Democracy – Its Substance and Meaning: Can One Size fit All?

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I   Introduction

Of course, "one size" of democracy cannot, and should not, fit all! We are familiar with two variations, notably *direct democracy*[1] and *representative democracy*[2], and three democratic systems, *parliamentary*[3], *presidential*[4] and *mixed*[5], the last combining elements of the former two. In parliamentary systems, election to the lower house may be based on "first past the post" principles, electing members to *constituencies*, or on those of *proportional representation*.

Some parliamentary systems combine elements of both to ensure that a representative is accountable to voters in a constituency and that the distribution of votes between parties is reflected in the composition of the (lower) house.[6]

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[1] This is rare today in all but small local communities as a means of constitutional government. The institution of referendum, or plebiscite, however, which is used extensively in Switzerland and many other countries (see https://en.wikipedia.org/wiki/Referendums_by_country, accessed June 14, 2018) and in 24 US states, as well as those of initiative and recall, are examples of direct democracy.

[2] Representative democracy is the most common form today. This arrangement establishes an intermediary between the individual and the executive and legislative policy actions of the state. Through elections, representatives are elected and assigned the task of making decisions on behalf of the group of citizens that they represent.

[3] Parliamentary systems are anchored in the legislative branch of government. One can see representative but distinct examples in the Federal Republic of Germany and the United Kingdom. The voters elect parliamentary representatives in national elections. The party that wins the largest number of seats selects the head of government – the Federal Chancellor in Germany, the Prime Minister in the United Kingdom. The executive power is divided between a Head of State – a Federal President in Germany, and a constitutional monarch in the United Kingdom – and the Head of Government – the Federal Chancellor, and the Prime Minister. The Head of Government sets the legislative and policy agenda. The Head of State is the ceremonial representative of the country. Neither the Federal President, not the British Queen, proposes, revises or vetoes any laws. Neither controls the actions of the Head of Government, and neither can remove her from office. The relationship between the executive branch (the Head of Government, and her Cabinet) and the legislature is generally cooperative, although the legislature is supreme. Because the Head of Government is selected by members of his party or a coalition including his party, there is broad alignment on policy. The Head of Government, not the legislature, appoints and dismisses members of the Cabinet, but the legislature but can pass a vote of no-confidence on the Head of Government. Again, there are variations between countries: Unlike the United Kingdom, in Germany, the "konstruktives Misstrauensvotum" allows the Bundestag to withdraw confidence from the Chancellor only if there is a positive majority for a prospective successor, enabling her to govern. This precedent has found favor in other countries, including Albania, Belgium, Hungary, Israel, Poland, Slovenia and Spain.

[4] Presidential systems, exemplified by the United States, tend to concentrate power in the executive branch. They may be less representative of the popular will but are perhaps more stable than parliamentary systems. The results of the legislative elections have no direct bearing on the composition of the executive branch, as the voters elect each independently. In the United States, one party may gain a majority in Congress (either in the House of Representatives or the Senate, or both) while the other party wins the presidency.

[5] France is an example of a semi-presidential or "mixed" system in which a President exists alongside a Prime Minister and a Cabinet, with the latter two responsible to the legislature. This mixed system differs from a parliamentary system in that it has a popularly elected Head of State, who is no ceremonial figurehead; and from a presidential system in that the Cabinet, although appointed by the President, is responsible to the legislature, which can force the Prime Minister and Cabinet to resign through a motion of no confidence. The Weimar Republic (1919–1933) was a semi-presidential system, although the term originated in an article by Hubert Beuve-Méry in 1959 and was popularized by Maurice Duverger two decades later. Both were describing the French Fifth Republic established constitutionally in 1958.

[6] Elections to the Bundestag in the Federal Republic of Germany display these characteristics. In summary, half of the members of the Bundestag are elected directly from 299 constituencies in first-past-the-post elections; the other half are elected from the parties' lists in the Laender to achieve proportional representation in the Bundestag as far as possible. Each voter has two votes in the Bundestag elections, the first for a constituency representative, the second on a party list, which determines the relative strengths of the parties in the

Proportional representation ensures that the popular vote is reflected fairly in the legislature, but predisposes to the emergence of many parties[7], especially if thresholds for entry into the legislature are low.[8] Meanwhile, as the composition of *constituencies* is susceptible to manipulation – often known as *gerrymandering*[9] – to favor the party in power and able to delineate boundaries, a variety of rules have been developed to discourage, and punish, attempts at such manipulation.

Finally, not all representative democracies are centered in *republics*[10] although these were their origin; many parliamentary democracies thrive today in *constitutional monarchies.*[11]

So, with that simple question disposed of, let us ask why it matters.

II   Governance and Government

As the extracts from *The Analects* of Confucius (after 479 BCE), Aristotle's *Politics* (350 BCE) and the *Declaration of Independence* (1776 CE) make clear, the system of governance that we style "democracy" was not regarded as prudent or desirable before the 20th century. Indeed, it was associated with "mob rule" or "rule by the masses," a circumstance which, before the advent of widespread education, and the assumption that this would enable prudent judgement, was tantamount to anarchy. Plato, in the *Republic*, reflects Socrates as suggesting not only that in democracy "…anarchy finds a way into private houses, and ends by getting among the animals and infecting them," but that "…tyranny naturally arises out of democracy, and the most aggravated form of tyranny and slavery out of the most extreme form of liberty."[12]

> "Lead the people with administrative injunctions and put them in their place with penal law,
> and they will avoid punishments, but will be without a sense of shame.
> Lead them with excellence and put them in their place through roles and ritual practices,
> and in addition to developing a sense of shame, they will order themselves harmoniously."
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> **Confucius, The Analects**

Bundestag. See https://en.wikipedia.org/wiki/Bundestag#Distribution_of_seats_in_the_Bundestag, accessed June 12, 2018.

[7]   Israel presents an example of disproportionate fragmentation with 10 parties/alliances represented in the 120-seat Knesset after clearing the 3.25 percent threshold in the 2015 elections. See https://en.wikipedia.org/wiki/List_of_political_parties_in_Israel, accessed June 14, 2018.

[8]   See http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130606/LDM_BRI(2013)130606 _REV2_EN.pdf for a discussion of electoral thresholds in the European Parliament.

[9]   Manipulating the boundaries of an electoral constituency to favor one party or class. See https://en.wikipedia.org/wiki/Gerrymandering, accessed June 12, 2018.

[10]   States in which the Head of Government is not a monarch or other hereditary Head of State. See https://en.wikipedia.org/wiki/Republic, accessed June 14, 2018.

[11]   Constitutional monarchy is a system of government in which a monarch shares power with a constitutionally organized government. The monarch may be the Head of State or a ceremonial leader. The constitution allocates the government's power to an executive Head of Government, a legislature and the judiciary. Since the 19th century – perhaps the reign of Queen Victoria – the United Kingdom, despite the lack of a written constitution, has been a constitutional monarchy, although the Bill of Rights in 1689 – presented by the Convention Parliament to William and Mary, inviting them to become joint sovereigns of England after deposing King James II – and the Act of Settlement in 1701 were key precursors. The first Parliament of the United Kingdom was established in 1707, after the merger of the Kingdom of England and the Kingdom of Scotland under the Acts of Union. Other constitutional monarchies include Belgium, Cambodia, Jordan, the Netherlands, Norway, Spain, Sweden and Thailand. See https://www.britannica.com/topic/constitutional-monarchy, accessed June 14, 2018.

[12]   Plato, The Republic, c. 360 BCE, Jowett translation, Bk. VIII, http://classics.mit.edu/Plato/republic.9.viii.html, accessed June 14, 2018.

In the ancient Chinese tradition, Confucius assumed that rule was exercised by one man, but his *Analects* provide precepts for the conduct of all in society vis-à-vis one another.[13] Confucius argues that an excellent example by a leader, an understanding of the respective roles and stations of each person in society, and the practice of rituals to reflect these, will induce the people to observe *propriety* [禮] and "…order themselves harmoniously."

> "When the citizens at large govern for the public good, it is called by the name common
> to all governments (politeion), government (politeia)."
>
> Aristotle, Politics, Bk. III 1279a

In his *Politics[14]*, Aristotle distinguishes between six constitutions, classified by the scale of rulership, and the effect of the rule. A constitution is just when it benefits all citizens in the *polis* and unjust when it benefits only those in power. Rule by one person may thus constitute a *monarchy* if the ruler governs for the benefit of all, and a *tyranny* if he serves only himself. Likewise, a small governing elite constitutes an *aristocracy* if all citizens benefit, and an *oligarchy* if the elite rules selfishly. Wise and inclusive rule by all citizens gives us a *polity;* selfish rule by the majority constitutes a *democracy*. A citizen is one who may participate in the deliberative or judicial administration of a state, which comprises a body of citizens sufficient for the purposes of life.

