

PONTIFICIAE ACADEMIAE SCIENTIARVM SOCIALIVM

MISCELLANEA

1

Proceedings of the Workshop on:

DEMOCRACY

(12-13 December 1996)



EX AEDIBVS ACADEMICIS IN CIVITATE VATICANA

MCMXCVIII

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PONTIFICAL ACADEMY OF SOCIAL SCIENCES
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The opinions expressed with absolute freedom during the presentation of the papers and in the subsequent discussions by the participants in the workshop, although published by the Academy, represent only the points of view of the participants and not those of the Academy.

Proceedings edited by

HANS F. ZACHER

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PONTIFICIA ACADEMIA SCIENTIARVM SOCIALIVM

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PREFACE

Democracy today seems to represent the normal constitution of a modern State. The number of democratic States is great. And in many of these States democracy has been of a lasting success for the people living in it. On the other hand, there are still numerous States which are either undemocratic or whose democracies are in many ways imperfect. Yet for the most part they, too, are acknowledged to be democracies — be it that they declare democracy as an objective still lying in the future; be it that the deficiencies of their current constitutions are, in relative terms, considered the “most democratic” solution in the light of the given circumstances. Thus the democratic principle enjoys wide recognition — in truth or in the sense of paying lip-service. At the same time, however, democratic reality is interspersed with and surrounded by questions. This applies to countries in which democracy has been genuinely and extensively established. And, naturally, it applies even more so to countries in which democracy has in some way or another remained flawed. Democracy is often accompanied by disappointment, with the political life of democracies far too often showing deficits. Thus, on the one hand, we encounter the strong conviction that the democratic system is, as it were, the end of the story; yet on the other, there are so many fears that democracy could fail to meet up to the values of “good governance” and leave the needs of the people unfulfilled. Hence, to reflect on democracy — on how it may best serve the common weal — is a great responsibility.

This responsibility is incumbent upon Christians in a very special way. They are aware of the task of organising human co-existence in such a way as to do justice to the design of Creation. They are aware of the obligation the Gospel entrusts to every individual to care for the living conditions of his fellow man. It is also for this reason that Christian thought about the State and its constitution has such a long history. Moreover, Christians who today strive to obtain a correct understanding of the State and its constitution are faced with the additional question of what conclusions they should draw from that history, and from both the continuity and the discontinuity of the concepts they discover in it. This relation is further

complicated by the fact that the Church at no time existed only in a spiritual form, but was always, and still is, a secular organisation whose position was, and is, dependent on its relationship to the State. The subject of a State's constitution therefore can hardly be discussed by Christians without their conception of the Church's proper place in the social world and its proper social structure becoming evident. All this holds true in particular for Catholics and the Catholic Church. The Catholic Church's social structure and political claim have lent the greatest possible weight to its relation to the State. Moreover, these discussions have not only been conducted by the sciences — theology, philosophy and the social sciences — not only by the practical man or woman in politics and the public at large, but also by those responsible for the teaching of the Church — before all others, the popes. In the final analysis, this means that Christians in general and Catholics in particular, and the Churches in general and the Catholic Church in particular, possess a number of additional and essential motives for debating on the State and its constitution — above all on democracy.

The obligation to deal with democracy on an intellectual level is especially pressing in our present day and age. On the one hand, democracy has, as pointed out, attained a degree of universality that only a few decades ago was still unimaginable. On the other, the State — and to a very notable extent democracy — sees itself challenged by rapid and fundamental civilising and cultural, technical, economic, social and political developments, which in their turn likewise leave all historical experience far behind them.

In the Catholic Church the Pontifical Academy of Social Sciences bears a central responsibility for contributing to the discussion of democracy. Thus, in a first step, it has initiated a common, systematic debate on the current situation and developmental stage of democracy, its reality, its understanding and its evaluation. In this endeavour it appointed a joint Working Group comprising members of the Pontifical Academy of Social Sciences and additional scientific experts. The prime task of this Working Group was:

- to gain a coherent overview of the popes' social teaching on the subject of democracy;
- to come closer to the reality of democracy by studying the experience gained in different regions of the world; and
- in this way, to obtain a rational view of the questions raised by democracy in both an ever more complex and an ever closer growing world.

This workshop convened on December 12th and 13th, 1996, in Rome. The Pontifical Council for Justice and Peace offered its facilities to host the conference. It was attended on the part of the Pontifical Academy by Professor Edmond Malinvaud (Paris), President of the Academy; Professor Margaret Archer (Coventry); Professor Mary Ann Glendon (Cambridge/Mass.); Judge Nicholas John McNally (Harare); Professor René Rémond (Paris); Professor Johannes Schasching S.J. (Vienna); Professor Michel Schooyans (Louvain); Professor Hanna Suchocka (Warsaw); Dr. Bedrich Vymetalík (Frydek-Místek); Professor Hans F. Zacher (Munich); Professor Pier Luigi Zampetti (Genova); and Professor Paulus Mzomuhle Zulu (Durban); on the part of the Pontifical Council for Justice and Peace, by its Secretary, Msg. Diarmuid Martin, and his Under-secretary, Msg. Giampaolo Crepaldi; and as additional experts, by Professor Carlos Alberto Floria (Buenos Aires/Paris) and Professor Wilfrido V. Villacorta (Manila). Also the President of the Pontifical Council for Justice and Peace, Cardinal Roger Etchegaray, was present at some of the meetings.

The reports presented there and the summary of the discussions that took place are to serve as a basis for future deliberations on democracy in the Pontifical Academy of Social Sciences and perhaps also in the Pontifical Council for Justice and Peace. Nevertheless they will also prove useful for other studies and exchanges of ideas concerning democracy — whether these are of a scientific or practical nature; whether they are motivated by specifically Christian issues or prompted by a particular responsibility of the Church, or whether they are of a general nature. It therefore seems appropriate to publish the negotiations and findings of the workshop in such a form as to make them available not only to the Pontifical Academy of Social Sciences, but also to a wider public.

The reports submitted by Professor Schooyans and Professor Rémond were written in French, the report by Professor Floria, in Spanish, and the summary of the Common Questions by Professor Zacher, in German. The English versions of these texts were rendered by: Mrs. Leslie Wearne (Report by Professor Schooyans), Sr. Thérèse Doucette, DW (Report by Professor Rémond), Mr. David Giddings (Report by Professor Floria) and Mr. Arthur Baum (summary of the Common Questions by Professor Zacher).

The Working Group owes deep gratitude to the Pontifical Council for Justice and Peace and especially to its President, Cardinal Roger Etchegaray, its Secretary, Msg. Diarmuid Martin and the Council's staff, for the warm and generous hospitality and the manifold technical assistance the workshop enjoyed not only during the meeting but also concerning the translations of the texts.

