

THE PERILS OF “DUMB” DEMOCRACY

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Churchill once argued that democracy “was the worst system except for all the others.”¹ This is both the starting and end point of this paper. So far, no political system has been designed which combines the elements of fairness, legitimacy and effectiveness (under ideal conditions) that surpass that of true democracy. It is indeed the least worst system. However, this must not blind us to the fact that like every human endeavor, democracy is imperfect and, when misapplied or incorrectly interpreted, can be saddled with flaws and weaknesses. A blanket endorsement of it as a convenient panacea will do more harm than good.

We must not forget that democracy has been tried and then rejected on many occasions in human history. Athenian Democracy of the 5th Century BC did not establish a viable form of governance. The two and a half millennia that followed were dominated by other political regimes. In fact, a visiting Martian might well conclude that the most popular political regime on Planet Earth was hereditary monarchy and not democracy, which has been the exception rather than the rule.

In the past century, the advance of democracy has followed a seesaw pattern. For instance, Latin American countries have swung between democracy and totalitarianism almost with great regularity. Argentina established male suffrage in 1912, but lost it to a coup in 1930. Democracy was restored in 1946, overthrown in 1955, re-introduced in 1973, subverted in 1976 and renewed in 1983. Asia, the Middle East and nations of the former Soviet Bloc, including Russia, have been following an approach-avoidance dance vis-à-vis government by the people. China, the world’s most populated country, is not a democracy in the western sense. Iran in 2006 had democratic institutions but their *modus operandi* subjected to the supreme authority of the ayatollahs.

In recent years, the tide of democracy both at the national and the global level has been, at least nominally, on the rise; which is very encouraging. There are very few nations on this Earth, which openly reject the notion of democracy. Most countries espouse it, or at least offer it lip service. But it is

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1. Winston Churchill, Speech to the House of Commons (Nov. 11, 1947).

the contention of this essay that what we will call “Dumb Democracy”—a thoughtless, crude application of the concept without reference to its socio-economic context, may engender boomerang effects and fuel the return to dictatorship. To avoid these unintended negative effects, we must endeavor to design and implement its opposite, “Smart Democracy,” i.e. enlightened, coherent and especially sustainable democracy well tuned to the realities of time and space and not parachuted from above.

The initial exploration in this article is actually the outline of a book in preparation, and focuses on what we will call the top five myths of Dumb Democracy and how to avoid them. Its sometimes-critical tone must be viewed as coming from a true “small d” democrat who has always been in genuine admiration of the original Athenian Model and wishes to emulate it with enhancements in the contemporary world.

MYTH #1: THE PEOPLE CAN DO NO WRONG

Vox Populi, vox dei. Abraham Lincoln once said, “You can fool some of the people, some of the time, all the people some of the time but not all the people all the time.” This statement has led some people to conclude in the infallibility of “The People.” There is an implicit belief that when the “People” have spoken, the decision is final and beyond appeal. Furthermore, it is always correct. *The People Can Do No Wrong*. How valid is this assumption?

The origin of what has been called “Popular Infallibility” can be traced back to the notion of national sovereignty, which has been the organizing principle in world affairs since the 1648 Treaty of Westphalia, which put an end to the European Thirty Years War. The Westphalian System, which emerged from this treaty, gave top billing to sovereignty defined as the ultimate legal power on Earth, a power so supreme that there can be no appeal against it. An act of sovereignty is absolute and final. Sovereignty imbues executive authority with ultimate legitimacy. The original Roman emperors were endowed with “*plenitudo potestis*,” or the highest command. Their successors, the Holy Roman Emperors, transferred real sovereignty to the princes of Europe who acquired absolute authority over their territory after the Treaty of Westphalia.

But who, within the Westphalian decentralized system, holds true sovereignty? Initially it was the local monarch as eloquently exemplified by Louis XIVth’s famous phrase, “*L’Etat c’est moi*.” The doctrine of the Divine Right of Kings declared that the monarch derives his authority from God alone and therefore is above the challenge of mere human beings.

With the French Revolution and the growth of 19th century liberalism, the sovereignty of the monarch gave way to the more modern notion of “Popular Sovereignty,” where “The People” are the rightful holders of national authority. This involved a transfer of the infallibility conditions from the Monarch to The People. Although Popular Infallibility was never formally enshrined as such, it remains the principal assumption of democracy, as we know it. The

People may delegate their powers to representatives and agents, but ultimately they retain sovereignty, which is inalienable.

In assessing the credibility of the proposition that the People can do no wrong because they are sovereign, let us raise four questions: (1) When can it be said that The People have indeed spoken?, (2) What about sub-units in The People?, (3) If The People are infallible, what happens when they change their minds?, and (4) On what logical basis is it assumed that the opinion of the many is better than the opinion of the few?

The Question of Majorities

If all the People were to speak with one voice (i.e. unanimously), there could be a strong presumption that they are probably right, although even this statement is challengeable. But the democratic decision-making process does not require consensus or unanimity. Decisions are taken by majorities. The most common democratic decision rule is "absolute majority," or 50%+1. When such an absolute majority involves a small number of voters it may make sense, but if it involves millions, as is typical in presidential elections, referenda or plebiscites, to grant infallibility to 50%+1 is to imply that 50%-1, the minority, is automatically wrong. How can such an assumption be logically defended?

In some cases, required majorities for decision-making purposes involve more complex criteria such as higher thresholds (two-thirds or three-quarters) or "weighted" majorities (assigning different weights to individual voters) or "double" majorities. An example of the latter case is the condition for a change in the Canadian Constitution, which requires a majority of seven out of ten Canadian provinces representing at least 50% of the population.

Overall, the question of majority rule needs to be carefully re-examined because it involves the treatment of minorities. While, in principle, the latter are the automatic losers in a democratic process, the contemporary mood is on the contrary to protect such minorities against the majority, which constitutes an apparent departure from the democratic ideal. However, the blanket assumption that a decision obtained by 50%+1 of the respondents is automatically right seems highly challengeable.

The Question of Sub-Units

The hesitation as to the legitimacy of majority rule with no reservations or caveats raises the issue of sub-units within the voters. These sub-units could be territorial, cultural, ethnic or religious. The United States' solution to this problem is to have a bicameral legislature with a "one-person, one-vote" election system in the lower house and an even two senators per state in the upper house with different powers allocated to each legislative unit.

Projecting the question of sub-units at the world level involves the legitimization of some sub-units. Rather than decide by a straight 50%+1 in a fully democratic world, some weight would be given to nations. This is what

happens in the present world order. Global democracy is defined as “one-nation, one-vote,” at the level of the United Nations General Assembly. But, this form of representation tends to give enormous power to states with low population such as Luxemburg and Iceland, or for that matter, any micro-state and proportionately less to highly populated countries like China and India. The Chinese and Indian voters have proportionately much less power per person than their colleagues in micro-states. This counterintuitive result leads some observers to claim that the UN system, based on the “one-nation, one-vote” system is basically undemocratic.²

If The People Can Do No Wrong Can They Change Their Minds?