Aristotle suggested that a *polity[15]* may be least susceptible to corruption if the laws enjoy primacy over the governors. He advocates distributive justice, with benefits conferred upon citizens according to the contribution that each makes to the well-being of the *polis*. The key premise of his analysis is that it is the purpose and *effect* of the system – the welfare of all citizens – that determines whether it is just or unjust. The quantum of rulers is less important.

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."
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> In Congress, July 4, 1776

Thomas Jefferson, who wrote the draft of the *Declaration of Independence* was, likewise, no "democrat" in our present sense, but a "republican" who argued that citizens bore a civic duty to aid the state in resisting corruption, monarchism and aristocracy. Female suffrage was far from his

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13   http://www.indiana.edu/~p374/Analects_of_Confucius_%28Eno-2015%29.pdf, accessed June 14, 2018.

14   Aristotle. Politics, c. 350 BCE, translated by Benjamin Jowett.

15   Henry Maine observed on the Athenian polity in the Golden Age: "The splendour which attracted the original genius of the then civilized world to Athens was provided by the severe taxation of a thousand subject cities, and the skilled labourers who worked under Phidias, and who built the Parthenon, were slaves." Maine, Sir Henry Summer, Popular Government: Four Essays, London 1885, p. 42ff.

mind: In his draft of the *Constitution of Virginia* in 1976, the same year in which the *Declaration of Independence* was adopted, Jefferson proposed that:

> "All male persons of full age and sane mind having a freehold estate in [one fourth of an acre] of land in any town, or in [25] acres of land in the country, and all elected persons resident in the colony who shall have paid scot and lot [taxes] to government the last [two years] shall have right to give their vote in the election of their respective representatives."[16]

Jefferson was not seeking to entrench economic privilege. Those without land were entitled to it:

> "Every person of full age neither owning nor having owned [50] acres of land, shall be entitled to an appropriation of [50] acres or to so much as shall make up what he owns or has owned [50] acres in full and absolute dominion."[17]

He believed that an effective republican government rested on the active participation of persons who owned property and assumed the responsibilities of citizenship. The values underpinning this were to be expressed through an organized political party, in Jefferson's case, the Republican Party, in contradistinction to the *Federalist Party* of Alexander Hamilton.

Hofstadter observed:

> "It seems hardly enough to say that [Jefferson] thought that a nation of farmers, educated, informed and blessed with free institutions was the best suited to a democratic republic, without adding that he did not think any other kind of society a good risk to maintain Republican government. In a nation of large cities, well developed manufactures and commerce, and a numerous working class, popular republicanism would be an impossibility – or at best an improbability."[18]

Little had changed when the Union was created in 1789, with George Washington as its first President. J.P. Greene notes:

> "Free people of African and Amerindian descent, like women and children, were not thought to have the discretion requisite for the responsible exercise of citizenship. For the time being, the American commitment to equality could be limited to citizens, that is, to white independent males."[19]

Miller estimates that of the 3,250,000 persons in the 13 states after the Revolution (other than native Americans who were not tallied) perhaps 120,000 could meet the qualifications of gender, religion and property needed to vote.[20]

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[16] http://avalon.law.yale.edu/18th_century/jeffcons.asp, accessed June 6, 2018.
See also https://founders.archives.gov/documents/Jefferson/01-01-02-0161-0001, accessed June 6, 2018.

[17] Op. cit. http://avalon.law.yale.edu/18th_century/jeffcons.asp.

[18] Richard Hofstadter. The American Political Tradition and the Men Who Made It, Vintage Books, New York, 1974, p. 39.

[19] Jack P. Greene. Values and Society in Revolutionary America, Annals of the Academy of Political and Social Science, vol. 426, July 1976.

[20] William Miller. A New History of the United States, George Brazillier Inc., 1958, pp. 109–110.

Zinn observes, moreover:

> "[The Constitution did not] provide for popular elections except in the case of the House of Representatives, where the qualifications were set by the state legislatures (which required property-holding for voting in almost all the states), and excluded women, Indians and slaves. The Constitution provided for Senators to be elected by the state legislators, for the President to be elected by electors chosen by the state legislators, and for the Supreme Court to be appointed by the President."[21]

While the electoral qualification was eroded progressively in the next 18 decades – from the enactment of an extended franchise in Maryland in 1801; through the 14th amendment[22] passed in 1866 and ratified by 1870; the 15th amendment which prohibited abridgement of voting rights on grounds of race or prior servitude in 1870; the 19th amendment admitting women in 1920[23]; and the Voting Rights Act of 1965 – social commentators maintained the link between voting rights and civic duty until the Civil War.[24] The belief of the Founding Fathers of the *13 united States* that the responsibilities of government would be exercised properly only by those who, as landowners or taxpayers, had a stake in an orderly society, was sustained by the belief that all, but only, those who contributed to the welfare of the polity, should elect and direct it.

This theme extends from Confucius' emphasis on the central importance of *propriety*, recognizing the proper roles of each in a harmonious society; through the rights and duties of Athenian citizenship; and the renaissance of republicanism in the 18th century; to the thesis of the English constitutionalist A.V. Dicey[25], that for every right there is a corresponding responsibility. In its simplest form, it underpinned constitutional law and theory until the end of World War II.

III   The Rise of the New Paradigm

The past two-and-a-third centuries have seen the political map of Europe redrawn many times, and the growth of the United States from 13 to 50 states by conquest, purchase and pacification. The

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[21] Howard Zinn. A People's History of the United States, Longman. London 1980, p. 95.

[22] The 14th amendment, addressing citizenship rights and equal protection of the laws, proposed to address the condition of former slaves after the Civil War. The amendment was bitterly contested in the states of the Confederacy, which were required to ratify it to regain representation in Congress. The most important and most frequently litigated provision is the first section: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[23] Efforts to effect the enfranchisement of women took off in the mid-19th century, with a Convention of Women in Ohio in the spring of 1850, followed six months later by a Women's Rights Convention in Massachusetts. A petition of women, adopted at a public meeting at Sheffield, claiming the elective franchise, was presented to the House of Lords by the Earl of Carlisle on February 13, 1851. Harriett Taylor Mill championed the cause in the United Kingdom, arguing that the authors of the US Declaration of Independence could not have intended that the equality and inalienable rights to life, liberty and the pursuit of happiness were restricted to the male sex. The campaign continued for over a century in the West, until women in Switzerland gained the right to vote in federal elections in February 1971, and the Federal Supreme Court of Switzerland required Appenzell Innerrhoden to grant women the vote on local issues in 1991. The Principality of Liechtenstein extended the vote to women in 1984.

[24] Cf. Richard Hofstadter, op. cit. p. 128: "I go for all sharing the privileges of the government who assist in bearing its burdens. Consequently, I go for admitting all whites to the right of suffrage who pay taxes or bear arms…", Abraham Lincoln (1836).

[25] Albert Venn Dicey, KC, FBA (February 4, 1835 – April 7,1922), British jurist, constitutional theorist, and author of Introduction to the Study of the Law of the Constitution (1885). Dicey became Vinerian Professor of English Law at Oxford and popularized the phrase "rule of law."

origins of these changes lay in the crisis of *absolute* (or largely unrestricted) monarchy[26], and the alliance of *monarchy* with *clergy* and *nobility* at the expense of *commoners*. The institutions of the agrarian era, based on kinship and hierarchy – clan membership, feudal aristocracy and monarchy – and ownership of land as the index of wealth, became dysfunctional in the late 17th and 18th centuries as cities multiplied, and the rising power of merchants and bankers disrupted the *estates of the realm*, the social hierarchy that had underpinned Christian Europe from medieval times.

The *Ancien Régime*, premised on a centralized monarchy, the clergy (the First Estate), the nobility – *noblesse d'épée* and *noblesse de robe* – (the Second Estate), and urban wage-laborers and rural peasants (the Third Estate), survived until the French Revolution of 1789. *En route* to that crisis, however, Voltaire[27], Rousseau[28], Montesquieu[29], Adam Smith[30], Hume[31] and Bentham[32], building on Descartes' proposition that *cogito, ergo sum*[33], provided ethical and logical rationales for political change in a radically transformed social landscape. Their views fueled the American and French revolutions, enabled *la Terreur* between September 5, 1793 and July 27, 1794[34], and opened Europe for the ascendancy of Napoleon, and his containment thereafter at Vienna in 1815. John Stuart Mill[35], Hegel[36] and Marx[37] pressed the logic forward, reflecting a new social reality driven by the *Industrial Revolution*, and presaging the *collapse of empires* (though the Austro-Hungarians and the Ottomans passed from the scene only in 1918–22), the *birth of nations*, and the *October Revolution* and the Bolsheviks' assumption of power in Russia in 1917.