The Academy has to thank all the authors for agreeing to the publi-

cation of their contributions. Special thanks are due to the foreign experts, Professor Carlos Alberto Floria and Professor Wilfrido V. Villacorta. Nevertheless the responsibility for all contributions of the proceedings solely lies with their authors and not with the Academy.

HANS F. ZACHER
Chairman of the Working Group

Munich, November 1997

DEMOCRACY IN THE TEACHING OF THE POPES

PRELIMINARY REPORT *

MICHEL SCHOYANS

Une grande révolution démocratique s'opère parmi nous; tous la voient, mais tous ne la jugent point de la même manière. Les uns la considèrent comme une chose nouvelle, et, la prenant pour un accident, ils espèrent pouvoir encore l'arrêter, tandis que d'autres la jugent irrésistible, parce qu'elle leur semble le fait le plus continu, le plus ancien et le plus permanent que l'on connaisse dans l'histoire.

TOCQUEVILLE

INTRODUCTION

The magisterium of the Church was slow to speak about democracy, and did so even then with considerable circumspection, if not suspicion. It would in fact not be hard to dig up some embarrassing statements, using them as grounds for handing the pastors over to the court of history and convicting them of obstructing the march of humanity toward a glorious future. However, we shall let others feast on such delicacies, preferring to concentrate our time and attention on the *positive* contribution the magisterium has made to reflection on democracy. This reflection started at the end of the 19th century under the inspiration of Leo XIII, and it should be stressed that the way was paved by the activities of Catholics involved in

* This text started life in the form of a *dossier* requested by the Academy as a starting point for its work programme on democracy, and was then amended and refined on the basis of numerous observations and suggestions made in the course of work sessions. Like the original text, the present version has also had the benefit of precious advice from Canon Roger Aubert, Emeritus Professor at the University of Louvain. It is thus the result of collegial work, and the author is most appreciative of all those who have contributed.

the social struggles of the times as much as by the body of Christian social teaching. As has often been the case, the Church showed an openness first to *social* democracy, which can be summed up in the formula “Everything for the people”, and only later to *political* democracy, which can be summed up in the formula “Everything for the people and by the people”.

With a view to studying democracy, the Academy asked us to produce a background survey dealing with the teaching of the Church on this question. However, we felt it would be best to start by tracing the broad outlines of the whole question of democracy, in order to provide a solid basis for our consideration of the approach of the Church to this complex issue. And here we chose to adopt a less institutional or juridical and more political-philosophical perspective. This helps us to understand papal teaching on the issue from Leo XIII to John Paul II, which will form the central part of our report. In the third and final part, we shall suggest various directions in which we could advance Christian reflection on the question.

Chapter I

DEMOCRACY IN POLITICAL PHILOSOPHY

Speaking very generally, democracy is a political organization with which the sovereign people, i.e. the collectivity of citizens, provides itself. This organization displays a variety of features, but is based on certain foundations and has certain aims.

I. FEATURES

1. The sovereign people *constitutes* its governors.
2. Power proceeds from the sovereign people; it is *divided* into legislative, executive and judicial powers.
3. The people organize themselves into a *political body* and choose *representatives* through universal suffrage. These representatives debate, reflect and decide by a majority vote.
4. These features have direct effects on *political regimes* and *institutions*:
 - (a) since Aristotle, a distinction has been made between monarchy, aristocracy and constitutional republic (πολιτεία—corresponding to our democracy), which may be corrupted respectively into tyranny, oligarchy and democracy (corresponding to our demagoguery); this typology has been repeated many times in the course of history;
 - (b) we would recall that Athenian democracy accepted slavery, as did western societies for a long time.

II. FOUNDATION

1. Democracy is generally based on *human rights*, which are often recognized in solemn declarations and/or summarized in constitutional texts.
2. These rights encompass the right to *life*, to *freedom* of thought, expression, movement and association, to *property*, to establish a family, etc.
3. Democracy accepts certain *limits* on personal freedom: the freedom of others must be respected, and public order maintained.
4. Democracy gives special regard to *equality* between people. However, equality does not mean identity: people are all different in many ways. Equality means that the *universality* of men and women have the same dignity by virtue of their membership of the human species.
5. The demands of democracy extend beyond civil and political rights, also giving rise to *economic, social and cultural rights*. Political democracy seeks to reduce differences, by organizing social protection for the weakest.
6. In democracy, these rights have the value of *rules* which constrain citizens and institutions, governed and governors. A democratic state is based on the *rule of law*.

III. AIMS

1. Democracy can be recognized by the search for the *common good*. It is opposed to privilege, and seeks to create conditions that will foster each person's personal growth. Authority is legitimate only if it is at the service of the common good.
2. Democracy seeks to provide itself with *good laws*, in other words laws that respect and ensure respect for the equal dignity of all citizens, their life, their freedom, etc.
3. Democracy does not confine itself to acknowledging and promoting human rights, but seeks to bring about the *participation* of all people in all spheres of the life of society—participation in the twofold sense of sharing in the benefits and drawbacks offered by society, and making a personal contribution to building up the common good. The principle of *subsidiarity* summarizes this aspect.
4. Democracy seeks to bring about the rule of *justice* in society: commutative, distributive, social justice.

IV. DISCUSSIONS ON DEMOCRACY

Each of the features we have just listed can be emphasized in a variety of ways. In addition, each one is closely bound up with all the others. So it is hardly surprising that democracy has been the object of many discussions for a long time now. Let us mention some of these here.

1. What is the meaning of *sovereignty*? Absolute power? Supreme power within a given order (cf. Bodin, Maritain)?
2. The *sovereignty* of States is being increasingly *curbed*, in practice and in law, by international institutions. The *specific legislation* of individual States is often subordinated to or modified by treaties, conventions or agreements obtained by “consensus”—which replaces custom as the source of law. What effect does this have on the democratic systems of the States concerned?
3. What is the *origin of power*? Is it ultimately based in God? In human social nature (cf. Aristotle)? In a contract (cf. Althusius) or a pact (cf. Hobbes)? In human nature (cf. Locke)? In the people (cf. Rousseau)? In the nation (cf. Sieyès)? In strength (cf. C. Schmitt)?
4. What is the *basis of human rights*? “Natural law” understood as that part of the eternal law—expression of divine *ratio*—concerning man (cf. the Thomists)? “Natural law” derived from study of the nature of man seen as a social being (cf. Grotius)? Are these “human rights” not simply a part of ethics? Are they persuasive? Or coercive? Is there a metajudicial order (cf. Kelsen)?
5. Which *values* does democracy support or endanger?
6. What is the *role of the democratic State*? Should we follow the *minimalists* (the liberal tradition), who see reduction of the State’s role as a guarantee of freedom? Or the *maximalists* (the socialist tradition), who see expansion of the State’s role as a guarantee of equality? Is democracy to be located mid-way between anarchy and despotism (cf. Tocqueville)?
7. In what way are parliamentary assemblies *representative*? What is the role of parties? Lobbies? The media?
8. Does democracy imply *tolerance*? Civil tolerance? Doctrinal tolerance? Is justice the outcome of a process of consensus (cf. Rawls)? Can a democratic society tolerate anything, no matter what? What criteria should be used in fixing limits? Are there limits to pluralism? Is a *majority* enough to legitimize anything, no matter what?
9. In some spheres, there is a risk that *responsibility will be transferred* from law-makers to experts—an especially real prospect in the sphere of biomedical sciences.