The volatility of popular choice, easily swayed by spin-doctors and media pundits, raises further doubts as to the legitimacy of the doctrine of Popular Infallibility. What happens if The People change their minds? This is particularly worrisome in the context of referenda. An unpublished study in Canada looking at Quebec referenda on the subject of possible Quebec independence has concluded that, independently of the question asked, there is an eighty percent bias in favor of a “No” answer. This suggests that People fear change, unless they are convinced that it is for the better. The implication for subtle strategists is to obtain the desired “Yes” by a question with a double negative! A corollary concerning the built-in bias in favor of a “No” answer is that the more complex the question, the more likely a negative answer.³

Another aspect of the dangers associated with the volatility of public opinion is the possibility of contradictory answers in consecutive referenda. Using the Quebec case study, the late prime Minister of Canada, Pierre Trudeau once remarked that whenever the Quebec sovereignists get a “No” answer, they plan a subsequent referendum. This raises the question: does a “Yes” vote automatically cancel multiple “No” votes in preceding referenda? Or should we adopt, tongue in cheek, a best-of-seven series like the basketball and hockey play-offs, stipulating that the first party to win four referenda wins? Such a *reductio ad absurdum* clearly illustrates the difficulties associated with the assumption of popular infallibility over time.

Even more important than People changing their minds in the short-run are the implications of inter-generational decision-making and the wealth and other transfers that these imply.

As Dennis F. Thompson puts it:

I have argued that democracies and democratic theory should give more attention to the temporal dimension of popular sovereignty. We need a conception of democratic representation that gives more weight to the claims of future sovereigns than most conventional approaches do. I have proposed a

2. See *infra* Myth 5 for elaboration.

3. See *infra* Myth 2 for elaboration.

conception of representation—an updated trustee theory—and I have mentioned some representative institutions that could serve its purposes. But my chief aim has not been to defend any particular set of institutions, but rather to show why any adequate conception of democratic representation must take more seriously the distribution of popular sovereignty through time. Democracy cannot be just if it is not just over time.⁴

A general theory of democracy over time will necessarily have to deal with a multitude of issues including the validity of polls and the optimum frequency of elections, entrenchment and acquired rights, term limits, the welfare of future generations, and whether present laws have precedence over past constitutions.

Why Is The Opinion Of The Many Always Superior To That Of The Few?

This is in essence the fundamental question. Many respected authors, led by Plato, have expressed serious doubts about the alleged superiority of opinions held by a majority as opposed to those held by minorities. It is a fact that in the course of human history, most scientific and philosophical breakthroughs resulted from the work of lonely but innovative men and women who challenged the conventional wisdom of their time and innovated. These include Socrates, Galileo, Copernicus, Darwin, Einstein, etc. Both economic entrepreneurs and pioneers of new ideas are usually well ahead of their times and would fail standard peer review tests. If democracy were to reign supreme in science and philosophy, then many scientific revolutions would have never occurred.

In addition to these observations, there is also the question of the legitimacy of ad hoc majorities such the “coalition of the willing,” a phrase made popular by the George W. Bush administration in connection with the 2003 Iraq War. Does a coalition automatically legitimize the action of individuals (whether persons, groups or nations) without regard to higher principles of morality or ethics? If this were so, every gang rape or lynching would acquire legitimacy because of the participation of an implicit coalition of the willing. Yet, the absurdity of such a proposition does not prevent it from being invoked with regularity.

Quite obviously, the Doctrine of Popular Infallibility must be taken with a grain of salt. It can be kept as a useful reference point but must not be abused or overextended because of the obvious danger of boomerang effects.⁵

4. Dennis F. Thompson, *Democracy in Time: Popular Sovereignty and Temporal Representation*, 12 *CONSTELLATIONS* 245 (2005).

5. For further exploration of the philosophical pros and cons of democracy as a socio-political system, see generally CICERO, *ON OBLIGATIONS (DE OFFICIIS)* (P.G. Walsh trans., Oxford Univ. Press 2000) (144 B.C.); ROBERT A. DAHL, *DEMOCRACY AND ITS CRITICS* 1-33 (1989); ANTHONY DOWNS, *AN ECONOMIC THEORY OF DEMOCRACY* 3-20, 36-50 (1957); *THE FEDERAL VISION: LEGITIMACY AND LEVELS OF GOVERNANCE IN THE UNITED STATES AND THE EUROPEAN UNION* (Kalypso Nicolaidis & Robert Howse eds., 2001); THOMAS HOBBS, *LEVIATHAN, OR THE MATTER, FORME, & POWER OF A COMMON-WEALTH* (Oxford Univ. Press, 8th prtg. 1965) (1651); BRUCE W. JENTLESON, *AMERICAN FOREIGN POLICY: THE DYNAMICS OF*

MYTH # 2: DIRECT DEMOCRACY IS ALWAYS BETTER THAN
REPRESENTATIVE DEMOCRACY⁶

Many philosophers and political scientists have argued that there is a distinct need to introduce a buffer between the people and the decisions they make. This may sound paradoxical, but given the volatility of public opinion, the complexity of social psychology and the possibility of intergenerational conflicts, it has been advanced that representative democracy is often superior to direct democracy, with the representatives acting as the required buffer. Mistakes can then be attributed to them and not to the People.

An instance of this "buffer" is found in British Constitutional Law. Britain, as is well known, has no written constitution, although some constitutional principles, embodied in acts of parliament and conventions, have higher status than ordinary laws. One convenient myth is the notion that the head of state, i.e. the Queen, "can do no wrong" and is "the fountain of justice." This restatement of the infallibility of the Sovereign remains credible insofar as the Queen makes no important decisions herself and delegates all power to her ministers and legislators. If no decisions are made, then they can never be wrong. When the Queen's agents make mistakes, then they can be dismissed and replaced and the myth of infallibility holds.

Transposing this idea to Popular Infallibility can build a strong case in favor of representative democracy. The People are not asked to make direct

CHOICE IN THE 21ST CENTURY 30-48 (2d ed. 2004); JOHN LOCKE, *THE SECOND TREATISE OF GOVERNMENT* (Thomas P. Peardon ed., Prentice-Hall 1997) (1690); NICOLO MACHIAVELLI, *THE PRINCE* (W.K. Marriot trans., J.M. Dent & Co. 1908) (1513); THOMAS MORE, *UTOPIA* (David Wooton trans. & ed., Hackett Pub. Co. 1999) (1516); PLATO, *THE REPUBLIC* (Desmond Lee trans., Penguin Books 2d ed. rev. 1974) (360 B.C.); KARL R. POPPER, *THE POVERTY OF HISTORICISM* 17-19, 76-83 (1957); JOHN RAWLS, *THE LAW OF PEOPLES WITH "THE IDEA OF PUBLIC REASON REVISITED"* (1999); JEAN-JACQUES ROUSSEAU, *THE SOCIAL CONTRACT*, reprinted in *THE SOCIAL CONTRACT AND DISCOURSES* 163 (G.D.H. Cole trans., J.M. Dent & Sons Ltd., new ed. 7th prtg. 1983) (1762); SOPHOCLES, *ANTIGONE* (Richard Emil Braun trans., Oxford Univ. Press 1973) (441 B.C.); ROBERT PAUL WOLFF, *IN DEFENSE OF ANARCHISM* (Univ. of Cal. Press 1998) (1970); Charles R. Beitz, *Rawls's Law of Peoples*, 110 *ETHICS* 669 (2000); Milton Friedman, *Excerpt from Capitalism and Freedom*, in *DEMOCRACY: KEY CONCEPTS IN CRITICAL THEORY* 146 (Philip Green ed., 1993) (1962); Francis Fukuyama, *The End of History?*, *THE NAT'L INTEREST* (Summer 1989), reprinted in *AMERICA AND THE WORLD: DEBATING THE NEW SHAPE OF INTERNATIONAL POLITICS* 1 (2002); K. J. Holsti, *Mirror, Mirror on the Wall, Which Are the Fairest Theories of All?*, 33 *INT'L STUDIES Q.* 255 (1989); Samuel P. Huntington, *American Ideals Versus American Institutions*, in *AMERICAN FOREIGN POLICY: THEORETICAL ESSAYS* 214 (G. John Ikenberry, ed., 2004); Seymour Martin Lipset, *Some Social Requisites of Democracy. Economic Development and Political Legitimacy*, 53 *AM. POL. SCI. REV.* 69 (1959); Patrick F. McKinlay, *Postmodernism and Democracy: Learning from Lyotard and Lefort*, 60 *J. POL.* 481 (1998); Philippe C. Schmitter & Terry Lynn Karl, *What Democracy Is . . . and Is Not*, in *THE GLOBAL RESURGENCE OF DEMOCRACY* 49 (Larry Diamond & Marc F. Plattner eds., 2d ed. 1996).

