



Democracy: The wrong message

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President Bush's strategy of spreading democracy around the world is said not to be travelling very well. Is it, on the contrary, succeeding only too well?

Earlier this year he urged the Shiite majority in Iraq to practise moderation and compromise. They probably saw this as a case of 'do as I say, not as I do'. It appeared that, having got the numbers, they intended to impose their will and ride over their opponents. Hamas in Palestine was expected to follow suit. They may well have retorted: isn't this what democracy is all about? Some of the ruling faction of President Bush's own Republican Party convey that message by word and deed in their domestic political transactions. In Australia, getting the numbers and squashing the opposition is practically the official religion. It is not, after all, called 'majority rule' for nothing.

Speaking of Australia, we receive distinguished visitors from developing countries, and like to show them democracy at work. An invariable element of their programs is a stint in question time. This is either a blunder or a cunning plot. There they see majority rule at work: ministers not answering questions, oppositions raging impotently, and a lot of noisy insults. Those visitors who believe that government should be conducted with order, honour and dignity probably decide that democracy is not for them. Those who think that government is about exercising complete power are probably reinforced in that attitude. And they hear our leaders proclaiming that they do what they want because 'the people' gave them the right to do so at the last election. And our media constantly talk about government in terms of which leader will gain power. We cannot then recoil when others put this doctrine into effect more vigorously.

Preaching democracy abroad is a mistake because democracy is not the essence of good government. It is a necessary but not a sufficient condition. It is only about 100 years old, and something that new lacks authority to people who track their history in millennia. To the extent that government in the West has been a more civilised business, it has not been due to democracy but to something far older: constitutionalism, subjecting government itself, even when power is exercised by a majority, to limitations and restraints. It is more important that the rulers know that their power is limited by enforceable rules than that they bask in the mandate of 'the people'.

The key to limiting power is to divide it, between jurisdictions in a federation and between branches of government, especially legislatures and judiciaries independent of the executive. Power undivided is power abused, however democratic the elections may be. The Americans, of all people, should know this better than anybody. Their constitution, the oldest in the world, is full of counter-majoritarian safeguards, restraints on the elected and the unelected alike. Federalism and the separation of powers are virtually American inventions, and the ringing words of their founding fathers proclaim the virtue of these institutional devices. As for Australia, our founders gave us the same message, but we have largely lost it.

The wisdom of the West lies not in democracy, but in the discovery well summarised in *Controlling the State*, by Scott Gordon:

The thesis that power corrupts its possessor may be as good a ‘law’ as any that we have in political science

Historical experience, however, is not an unrelieved record of failure to deal with the problem of power. A number of societies have succeeded in constructing political systems in which the power of the state is constrained. The key to their success lies in recognising the fact that *power can only be controlled by power*. This proposition leads directly to the theory of constitutional design founded upon the principle most commonly known as ‘checks and balances’.

Our eager purveyors of democracy often make an unspoken assumption that institutional arrangements like the separation of powers are all subsumed in democratic elections. This is historically and conceptually incoherent. The foreigners we seek to teach are able to detect the incoherence more readily than we can. Democracy and ‘checks and balances’ are not the same thing, and they often come into conflict.¹ They can successfully be put together only by recognising that conflict, and by attaching the appropriate value to each. To achieve this combination in any culture is more than the work of days.

Having people know how to vote is easy; having them respect constitutional restraints is much harder. But it should be the focus of the western message. Otherwise, our foreign policy is bound to produce disappointing results.

¹ This is not to derogate from the practice in the Democratic Audit, where ‘democracy’ encompasses a range of values including transparency and accountability of government and quality of public deliberation. Even if President Bush et al were endeavouring to spread that concept of democracy, and there is no evidence that they are, there would still be a need to convey that the institutional arrangements known as ‘checks and balances’ are required for a system to work.