A countervailing trend was triggered in Europe by Napoleon's conquests when the Great Powers united to defeat the revolutionary upstart. A balance of European power, based on state legitimacy and limits, was established at Vienna in 1815 through the diplomacy of Metternich and Castlereagh,

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[26] Throughout much of European history until the end of the 18th century, the divine right of kings was the theological justification for monarchical power. Many European monarchs including those of Russia claimed supreme autocratic power by divine right. Despite the grant of Magna Carta Libertatum in 1215, confirmed into English statutory law in 1297, James VI of Scotland (James I of England) and his son Charles I sought to import the principle of divine monarchical right. Fears that Charles I was attempting to establish absolutist government on European lines triggered the English Civil War, in what has entered English history as the Glorious Revolution of 1688, leading to the overthrow of King James II of England (James VII of Scotland) by English Parliamentarians allied with the Dutch stadtholder William III, Prince of Orange, and William's ascension to the throne as William III of England, with his wife, Mary II, James's daughter, after the Declaration of Rights, leading to the Bill of Rights of 1689. By the 19th century, the Divine Right was obsolete theory in the Western world, although it continued in Russia until the February Bourgeois Democratic Revolution in 1917.

[27] François-Marie Arouet. dit Voltaire, Lettres philosophiques, Basel, 1734; Essai sur les mœurs et l'esprit des nations, Geneva, 1769.

[28] Jean-Jacques Rousseau. Du Contrat Social, ou Principes Du Droit Politique. Amsterdam 1762.

[29] Charles Louis De Secondat, baron de La Brède et de Montesquieu, De l'esprit des lois. Geneva 1748.

[30] Adam Smith. The Theory of Moral Sentiments, 1759; An Inquiry into the Nature and Causes of the Wealth of Nations, Oxford 1776.

[31] David Hume. Political Discourses. Edinburgh 1752.

[32] Jeremy Bentham. An Introduction to the Principles of Morals and Legislation, Amherst 1780.

[33] Descartes, René, Les Règles pour la Direction de l'Esprit, 1628; Le Discours de la Méthode,1637.

[34] During the Reign of Terror, at least 300,000 suspects were arrested; 17,000 were officially executed, and perhaps 10,000 died in prison or without trial.

[35] John Stuart Mill. On Liberty, 1859; Utilitarianism, 1863.

[36] Georg Wilhelm Friedrich Hegel. Wissenschaft der Logik, 1812, 1813, 1816; Enzyklopädie der philosophischen Wissenschaften, 1817; Grundlinien der Philosophie des Rechts, Leipzig 1821.

[37] Karl Marx. Contribution to a Critique of Hegel's Philosophy of Right, Introduction, 1843; The German Ideology (with Friedrich Engels), 1845; The Communist Manifesto (with Friedrich Engels), 1848; Contribution to a Critique of Political Economy, 1859; Das Kapital, vol 1, 1867.

providing some stability until 1914. Napoleon had bequeathed codified systems of law[38] to continental Europe, however, establishing a legal framework that still shapes the present.

Britain, more pragmatic and privileged by its insular location, read the lessons of the social and industrial revolution better than the European continental states. The 1832 *Parliamentary Reform Act* created a middle-class electorate in the cities, and the *Reform and Redistribution Acts* of 1867 and 1884–85 extended the vote to most working men in both rural and urban areas. Effective management of the "modern age" enabled the survival, in modified form, of the British monarchy, a Parliament of Lords and Commons, courts, parliamentary convention and legal precedent, and the established church.

The United States, born out of the concepts of the modern era, faced a less daunting transition. It progressively redefined the accidents of its character, reinterpreting and amending the Constitution, but remaining true to its founding principles. The traumatic Civil War defined its modern form as an industrial state; and its insular character afforded it, in the 20th century, the same privilege as Britain enjoyed in the 19th of remaining aloof from continental wars until it could intervene decisively.

While Britain and France, victorious in the great wars of the 20th century, were devastated in fighting them, the US emerged stronger from both. Woodrow Wilson sought to create a utopian system after World War I. The *League of Nations* failed, however, because of the punitive reparations imposed on Germany, and the Nazis' exploitation of German resentment in the aftermath of economic collapse, to fuel xenophobia and anti-Semitism.[39] Fear of communism promoted the rise of Fascism and Falangism in southern Europe, and the League's impotence in the face of Mussolini's aggression against Abyssinia sealed its fate, paving the way for Hitler's invasion of Poland and the second Great War of the 20th century.

Roosevelt's entry into World War II after Pearl Harbor swung the tide against Germany and Japan. As the war was fought on the territory of others, the US grew stronger economically. The country's dominance until the end of the 20th century was due to its having shaped the post-World War II era, whose pillars – the United Nations, NATO, the IMF, the World Bank and GATT (succeeded by the WTO) – reflect the values and interests of the country whose economy constituted 50 percent of global GDP in 1946. Washington was not unchallenged: Stalin's expansion into Central Europe produced a peer competitor and Mao Tse-tung's victory over the Nationalists in China paved the way for China's consolidation, even if it required Deng Xiaoping's reversal of Mao's economic policies in 1978 to enable its resurgence. These tensions continued until the Warsaw Pact fractured after the Wall fell in Germany in 1989, and the USSR imploded in 1991.

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[38] The Code Napoléon, officially Code civil des Français, established under Napoléon I in 1804. The Napoleonic Code was preceded by the Codex Maximilianeus bavaricus civilis (Bavaria, 1756), the Allgemeines Landrecht (Prussia, 1794), and the West Galician Code (Galicia, 1797), but was the first modern legal code with a pan-European scope. It shaped the law across Europe in and after the Napoleonic Wars, and influenced governments in the Middle East seeking to implement legal reforms thereafter.

[39] The disastrous clash engendered by the interplay between the Bolshevik revolution in Russia in 1917 and rising German nationalism, sharpened by the reparations imposed on the Weimar Republic at Versailles; the disastrous German hyperinflation of 1923; the Brüning austerity program in 1930–32 after the global financial crash which deepened unemployment and deflation, and triggered the rise of Adolf Hitler and National Socialism in Germany, other forms of fascism in southern Europe, and the Second World War. Britain, Bolsheviks, foreign bankers, speculators and Jews were stirred into a bubbling cauldron of fear and hatred in Germany that visited an extraordinary catastrophe on Europe and the world and culminated in the use of atomic weapons by the United States to force the surrender of Japan; and the division of Europe into NATO and the Warsaw Pact.

It was a remarkable moment, but one that was poorly understood. A triumphalist sense was abroad. Francis Fukuyama's *The End of History and the Last Man*[40] reflected the spirit in the West. Fukuyama argued that "…a remarkable consensus concerning the legitimacy of liberal democracy had emerged…over the past few years… [and that] liberal democracy may constitute the 'end point of mankind's ideological evolution' and '…the final form of human government'." To interrogate that extraordinary thesis, one must ask: What is *liberal democracy*?

IV   Liberal Democracy

What we usually refer to as "democracy" today is *liberal democracy*, a political system marked by constitutional entrenchment of:

- fundamental human rights, including rights of person; and freedom of belief and speech, of assembly and of political organization;
- the rule of law and equality before the law;
- the separation of executive, legislative and judicial powers; and
- free elections with universal adult suffrage.

Liberal democracy is *representative democracy* in which the ability of the elected representatives to exercise power is subject to the *rule of law*, under a *constitution* that protects the rights and freedoms of individuals and constrains the majority from overriding the interests of minorities. It is premised on acceptance by all parties of the legitimacy of the state and the political system, entrenchment of the sovereignty of the people, equal rights to participate in social institutions and the economy, and political competition.

> "Many forms of Government have been tried and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time…."
>
> Winston Churchill, 1947

Free elections do not guarantee a transition from autocratic rule to democracy. A wider shift in political culture and entrenchment of the institutions of democratic government are needed. There are many examples of countries being unable to sustain democracy without emergence of a political culture of constitutional *constraints on state power* based on entrenchment of the *rule of law* and acceptance of the *rights of individuals against the state*[41].

The concept of a *loyal opposition* is central. All parties in a liberal democracy accept the *legitimacy of the state*, and the *principles and values of the political system*. Political parties disagree on how best to advance national welfare and constituency interests, but their advocacy is moderated by acceptance of the *legitimacy of the political system* and the right of other parties to advocate their positions. Parties whose positions do not secure majority support in the polls accept the judgment of the electorate and allow a peaceful transfer of power, knowing that they will not lose their lives, liberty or economic opportunities and can still participate in public life. Their "loyalty" in opposition is not to the policies their opponents will implement, but to the legitimacy of the state and the

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[40] Francis Fukuyama. The End of History and the Last Man, New York 1992.

[41] For Latin America, see https://www.brookings.edu/opinions/the-state-of-democracy-in-latin-america, accessed June 24, 2018.

democratic process. Experience teaches that it is difficult to achieve this in societies where transitions have taken place through violence.

Perhaps the most important element of a functioning liberal democracy, however, is the application throughout society of the *rule of law*, the framework of fundamental rights and the rules established to protect them, to enable a fair society that permits human advancement.[42] There are four principal components:

- **Accountability**: The government, its principal office bearers, officials and agents, as well as private persons and entities, are all subject to, and accountable under, the law.
- **Clarity**: The laws are clear, public and just; they protect fundamental rights, including the security of person and property; and are applied equally to all.
- **Accessibility**: The processes of enactment, administration and enforcement of the laws are accessible and equitable.
- **Efficacy**: Justice is delivered in a timely manner by competent, ethical, independent officials who are sufficient in number, properly resourced, and reflect the makeup of the communities they serve.