10. In more general terms, there are a number of indicators that democracy is being eroded, and some people understandably warn against the rise of a new oligarchy, condemning the *tyranny of technocracy* which is its expression.
11. How is it possible that even today some Church authorities still “excuse” or even support undemocratic governments on the grounds that they defend certain values?
12. Why, in the Church, have the grassroots opened up to democracy sooner than the hierarchy has? And why is a similar tendency still sometimes seen even today?

Chapter II

PAPAL TEACHING ON DEMOCRACY

A full examination of the teaching of the Church on democracy would require study of the involvement of lay people and/or priests who have fought for social and then political democracy, albeit without formulating the theory. We would have to mention such figures as Buchez, Lamennais, Toniolo, Fathers Lennie, Naudet, Taparelli d’Azeglio, Liberatore, Romolo Murri and Luigi Sturzo (whom we shall be referring to again below). We would have to study the origin and action of Christian democratic parties—the Belgian Catholic Party, the Dutch Catholic Party, the German Zentrum Party, the Italian Popular Party, the Czechoslovakian Populist Catholic Party, etc.

Closer to our own times, we would have to recall the influence of philosophers such as Maritain, Mounier and Jacques Leclercq, and the activity of Marc Sangnier, De Gasperi,¹ Robert Schuman, Adenauer, and de Gaulle. We would have to assess the political impact of the positions taken up by Archbishop John Ireland of St Paul, Cardinal Gibbons in Baltimore and Cardinal Manning in London, or, more recently still, Cardinal Cardijn in many parts of the world.

However, the framework of the present study ruled out any idea of venturing into such a vast and complex field, and we simply confined ourselves to examining the teaching of contemporary popes.²

¹ On the post-war period, see J.-D. DURAND, “L’Eglise catholique et la démocratie politique en Italie au lendemain de la Seconde Guerre mondiale”, in A. DIERKENS (ed.), *Le libéralisme religieux* (Brussels: Université de Bruxelles, 1992), pp. 77-93.

² We learned of the work of Antonio ACERBI, *Chiesa e democrazia da Leone XIII al Vaticano II* (Milan: Vita e Pensiero, 1992) too late to take it into account in the present study.

I. A BELATED REFLECTION

When we start looking for official texts on democracy, it quickly becomes apparent that such writings are all relatively recent.³ And this gives rise to the unavoidable question of why it took so long for this reflection to appear in Catholic circles. The main reason lies in disputes that have been going on between Society and Church since the 16th century. These disputes can be summarized under a number of headings:

1. *The Reformation* is seen as a movement that “completely overturned the two powers, spiritual and temporal; sudden turmoil, bold revolutions ... were the outcome” (Leo XIII, *Diuturnum illud*).
2. The Reformation—this *heresy*—leads to the *enlightenment*, “the false philosophy, and what is called modern law and sovereignty of the people, and this unbridled licence ... From that point, people moved on to the most recent errors: *communism, socialism and nihilism*” (*ibid.*). What is being rejected here is that “free-examinism” that sets up man as the ultimate criterion of what is true and good.
3. The *French Revolution* and the violence so typical of it are seen as the practical outcome of the undermining ideas debated in the 18th century in *sociétés de pensée* and secret societies. It placed the clergy under civil law, gave power exclusively to the Nation, and tried to set up a lay religion.
4. There are also the *excesses of certain liberal and socialist currents*, so frequently criticized by popes and bishops, even in socially and politically open environments. The very word “democracy” has often been lent a distinctly pejorative connotation.
5. Above all, we cannot forget the weight of St Paul’s famous phrase, *Omnis potestas a Deo* (Rom 13:1). This phrase was of course used over the centuries as justification for the divine right of kings, and it would have taken a very bold man to interpret it in anything other than the traditionally accepted manner. Anything that smacked of doctrines such as that of Sieyès (1748-1836) on national sovereignty was seen as suspect.
6. A more *epistemological* explanation should be added to these various historical and doctrinal explanations. The 19th-century Church did not

³ A major survey of existing documents will be found in the volume produced by the International Union of Social Studies, founded at Malines in 1920 by Cardinal Mercier: *La hiérarchie catholique et la problème social depuis l’encyclique “Rerum Novarum”. 1891-1931. Répertoire bibliographique des documents émanés des souverains pontifes et de l’épiscopat* (Paris: Spes, 1921). Most of the documents listed focus on *social* democracy, although many also concern political democracy.

equip itself early enough with analytical tools that would have allowed it to analyze and understand better the emergence of the phenomenon of democracy and its novelty. It continued to use the philosophical and political analytical tools inherited from 16th-century scholasticism in order to judge the new democratic trends. Although scholasticism certainly had its merits, it was under the sway of the concept of the divine right of kings and an absolute monarchy—the dominant model at the time. However, it could also have drawn on the new methods of political analysis already *practised* by Machiavelli (*horresco referens!*) and Montesquieu, which Tocqueville would use so effectively.

Under these circumstances it was inevitable that Churchmen should have cherished many prejudices at the moment when democracy was starting to become established with an irresistible force as the undisputed ideal of any modern society.⁴

II. LEO XIII, THE INITIATOR

Initially, we find Leo XIII (1810-1878-1903) vigorously condemning “novelties”, which require strict discernment:

This pernicious and deplorable taste for novelties which arose in the 16th century first overturned the Christian religion and ... soon spread to philosophy, and from philosophy to all aspects of society (*Immortale Dei* [1885]).

After this, the pope lists and condemns several of the most radical political theses produced by the Reformation and Enlightenment. He refuses to see the will of the people as the sole basis of public authority, and requires that the exercise of power be referred to the sovereignty of God.