6. See generally Charles Taylor, *The Dynamics of Democratic Exclusion*, *J. DEMOCRACY*, Oct. 1998, at 143; Michael Walzer, *The Civil Society Argument*, in *DIMENSIONS OF RADICAL DEMOCRACY: PLURALISM, CITIZENSHIP, COMMUNITY* 89 (Chantal Mouffe ed., 2d prtg. 1995).

decisions and will delegate their power to legislators and executives who can then be booted out of office at the next election. This way the People are protected from themselves.

The opposition between the virtues of representative vs. direct democracy revolves around at least four issues: (1) Elites vs. Masses, (2) Optimum frequency of elections, (3) Deliberative Democracy, and (4) Gradual Democracy.

Elites vs. the Masses

When the French and Dutch electorates rejected the European Constitution in 2005, the media repeated in chorus the view that the elites had seriously erred and were out of touch with the masses. Some more thoughtful observers raised the opposite possibility: that the masses had seriously erred and that the elites, who had backed the constitution, were correct. The conflict between elites and masses has been infrequently treated in the literature, the conventional assumption being that the will of the people should always trump that of the elites. An interesting exception is the book by Daron Acemoglu and James Robinson, of the Massachusetts Institute of Technology and Harvard University respectively.⁷ Their aim was to figure out when elite vs. mass struggles are fruitful and when they are not.⁸

As a general rule, it must be remembered, as was noted before, that the fathers of political philosophy Plato, Aristotle and Thucydides were not keen on democracy, likening it to mob rule. Plato's vision of the perfect republic involved a philosopher king free from the pressures of the masses. Who is a voting citizen (elites vs. the *hoi polloi*) is one of the key questions in the controversy between direct and representative democracy. Modern representative democracy is much more inclusive than was ancient democracy where citizens entitled to participate in public decision-making represented a relatively small percentage of the overall population. Slaves, resident aliens, and women had no role in political affairs. Even so, it should be noted that historically, modern representative governments excluded the poor and women from political participation, and in the United States, this system of government even coexisted with slavery.

The principal arguments against leaving too many decisions to the direct appreciation of the masses can be summarized as follows:⁹

1. Uninformed or insufficiently informed electorate.

7. DARON ACEMOGLU & JAMES A. ROBINSON, *ECONOMIC ORIGINS OF DICTATORSHIP AND DEMOCRACY* (2006).

8. See generally *id.*

9. See generally Brian Beedham & Mark Charlton, *Do Referendums Enrich Democracy?*, in *CROSSCURRENTS: CONTEMPORARY POLITICAL ISSUES* 316, 316 (Mark Charlton & Paul Barker eds., 4th ed. 2002) (arguments supporting both more and less involvement by the masses in political decision-making).

The complexity of the issues submitted to a general electorate is sometimes daunting. In the case of the French and Dutch referenda on the European Constitution, the question requested a “yes” or “no” answer to a body of text, including dozens of clauses and sub-clauses. To fully understand the deep implications of some of these clauses would require doctorates in at least three disciplines: international law, geopolitics and international economics. In other cases, a system of transitive choices implied by a straight “yes” or “no” answer would require logicians to make explicit. Voters may choose “A” over “B” and “B” over “C,” but then also choose “C” over “A” in apparent logical self-contradiction. In yet others, such as stem cell research, the cut-off point of abortion, or the cost-benefit of a monetary union, extensive specialized knowledge is required beyond the normal comprehension of the general public. In such cases, a direct popular consultation may end up as a travesty of democracy.

2. Influence of money and media.

Because of the immense influence of the media and, therefore, the determining role that money can play in a presidential election, a plebiscite, a referendum, or even an ordinary legislative election, the issues may be distorted. Special interest groups may have much greater success in smearing a candidate or a position by negative advertising and oversimplifying issues. In such cases, spin-doctors and sound bytes replace wise deliberation, since masses tend to be more susceptible to hype than elites. Once again, we may end up with dubious results.

3. People changing their mind.

This previously noted objection to the idea that the People can do no wrong acquires even greater force when direct democracy is involved. It is a statistical truth that public opinion is much more inclined to change from poll to poll than the opinion of the specialized elite. E-democracy theoretically could allow, by the touch of a button, instant daily voting by the general population on any and all issues. But this process could result in major chaotic results given the lack of sophisticated political information and the volatility of public opinion.

4. Contradictory Referenda.

The possibility of intransitive voting patterns could create situations where simultaneous referenda on seemingly unrelated issues yield contradictory results. An example could be a double referendum where one question asks the voters to forbid deficits by the government and the second forces the government to index civil servant salaries to the cost of living. Two “yes”

votes would create untenable situations wherein the government is ordered both to spend less and spend more at the same time.

5. Deleterious effect on public policy.

When public policy becomes the prey of fads and popularity contests, it will become less effective. Medium and long-term policies, which are more and more necessary, will be eclipsed in favor of "flavor of the month" short-term approaches.

Optimum Frequency of Elections

An associated issue in the general area of protecting the masses from their own decisions is the question of the optimum frequency of elections. The United States House of Representatives is elected every two years. This creates high accountability to The People but also imposes upon congressmen an almost perpetual campaign mode, which creates severe constraints on the freedom of action of the representative. The United States Senate involves longer terms with its pros and cons. California recall elections are praised by some as the ultimate form of democracy, while others decry them as preventing elected representatives from using their judgment. There is obviously a delicate balance between too few and too many appeals to the People, with no automatic answers.

Deliberative Democracy

An interesting example of a method allowing the masses to become more sophisticated and avoid mistakes is the idea of deliberative democracy. Made possible via the Internet and e-democracy, it entails a back and forth consultation akin to the Delphi Method, which allows respondents to be educated in the process of voting. A Delphi, often used in forecasting and planning studies, entails a multi-round consultation of respondents. In the first round, the participants are invited to give an initial opinion on a certain question. The answers are then compiled, and a report is sent back to the respondents indicating how many people responded for each of the multiple options involved in the answer and what their reasons were for doing so. Based on the information of this first report, the respondents are then requested to review their initial answers by either reaffirming them with added arguments or changing them, in the light of the new information. Since the votes are anonymous, there is no loss of face in changing one's mind. The answers to round two are then compiled and integrated in a second report. The Delphi continues with as many rounds as are necessary to arrive at either a true consensus or a clear mapping of opposing views.