No polity in which the *rule of law* is not systematically applied can be described as a *(liberal) democracy*. The thought is not new: Aristotle's advocacy of *politea* was premised on the primacy of the **laws** over the **governors**. The defining element of (liberal) democratic polities is a constitution that protects the rights and freedoms of individuals and constrains both the government, and the majority that it represents, from acting solely in their self-interest.

Fareed Zakaria introduced the concept of "illiberal democracy" in an article in *Foreign Affairs* in 1997, citing a concern expressed by Richard Holbrooke that free and fair elections in Bosnia in September 1996 might lead to the election of "racists, fascists, separatists, who are publicly opposed to [peace and reintegration]." A year later, Zakaria recorded:

> "Democratically elected regimes, often ones that have been reelected or reaffirmed through referenda, are routinely ignoring constitutional limits on their power and depriving their citizens of basic rights and freedoms. From Peru to the Palestinian Authority, from Sierra Leone to Slovakia, from Pakistan to the Philippines, we see the rise of a disturbing phenomenon in international life – illiberal democracy."[43]

As both Holbrooke and Zakaria observed two decades ago, while electoral democracy and civil liberties are intertwined in *liberal democracies*, democracy without constitutional liberalism can, and often does, lead to the erosion of liberty, and ethnic domination.[44]

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[42] Cf. the working definition of the rule of law developed and tested by the World Justice Project, https://worldjusticeproject.org/about-us/overview/what-rule-law, accessed June 22, 2018.

[43] Zakaria, Fareed, The Rise of Illiberal Democracy, Foreign Affairs, November–December 1997.

[44] In 2014, Hungary's Prime Minister, Viktor Orban, argued that Fidesz aimed to create "…an illiberal state, a non-liberal state. It does not reject the fundamental principles of liberalism such as freedom, and I could list a few more, but it does not make this ideology the central element of state organisation, but instead includes a different, special, national approach." This stresses majoritarianism, nationalism and separatism.

See http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp, accessed June 22, 2018.

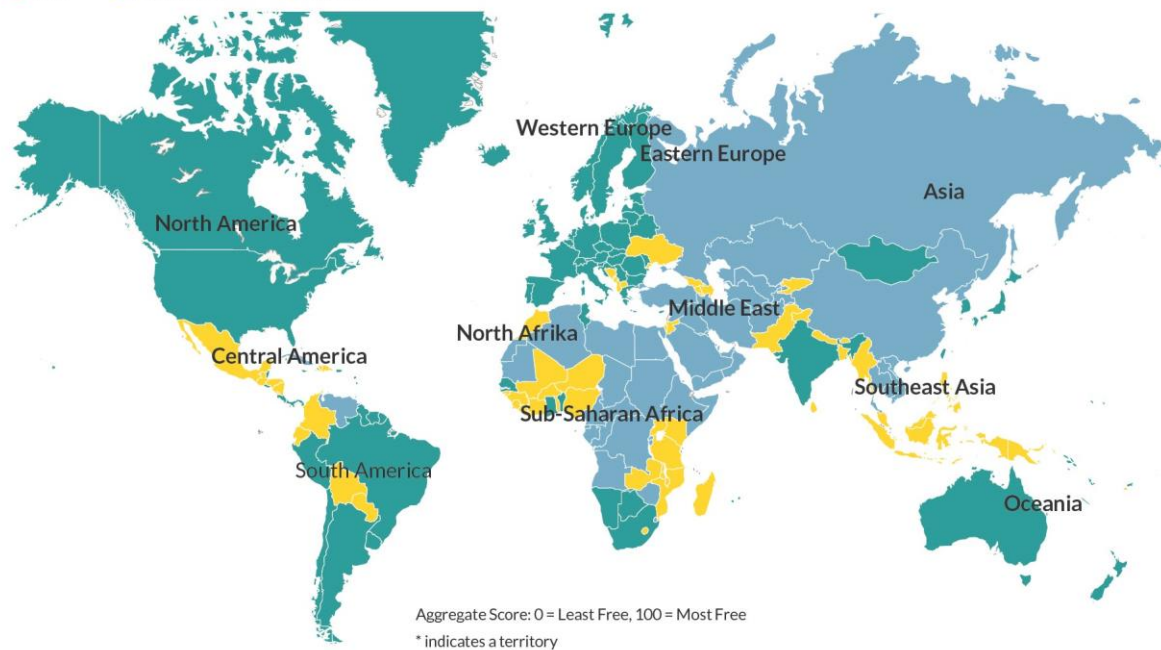## V   The Weakening of the Appeal of Liberal Democracy

In its annual publication, *Freedom in the World 2018,* Freedom House[45] has noted:

> "Democracy faced its most serious crisis in decades in 2017 as its basic tenets—including guarantees of free and fair elections, the rights of minorities, freedom of the press, and the rule of law—came under attack around the world.

> "Seventy-one countries suffered net declines in political rights and civil liberties, with only 35 registering gains. This marked the 12th consecutive year of decline in global freedom."[46]

The Weakening of the Appeal of Liberal Democracy

Aggregate Score: 0 = Least Free, 100 = Most Free

* indicates a territory

Source: Economist Intelligence Unit 2017. | BertelsmannStiftung

Since 2006, moreover, the *Economist Intelligence Unit* has published an annual *Democracy Index.*[47] In the 2017 Index[48] the average global score fell from 5.52 in 2016 to 5.48 (on a scale of 0 to 10). Overall, 89 countries saw their aggregate scores fall from 2016, more than three times the

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[45]   A leading US organization whose programs support human rights and democracy advocates in promoting open government, human rights, civil society and the free flow of information and ideas through training, international exchange, grant giving and networking. It has 14 offices and programs in over 30 countries. Funding for programs comes from grants from USAID and the US State Department, and the governments of Canada, the Netherlands, Norway and Sweden, as well as from the EU; and from private foundations.

[46]   https://freedomhouse.org/report/freedom-world/freedom-world-2018, accessed June 8, 2018.

[47]   The Economist Intelligence Unit's Index of Democracy rates 60 indicators, grouped into five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Each category has a rating on a scale of 0 to 10 and the overall index is the simple average of the five category indexes. The category indexes are based on the sum of the indicator scores in the category, converted to a 0 to 10 scale. Adjustments to the category scores are made if countries do not score a 1 in these critical areas for democracy: free and fair national elections; voter security; the influence of foreign powers on government; the capability of the civil service to implement policies. If the scores for the first three questions are 0 (or 0.5), one point (0.5 points) is deducted from the index in the relevant category (either the electoral process and pluralism or the functioning of government). If the score for 4 is 0, one point is deducted from the functioning of government category index. The index values are used to place countries within one of four types of regime: Full democracies score greater than 8; flawed democracies score greater than 6, and less than or equal to 8; hybrid regimes score greater than 4, and less than or equal to 6; and authoritarian regimes score less than or equal to 4.

[48]   https://www.eiu.com/topic/democracy-index, accessed June 7, 2018.

27 that recorded an improvement. This is the worst performance since 2010–11. The other 51 countries stagnated, with scores unchanged from 2016.

While 49.3 percent of the world's population, in 76 countries, lives in a democracy of some sort, only 4.5 percent, in 19 countries, inhabit a "full democracy," down from 8.9 percent in 2015. The US was demoted from a "full democracy" to a "flawed democracy" in 2016. Around one-third of the world's population, in 52 countries, lives under authoritarian rule, with a large share in China. The other 39 countries are "hybrid regimes," accommodating 16.7 percent of the global population.

Democracy Index 2017, by Regime Type

	No. of Countries	% of Countries	% of World Population
Full democracies	19	11.4	4.5
Flawed democracies	57	34.1	44.8
Hybrid regimes	39	23.4	16.7
Authoritarian regimes	52	31.1	34.0

Note. "World" population refers to the total population of the 167 countries covered by the Index. Since this excludes only micro states, this is nearly equal to the entire estimated world population.
Source: The Economist Intelligence Unit. | Bertelsmann**Stiftung**

No region recorded an improvement in its average score compared with 2016. The regional score for North America (Canada and the US) remained the same. All other regions regressed, with Asia and Australasia, the best performer in recent years, showing a fall in its regional average score for the first time since 2010, chiefly due to significant declines in the scores for India and Indonesia.