In a society based on these principles, public authority is simply the will of the people, and inasmuch as the people depends only on itself, it is also only answerable to itself. It chooses its authorized representatives, but in such a way that it delegates to them not so much the right as the use or function of power, which they exercise in its name. No mention is made of God's sovereignty, exactly as if God did not exist (*ibid.*).

⁴ On the period to be studied here, the reader is referred to the works of Roger AUBERT, “Les grands thèmes de l'enseignement social des papes de Léon XIII à Paul VI”, in *La Foi et le Temps* (Brussels), vol. XXIII (1992-1993), pp. 242-279; and “Le christianisme social”, in *Actes du XIII^e Congrès international des Sciences historiques, Moscou, 16-23 août 1970* (Moscow: Nauka, Direction de la littérature orientale, 1970). Both articles also contain references to the best existing studies on the history of the social teaching of the Church.

The allusion to Rousseau's idea of the "general will" and Sieyès's idea of the rule of the electorate is at once expanded on:

It can hence be seen that the State is simply the multitude as master and governor of itself; and once the people are seen as the source of all law and power, it follows that the State does not see itself as having any duty to God (*ibid.*).

Just as the most radical and secularizing theories on *sovereignty* are condemned, the most radical theories on *law* are also rejected. Once the law has rejected reference to God, it sanctions the unbridled exercise of freedom. Man becomes the measure of all things. In practice or theory, when man denies his condition as creature, he ends up by formulating a law in keeping with the total autonomy he is claiming. On this point, Grotius opened the way for Feuerbach.

This is the source [going back to the 16th century] from which we must trace these principles of unbridled freedom which were dreamed up and promulgated in the midst of the great upheavals of the last century, as the principles and foundations of a *new* and hitherto unknown *law*, which was in conflict not only with Christian law, but also with natural law on a number of points (*ibid.*).

Leo XIII does not confine himself to giving these doctrinal orientations, but first and foremost frees up the situation created by the fundamentalist interpretation of the Pauline aphorism *Omnis potestas a Deo*. While of course still holding that power has its *origin* in God, he adds that there can be considerable human participation in the *exercise* of power. He also develops two related points, stating first that the Church is in principle neutral with respect to types of government, neither approving nor disapproving any particular political system:

... there is nothing to prevent the Church from approving government by one or by several, so long as the government be just and seek the common good. Also, always preserving acquired rights, peoples are in no way forbidden to adopt the political form best suited to their own spirit or their own traditions and customs (*Diuturnum illud* [1881]).

Four years later, after setting out "the rules drawn up by the Catholic Church regarding the constitution and government of States", he repeats that:

When considered rationally, these principles and decrees do not in themselves disapprove of any of the various forms of government, so long as they contain nothing contrary to Catholic doctrine and are exercised with wisdom and justice; they can all ensure public prosperity (*Immortale Dei*).

With varying nuances, this suspension of judgment on types of government and their designation regularly recurs right up to John XXIII:

It is impossible to determine, once and for all, what is the most suitable form of government, or how civil authorities can most effectively fulfil their respective functions, i.e., the legislative, judicial and executive functions of the State (*Pacem in terris* [1963], 67).

In selecting a regime or government, Catholics will thus be very attentive to doctrinal guidelines. However, they will also take account of the specific circumstances in which they can and must show responsible freedom. This is what Leo XIII recommended to French Catholics in 1892:

Various political systems have succeeded one another in France during this century, each with its distinctive form: empires, monarchies and republics. Confining oneself to abstractions, one could define which is the best of these forms, considered in themselves; one could equally in all truth declare that each of them is good, provided that it is able to move undeviatingly toward its goal—the common good—for which social authority exists. Finally, it should be added that from a relative point of view, one form of government may be preferable to another, being better adapted to the character and customs of one or another nation. In this speculative sphere, Catholics, like any citizen, are completely free to prefer one form of government to another (*Immortale Dei*).

Despite this wish to keep an equal distance from the three major kinds of system, on several occasions the pope gives cautious but clear expression to his openness to democratic regimes. For example, on the designation of governments he states:

... when designating those who are to govern the State, this appointment can in certain cases be left to the choice and preference of the majority, without any objection from Catholic doctrine. This choice decides who will be sovereign, but does not confer the rights of sovereignty. The authority is not constituted; rather, it is decided who will exercise it (*Diuturnum illud*).

Eight years later, the same view is repeated, accompanied now by the principle of moral neutrality:

Preference for a State constitution tempered by an element of democracy is not in itself contrary to duty, provided always that Catholic doctrine on the origin and exercise of public power be respected. The Church does not reject any of the various forms of government, provided that they be in themselves capable of assuring the good of the citizens (*Libertas praestantissimum* [1888]).

However, several years earlier Leo XIII had spoken favourably of what we would today call participation:

There is nothing as such against the people's playing a part in government to some degree; indeed, at certain times and under certain laws, this could be not only an advantage but a duty for citizens (*Immortale Dei*).

Rerum novarum has a special place in Leo XIII's teaching on democracy, for here the pope touches on three essential points. First he emphasizes that the poor and workers are full citizens. He then moves on to the idea of *universality*, an essential for any democracy.

Non-owning workers are unquestionably citizens by nature in virtue of the same right as the rich, that is, true and vital parts whence, through the medium of families, the body of the State is constituted; and it hardly need be added that they are by far the greatest number in every urban area. Since it would be quite absurd to look out for one portion of the citizens and neglect another, it follows that public authority ought to exercise due care in safe-guarding the well-being and the interests of non-owning workers. Unless this is done, justice, which commands that everyone be given his own, will be violated (*Rerum novarum* [1891], 49).

He next confirms the *right of association*, which was rejected by the French revolution, under which the suppression of traditional corporations left the working class with no protection. Finally he confirms the need for *State intervention* in order to protect workers and develop more just social programmes.

Leo XIII returned to several of these themes in 1901 in *Graves in communi*: the moral neutrality of various types of government, the need for Christians to act for the good of the people, respect for the legitimate authority of the State, etc. This document consecrated to "Christian democracy" does in fact mark a certain retreat from the positions of the great texts of earlier years, particularly *Rerum novarum*. Although the 1901 encyclical clearly recognizes the validity of the expression "Christian democracy", it understands it solely in the social sense of relieving people's suffering, and thus denies democracy any political relevance.

Leo XIII's position as the initiator of Christian reflection on democracy rests on the emphasis placed on certain themes: rejection of a trend that leads to civil religion and would end in contemporary totalitarianism; abstention from qualitative judgment on the various traditional forms of government; participation, association, universality, responsible freedom, and the role of the State.