The great value of deliberative democracy: (a) lies in its educational component thus neutralizing the negative effects of an uninformed electorate and (b) allows the incorporation of legitimate changes of opinion and, in fact,

encourages such changes in the quest for consensus. Even if the latter is not achieved, a clear mapping of the issues is still a much better outcome than the informational “noise” which is often the result of an appeal to democracy without issue clarification.

Gradual Democracy

As an antidote to the excesses and dangers of an indiscriminate appeal to the masses, is the notion of gradual democracy. This notion, among others, is suggested by Fareed Zakaria in his book, *The Future of Freedom*.¹⁰ Gradual democracy involves the progressive enlargement of suffrage to include more and more people in a measured and slow way as opposed to extending it to all, without preparation.¹¹ He mentions that the classic example of democratization by a gradual extension of suffrage, well after the essential institutions of constitutional liberalism, were already in place was Hong Kong under British colonial rule.¹²

MYTH #3: DEMOCRACY TRUMPS ALL OTHER SOCIAL GOALS

Democracy as Panacea

One of the unwritten assumptions held by enthusiastic democrats is that democracy is a panacea, which has priority over other social goals and can, in effect, cure everything. We must “save the world for democracy” as Franklin Roosevelt once put it, and we must impose democracy even at the point of the bayonet, if needed, to have a better world. Thus, the 2003 invasion of Iraq by the “coalition of the willing” led by the George W. Bush administration sought to remake the Middle East by making Iraq a showcase of democracy. This transformational objective replaced the initial *casus belli* of weapons of mass destruction, which were never found. At the time of this writing, the forceful insertion of democracy appears doomed to fail, in spite of best efforts to the contrary.

One of the intellectual roots of democracy as a panacea thesis can be found in the famous article by Francis Fukuyama.¹³ In this path breaking and very influential paper, Fukuyama claimed that if history was a chronicle of ideological conflict, the experience of the nineties with the collapse of Communism was a signal event ushering a new era of peace because of the triumph of liberalism.¹⁴ This would mark “the end of history” as we know it,

10. FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* (2005).

11. See generally *id.*

12. *Id.*

13. Fukuyama, *supra* note 5.

14. *Id.* at 1.

where ideology would give way to prosperity generated by sustained democratic capitalism.¹⁵

Alas, the first decade of the 21st century did not vindicate Fukuyama’s thesis. The victories of Liberalism over first Absolutism and then Communism were replaced by new conflicts, the so-called War on Terror, the clash of civilizations, the anguish over extreme poverty, the threat of climate change and pandemics, etc. In a word, there is a growing realization that it is much more difficult to democratize the world than was formerly thought, because of the backlashes which have been engendered by what we call “Dumb Democracy.” In addition, there is a second realization that even if the entire world was to become democratic in the ideal sense of the word, many problems would indeed be resolved, but many others would remain intact. Consequently, sustainable or Smart Democracy has to take into account other social goals and embed the Democratic Ideal in its social context, and try not to impose it outside that context.

There are two discernible opposites of Democracy: Autocracy and Illiberal Democracy.

The Autocrats Strike Back

Post-Communist Russia seems to be moving back and forth from flirtations with democracy to sporadic returns to autocracy. In 2006, Russian President Vladimir Putin signed into law a controversial new bill imposing heightened controls on local and foreign nongovernmental organizations (“NGO’s”) operating in the country. The new legislation, which requires all NGO’s in Russia to inform the government in advance about every project they intend to conduct, is another marker of the country’s dispiriting slide back toward authoritarianism.

The Russian law is also a sign of an equally disturbing and much broader trend. After two decades of the steady expansion of democracy-building programs around the world, a growing number of governments are starting to crack down on such activities within their borders. Strongmen, some of them elected officials, have begun to publicly denounce Western democracy assistance as illegitimate political meddling. They have started expelling or harassing Western NGOs and prohibiting local groups from taking foreign funds, or have started punishing them for doing so.

In other former Soviet republics, the recent “color revolutions” in Georgia, Ukraine, and Kyrgyzstan and the widespread suspicion that United States groups, such as the National Democratic Institute (“NDI”), the International Republican Institute (“IRI”), Freedom House, and the Open Society Institute, played a key behind-the-scenes role in fomenting these upheavals have clearly helped trigger the backlash. Something broader is at work than just a fear of “orange.” (Ukraine’s revolution came to be known as the Orange).

Politicians from China to Zimbabwe have publicly cited concerns about such events spreading to their own shores as justification for new restrictions

15. *Id.* at 2.

on Western aid to NGOs and opposition groups. The questionable practices of United States democracy, particularly the controversial 2004 presidential election and the disproportionate influence of money, are giving democracy a bad name.

Some autocratic governments have won substantial public sympathy by arguing that opposition to Western democracy promotion is resistance not to democracy itself, but to American interventionism. Moreover, the damage that the Bush administration has done to the global image of the United States as a symbol of democracy and human rights by repeatedly violating the rule of law at home and abroad has further weakened the legitimacy of the democracy-promotion cause.

The concept of "Illiberal Democracy," developed by Fareed Zakaria, among others, is another illustration of how originally sound principles can be distorted into unsound practices.¹⁶ Voting once every four years does not guarantee a liberal regime where The People are truly free, since it is quite possible to reelect the same dictator every four years. As Zakaria argues, "Illiberal democracies gain legitimacy, and thus strength, from the fact that they are reasonably democratic."¹⁷ Conversely, the gravest danger that illiberal democracy poses, other than to its own people, is that it will discredit liberal democracy itself, casting a shadow on democratic governance. It has been difficult to recognize this problem because, for almost a century in the West, democracy has meant liberal democracy, a political system marked not only by free and fair elections, but also by the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property. In fact, this latter bundle of freedoms, what might be termed constitutional liberalism, is theoretically different and historically distinct from democracy.

As the political scientist Philippe Schmitter has pointed out, "Liberalism, either as a conception of political liberty, or as a doctrine about economic policy, may have coincided with the rise of democracy. But it has never been immutably or unambiguously linked to its practice."¹⁸ Today the two strands of liberal democracy, interwoven in the Western political fabric, are coming apart in the rest of the world.

Democracy vs. Competing Goals

A major explanation of the backlash against Dumb Democracy is the realization that democratization, although a valid goal, is not the only desirable one that a Society can legitimately aspire to. We may identify at least ten competing goals grouped in four categories, which in the mind of the general public, compete for priority with democracy.

22. 16. Fareed Zakaria, *The Rise of Illiberal Democracy*, FOREIGN AFF., Nov.-Dec. 1997, at

17. *Id.* at 42.

18. Zakaria, *supra* note 16, (quoting Philippe Schmitter).

Political Goals

1. Peace.

Many people feel that an undemocratic peace is a much lesser evil than democratic wars.¹⁹

2. Justice.

Peace without justice and, by implication democracy without justice, will be rejected by many people unless it is assumed, by definition, that the People, like the medieval sovereign, are the fountain of justice. If one person can make a mistake then there is no guarantee that a group, no matter how large, cannot also make a mistake. A lynch mob is of course a classical instance of an unjust and reprehensible group action, which masquerades as popular justice.

