. constituted powers, are in fact

Government. Oxford: Oxford University Press). In large parts of the literature, therefore, self-determination is still most commonly associated with the domestic politics of individual states.

⁴⁶ E.g. Held (1995), op. cit.; Goodin, R.E. (2007), 'Enfranchising All Affected Interests, and its Alternatives', *Philosophy and Public Affairs*, 35 (1): 40-68; for critiques of this theory, see Agné, Hans (2006) "A Dogma of Democratic Theory and Globalization: Why Politics Need not Include Everyone it Affects" in *European Journal of International Relations*, vol. 12 (3) or Näsström, S. (forthcoming), "The Challenge of the All-Affected Principle", *Political Studies*.

exercised today. That assumption would change a great deal. While democracy defined as exercising of constituted power within individual state is not violated by DP even if we adopt the all-affected principle (because such power does not yet exist at the time when DP operates) DP would indeed violate the constituted power of world politics as long as we retain the all-affected principle as internal to democracy (because this power already exists while it does not operate so as to include everyone significantly affected by DP in the making of the decisions to pursue DP).

For DP to be democratically legitimate under these criteria of democracy – the all-affected principle being observed in the exercise of either constituent or constituted power of world politics – world politics would itself need to become democratic. Again there is not much agreement in contemporary political theory as to what democratic world politics must actually look like in practice. Proposals have included the establishment of a world parliament with sovereign power as well as self-empowerment and self-organizing of people on the basis of transnational interest in single issues. What is broadly agreed upon, however, is that world politics falls short even of minimal criteria of democracy today. Hence adopting the view of democracy as a kind of world politics would seem to imply that there is no democracy which can either justify DP today or which DP is likely to produce in the near future.

One must notice, however, that the difficulty of justifying DP from the perspective of world democracy is not logical but contingent on the ways in which world politics operates today. The conceptual move to democracy in world politics imports a range of new empirical obstacles to the analysis and practice of DP, but it also expands the conceptual room of what kinds of democracy can be achieved and studied as a result of DP. In contrast to practical or academic approaches to DP stipulating that democracy is limited to the exercise of constituted powers in domestic politics, a concern with world democracy is not undermined by important observations that domestic and international politics are increasingly inseparable and that democracy is about constituent as well as constituted power. Oppression from the outside of a political community is worth attention just as much as oppression from the inside, and policy outcomes follows from the exercise of constituent as well as constituted powers; so by keeping a strictly domestic perspective on democracy as constituted power, empirical research will make itself increasingly irrelevant to real-world problems. By contrast, significant empirical contributions in research on DP in the future is likely to grow out of a conceptual landscape of world democracy, concerned with institutions as well as normative ideals, and

constituent as well as constituted powers, however difficult it is to achieve (and for the time being even to imagine) such democracy in practice.

Conclusion

I have argued in this paper that controversies over the success or failure of DP depend not only on factual matters but as well on conceptual disagreements that are not directly resolvable through empirical observation. Investigating empirically the causes and effects of successful DP presupposes as a minimum that, in a logical sense, democracy can be promoted from the outside of the political community that will practice it. While this is not an implausible position, it brackets an intense disagreement on whether the concept of democracy actually allows for this possibility. In this paper I have therefore explored some dimensions of what the concept of democracy tolerates in terms of promotion from the outside, as a reminder that method-driven research may sometimes lose sight of the very problems it ultimately seeks to understand.⁴⁷ More specifically I have explored what ideals of democracy are in a conceptual sense possible to achieve through what instrument of DP under what political conditions.

To synthesize the three sections of the paper, the kind of democracy that can be promoted through violence and without confirmed support of the population in the target state must be defined in terms of (1) institutional and practical proceedings, not traditional normative ideals of democracy such as collective self-determination or freedom from arbitrary domination; (2) the exercising of constituted powers, not the constituent power of a territorially bounded political order; and, partly as an explication of the earlier point, (3) the domestic politics exercised within individual states while bracketing as irrelevant the influence of transnational and global politics. The same kind of democracy can of course be promoted also in cases where military violence, or threats thereof, is not a major factor and where there is reason to assume that the people in the target states generally approve of the operation. In addition, such promotion strategies are in conceptual terms capable of attaining not only an institutionally, but also an ideally defined democracy, as long as we remain with democracy as an exercise of constituted powers. According to traditional theory, however, DP cannot even in the logical sense of the word contribute to democracy as the exercise of constituent

⁴⁷ Green, Donald P. and Shapiro, Ian (1994) *Pathologies of rational choice theory: a critique of applications in political science*. New Haven: Yale University Press.

power, as long as DP involves the exercise of powers of any sort and as long as we remain within the imagination of national democracy. If we shift attention to consider instead the ability of DP to establish or support democracy beyond individual states – which is particularly important in view of democracy seen as a special kind of constituent power since such power is partly about drawing the boundary between inside and outside in the first place – the conclusion is not that DP is by definition unable to attain its aim of democracy. Democracy beyond the nation-state is not an impossible aim of DP, only unlikely to appear, especially as DP has been practiced and studied until now. Overall, however, the theory of democracy beyond the nation-state appears to allow for a greater role of normatively significant DP than does the theory of democracy as a domestic politics of individual states. The latter will allow for empirical research on its causal linkages with DP only by bracketing the increasing importance for democracy of international relations.

The list of distinctions between kinds of democracy which informs these conclusions could easily have been extended. For instance, whether the will of the people in an authoritarian country can be referred to as a justification of DP will depend on whether the will of the people is assumed to exist before or only after the establishment of democratic procedures.⁴⁸ Or, what room can be reserved for external actors in the design of political institutions will depend on whether the institutions of democracy are seen either as universals, i.e. entities which are identical across time and space, or particulars, i.e. products of varying circumstances.⁴⁹ The purpose in this paper, however, has not been to provide an exhaustive list of alternative conceptualisations of democracy with implications for the possibility of different policies of DP under different political conditions, but to illustrate the need for dialogue between philosophically and empirically inclined researchers in this area. In order to expand their views on what is possible, philosophers will benefit from learning about new relationships detected in empirical research. In order to know what they study and what its theoretical and normative interests are, empirical researchers will benefit from recognising varying interpretations and implications of the concepts they prefer to use. It is for the stimulating of efforts at attaining such conversation, between theoretical and empirical faculties, that empirical observation at the brink of the logically possible can be useful. In research on DP as in democracy itself, an effective model of integrating viewpoints into common positions is to continue talking with them who you don't yet fully understand.

⁴⁸ E.g. Richardson *op. cit.*,

⁴⁹ Cf. Chantal Mouffe, *On the Political*, Routledge, 2005.