III. FROM PIUS X TO PIUS XI

1. Absorbed as he was with other concerns, St Pius X (1835-1903-1914) echoed his predecessor's statements, especially in his letter *Notre charge* to

the French bishops in 1910. This letter criticized Marc Sangnier's view of democracy, particularly as concerns the people as origin of sovereignty. It is consistent with the rest of Pius X's teaching, for many of his writings on social and political matters mark a step backwards from the teaching of Leo XIII, and he was at one point on the verge of condemning unionism, even Christian—which is a form of social democracy. He had been influenced by the Hapsburg political model, which had held sway in Venice for a long time. (Venice had been under the absolute rule of Austria for many years, and became Italian only in 1866, after the Battle of Sadowa).

2. When Benedict XV (1854-1914-1922) outlined “the basic principles on which the future reorganization of peoples must be based”, he started a process that Pius XII would later take up in 1942 and 1944. Drawing on Victoria, although the pope's thinking is focused on international relations, two principles are invoked in this context that will later be incorporated into the teaching on democracy. In this way Benedict XV suggests the need to extend the democratic spirit to relations between peoples:

The fundamental point must be that the material force of arms be replaced by the moral force of law ... Once the supremacy of law ... is established, every obstacle to communication between peoples must be lifted, ensuring ... true freedom and communion across oceans ... (*Dès le début* [1917]).

Benedict XV also supported Don Luigi Sturzo (1871-1951), who founded the Popular Party in 1919, drawing his inspiration from the Christian social teaching then available.

3. Although Pius XI (1857-1922-1939) was most attentive to the political and social problems of his time, his direct contribution to our subject is not particularly original or rich. However, his indirect contribution is considerable, and the texts on *Action française*—condemned by him in 1926—deserve exploration. He also condemned the totalitarian regimes emerging from the turmoil of socialist and liberal ideologies—for example in *Non abbiamo bisogno* (1931), *Mit brennender Sorge* (1937) and *Divini redemptoris* (1937).

In an attempt to humour Mussolini, in 1923 Pius XI withdrew the support that Benedict XV had given to Don Sturzo. The Italian Popular Party split into two groups, with Don Sturzo's faction, the larger group, being opposed to fascism, while the other group, to which the pope was more sympathetic, was prepared to offer it some support. In practical terms, the Church would benefit from fascism, as is seen in the signature of the Lateran Pacts in 1929, and Pius XI would not really take a stand against fascism until 1936 and the signature of the friendship agreement between Italy and Germany.

IV. PIUS XII

We have to wait until Pius XII (1876-1939-1958) for the formulation of papal teaching that deals explicitly with democracy. His 1944 Christmas radio message, *Benignitas*, is totally devoted to the topic. World War II was not yet over, and Pius XII drew two lessons from that tragic experience.

The Lessons of the War

On the one hand, he observes that the war has awakened a sense of political responsibility in people, and also an aspiration for all citizens to participate more fully in politics.

Gripped in the grim light of war, ... peoples have awakened as if from a long slumber. They have taken up a new stance toward the State and governments, questioning, criticizing and mistrusting them. Educated through bitter experience, they view the monopoly of dictatorial, uncontrollable and intangible power with mounting repugnance and rejection. They demand a system of government more compatible with the dignity and freedom of citizens (*Benignitas* [1944]).

On the other hand, Pius XII points out that had there been adequate means of control, the world conflict could have been avoided. As Benedict XV did before him, and as the Universal Declaration of Human Rights (1948) will do four years later, *Benignitas* therefore seeks to contribute to the prevention of new conflicts and the building up of a lasting peace.

These anxious multitudes ... are today convinced ... that had the possibility of controlling and correcting the activities of the public authorities not been missed, the world would not have been plunged into the devastating turmoil of war, and that if another such catastrophe is to be prevented in the future, it is vital to create effective guarantees among the people themselves (*ibid.*).

These instruments of control will be especially necessary to check the exorbitant claims of the State to absolute power. In the spirit of Tocqueville, Pius XII rejects a democracy in which the power of the "sovereign" is perverted into despotism; he also rejects a juridical positivism that would derive law solely from the will of the State.

A healthy democracy ... will be resolutely opposed to the corruption that grants the State legislature unfettered and boundless power and that turns a democratic form of government into a system of pure and simple absolutism, despite contrary but illusory appearances (*ibid.*).

Here Pius XII distinguishes between absolute monarchy, which he does not reject on principle, and State absolutism, which he rejects, and which was exemplified by the Nazi State.

State absolutism (not to be confused as such with absolute monarchy, which is not under discussion here) consists in the erroneous principle that the authority of the State is unlimited and that, even when it gives free reign to its despotic designs, overstepping the limits of good and evil, no appeal can be made against the State to a higher, compelling law of conscience (*ibid.*).

Pius XII refers to the distinction that Bossuet had already established between absolute and arbitrary power, and also applies the principle of moral neutrality, recalling its terms. Citing Leo XIII, he confirms *epokhē*, the abstention of the magisterium from judging between different forms of government. However, he observes that the war has strengthened the aspiration of citizens for more collaboration, more freedom—in short, more democracy.

In the presence of such attitudes, is it surprising if the trend to democracy spreads ever more widely among peoples and wins broad support and consent from those wishing to collaborate more effectively in the destiny of individuals and society? It is hardly necessary to recall that, according to the Church's teaching "it is not forbidden to prefer governments tempered by popular rule ..." (*ibid.*).

Citizens and the Expanded Role of the State

The free expression of citizens, and their participation in promotion of the common good, are justified by a new line of reasoning: the contemporary State tends to pursue more and more initiatives and claim increasing sacrifices from its citizens.

With respect to the extent and nature of the sacrifices expected of all citizens in our times, when the activity of the State is so wide-ranging and decisive, many people see the democratic form of government as a natural postulate demanded by reason itself. So when "more democracy and a better democracy" is demanded, this can mean only that the citizen is to be set in an ever better position to hold his own opinion, express it and make its weight felt in a way in conformity with the common good (*ibid.*).

People and Masses

Likewise, a healthy democracy cannot succumb to exploitation of the masses. In luminous pages, Pius XII distinguishes between people and mass. The latter is formed by the totality of the population; it is a variegated whole which is easily swayed by leaders or media. Here Pius XII is perhaps taking account of the analyses of the masses by writers such as Ortega y Gasset or Heidegger (the anonymous "one") and later by von Wiese and Gurvitch. He sees the masses as "the main enemy of democracy" and considers that "the people lives with the fulness of the life of the men of

which it is composed” (*ibid.*). So here Pius XII is foreseeing the dangers—already described by Tocqueville—to which democracy is exposed, and is warning against possible manipulation of the masses.