3. Liberty and Freedom.

Liberty is not identical to democracy. It is theoretically possible to have “illiberal democracy” as seen above, or at the opposite end, liberty under a benevolent philosopher king, a la Plato. It is possible to distinguish between “freedom from” (the reduction of constraints) and “freedom to” (the realization of a specific goal). In some cases, a democracy may lack the ability to provide either of these two features, and the mere fact that a citizen is called upon to elect legislators once every four years does not guarantee his freedom in either of the two senses above.

4. Security.

The trade-off between more security and less democracy, or vice-versa, has become a major issue in the post-911 world. Increasingly, a frightened population will opt for more security even at the cost of giving up democratic freedoms.

5. Good Governance.

Democracy legitimizes governance by introducing systematic accountability, but it does not necessarily make it more effective. In many cases, a trade-off may be required, especially in difficult times or important crises, like pandemics, security threats, or the efficient allocation of funds. More effective governance may, at least temporarily, require fewer freedoms and vice versa.

Economic Goals

6. Escape from Extreme Poverty.

19. See, *infra* note 25 on the validity of democratic pacifism.

More frequent elections or more food on the table. Escape from poverty under authoritarian regimes or complete freedom ... to starve. The choices are not self-evident and clear cut. Many will opt for better economic conditions even if it means less democracy.

7. Public vs. Private Goods.

Democracy seen as one person, one vote emphasizes the supremacy of the individual and his inalienable right to pursue happiness. This supreme value is popular in the Anglo-Saxon countries. In Continental Europe, Latin America and some parts of Asia, the needs of the group often take precedence over those of the individual.

General Goals

8. Good Health.

The preservation of good health and the fight against possible pandemics may require authoritarian decisions. In a crisis situation, most people will opt for good health over democracy.

9. Traditional Values.

Traditional values, religious beliefs, and ethnic or territorial nationalism all compete for attention with the Democratic Ideal. There are many who believe that democracy is a construct of the West, molded in response to the peculiar historical circumstances that shaped it. Others argue that freedom and democracy, while suitable in some parts of the world, are by no means universal goods. It has been argued, for example, that "Asian values" developed in clear opposition to democratic values. Confucian ethics is cited in this respect as stressing the importance of filial piety, and, by extension, submission to state authority.

10. Climate Change and Sustainable Development.

The protection of the environment and the pursuit of truly sustainable development may lead to actions, which, at times, go against the will of the majority. There is no automatic fit between what a particular majority wants and the actions, which may be needed to maintain a long-term ecological balance. Here again, trade-offs may be necessary.²⁰

20. For a fuller analysis of the trade-offs between democracy and competing social goals, see generally JOHN RAWLS, *A THEORY OF JUSTICE* (rev. ed. 1999); SAMUEL SCHEFFLER, *BOUNDARIES AND ALLEGIANCES: PROBLEMS OF JUSTICE AND RESPONSIBILITY IN LIBERAL THOUGHT* 111-30 (2001); RICHARD SOBEL, *THE IMPACT OF PUBLIC OPINION ON U.S. FOREIGN POLICY SINCE*

MYTH #4: DEMOCRATIC COUNTRIES WILL NEVER GO TO WAR AGAINST EACH OTHER

There is a frequent assumption that once a country becomes democratic it will renounce violence, avoid going to war especially against other democracies, and try to resolve outstanding problems by peaceful means. The equation of democracy and peace has been one of the justifications for trying to make the whole world democratic, even by force, which constitutes a supreme paradox. This had been one of the ideological bases of the George W. Bush rationalization for conquering and occupying Iraq and is a basic feature of neo-conservative thinking.²¹ Yet, experience shows that the relationship between democracy and war is actually very complex and far from straightforward. Four sub-issues have to be looked at: (1) Democracy and colonialism; (2) Democracy and Wars between sovereign countries, or what we can call Westphalian Wars; (3) Democracies and Terrorism; and (4) Democracies and International Cooperation.

Democracies and Colonialism

Throughout the second half of the nineteenth century and the first half of the twentieth century, bona fide democracies have conquered and occupied territories in Africa, Asia and Latin America by warlike means. The colonial powers have included Great Britain, France and the United States. In each case, the acquisition of colonies by force was justified by various euphemisms and ideologies. In the British case, the "White Man's Burden" was invoked as immortalized by Rudyard Kipling's poem, trade imperatives, or geopolitical need (securing the lifeline to India). In the French case, a "mission civilisatrice" (civilizing mission) was regularly invoked in French Parliaments to justify the acquisition of large chunks of territory by France in Africa and Asia. In the American case, reference to "manifest destiny" or other religious-

VIETNAM: CONSTRAINING THE COLOSSUS 177-230 (2001); Pauline H. Baker, *Conflict Resolution versus Democratic Governance: Divergent Paths to Peace?*, in *TURBULENT PEACE: THE CHALLENGES OF MANAGING INTERNATIONAL CONFLICT* 753 (Chester A. Crocker et al. eds., 2001); Charles R. Beitz, *Social and Cosmopolitan Liberalism*, 75 *INT'L AFF.* 515 (1999); Seyla Benhabib, *Introduction to DEMOCRACY AND DIFFERENCE: CONTESTING THE BOUNDARIES OF THE POLITICAL* 3 (Seyla Benhabib ed., 1996); Archie Brown, *From Democratization to Guided Democracy*, *J. DEMOCRACY*, Oct. 2001, at 35; Zbigniew Brzezinski, *The Primacy of History and Culture*, *J. DEMOCRACY* Oct. 2001; Seymour Martin Lipset, *The Social Requisites of Democracy Revisited*, *AM. SOC. REV.*, Feb. 1994, at 1; Bhikhu Parekh, *The Cultural Particularity of Liberal Democracy*, 40 *Pol. Stud. (Special Issue)* 160 (1992); Marc F. Plattner, *Liberalism and Democracy* *FOREIGN AFF.*, Mar.-Apr. 1998, at 171; David L. Rousseau et al., *Assessing the Dyadic Nature of the Democratic Peace*, 1918-88, 90 *AM. POL. SCI. REV.* 512 (1996); Amartya Sen, *Democracy as a Universal Value*, *J. DEMOCRACY*, July 1999, at 3, 3-17; Robert Hunter Wade, *Is Globalization Reducing Poverty and Inequality?* 32 *WORLD DEV.* 567 (2004); Fareed Zakaria, *supra* note 16.

21. See generally Thomas Carothers, *Promoting Democracy and Fighting Terror*, *FOREIGN AFF.*, Jan.-Feb. 2003, at 84 (discussing the George W. Bush split approach on the promotion of democracy abroad); G. John Ikenberry, *Illusions of Empire: Defining the New American Order*, *FOREIGN AFF.*, Mar.-Apr. 2004, at 144 (discussing the ongoing debate over the American Empire).

based ideologies, were quoted as the rationale for the unification of North America under United States rule. Earlier, the Monroe Doctrine was invoked to exclude European nations from influence in the Americas. On the whole, aggressive colonialism and empire building has coexisted with democracy.

