In this article I will seek to advocate a thin conception of democracy, one with relatively few – perhaps even the least possible number of – moral overlays. Put differently, I want to defend a conception of democracy that is procedural rather than substantive, one that postpones much moral evaluation until later. In short, my preferred conception of democracy is one in which it is possible to say “this is a democracy, but a deficient or bad or wicked one”. I think it better to leave such notions as upholding individual rights or safeguarding the position of minorities or ensuring social justice outside of, and separate from, one’s core conception of democracy.

In this I take myself to be echoing H.L.A. Hart’s preference in *The Concept of Law*¹ where he favours a theory of law that does not first demand one make a moral assessment of whether some valid social rule – one that meets the requirements of the Rule of Recognition² – is also a good rule, or at least not too intolerably bad a rule. Hart wanted the concept of law to encompass the morally bad and wicked

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as well as the morally good. He wanted there to be a platform, in his case a utilitarian or consequentialist platform, from which law could be assessed and according to which law could be reformed.\footnote{Some readers may immediately object that Hart defended a wider concept of law and pointed out the weaknesses in a narrow concept of law. At first glance, that is, it may appear that Hart would also have favoured a wider concept of democracy. Not so. On the Hartian view, the content of law is a contingent social fact and moral wickedness is not a criterion for excluding candidates from membership in the club. The difference is that those in favour of an in-built moral overlay evaluation want (in some circumstances) to exclude certain candidates from counting as law whereas in setting out what counts as democratic the moral overlay brigade want to build in, or add, a moral test. So in fact I am following the Hartian outlook in this paper, though the metaphors have reversed themselves.} Hart, in chapter nine of his famous book, argued that law \textit{should be} separated from morality, that ‘law as it is’ is best kept distinct from ‘law as it ought to be’.\footnote{Note that Hart did not argue that as an empirical matter of fact and of what is the case that law \textit{is} kept separate from morality by all or many people. Hart argued that whatever might happen to be the factual reality, law \textit{should be} kept separate from morality.}

In a similar sense I will seek in this paper to defend a comparatively non-substantive, or thin, account of democracy.

Of course any argument about the best way of conceiving of democracy has these days to be made against the background that democracy is an “essentially contested concept”\footnote{See Gallie, W.B., ‘Essentially Contested Concepts’, \textit{Proceedings of the Aristotelian Society} 56 (1965): 167.}. It is a notion broad enough to encompass both the position of those who prefer a thin, procedural account and those who prefer a fat, substantive, morally infused account. No one, or virtually no one, today professes to be against democracy. So any debate that collapses into an argument about the meaning of the word “democracy” will not be terribly useful or instructive.\footnote{As Hart made clear in his inaugural professorial lecture. One could, of course, undertake an empirical enquiry into how the term is most widely used – to shift from arguments about meaning to arguments about levels of actual use. This would be an ‘is’ enquiry. This paper, by contrast, argues on the ‘ought’ level.} Where a word and