People and amorphous multitude—or, as it is usually called, the mass—are two different concepts. The people lives and moves with a life that is its own. The mass is in itself inert and can be moved only from outside ... The mass ... waits for an external impulse and is simply an easy plaything in the hands of anyone who exploits its instincts or sensations (*ibid.*).

Democracy and Human Rights

Pius XII then continues:

Another conclusion clearly follows from this: the mass, as we have just defined it, is the chief enemy of true democracy and its ideal of liberty and equality.

In a people worthy of this name, the citizen feels in himself the awareness of his personality, rights, duties and personal freedom, together with respect for the freedom and dignity of others. In a people worthy of this name, the inequalities that arise not arbitrarily but from the very nature of things ... are no obstacle to the existence and prevalence of an authentic spirit of community and fraternity.

As against this picture of the democratic ideal of liberty and equality in a people governed by honest and farsighted hands, what a spectacle we see with a democratic State abandoned to the arbitrariness of the mass! (*ibid.*).

This passage from *Benignitas* is particularly important because—for the first time to our knowledge—a papal text clearly states the direct link between democracy and respect for human rights.

In *Benignitas* (1944), Pius XII refers to the equal dignity of each person, and his right to freedom—an elliptical reference to the great declaration on human rights as the basis of a peaceful society which he pronounced in his radio message *Con sempre* in 1942. This pioneering but too little-known declaration holds the seeds of the teaching that he would devote to democracy two years later.

V. JOHN XXIII

The opening announced by Pius XII is confirmed with John XXIII (1881-1958-1963). Encouraged by increased participation in business and economic life, the Good Pope stated in 1961:

Thus is created a humane environment that encourages the working classes to assume greater responsibility also within the enterprises, while at the same time political communities become ever more aware that all the citizens feel responsible for bringing about the common good in spheres of life (*Mater et magistra* [1961], 96).

John XXIII expands on some of his predecessors' stances. Firstly, there is the question of the origin of the power of authority:

It must not be concluded, however, because authority comes from God, that therefore men have no right to choose those who are to rule the state, to decide the form of government, and to determine both the way in which authority is to be exercised and its limits. It is thus clear that the doctrine which we have set forth is fully consonant with any truly democratic regime (*Pacem in terris* [1963], 52).

Then comes the question of the protection of human rights, which are also the object of a concise statement (*ibid.*, 11), and which the pope relates to the common good:

It is agreed that in our time the common good is chiefly guaranteed when personal rights and duties are maintained. The chief concern of civil authorities must therefore be to ensure that these rights are acknowledged, respected, coordinated with other rights, defended and promoted, so that in this way each one may more easily carry out his duties (*ibid.*, 60).

John XXIII also refers to the fact that authorized representatives are constituted, powers separated, and the State must be governed according to the rule of law.

In modern times, where there is question of organizing Communities juridically, there is observable first of all the tendency to write ... a charter of fundamental human rights, which is, as often as not, inserted in the State Constitutions ...

Secondly, there is also an inclination to determine, by the compilation of a document called the *Constitution*, the procedures through which the governing powers are to be created, along with their mutual relations, the spheres of their competence, the forms and systems they are obliged to follow in the performance of their office.

The relations between the government and the governed are then set forth in terms of rights and duties; and it is clearly laid down that the paramount task assigned to government officials is that of recognizing, respecting, reconciling, protecting and promoting the rights and duties of citizens (*ibid.*, 75-77).

In these two great social encyclicals, John XXIII, unlike Pius XII, does not in fact develop any systematic teaching on democracy. However, he does reiterate and confirm Pius XII's position on the origin of authority, and on the power of the people to elect their governors, limit the authority of the latter and regulate their use of it. Although this emphatic stand on the part of the two popes in no way disputes the principle of moral neutrality, the perspective has now shifted considerably. The principle that was often invoked to dispense the magisterium from criticizing the divine right of absolute monarchy or some oligarchical government (always so long as it

respected the common good, human rights, etc.), is used here to support the Church's statement that people are free to choose the third, democratic, type of government, which has tended to be ignored for so long. In the name of the same principle of neutrality, from now on the Church will show a prudent preference for democratic governments, which, in spite of their inherent risks, do offer better guarantees that human rights will be respected, as well as responding best to the just aspiration of all people for greater participation.

VI. VATICAN COUNCIL II

The word "democracy" was very little used in papal documents before 1965, and does not appear in any of the conciliar documents! This obviously does not mean that Vatican II represents some kind of regression. The themes already mentioned are reaffirmed exclusively in *Gaudium et spes* (1965): rejection of despotic, totalitarian, dictatorial governments (nos. 74ff), freedom to choose type of government and leaders (no. 74), a brief reminder of human rights (no. 26), a reference to the equal dignity of all people (no. 29), an appeal for the participation of all (nos. 31, 75). Human nature itself calls for such participation, with the right to elect entailing a corresponding duty:

It is fully consonant with human nature that there should be politico-judicial structures providing all citizens without any distinction with ever improving and effective opportunities to play an active part in the establishment of the juridical foundations of the political community, in the administration of public affairs ... Every citizen ought to be mindful of his right and his duty to promote the common good by using his vote (*ibid.*, 75).

Participation requires the rule of law and the separation of powers:

If the citizens' cooperation and their sense of responsibility are to produce favourable results ... a system of positive law is required providing for a suitable division of the functions and organs of public authority and an effective and independent protection of citizens' rights (*ibid.*).

We would again emphasize the broadening of the definition of common good to a worldwide scale. This new definition expands the universality of human rights, which was usually affirmed in the context of a particular community (for instance, a nation) but is here proclaimed for the benefit of all people:

... the common good, which is the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily. The whole human race is consequently involved with regard to the rights and obligations which result (*ibid.*, 26).

The famous pastoral constitution also clarifies and expands on previous documents. It presents “basic” culture as the prerequisite for the contribution of all to the common good (no. 60); it insists on the right to information (no. 59); and, lastly, it envisages some exceptional situations, adding that even if such exceptions are necessary for the common good, they may not be prolonged:

... if restrictions are imposed temporarily for the common good on the exercise of human rights, these restrictions are to be lifted as soon as possible after the situation has changed. In any case it is inhuman for public authority to fall back on totalitarian methods or dictatorship which violate the rights of persons or social groups (*ibid.*, 75).