Democracy and Wars between Sovereign Countries.²²

Academics have routinely asserted that democracies do not wage wars against other democracies. The idea of democratic pacifism is not new. Its academic champions venerate a two-hundred-year-old essay, *Perpetual Peace*, by the philosopher Immanuel Kant.²³ In a "republic," Kant thought, a majority would refuse to bear the cost of aggressive war.²⁴ Hamilton saw, on the contrary, that majorities could be as belligerent as monarchs, clamoring for war not forced by foes. American majorities did just that in 1812 and 1848. In the latter case, President Polk, who wanted to fight Mexico, had to resist popular pressure to fight Britain, too, over the U.S.-Canada boundary. McKinley gave in to popular (i.e. democratic) pressure to go to war with Spain without a convincing *casus belli*. In 1917, President Wilson easily ignited mass belligerency after campaigning against war the year before.²⁵

On the whole, we must sadly recognize that wars between sovereign democracies are quite possible because majorities are not necessarily wiser than minorities when national interest is at stake.

Democracy and Terrorism²⁶

By extension, the idea, advanced by the Bush II Administration that democracies will not engage in or tolerate terrorism, has proven quite faulty. The old adage that one man's terrorist is another man's freedom fighter holds true. It is quite possible to envision majorities electing governments, which condone and encourage terrorism for the purpose of realizing national goals. This has been true for Hamas, Hezbollah, the Shiites in Iraq, and Kashmiri nationalists.

22. See generally Bruce Bueno de Mesquita et al., *An Institutional Explanation of the Democratic Peace*, 93 AM. POL. SCI. REV. 791 (1999) (discussing the factors and interactions that lead to tentative peace between democracies); John M. Owen, *How Liberalism Produces Democratic Peace*, INT'L SECURITY, Fall 1994, at 87.

23. IMMANUEL KANT, *PERPETUAL PEACE* (Columbia Univ. Press 1939) (1796).

24. *Id.* at 14.

25. For more detailed information, see generally Thomas Schwartz & Kiron K. Skinner, *The Myth of Democratic Pacifism*, HOOVER DIGEST, (1999), <http://www.hoover.org/publications/digest/3512216.html>.

26. See generally Paula J. Dobriansky & Thomas Carothers, *Democracy Promotion: Explaining the Bush Administrations Position*, FOREIGN AFF., May-June 2003, reprinted in UNDERSTANDING THE WAR ON TERROR 262 (James F. Hoge & Gideon Rose eds., 2005); Ladan & Royer Boroumand, *Terror, Islam, and Democracy*, in AMERICA AND THE WORLD 299 (James F. Hoge & Gideon Rose, eds., 2002).

Democracies and International Cooperation²⁷

Over the past half-century, the world has moved closer to global free trade with the systematic reduction in tariffs. There have been many new intergovernmental organizations (“IGOs”) formed. Is this a consequence of democratization? The evidence is unclear. The reaction against free market globalization which started in the popular revolt against the Multilateral Agreement on Investment (“MAI”) at the OECD in 1998 and continued with the Seattle setback of the WTO in 1999 and in recurring popular protests against further liberalization seems to indicate the contrary. National majorities and grassroots movements have perceived international cooperation as a threat and not only as an opportunity.²⁸

MYTH #5: NATIONAL DEMOCRACY AUTOMATICALLY LEADS TO GLOBAL DEMOCRACY

Is the transition from national democracy to global democracy easy? Will a world composed of democratic nation-states automatically mean that it will also be democratic? Evidence suggests, once again, that this question is as complex as the others treated in this essay, and that there are no simple answers.

To clarify the issue, let us distinguish between at least six types of democratic decision-making models.

Westphalian Democracy (“one-nation, one-vote”)

The closest global equivalent to nation-state democracy is the United Nations. In that IGO, 193-member states recognize each other as sovereign countries and make some decisions on the formula “one nation, one vote.” This sovereign equality is actually undemocratic because of at least two flaws.

First, as was noted before, this formula gives much greater voting power to small member states who are over-represented and much less to large member states, a counter intuitive situation at best. The voter in populous China has much less influence than his colleague in Iceland or Luxemburg.

Second, the 193 member states could all be dictatorships and still vote “democratically” (i.e. “one-country, one-vote”) at the UN General Assembly, which is a paradoxical, yet possible situation.

Third, the UN Security Council, the only UN body with strong coercive powers, is composed of five permanent members with veto powers who, in

27. See generally DAVID FRUM & RICHARD PERLE, AN END TO EVIL: HOW TO WIN THE WAR ON TERROR (2003); Zeer Maoz & Bruce Russett, Normative and Structural Causes of Democratic Peace, 1946-1986, 87 AM. POL. SCI. REV. 624 (1993).

28. For a good overview of the relationship between war and democracy, see BENJAMIN R. BARBER, FEAR’S EMPIRE: WAR, TERRORISM, AND DEMOCRACY (2003); Ikenberry, *supra* note 21.

essence, appointed themselves to that position. The other non-permanent members are elected by the UN General Assembly, but do not have veto power.

Fourth, if one country within the 193-member UN Organization is the sole superpower, it can make unilateral decisions affecting the whole world without consulting the whole world. An example will illustrate that proposition. The 2000 U.S. presidential election was hotly contested. Less than fifty percent of eligible voters actually exercised their constitutional right to vote and slightly less than half voted for George W. Bush over Al Gore. In other words, only about twenty-five percent of eligible voters elected George W. Bush, while seventy-five percent either voted for someone else or abstained. These twenty-five percent of U.S. voters represent less than two percent of world voters. Yet by electing the President of the sole superpower, they appointed someone who has real authority over the whole world by virtue of the overwhelming military power of the United States, which it has used in Iraq and threatens to do so elsewhere. Therefore, there is a serious democratic deficit where two percent of the world's voting population manages, by virtue of their geographical residence in the world sole superpower, to have a determining influence on the entire world.

Direct Global Democracy ("one person, one vote")

In this pure form of global democracy, every voter has the same vote, no matter where he or she is based. The voting could be either direct by referendum or e-democracy, or indirect through representatives elected to one or more legislative assemblies. This form of global democracy would give immense power to the highly populated countries and very little to the sparsely populated ones. China and India could by themselves approach absolute majority and make binding decisions either directly or through representative assemblies, which would bind the whole world.

Quite obviously, this model of global democracy is not likely to be accepted by the countries excluded from this absolute majority and is, for all intents and purposes, not feasible at the present time.

Multi-cameral Global Democracy

A variant would involve some form of world federalism with at least two legislative chambers. The first would elect representatives on the "one person, one-vote" formula, while the second would presumably elect representatives of sovereign nations. The Westphalian principle of sovereign equality would mean that all sovereign entities, recognized as such by their peers, would have equal representation and voting power. Once the bicameral formula is accepted, then multiple legislative chambers could be envisioned, including

some who would make decisions on the “one dollar, one vote” formula like the shareholders of publicly-held corporations.

Directorates

Directorates are groups of countries that have special powers and responsibilities. These may either be elected by a global body as its “board of directors,” or, more often than not, self-appointed by its members such as the G8, the OECD, or NATO. Membership is by invitation only.

Self-appointed directorates are not democratic, even though in many cases they have attempted to increase their legitimacy by enlarging their membership base. Thus there have been attempts to enlarge the UN Security Council, and the G8, by moving to a proposed L20 (Leaders 20 to include twenty countries, representing two-thirds of the world population.)

Democracy by Interest (“one-SIG, one-vote”)

We will define a SIG as a special interest group, broadly interpreted. This SIG could be an ethnic group, (e.g. Kurds, Armenians, Basques), an organized religion (e.g. Catholicism, Shia, Sunnis), a geographical region (e.g. Africa, Asia, Europe), or a sect. Insofar as that SIG is recognized by the world community as legitimate and worthy of representation, decision-making assemblies could be created at the national, continental or global levels representing them. Presumably, these SIGS would benefit from an equality premise where they would all have equal say.