Democracy Index 2006-17, by Region

	2017	2016	2015	2014	2013	2012	2011	2010	2008	2006
Asia & Australasia	5.63	5.74	5.74	5.70	5.61	5.56	5.51	5.53	5.58	5.44
Eastern Europe	5.40	5.43	5.55	5.58	5.53	5.51	5.50	5.55	5.67	5.76
Latin America	6.26	6.33	6.37	6.36	6.38	6.36	6.35	6.37	6.43	6.37
Middle East & North Africa	3.54	3.56	3.58	3.65	3.68	3.73	3.62	3.43	3.54	3.53
North America	8.56	8.56	8.56	8.59	8.59	8.59	8.59	8.63	8.64	8.64
Western Europe	8.38	8.40	8.42	8.41	8.41	8.44	8.40	8.45	8.61	8.60
Sub-Saharan Africa	4.35	4.37	4.38	4.34	4.36	4.32	4.32	4.23	4.28	4.24
World average	5.48	5.52	5.55	5.55	5.53	5.52	5.49	5.46	5.55	5.52

Source: The Economist Intelligence Unit. | Bertelsmann**Stiftung**

The EIU report cites Larry Diamond's[49] suggestion that the world is experiencing a "democracy recession" even in Western Europe, reflected in falling participation in elections and politics; weaknesses in the functioning of government; declining trust in institutions[50]; dwindling appeal of mainstream parties; the growing influence of unelected, unaccountable institutions and expert bodies; a widening gap between political elites and electorates; a decline in media freedoms; and the erosion of civil liberties.

To understand why this is happening, one must examine the social purpose of governance systems, including *liberal democracy*.

Political systems allow individuals, with different interests, to live together in society. The political system of a society reflects its political culture, notably the values[51] of its members, and the norms[52] they employ to promote appropriate behavior. All political systems have six functions: (i) to allow for the expression of diverse needs and interests; (ii) to aggregate similar needs and interests and facilitate reconciliation with those that diverge; (iii) to clarify the normative context within which expression, aggregation and reconciliation will occur; (iv) to elevate certain norms to the status of laws[53] and to attach penal sanction to their violation[54]; (v) to provide institutions to implement the

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[49] Senior fellow at the Freeman Spogli Institute for International Studies, Stanford University, and director of the institute's Center on Democracy, Development, and the Rule of Law.

[50] This is reflected in the 2018 Edelman Trust Barometer (https://www.edelman.com/trust-barometer, accessed June 7, 2018), in which a majority of the general population in all surveyed countries other than China, Indonesia, India, the UAE, Singapore, Mexico, the Netherlands and Malaysia, distrusts their national institutions. The report suggests that globally, 20 of the 28 markets surveyed are characterized by distrust, up one from 2017. Trust among the informed public, with higher levels of income and education, declined slightly from 60 percent to 59 percent, thrusting this group into neutral territory from its earlier trusting status. The US saw the steepest declines, with a 37-point aggregate drop in trust across all institutions. The loss of trust was most severe among the informed public – a 23-point fall on the Trust Index – nearly erasing the "mass-class" divide that once stood between this segment of the US population and the country's far-less-trusting mass population. At the opposite end of the spectrum, China experienced a 27-point gain, more than any other market.

[51] Ethical, ideological and aesthetic values are embedded in individuals by nurture, schooling and experience, serving to guide personal behavior and maintain equilibrium. Certain physiologically determined values are common to most humans, including the desire to avoid pain, to seek pleasure and to acquire assets for survival. Others, including ethical values, are aligned with individual beliefs and communities, and thus vary across cultures and between individuals. The values of persons within groups, societies and cultures are largely common to their members, being transmitted through schooling and reinforced by social norms. Values that are shared by the members of a group are associated with circumstances that its members consider important for their identity and survival. Values thus both derive from, and inform, the norms of a society or group.

[52] (Social) norms are the explicit or implicit cues within a society that clarify and enforce appropriate values, beliefs, attitudes and behavior. They represent collective expectations about proper behavior for a given identity. Deference to social norms within a group enables acceptance by other members, while flouting them results in criticism, ostracism and sanctions, and may lead to expulsion. Within a group, norms promote coherent behavior, allowing members to predict the responses of others. Social norms vary between groups and evolve over time, often differing from one age group to another. Most individuals today belong to many social groups at the same time. Some normative behaviors expected of members in one group may differ from those expected in another, and some of the norms of any group may differ from the personal values of a member when (s)he is outside that group. As long as the contrast is not too great, however, individuals can reconcile the differences.

[53] Law is a system of codified social norms, applicable to the whole of a society and enforced through its institutions. The law clarifies the rights and responsibilities of members, balancing their interests, and regulating the behavior of individuals and groups in line with that balance. The society to which the law applies, in our era, is usually the persons present on the national territory of the lawmaker, and subject to the jurisdiction of its courts. There are some exceptions to national jurisdiction, including diplomatic and consular immunity, public international law and the extraterritorial reach of certain taxation regimes.

[54] The legislative function.

laws[55]; and (vi) to adjudicate, through courts with widespread legitimacy, cases in which rights are disputed, either between persons, or between one or more persons and the state[56].

The *social norms* of each (national) society thus underpin its political system.[57] When a national executive, a legislature or a judiciary deviates from the norms of the society it governs, social tensions erupt. These may either displace the government, or force political reform.
Politics, more generally, is the means by which economic and social goods are allocated authoritatively. In most societies today, *economics* addresses the workings of markets – which allocate goods and services relatively efficiently without governmental intervention – although macroeconomic analysis, especially on fiscal and monetary policy, aims to guide policymakers in political decisions in the interests of citizens. *Politics, economics* and *society* are thus simply elements of a system that enable constructive coexistence between people without family ties, who must cooperate and compete, without conflict, to ensure their individual and collective welfare.

It is easier to achieve common welfare, and coordinate collective action for social purposes, at smaller scales; larger scales pose greater challenges. It is relatively easy to achieve harmony on the scale of a village; possible in a town or city; feasible at a national scale in culturally homogeneous, often smaller, states; more difficult at regional scales; and very difficult globally. Failure occurs when the scale is too large to accommodate the diverse interests of sub-national groups, or national states, especially when values diverge, making agreement on compromises and trade-offs difficult, and inhibiting agreement on normative formulae to distribute benefits equitably. Dani Rodrik pointed cogently to the tensions between economic globalization, national governments and democratic systems in 2011.[58]

The progressive integration of nation states into a global economy in recent decades has led to constraints on the authority and sovereignty of states, weakening trust in governments. Both individuals' sense of responsibility to institutions, and government's acceptance of accountability to citizens and stakeholders, have declined. Digital technologies effecting economic connectivity through global financial systems, transnational supply chains, integrated energy networks, and global broadcasting and advertising consortia, have weakened the ability of national governments to deliver on their campaign promises and promote the interests of their citizens. Civic disaffection follows naturally, leading many to express cynicism and defect from voting. These tensions at the national level also exacerbate the difficulty of enabling collective action at transnational scales.

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[55] The executive function.

[56] The judicial function.

[57] "Nations are not primarily ruled by laws: less by violence. Whatever original energy may be supposed either in force or regulation, the operation of both is, in truth, merely instrumental. Nations are governed by the same methods, and on the same principles, by which an individual without authority is often able to govern those who are his equals or his superiors; by a knowledge of their temper, and by a judicious management of it; I mean when public affairs are steadily and quietly conducted; not when government is nothing but a continued scuffle between the magistrate and the multitude; in which sometimes the other is uppermost; in which they alternately yield and prevail in a series of contemptible victories and scandalous submissions. The temper of the people amongst whom he presides ought therefore to be the first study of a statesman. And the knowledge of this temper it is by no means impossible for him to attain, if he has not an interest in being ignorant of what it is his duty to learn." Burke, Edmund, Thoughts on the Cause of the Present Discontents.

[58] Rodrik, Dani, The Globalization Paradox: Why Global Markets, States, and Democracy Can't Coexist, Oxford University Press, 2011.

This is apparent in democratic polities in the advanced economies, and in the developing world[59]. Membership of political parties and participation in elections has either fallen, or flattened, in all European countries in the past 40 years, while the "third wave" of democratization in Africa, Eastern Europe, Asia and Latin America, apparent between 1975 and 2005, has stalled, with evidence of regression from *freedom*[60] in the past decade.

Social media have transformed social, political and media landscapes, creating virtual communities, enabling instant feedback, disrupting traditional media, enhancing expectations and disintermediating political parties as means to satisfy needs[61]. As most city-dwellers are overwhelmed by information flows, noise tends to cancel out signal, and prejudice to displace reason. Distinguishing fact from opinion is more difficult. By exacerbating the *echo chamber* effect born of competing, mutually exclusive assertions by partisan broadcast media decades ago[62], and by enabling algorithmic manipulation of verbal and visual information through You Tube, Twitter, Instagram and Facebook, digital media platforms inhibit congruent perception, interpretation and translation into policy. Political polarization, and the rise of populism, are natural consequences.

The efficacy of social media in mobilizing political protest in Tunis, Cairo, Istanbul, Rio de Janeiro, Bangkok, Kiev, Hong Kong and Johannesburg, and in coordinating protests through the *Occupy* movement a decade ago, is evidence of their disruptive power, but none of these campaigns defined remedial programs, or generated identifiable leaders or institutions. We have weakened the authority of our political systems, without enabling their improvement or replacement. Social media provide access to information without context, and prompt an illusion of expertise, leading to engagement with less reflection than is needed to contribute constructively. Most of these platforms privilege emotion and expression, but discourage analysis and insight.