VII. PAUL VI

We owe Paul VI (1897-1963-1978) the apostolic exhortation *Octogesima adveniens* (1981) which declares “a radical limitation to economics” (no. 46). This text breaks new ground in its pressing call for Christian involvement in politics and its fuller appreciation of political activity. “Each man feels that in the social and economic field, both national and international, the ultimate decision rests with political power” (no. 46). The role and limits of political power are then specified:

It always intervenes with care for justice and with devotion to the common good, for which it holds final responsibility. It does not, for all that, deprive individuals and intermediary bodies of the field of activity and responsibility which are proper to them and which lead them to collaborate in the attainment of this common good (*ibid.*).

Here we see a reference to the principle of subsidiarity, which is then spelled out:

The passing to the political dimension ... expresses a demand made by the man of today: a greater sharing in responsibility and in decision-making. This legitimate aspiration becomes more evident as the cultural level arises, as the sense of freedom develops and as man becomes more aware of how, in a world facing an uncertain future, the choices of today already condition the life of tomorrow (*ibid.*, 47).

The most striking feature of *Octogesima adveniens* is the open stand in support of democracy. Dangers no longer come only from various kinds of despotism, but also from technocracy:

In order to counterbalance increasing technocracy, modern forms of democracy must be devised, not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility.

Thus human groups will gradually begin to share and to live as communities. Thus freedom ... will develop in its deepest human reality: to involve itself and to spend itself in building up active and lived solidarity (*ibid.*).

VIII. JOHN PAUL II

Coming at the end of the above overview, the teaching of John Paul II (1920-1978-) seems truly liberating.⁵ No more archaic typologies, repressed nostalgia for patronage or the divine right of monarchs, and timid approval of democracy. The whiff of sulphur has vanished in both word and fact. The connections are obviously clear, for continuity requires this, but the emphasis is already new:

The Church has always taught the duty to act for the common good ... Furthermore, she has always taught that the fundamental duty of power is solicitude for the common good of society; this is what gives power its fundamental rights. Precisely in the name of these premises of the objective ethical order, the rights of power can only be understood on the basis of respect for the objective and inviolable rights of man. The common good that authority in the State serves is brought to full realization only when all the citizens are sure of their rights. The lack of this leads to the dissolution of society, opposition by citizens to authority, or a situation of oppression, intimidation, violence, and terrorism, of which many examples have been provided by the totalitarianisms of this century. Thus the principle of human rights is of profound concern to the area of social justice and is the measure by which it can be tested in the life of political bodies (*Redemptor hominis* [1979], 17).

This marks the end of a hypothetical-deductive way of thinking *which attributed only secondary importance to the quality of institutional mediations*. In minimizing this essential problem, it was easy for such a line of thought to conclude—with the support of St Paul—that since “there is no authority except from God” (Rom 13:1), citizens had to obey it without questioning the legitimacy of power. *Lèse-majesté* was as much a religious sin as a political failing.

Our brief survey shows that it became increasingly hard to sustain this totally outdated view of power, which was, moreover, an obstacle to reflection on democracy. It was becoming blindingly clear that the Roman

⁵ See Daniel DUSTIN and Charles PIRE, *La politique selon Jean-Paul II* (Paris: Éd. Universitaires, 1993), particularly Chapter 3, “Pour la démocratie”, pp. 29-40.

magisterium, still only recently agitated by the loss of the Papal States, could no longer proclaim a doctrine in which some people detected a masked theocracy.

Fully aware of what a theocracy can be, whether secularized or not, knowing what a totalitarian regime is, and observing the limitations of western democracies, John Paul II dismisses the outmoded elements of the issue of power. While freeing the Church of these, he also collects all the elements of traditional teaching that can be used in support of democracy.

The alternative to corrupt government is not just any undefined type of government, but democracy. The principle of moral neutrality is no longer invoked. After considering the situation of various countries, John Paul II says:

Other nations need to reform certain unjust structures, and in particular their *political institutions*, in order to replace corrupt, dictatorial and authoritarian forms of government by *democratic* and *participatory* ones. This is a process which we hope will spread and grow stronger. For the “health” of a political community—as expressed in the free and responsible participation of all citizens in public affairs, in the rule of law and in respect for and promotion of human rights—is the *necessary condition and sure guarantee* of the development of “the whole individual and of all people” (*Sollicitudo rei socialis* [1987], 44).

The participation recommended here is interdependence and solidarity:

When interdependence becomes recognized in this way, the correlative response as a moral and social attitude, as a “virtue”, is *solidarity*. This ... is a *firm and persevering determination* to commit oneself to the *common good*; that is to say to the good of all and of each individual, because we are *all* really responsible *for all* (*ibid.*, 38).

The regard for democracy is again clearly stated in 1988:

Democracies have the honour of seeking an organization of society in which the person is not only respected in all that he or she is but also participates in the common task by exercising his or her free will (*Address to the Parliamentary Assembly of the Council of Europe*, Strasbourg, 8 October 1988).

However, we find the most explicit declaration in favour of democracy in *Centesimus annus* (1991):

The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility of both electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate (*Centesimus annus*, 46).

John Paul II then outlines the conditions to be met by democracy if it is to be authentic:

Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the “subjectivity” of society through the creation of structures of participation and shared responsibility (*ibid.*).

The pope also applies to democracy the teaching that he would shortly develop in the encyclical *Veritatis splendor* (1993): it is not for the majority to define the truth; democracy cannot be built on agnosticism and sceptical relativism.

Nowadays there is a tendency to claim that agnosticism and sceptical relativism are the philosophy and basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism (*ibid.*).

The search for these values, which are expressed in human rights, is an essential feature of democracy.

Following the collapse of Communist totalitarianism and of many other totalitarian and “national security” regimes, today we are witnessing a predominance, not without signs of opposition, of the democratic ideal, together with lively attention to and concern for human rights. But for this very reason it is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation through the explicit recognition of those rights (*ibid.*, 47).

John Paul II then spells out the main human rights, as his predecessors had regularly done. It should be noted that John Paul II states that the right to life, belittled by the “scandal of abortion”, mortgages the democratic character of governments that authorize this practice:

Among the most important of these [human] rights, mention must be made of the right to life, an integral part of which is the right of the child to develop in the mother’s womb from the moment of conception; the right to live in a united family ...; the right to develop one’s intelligence and freedom in seeking and knowing the truth; the right to share in work ...; and the right freely to establish a family ...

Even in countries with democratic forms of government, these rights are not

always fully respected. Here we are referring not only to the scandal of abortion, but also to different aspects of a crisis within democracies themselves, which seem at times to have lost the ability to make decisions aimed at the common good (*ibid.*).

He concludes:

... the synthesis of these rights is religious freedom, understood as the right to live in the truth of one's faith and in conformity with one's transcendent dignity as a person (*ibid.*).