Quite obviously, a global democracy based on representation of all SIGs would be self-defeating and lead to a cacophony of rival and contradictory interests.

Plutocracy (“one-dollar, one-vote”)

Market democracy, or capitalism, is based on the premise of the sovereignty of the consumer and functions on the rule “one-dollar, one-vote.” In corporate governance, shareholders’ voting power is established by the dollar value of their shares. Whatever the merits of market democracy, it is certainly not identical to normal political democracy since the concentration of wealth in some individuals and corporations would give these plutocrats enormous decision-making power.

In sum, there is no formula of global democracy which currently is likely to be adopted; all the above-discussed formulas are either flawed because they distance themselves from the democratic ideal of equality of voting power for all human beings or suffer from inefficiencies and conflict of goals. The attempted simple transition from national to global democracy without a lot of

preparation and adaptation is therefore destined to fail unless treated with a more sophisticated analysis.²⁹

29. For a sampling of different views on this very controversial dimension of democracy see ZBIGNIEW BRZEZINSKI, *THE CHOICE: GLOBAL DOMINATION OR GLOBAL LEADERSHIP* 179-212 (2004); GEORGE BUSH & BRENT SNOWCROFT, *A WORLD TRANSFORMED* 152-81 (1998); TRANSFORMING EUROPE: EUROPEANIZATION AND DOMESTIC CHANGE (Maria Green Cowles et al. eds., 2001); INT'L COMM'N ON INTERVENTION AND STATE SOVEREIGNTY, *THE RESPONSIBILITY TO PROTECT* (2001), <http://www.iciss.ca/pdf/Commission-Report.pdf>; JAGDISH BHAGWATI, *IN DEFENSE OF GLOBALIZATION* (2004); ROBERT O. KEOHANE, *AFTER HEGEMONY: COOPERATION AND DISCORD IN THE WORLD POLITICAL ECONOMY* 85-109 (1984); DAVID MCKAY, *DESIGNING EUROPE: COMPARATIVE LESSONS FROM THE FEDERAL EXPERIENCE* 127-42 (2001); JOHN STUART MILL, *DISSERTATIONS AND DISCUSSIONS: POLITICAL, PHILOSOPHICAL AND HISTORICAL* (Part III, Kessinger Publications, 1867); DANIEL PHILPOTT, *REVOLUTIONS IN SOVEREIGNTY: HOW IDEAS SHAPED MODERN INTERNATIONAL RELATIONS* Ch. 1-45 (2001); CLYDE PRESTOWITZ, *ROGUE NATION: AMERICAN UNILATERALISM AND THE FAILURE OF GOOD INTENTIONS* (2003); JOSEPH E. STIGLITZ, *GLOBALIZATION AND ITS DISCONTENTS* (2002); KOK-CHOR TAN, *JUSTICE WITHOUT BORDERS: COSMOPOLITANISM, NATIONALISM, AND PATRIOTISM* (2004); Allen Buchanan, *Rawls's Law of Peoples: Rules for a Vanished Westphalian World*, 110 *ETHICS* 697 (2000); George W. Bush, *Remarks by the President at 2002 Graduation Exercise of the United States Military Academy*, West Point, New York, in *AMERICA AND THE WORLD: DEBATING THE NEW SHAPE OF INTERNATIONAL POLITICS* 364 (2002); Michael Byers & Simon Chesterman, *Changing the Rules about Rules? Unilateral Humanitarian Intervention and the Future of International Law*, in *HUMANITARIAN INTERVENTION: ETHICAL, LEGAL AND POLITICAL DILEMMAS* 177 (J.L. Holzgrefe & Robert O. Keohane eds., 2005); Cary Coglianese, *Globalization and the Design of International Institutions*, in *GOVERNANCE IN A GLOBALIZING WORLD* 297 (John S. Nye, Jr. & John D. Donahue eds., 2000); Jean L. Cohen, *Whose Sovereignty? Empire Versus International Law*, *ETHICS & INT'L AFF.*, Fall 2004, at 1; Thomas Friedman & Ignacio Ramonet, *Dueling Globalizations: A Debate Between Thomas L. Friedman and Ignacio Ramonet*, *FOREIGN POL'Y*, Fall 1999, at 110; Henry S. Farber & Joanne Gowa, *Politics & Peace*, *INT'L SECURITY*, Fall 1995, at 123; James D. Fearon, *Domestic Political Audiences and the Escalation of International Disputes*, 88 *AM. POL. SCI. REV.* 577 (1994); Martha Finnemore, *International Organizations As Teachers of Norms: The United Nations Educational, Scientific, and Cultural Organization and Science Policy*, 47 *INT'L ORG.* 565 (1993); Martha Finnemore, *Constructing Norms of Humanitarian Intervention*, reprinted in *CONFLICT AFTER THE COLD WAR: ARGUMENTS ON CAUSES OF WAR AND PEACE* 202 (Richard K. Betts ed., 2d. ed. 2005) (1996); Thomas M. Franck, *Interpretation and Change in the Law of Humanitarian Intervention*, in *HUMANITARIAN INTERVENTION: ETHICAL, LEGAL, AND POLITICAL DILEMMAS* 204 (J.L. Holzgrefe & Robert O. Keohane eds., 2003); Joel Hellman, *Winners Take All: The Politics of Partial Reform in Postcommunist Transitions*, 50 *WORLD POL.* 203 (1998); Samuel P. Huntington, *The Clash of Civilizations?*, *FOREIGN AFF.*, Summer 1993, reprinted in *AMERICA AND THE WORLD: DEBATING THE NEW SHAPE OF INTERNATIONAL POLITICS* 43 (2002); Samuel P. Huntington, *No Exit: The Errors of Endism, NAT'L INTEREST*, Fall 1989, reprinted in *AMERICA AND THE WORLD: DEBATING THE NEW SHAPE OF INTERNATIONAL POLITICS* 29 (2002); John G. Ikenberry, *America's Liberal Grand Strategy: Democracy and National Security in the Post-War Era*, in *AMERICAN FOREIGN POLICY: THEORETICAL ESSAYS* 268 (John G. Ikenberry ed. 2004); Bruce W. Jentleson, *Principles: The Coming of a Democratic Century?*, in *AMERICAN FOREIGN POLICY: THE DYNAMICS OF CHOICE IN THE 21ST CENTURY* 608 (2004); Robert O. Keohane & Joseph S. Nye Jr., *Globalization: What's New? What's Not? (And So What?)*, *FOREIGN POL'Y*, Summer 2000, at 104; Stephen D. Krasner, *Global Communications and National Power: Life on the Pareto Frontier* 43 *WORLD POL.* 336 (1991); Andrew Kuper, *Rawlsian Global Justice: Beyond The Law of Peoples to a Cosmopolitan Law of Persons*, 28 *POL. THEORY* 640 (2000); Catherine Lu, *The One and Many Faces of Cosmopolitanism*, 8 *J. POL. PHIL.* 244 (2000); K.R. McNamara, *Towards a Federal Europe? The Euro and Institutional Change in Historical*

CONCLUDING REMARKS: THE ROAD TO SMART DEMOCRACY

We return to the original Churchillian premise of this essay: Democracy is the worst political system except for all the others. There are no other known political alternatives which work in the long run. A Platonic philosopher king is an attractive ideal, but there is no assurance that even if such a rare bird were to be found, his successors would continue in benevolent governance. Plato himself got into trouble in his attempt to educate the Tyrant of Syracuse in the practice of good governance and was thrown into jail. Although history has seen some wise absolute rulers, there is no assurance that hereditary monarchs or even elected dictators will pursue the public good. An occasional good ruler is likely to be followed by a much larger number of despots seeking their own interest and sacrificing the public good to that interest. There is no permanent security in tyrants and the checks and balances of democracy make it the only sustainable political system, which can claim both long-term efficiency and legitimacy.