The implications for democratic institutions are obvious. Our democratic constitutions provide for representative government through election of persons to executive and legislative posts for fixed terms, to implement campaign promises. This is not unqualified: Some countries permit *referenda* and *initiatives*; *recall elections* allow citizens to remove an official from office; and i*mpeachment* of a sitting President is possible in defined circumstances. Parliamentary systems permit *votes of no confidence*, requiring an office-bearer to tender his or her resignation. But social media have enabled new revolts from Egypt to Brazil and South Korea in recent years. Even well-intentioned governments, required to respond urgently to mass demonstrations, are not given time for mature consideration. Succumbing to popular pressure, exacerbated by social media, weakens the

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[59] See https://www.economist.com/leaders/2018/06/16/lessons-from-the-rise-of-strongmen-in-weak-states and https://www.economist.com/international/2018/06/16/after-decades-of-triumph-democracy-is-losing-ground, accessed June 14, 2018.

[60] In Freedom in the World, Freedom House assesses the rights and freedoms enjoyed by individuals, rather than governments or government performance. Political rights and civil liberties can be affected by both state and nonstate actors, including insurgents and other armed groups. Freedom House does not believe that legal guarantees of rights are sufficient for on-the-ground fulfillment of those rights. While both laws and actual practices are factored into scoring decisions, greater emphasis is placed on implementation.

[61] Edmund Burke remarked on the role of "party" in this context before the French Revolution, when "democratic" practices were first emerging in the United Kingdom: "Party is a body of men united for promoting by their joint endeavours the national interest upon some particular principle in which they are all agreed. For my part, I find it impossible to conceive that anyone who believes in his own politics, or thinks them to be of any weight, should refuse to adopt the means of having them reduced into practice. It is the business of the speculative philosopher in action to find out proper means towards those ends, and to employ them with effect." Thoughts on the Cause of the Present Discontents (1770), Sir Philip Magnus ed., Prose of Edmund Burke, 1948.

[62] E.g. Fox News and MSNBC in the United States.

authority of representative governments; while suppressing demonstrations forcefully, destroys their legitimacy.

Trivialization of political discourse, with reliance on "tweets," and communication professionals who mold candidates' positions to the constituencies needed to secure nomination and election have opened the door for populism. Thoughtful analysis of socio-economic circumstances or geopolitical challenges is increasingly rare. Neither stylized debates, broadcast as info-entertainment, nor the stream of "tweets" and video-clips on social media, enable insight, or permit voters to judge prudently which candidate will best serve the commonweal. Stereotypes are reinforced by commentators more concerned with ratings than integrity. Truth is the first victim, with reputation in its wake. Civil discourse[63] is becoming rare[64], as the norms requiring it are thrown overboard.

Voters are frustrated with their politico-economic systems. Populism is on the rise among persons disempowered by the workings of global markets, and angry at the inability of national governments to secure their welfare. The progressive and near-universal adoption of free-market economic systems in the past 50 years has boosted domestic productivity and international trade and investment and created a global industrial and financial system. But the power of most governments to influence the welfare of their citizens has been reduced. Liberalization of capital flows for investment (and speculation) and the reduction of trade union power has led to relocation of manufacturing and service facilities to low-cost, high-productivity locations, and transformed the labor structure of many advanced economies. All this has transformed democratic politics, and governments and the political class are struggling to adapt.

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[63] https://www.nytimes.com/2017/10/24/us/politics/jeff-flake-transcript-senate-speech.html, accessed June 5, 2018.

[64] https://www.brookings.edu/blog/fixgov/2018/02/21/why-is-the-senate-broken, accessed June 9, 2018.

VI   Structural Effects

This is a problem on two levels. First, global governance is structurally weaker. No shared concept of a future global order will emerge from the G7[65] or the G20[66]. Despite the importance of a common vision, the cultural preferences of the elites, and the rhetoric of the populist forces on the right and the left, will frustrate that possibility.[67] Neo-liberalism is in retreat, and neo-nationalism on the rise.[68] The interplay between long-range geo-economic trends[69], geopolitical tensions[70] and domestic social inequality and anger, exacerbated by the radical technological transformation of work and education now underway[71], is fracturing national societies and weakening the institutions of representative democracy.[72] The nationalistic, nativist[73] populism that emerged in the United States in 2016[74] is already familiar in Russia and Turkey, in parts of Latin America, Africa, the Arab region and South Asia, and has been rising in both Western and Eastern Europe for over a decade.

Analyzing populism in Europe, Takis Pappas[75] suggests that there are three distinct revolutionary challenges to democracy: *antidemocrats*[76], who oppose the representative democratic system;

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[65] The 44th G7 Summit from June 8–9, 2018 in Quebec exemplifies the difficulty. Apart from Mr. Trump's suggestion that he would push for the reinstatement of Russia, backed by the new Italian government, sharp disagreements on trade led to the summit being dubbed the "G6+1" by France and some parts of the media.

[66] The G20 summit under the German Presidency in Hamburg 2017 achieved less than most that preceded it, again due to the US President's opposition to conventional nostrums. But there are other structural constraints: The G20 has no institutional character, no charter, no budget, no permanent secretariat and no system of governance. Its members are almost as diverse as the global community, with no common ideology or philosophy and no common purpose. Its (notional) mandate overlaps with that of the IMF, the World Bank and several UN Specialized Agencies. In the absence of an institutional purpose, and as the G20 Presidency rotates annually from country to country, the "G20 Troika" – comprising the past, current and following G20 Presidency – is meant to promote consistency, but there are few established mechanisms that allow for systematic pursuit of policy proposals from one G20 Presidency to the next, for analysis and assessment. Policy themes developed around each summit are often abandoned, or at least deprioritized, during the next Presidency.

[67] http://www.economist.com/news/leaders/21710249-his-call-put-america-first-donald-trump-latest-recruit-dangerous, accessed November 19, 2016.

[68] Blyth, Mark, Global Trumpism: Why Trump's Victory Was 30 Years in the Making and Why It Won't Stop Here, Foreign Affairs, November 15, 2016.
https://www.foreignaffairs.com/articles/2016-11-15/global-trumpism?cid=soc-fb-rdr, accessed June 14, 2018.

[69] The center of economic gravity is shifting inexorably in the medium term from the Atlantic to the Pacific.

[70] Primarily between the eastern Mediterranean to Central Asia; in East and South-East Asia; and on the periphery of Russia, but also in non-kinetic fields including cyber-warfare, see
https://www.researchgate.net/publication/303893191_Geopolitical_Scenarios_2030, accessed June 15, 2018.

[71] This is captured in the phrase "the Fourth Industrial Revolution," wording which wholly underestimates the impact of the functional, normative, epistemological and ontological transformation now underway. See http://www.academia.edu/33518577/KSC_4th_Industrial_Revolution, accessed June 15, 2018.

[72] https://www.researchgate.net/publication/272427075_Challenges_of_Global_Complexity_-_httpswwwfutureworldfoundationorgContentArticleaspxArticleID9868, accessed November 11, 2016.

[73] The Oxford English Dictionary defines "nativism" as "the policy of protecting the interests of native-born or established inhabitants against those of immigrants."

[74] Amy Chua has described this as "political tribalism", stating: "Political tribalism is fracturing the United States, transforming the country into a place where people from one tribe see others not just as the opposition but also as immoral, evil, and un-American. If a way out exists, it will have to address both economics and culture." https://www.foreignaffairs.com/articles/world/2018-06-14/tribal-world, accessed June 23, 2018.

[75] Pappas, Takis S., The Specter Haunting Europe: Distinguishing Liberal Democracy's Challengers, Journal of Democracy, October 2016.

[76] European antidemocratic parties rely on the votes of blue-collar workers and others who see themselves as victims of globalization, and who have abandoned mainstream parties, the European project and representative democracy. (Hanspeter Kriesi et al., West European Politics in the Age of Globalization, New York: Cambridge University Press, 2008). They have strong leadership cults and are on the extreme right and left flanks of European politics. Antidemocrats of the right typically advocate ultranationalist – even racist – ideologies, focus on security issues, are hostile to the EU and strongly oppose immigration. Antidemocrats of the left advocate proletarian dictatorship, condemn European unification and are committed to internationalism for all working

nativists[77], who oppose deeper European integration[78]; and *populists[79]*, who, while *democratic*, oppose *liberalism*.[80]

To understand the threat of *populism* to *liberal democracy*, one must examine populist political campaigns and governments. Populist campaigns achieve legitimacy by manipulating reality symbolically and locating social grievances in a structural narrative with well-defined protagonists and antagonists with distinct identities, thus defining the need for intervention. Populist campaigners claim to be on the side of light (or progress) against the forces of darkness (or backwardness).[81] Once in power, successful populist governments incorporate key figures and groups into structural alliances, where information asymmetries allow them to cultivate a diversified base, promising different benefits to different groups.[82] Some special interest groups are vested

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people. Both advocate state control of the economy: Rightists emphasize national economic autarky while leftists stress collectivism. Examples on the right include France's National Front (FN) in its early years under Jean-Marie Le Pen; Greece's Golden Dawn (GD); the Movement for a Better Hungary (Jobbik); Belgium's Vlaams Blok (VB) (and later after its banning) Vlaams Belang; and the neo-fascist British National Party (BNP). On the far left, Pappas names the Communist Party of Bohemia and Moravia (KSÈM), the successor of the Czechoslovak Communist Party; France's Left Front, a cluster of factions around the French Communist Party; Spain's United Left (IU); the Communist Party of Greece (KKE); and Germany's Die Linke, the successor to the Socialist Unity Party of the GDR. (Pappas, op. cit.)

