

The what of democracy: not by election alone

Standard political science df: 'a system in which rulers are selected by competitive elections'; that's Adam Przeworski (2010) on left, following Joseph Schumpeter (1942) on right. The df has stood only since mid C19: earlier advocates of election did not see it as 'democratic'; for example, the *Federalist Papers* authors in 1787, James Mill in 1819. Another story.

Equating democracy with electoralism has led to two distinct responses, each problematic. Populism *romanticizes* the idea of a popular election as empowering 'the will of the people'; but this is metaphysically obscure and politically dangerous: majority tyranny. 'Liberalism' *restricts* democracy, fearing majority tyranny, and adds anti-majority checks; but this looks like sidelining the people in favor of an elite that imposes such checks. And neither explains how any bodies (e.g. courts) can be controlled if they are unelected.

These observations open up questions of both an historical and philosophical character. Historical: how was democratic or popular government conceptualized in earlier times, particularly in the West, from the Greeks to the Romans to the moderns?

This is a fun question to explore and allows lots of delicious anecdotes but not for today, alas. Philosophical: how should we think about democracy, if not in broadly electoral terms? In order to address this question we need first to turn to the issue of why democracy appeals.

The why of democracy: back to the Greeks

The Greeks took a system to be democratic insofar as it gave control to ordinary people (Ober); thus Athens, a lottocracy with hardly any elections, was an exemplar of *demokratia*. On their conception of democracy, the point of the system is to ensure that citizens do not live under the unconstrained power of the governing authorities. And the system they evolved in Athens did precisely that, ensuring that no one in office could operate on just their own discretion or will in framing and imposing law.

The Roman conception of the *res publica* was conceived on the same lines, as a system where enough power was distributed among citizens to keep officials in check. Unlike the Greeks, their constitution did allow for the election of officials but citizens were given self-protective control against officials in other ways too. They constituted and operated the courts without any direct control by officials, and they could appeal to their tribunes, or to popular assemblies, against abuse. They could also gather in the forum and contest, often riotously, against public action. And they could get some in power to act against others: all offices had multiple officials.

The Roman republican model, like the Greek, was polycentric rather than monocentric. It recognized many centers of power and many channels for the control of power. It did not focus monocentrically on just the power of elected authorities, and did not think that only elections could give people control over the authorities.

The how of democracy: updating the polycentric model

Australia like many similar regimes counts broadly as a polycentric democracy. It is important to recognize this, I think, if we are to explore the threats democracy faces. There are surely threats to electoral arrangements, if not on a par with those in the US, but there are also threats to other aspects of the full polycentric system. Any audit of the threats we face—not my job, happily—must take this into account.

Let me draw attention, then, to the many aspects of a polycentric system of gov't that help entitle us to hold that it constitutes a system of popular control. Let government include domain-general authorities in the legislature/executive but also the domain-specific officials in the courts and in relatively independent bodies like an electoral commission, a bureau of statistics, a central bank, etc.

A polycentric democracy will ideally give citizens control in two dimensions:
a. over the constitution of government and b. over the conduct of government.

The citizenry will have control over the constitution via its amendment procedures, there are many questions to raise about these but we set them aside.

That the constitution is subject to popular control gives citizens some derived control over any measures that it imposes, making them into devices of 'popular' control. But it can also license other procedures whereby citizens can control the conduct of gov't, whether in a hands-on or arms-length way, or on an active or standby basis.

The control devices available to the citizenry come in three broad categories.
Disciplinary, prescribed under the constitution, which constrain from within.
Contestatory, which enable citizens or their proxies to contest proposals and decisions.
Selectional, which determine how those in various offices are to be appointed.

Standard disciplinary devices

The checks and balances imposed by bicameralism, by an independent judiciary and by relatively independent sub-agencies, that are domain-specific like judiciary.
Rule-of-law constraints requiring promulgated, intelligible, effectively guiding laws that are the same for all, are relatively stable, and are interpreted uniformly.
Parliamentary interrogation and justification requirements on executive agencies & courts.
Individual rights established in the constitution against certain government initiatives.
A professional public service, tasked with advising on the demands of good government.

Standard contestatory devices

Precondition: freedom of information, expression and exchange, and association.
Hands-on, active contestation in protest via the media, the courts or the streets, plus the standby counterpart of a citizenry ready to protest against possible actions.
Arms-length protest, active or standby, by means of bodies that go proxy for the citizenry, in independent NGO's or regulative agencies like inspectorates, citizen assemblies...

Standard selectional devices

Open, periodic election of candidates to domain-general roles in legislature & executive; this may not select the best but it will commit everyone to contestatory freedoms.
The appointment of impartial, duly qualified individuals to domain-specific authorities under transparent procedures, giving them suitable briefs, imposing suitable checks.
Why not elect these? That would introduce motives in potential conflict with their role.

The takeaway (as I hope)

Let us be generous in recognizing the many polycentric ways in which a standard democracy like ours can give citizens control over their gov't, and avoid privileging election. And when we look at the various threats that Australian and other advanced democracies face let us count the full range of institutions that we need to protect, nurture, and expand.