Another reason why democracy must prevail is because mounting global interdependence requires team responses and collective decision-making. A leader has to motivate his troops and keep their confidence. No single individual holds absolute power anymore, and since everyone has to report to some group such as, a board, an executive committee, a junta of generals, or a parliament. In the end, all leaders are accountable to some committee of peers, which makes democracy both indispensable and inevitable.

However, the modalities of this accountability have to be modulated and perfected. This is why Smart Democracy, fully tuned to twenty-first century reality, is absolutely necessary. An elaboration of how to achieve Smart Democracy is beyond the scope of this paper, but will follow in book form. At

Perspective; in 6 THE STATE OF THE EUROPEAN UNION 253-68 (Tanja Borzel and Rachel Chicowski eds., 2003); Andrew Moravcsik, The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe, 54 INT'L ORG. 217 (2000); Craig Parsons, Showing Ideas as Causes: The Origins of the European Union, 56 INT'L ORG. 47 (2002); Charles Pentland, Westphalian Europe and the EU's Last Enlargement, 22 EUR. INTEGRATION 271-298 (2000); Jon C. Pevehouse, Democracy from the Outside-In? International Organizations and Democratization, 56 INT'L ORG. 515 (2002); Daniel Philpott, Usurping the Sovereignty of Sovereignty?, 53 WORLD POL. 297 (2001); Thomas W. Pogge, An Egalitarian Law of Peoples, 23 PHIL. & PUB. AFF. 195 (1994); Adam Przeworski, The Neoliberal Fallacy, J. DEMOCRACY, July 1992, at 45; David Rieff, The Crusaders: Moral Principles, Strategic Interests, and Military Force, in ANNUAL EDITIONS: AMERICAN FOREIGN POLICY 32-37 (Glenn P. Hastedt, ed., (2001-02); Frank Schimmelfennig, The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union, 55 INT'L ORG. 47 (2001); Randolph M. Siverson & Juliann Emmons, Birds of a Feather: Democratic Political Systems and Alliance Choices in the Twentieth Century, 35 J. CONFLICT RESOL. 285 (1991); Jonas Tallberg, Compliance, Enforcement, Management, and the European Union, 56 INT'L ORG. 609 (2002); Bill Wechsler, The War in Iraq: A Unilateral Approach to a Multilateral World?, MCGILL INT'L REV., Fall 2004; John Williamson, Democracy and the "Washington Consensus," 21 WORLD DEV. 1329 (1993); Deborah J. Yashar, Globalization and Collective Action, 34 COMPARATIVE POL. 3 (2002); see also <http://www.iril.org>; <http://www.ndi.org>.

this stage, let us identify five guidelines, which will eventually allow the creation of an operational checklist for Smart Democracy:

Guideline 1. Democracy in Context: Not a panacea but one of a number of legitimate social goals

Democracy must be seen as an extremely valuable political goal competing with a number of other equally valid societal objectives. A careful weighing of democratic principles versus other values that a society, rightly or wrongly, holds dear to its heart will yield sustainable results. The mistaken view that democracy is a panacea trumping all other human endeavor is clearly not likely to be favored by all. The notion of trade-offs must be respected. In some cases, the construction of a democratic state must be gradual and well planned. It can rarely be imposed by non-democratic means. Democracy by force of arms is self-defeating.

Guideline 2. Better Management of the relationship between Time and Democracy

Democracy in Context may also argue in favor of a gradual and phased introduction of that political regime in countries where no democratic tradition exists. Leapfrogging from complete autocracy to true democracy may engender boomerang effects.

The question of intergenerational decision-making must be addressed especially when present choices will affect future generations either positively or negatively. Here, we see a clash of two sovereignties: that of the present voting generation and that of the future generation, which will inherit the societal mortgages decided upon today. Notions of sustainability loom very large in these types of decisions, which must be taken with great seriousness.

Guideline 3: Establish a Balance Between Direct and Representative Democracy.

A myth involves a willing suspension of disbelief. Some myths, although untrue, may yet be useful. To assign ultimate infallibility to "The People" may be necessary to impose closure on decision-making. However, popular sovereignty has to be handled with care and not abused. As we have argued, a buffer is needed to protect the People from decisions they are likely to regret later. Because of this, representative democracy is often superior to direct democracy. In fact, a rule of thumb could be to allow decisions by representatives in most cases and leave only ultimate, simple "yes" and "no" decisions to the People at large. The assumption of responsibilities by elected elites will allow these elites to be put out of office and replaced if they lose popular favor.

The idea of a buffer, in favor of representative over direct democracy, requires that the elected elites have time to try out their projects. This argues

strongly against instant polling, recall procedures and excessive popular pressure. Leadership may involve going against the grain, making unpopular decisions and yet be allowed to prove over time that these decisions were ultimately correct. It also has some implications as to the frequency of elections and accountability procedures. The bi-annual elections of US Congressmen may be viewed, in this sense as too short.

Guideline 4: Explore the Potential of Deliberative Democracy

When Direct Democracy is applied, by referendum or plebiscite, it is important to follow a number of rules. First, the question posed must be understandable and answered by a positive or negative response. If the question has too many sub-clauses and involves complex choices, it is inadequate since the answer will not be clear. Secondly, the electorate has to be very well informed. This is quite possible given modern communication techniques. Hasty decisions must be avoided at all costs. Third, and in the same line of thought, the concept of “indicative voting” (stray anonymous votes to test the mood of the group) can be very useful to educate the public and allow it to change its mind without loss of face. Here, the techniques of “deliberative democracy” akin to the Delphi Method used in forecasting to poll expert opinion may be used to an advantage.

Guideline 5: Global Democracy is a very complex proposition. Simplistic imitations of National Democracy at the Global Level may be counterproductive.

Global democracy is a complex proposition, which requires more sophisticated strategies than the current oversimplified ones. The transposition of the Nation-State into a Global Super State can only be done in small steps. Global Parliaments, direct global democracy and the careful weighing of decision procedures (“one-person, one-vote” vs. “one-state, one-vote” vs. “one-dollar, one-vote”) are all ideas, which have to be handled with care. There are many pitfalls to be avoided. It is quite possible to have a world made of fully democratic countries, without having global democracy as was discussed earlier. Conversely, it is also possible to have 193 dictatorships decide “democratically” how to run the world within the confines of the present UN System. Both extremes have to be avoided.

To conclude, let us note that in the coming decades, the pressures of Globalization will create challenges, which can only be met with at the global level. Therefore, a Global Governance System has to be set up which is both effective and legitimate. If this global political system is to be democratic, it will have to be carefully designed and finely tuned. Simplistic solutions will not do. The construction of Smart Democracy is a contemporary duty of all true “small d” democrats. Without it, the perils of Dumb Democracy will lead us right back into the persistent authoritarianism, which has clouded much of human history.