[77] Nativism is triggered by the fear of imported change, and complements xenophobia, rising where diversity increases sharply before stabilizing and declining as assimilation occurs. In contemporary Europe, nativism has been triggered by immigration. (Pappas, op. cit.)

[78] European nativism is evident in politically liberal, economically affluent, and relatively culturally homogenous states – Austria, Denmark, Finland, France, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom and Germany. Important nativist parties include Austria's Freedom Party (FPÖ); the Dutch Party for Freedom (PVV); the Danish People's Party (DF); Norway's Progress Party (FrP); the Sweden Democrats (SD); the Finns (PS, formerly known as the True Finns); the Swiss People's Party (SVP); the UK Independence Party (UKIP); and the Alternative for Germany (AfD). The French FN projects a broader-based, nativist project. Nativism's protest relates to immigration and multiculturalism, which it sees as threats to well-ordered, ethno-culturally coherent societies, liberal-democratic values and the sustainability of the welfare state. They are thus seen by many middle-class Europeans, including "highly educated, highly civilized, scientists, doctors [and] lawyers," as champions of the conservative perspective of constitutional legality, liberal parliamentary democracy and law and order. (Pappas, op. cit.)

[79] Pappas defines populism as "democratic illiberalism," denoting political parties that are both democratic and illiberal. Populist parties, in his usage, thus identify with democracy, and endorse illiberal tactics. He cites the Panhellenic Socialist Movement (PASOK) of Andreas Papandreou, a member of the Greek elite with US training and naval war service; Silvio Berlusconi's Forza Italia, which later merged into the People of Freedom coalition; Hungary's Fidesz, born as a liberal party that moved right and transformed into a radical, populist party. Viktor Orbán won a landslide in 2010 and recast Hungary's constitution. In Slovakia, Robert Fico's Direction (Smer) party merged with others in 2005, becoming Smer–Social Democracy (Smer-SD), and after winning the 2006 election, formed a coalition government with a populist and an ultranationalist party. In 2012, Smer-SD won an absolute majority of seats and form the first single-party government in Slovakia since 1993. Both left- and right-wing populism in Europe grew after the global financial crisis. In Greece, the crisis led to the collapse of the old party system in 2012 and to the victory of the populist Coalition of the Radical Left (Syriza) in January 2015, which went into coalition with a nationalist right-populist party, the Independent Greeks (ANEL). In Spain, the left-populist Podemos (We Can) emerged in 2014 and allied with the IU In the June 2016 general election, emerging as the third-largest party. Poland's Law and Justice Party (PiS), founded in 2001 by Jarosław and Lech Kaczyñski, won power in 2015 and weakened the Constitutional Tribunal, tightened media controls, proposed new presidential decree powers and clamped down on immigrants and social minorities. (Pappas, op. cit.)

[80] These phenomena undoubtedly have distinct causes, normative assumptions, and consequences, but Pappas' analysis is less persuasive, however, in his discussion of the motivation and political norms of the nativist and populist parties. *Nativism* may be better conceived as reflecting a normative political objective of certain parties and their supporters, and *populism* as describing an instrumental approach, or means, to achieve these, or other, objectives.

[81] Blumenschein, Fernando and Navarro, Diego, Macroeconomics of Populism in Latin America and Regional Governance Dynamics (First Draft), Fundação Getulio Vargas, August 15, 2016.

[82] Buchanan, James M. and Tullock, Gordon, The Calculus of Consent: Logical Foundations of Constitutional Democracy, 1963.

with symbolic roles to bolster the legitimacy of the leader. Some populist governments thus achieve legitimacy that proves resilient with their supporters, even in adverse circumstances. Mr. Putin, Mr. Erdogan, and Mr. Trump offer examples.

Populist politics is often disconnected from policy. Its legitimacy reflects the priority of symbols over substance, with ideology being replaced by a *scenario of power.*[83] Populism thrives when many people feel marginalized, with their livelihoods and identities threatened. And populist politics in one cause breeds antithetical campaigns by others who feel threatened by the populist(s). The protests and clashes in US cities after Mr. Trump's election, and "Black Lives Matter" marches over a longer period are examples. That path can rend the social fabric, destroying civic tolerance. Minorities – the "other" in every society – are most at risk.

In Europe to date, populists have routinely won elections only in the post-communist east. Of 15 Eastern European countries, populist parties hold power in seven, belong to the ruling coalition in two more, and are the main opposition force in three. While populist parties captured 20 percent or more of the vote in only two Eastern European countries in 2000, they have done so in ten by 2018. In Poland, populist parties have gone from winning 0.1 percent of the vote in 2000 to holding a parliamentary majority in the PiS party's current government. In Hungary, support for Prime Minister Viktor Orbán's *Fidesz* party has at times exceeded 70 percent.[84]

After the US election in November 2016, a *New York Times* article described Mr. Trump's victory as a "stunning repudiation of the Establishment"[85], calling it "a decisive demonstration of power by a largely overlooked coalition of mostly blue-collar white and working-class voters who felt that the promise of the United States had slipped their grasp amid decades of globalization and multiculturalism."

VII   Addressing the Challenge – What can we do?

Pappas posits that *antidemocratic* parties should be countered by *a resolute state that uses legal and constitutional means to restrict extremist behavior*. He cites Germany's *Basic Law* and the decisions of Belgium's Court of Appeals in Ghent and the Greek Constitutional Court as examples. He argues that *a policy response is needed to contain nativist parties that exploit or respond to citizens' fears of immigration, globalization and European integration*, observing that "…there can be no doubt that solutions to the migration crisis, Greece's debt problem, and terrorism would take the wind out of contemporary nativism's sails." He warns, however, that if the political class cannot do this, *nativism* will continue to rise.

He sees *populism*, which negates political liberalism, as the most menacing threat, as it thrives where political institutions are weak, and societies are polarized. Populism is contagious, leading other parties to emulate the success of the populists at the ballot box, further degrading liberal

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[83] Baudrillard, Jean, Simulacra and simulations, from Selected Writings, ed. Mark Poster, Stanford University Press, 1988, pp. 166–184;
http://web.stanford.edu/class/history34q/readings/Baudrillard/Baudrillard_Simulacra.html, accessed November 20, 2016.

[84] https://www.project-syndicate.org/commentary/populism-stronger-in-eastern-europe-by-slawomir-sierakowski-2018-01, accessed June 9, 2018.

[85] Flegenheimer, Matt and Barbaro, Michael, Donald Trump Is Elected President in Stunning Repudiation of the Establishment, November 9, 2016, http://www.nytimes.com/2016/11/09/us/politics/hillary-clinton-donald-trump-president.html?smid=fb-share&_r=0, accessed June 23, 2018.

institutions and increasing social tensions. He cites Greece, Hungary and Poland as warning examples.[86]

The particulars of populism, including its nativist and illiberal forms, differ from country to country, but the discontent is wide and deep throughout the "developed world," and in parts of the "developing world." The trend will accelerate as we automate, digitize and transform our economies. Many more traditional blue- (and white-) collar jobs will be lost each year. Human societies, and our educational and social institutions, adapt more slowly than technology, and we are ill-prepared for the social and political consequences![87]

The 2016 US election made clear that Mr. Trump's populist narrative ("…you're feeling pain; I can make it go away and make America great again…"), while simplistic and unsupported by policies, resonated strongly with almost half of the US electorate.[88] It and its analogues around the world are shaking the foundations of representative democracy, just as the Industrial Revolution of the late 18th and early 19th centuries upended empires and monarchies in continental Europe, and drove radical extension of the franchise in Britain.

Our failure to respond adequately to this challenge is increasingly dangerous.[89] To avoid an institutional crisis on national and regional levels, we must address the reality, and the sources, of acute inequality; restore possibilities for upward mobility for the bright but less privileged; provide social safety nets for those who cannot be reskilled and accommodated in labor markets in the next two decades; invest in transforming education and skills-training to permit horizontal mobility and lifelong learning; and build social capital and cohesion to enable collaboration and burden-sharing as we transition. To do this, we need suitable fiscal and social policies.[90] We must also address the need of many people – often older, or more economically vulnerable individuals – to associate primarily, at least in their neighborhoods, with people of the same, or a similar culture.[91]

If we are to preserve the *rule of law* and the principles of *liberal democracy*, we must achieve an approximation of *fact-based knowledge* in the political landscape. This has always been

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[86] Pappas argues that the European project has had three tasks: consolidating pluralist democracy; forging a multi-ethnic and multicultural union of peoples and states; and advancing political liberalism. Karl Popper's "open society," Isaiah Berlin's "negative liberty," John Rawls' "overlapping consensus," and Ronald Dworkin's assertion that equality is the "sovereign virtue" earlier shaped political discourse and policy. But times have changed. Europe's commitment to multiculturalism is under stress due to Islamist terror attacks and the tide of refugees and migrants from Africa, the Levant and Central Asia. Liberalism is in retreat in Greece, Hungary and Poland. Rising numbers of European voters, even in France, the Benelux countries, Germany and Scandinavia, are fearful and mistrustful, just as they are in the United States.

[87] https://www.amazon.com/review/R2A7EGWXGUKHZ5/ref=cm_cr_dp_title?ie=UTF8&ASIN=1944835008&channel=detail-glance&nodeID=283155&store=books.

[88] 61,201,031 votes (47 percent of the electorate) were cast for Mr. Trump in the 2016 election, giving him 306 electoral college votes and the Presidency. Mrs. Clinton secured 62,523,126 (4 percent of the electorate) and 232 electoral college votes. https://en.wikipedia.org/wiki/United_States_presidential_election,_2016, accessed June 16, 2018.

[89] https://www.project-syndicate.org/commentary/european-populism-second-wind-by-zaki-laidi-2018-02, accessed June 18, 2018.

[90] Preoccupation with the need to respond to these urgent domestic imperatives risks making collaboration on "common goods" – climate, the oceans and the environment more generally – as well as intelligent responses to terrorism, violent extremism and organized crime, more difficult. The progressive demise of international trade regimes, if unchecked, will dislocate global value chains, slow growth further and increase geopolitical stress. This challenge is not purely national. It is global, and the agenda of all our institutions must be refocused to address it urgently.

[91] Chua op. cit., https://www.foreignaffairs.com/articles/world/2018-06-14/tribal-world, accessed June 23, 2018.

challenging. Very few people in London, four decades ago, regularly read both the Guardian and the *Daily Telegraph*. Polarization of media perspectives is longstanding and continuing[92], but the media landscape has become more fragmented.[93] The echo-chamber effect in both broadcast media and, increasingly, social media, where messaging is narrowly targeted, is having a profound impact on political and institutional behavior.[94] Within social media landscapes, the effects of data aggregation and algorithmic manipulation of messaging are reinforcing both preference and prejudice.[95] We need to address this more effectively, through education, incentives and regulation.

We must recognize, however, that *political institutions* emerge from *social, economic* and *cultural contexts*. The institutions of *representative (liberal) democracy* emerged in Europe, the United States and the British Empire, and later, Commonwealth, from the *Age of Reason*, the *European Enlightenment* and the *Industrial Revolution*, displacing *absolute monarchy* and the *Estates of the Realm*, to accommodate a rising and increasingly educated bourgeoisie. The *leitmotiv* of the republicans of the newly united States of America was that all *men* were created equal and endowed with inalienable rights; that governments should secure the enjoyment of those rights; and that if a government opposed them, the people had the right to alter or abolish it, and to institute a government that was more likely to effect their safety and happiness. That is an enduring responsibility on a sovereign people. None of those who contributed to the institutions and political systems that emerged at the end of the 18th century envisaged their survival for all time. In a new context today, it falls to us, the people, to reconceptualize and reshape our dysfunctional institutions, and to institute such "new Government as seems most likely to enable our safety and happiness."

The declining relevance of national governments in securing and advancing the welfare of citizens, in a globalized world, and the disintermediation of political parties as instruments of influence, by social media, are significant threats to representative democracy. Many citizens, especially the digital natives of the millennial generation, have come to believe that they can influence outcomes more effectively by digital engagement than through any established political process. Advances in data analytics, digital communication systems and machine learning enable us to transcend some of the constraints of radiational *representative democracy* and re-create *direct democracy* at substantially larger, virtual scales. The Athenian agora [ἀγορά] was the center of the athletic, artistic, commercial and political life of the city. *Digital agoras*, combining data analytics and machine-learning algorithms, already enable us to link citizens, at multiple scales, from the local, through the national to the global, in many different ways, to enrich the democratic experience. NESTA[96] has highlighted six pioneers in digital democracy from Europe, through Latin America to Asia.[97]

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[92] https://www.washingtonpost.com/news/monkey-cage/wp/2014/02/03/are-fox-and-msnbc-polarizing-america/?noredirect=on&utm_term=.225d187946ee, accessed June 14, 2018.

[93] https://www.allgeneralizationsarefalse.com/media-bias-chart-3-1-minor-updates-based-constructive-feedback/, accessed June 14, 2018.

[94] For a US example, see https://www.brookings.edu/blog/fixgov/2018/02/21/why-is-the-senate-broken, accessed June 23, 2018.

[95] http://www.niemanlab.org/2018/02/news-in-a-disintegrating-reality-tows-jonathan-albright-on-what-to-do-as-things-crash-around-us, accessed June 23, 2018; on the amplificatory power of algorithmic manipulation, see also http://www.huffingtonpost.co.za/entry/russian-trolls-internet-research-agency_us_5a96f8cae4b07dffeb6f3434, accessed June 23, 2018.

[96] https://www.nesta.org.uk/about-us/, accessed June 23, 2018.

[97] Decide Madrid, Parlement et Citoyens, Pirate Party, vTaiwan, LabHacker and eDemocracia, and UK Parliament Evidence Checks: https://www.nesta.org.uk/feature/six-pioneers-digital-democracy/, accessed June 23, 2018.

The prime challenge to political institutions is to craft effective means, seen as legitimate by citizens, to address social and economic challenges, in timeframes that meet both current and emerging expectations. There is a great tension between the assumption of many younger citizens that problems can be solved by digital search, social mobilization and the crowdsourcing of ideas, design parameters, prototypes and operating systems, and the slow, even dysfunctional process of consultation through parliamentary hearings, "White Papers," draft legislation and debate and amendment in legislative assemblies. More effective deployment of digital solutions employing deep data analysis and machine-learning algorithms is needed to allow legislative, executive and judicial bodies to strengthen governance and adjudication in increasingly fast-paced times. Balancing speed with integrity and transparency, to ensure legitimacy, will be most demanding.

Just as *representative (liberal) democracy* in national (or pluri-national) states and an economic system of largely free markets, albeit with social objectives determined by elected governments, emerged from the detritus of empire in an age of rapid urbanization and transformation of social and class systems in the 19th and 20th centuries, so new forms of spatial configuration of ever more mobile human communities are emerging from our increasingly connected, digital age. Social and institutional transitions of this sort have always been disruptive, and the speed and scale of that which we are now entering guarantees significant turbulence. We thus need to design adaptive social, economic and political systems that are capable of organic evolution, are subject to popular validation, and will be resilient to shocks. Resilient systems[98] display autonomy, redundancy, distributed architectures, formal communication and negotiation protocols, and are designed to fail to safe-states[99], to enhance operational continuity and enable disaster recovery. These are important design considerations as we grapple with the creation of new systems.

The technological transformation[100] now underway will afford us the tools to address many of these challenges, but it also poses epistemological and ontological questions that humanity has never faced. The meaning of *knowledge*, traditionally conceived of as "information-in-context"; the attributes of *consciousness*, traditionally conceived of as an exclusively human attribute; and the meaning and significance of *human identity*, beyond personal, social or national identities, are being, and will all be, challenged.[101] We are entering a new era and our collective ability to manage the transition will be tested, individually and collectively. May we rise to the challenge!

The vTaiwan process is a platform to engage experts and members of the public in large-scale deliberations on specific topics through several stages: an "objective" stage to crowdsource evidence; a "reflective" stage using the mass deliberation tool *Pol.is*, to enable "rough consensus." Finally, key stakeholders are invited to a live-streamed, face-to-face meeting to draw up recommendations to decision makers. The consultation is transcribed, summarized and published in a structured and searchable format.

[98] The Internet is an example, having been designed as a robust communication network capable of surviving a nuclear war, and thus nodal, and based on packet-switching, not circuits.

[99] As in nuclear reactors.

[100] The phrase "Fourth Industrial Revolution" is widely used, but is not appropriate, as the transformation – involving an extraordinary confluence of research and applications arising from information technology, biotechnology, nanotechnology and, increasingly, neuro-technologies, including those for cognitive enhancement, and potentially transhumanism – extends well beyond industrial applications.

[101] These, and related questions have been canvassed widely in the past few years, but perhaps nowhere better than in Yuval Noah Harari's *Homo Deus: A Brief History of Tomorrow* (2016); see https://www.theguardian.com/books/2016/aug/24/homo-deus-by-yuval-noah-harari-review, accessed June 24, 2018.

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