For John Paul II this right to religious freedom is the touchstone of authentic democracy—a fact he confirmed near the start of his papacy:

The Church has defined an overall position according to which religious freedom is simply one facet of the single prism of freedom, which is an essential constitutive element of an authentically modern and democratic society. This means that ... a State cannot claim to be "democratic" if it opposes religious freedom in any way whatsoever, with respect not only to the exercise and practice of worship, but also to participation on an equal footing in scholastic and educational activities, as well as social initiatives, in which the lives of contemporary men and women are increasingly involved (*Address to the 69th Conference of the Interparliamentary Union*, 18 September 1982).

CONCLUSION

1. When we try to study democracy in the teaching of the Church, we are most struck by the rarity of systematic statements—a rarity in contrast with the large amount of scattered but relatively uncoordinated material on the subject. We have already noted that the word is not found in the documents of Vatican II. It does not appear in the index of the first edition of *Discours social de l'Église catholique*. Marmy's collection, which covers nearly 150 years, finds it once in Leo XIII, and more often in Pius XII. In Father Utz's monumental collection devoted to Pius XII, references are somewhat more frequent and would repay systematic examination. However, it is with John Paul II that the topic starts to appear fairly regularly—and more particularly that the spotlight is really focused on it.

2. Democracy as a subject can be split into a number of other topics; the main ones were mentioned in the first part of this Preparatory Report. Magisterial declarations on democracy certainly do not cover all these topics or explore their interrelations. The themes that do appear in papal documents relating to democracy include in particular: human rights, the origin of power and authority, choice of governors, participation, religious freedom, the role of the State, subsidiarity. These are classical—and essential—

themes. However, it must be admitted that nowhere is there a detailed discussion of the problems raised by different conceptions and contemporary models of democracy. In the last analysis, teaching on this subject seems somewhat sketchy and in urgent need of development. This is all the more surprising given that most of the doctrinal bases are available.

3. The Church has doubtless been loath to pursue reflection on political democracy too far, afraid that the structure of the Church and the way authority is exercised within it would be thrown into question. And here we have a paradox: if the Church is not a democracy in the political sense of the term, it is nevertheless a society of equals, sons and daughters of the same Father. Although the Church is not a democracy in the political sense of the term, it is a community of persons of equal dignity, sons and daughters of the same Father; and although the Church has a hierarchical structure, it can be accepted that the people should participate in the choice of the person to be the repository of authority, and also provide input for his decisions.

Chapter III

SUGGESTIONS TO THE ACADEMY

I. POINTING THE WAY TO DEMOCRACY

At the start of the second chapter above, we noted the historical factors that, at least to some extent, explain the Church's delay in speaking out on democracy. We would recall that these date back to the Reformation, the Enlightenment, the French Revolution, and the excesses of socialism and liberalism.

Such historical explanations cannot be separated from doctrinal explanations,⁶ which must also be carefully described, not for any apologetic concern, but in order to indicate the orientations that Christian thought must take into account in its present-day reflection on democracy.

Christian reflection cannot accept the individualist anthropology generally underlying the liberal conception of democracy, but places heavy stress on the fact that man, as a social being, is a person open and receptive to others.

Nor can the Church accept Rousseau's conception of contract, the sovereignty of the people, the general will, the majority, the lay "sanctity" of laws, and civil religion.

⁶ Reference can be made to the *minidossier per l'animazione*, no. 23, supplement to *La Società* (Verona), year VI (1996), no. 3, entitled *La democrazia*.

It was and is also impossible for the Church to follow in the steps of Kant's metaphysical agnosticism, and accept a formally voluntarist basis for values. This is why it cannot accept that the law is a purely formal construction, and warns against a law that has its sole source in the will of the legislator. Precisely because of its anthropology, the Church considers that the law must be referred to a metajudicial order, in other words that the law cannot condone moral and metaphysical relativism.

Although the Second Vatican Council did not speak out on democracy, it did open the way to further study of this latter point. In its declarations on tolerance⁷ and religious freedom,⁸ it did of course confirm that the Church cannot approve rejection of objective values and points of reference; however, this teaching does allow the pluralism so typical of democracy to be viewed in another light than that of a resigned pragmatism.

The Church's attitude to democracy is not only dictated by doctrinal considerations but also reflects a solid political realism. The Church does not see democracy as being automatically capable of producing good effects—and observation of current events offers daily confirmation of this view. Democracy discredits itself through corruption, abuse of power, the frequent confusion of common good with personal good, partisan politics, and certain forms of censure or tyranny exercised by the media.

The Church thus follows a tradition going back to Aristotle, recommending the moral virtues whose practice is a necessary condition—albeit only partial—for democracy: justice, a social sense, solidarity, prudence, fortitude, moderation, respect for others, etc.

II. TOWARD A FULLER DOCTRINAL UNDERSTANDING

It is a question of showing that *only an authentic democratic government can ensure that the demands of Christian social ethics are met*. We would point out that we have defended this thesis in *Démocratie et libération Chrétienne. Principes pour l'action politique* (Paris: Ed. Lethielleux, 1986)—a thesis that can be argued on the basis of the following points:

1. Society does not arise only from the natural dispositions of individuals, but is indispensable for their personal realization; it is *always already there*, as a natural reality. Man is a social being *because*, being finite, he is endowed with reason and free will. Each person is capable of

⁷ See *Gaudium et spes*, 28 and 73.

⁸ See *Dignitatis humanae*.

judgment and personal decision, and also, thanks to language, of discussion, debate and reflection. This is why—and not for purely utilitarian reasons—political power is a necessity and *has* to be exercised within a democratic structure. Authority must bring an existential *plus* to individuals, to persons—as is required by the principle of subsidiarity. It must give people the possibility of exercising their capacity to reason, discuss, reflect, plan, decide, act, implement and monitor *together*, by expanding it. Power has to coordinate the activities of all so that each person can be offered the best possible conditions for his or her personal fulfilment—which is what constitutes the *common good*.

2. Here we see the centrality of reference to God for the justification of power. This reference introduces a factor that *relativizes* and *moderates* power, and is sadly absent from *all* contemporary ideologies, even “democratic” ones. If, speaking biblically, in God’s plan “it is not good that the man should be alone” (Gen 2:18), and if, speaking philosophically, God has endowed man, as a rational and free being, with a social constitution, it is part of God’s plan that people be provided with power structures in order to organize their life together. This is not simply a right, but a duty. Finally, power is *relativized* and *moderated*: in specifically political terms, power *puts men*—who have *all* received the same social constitution from the same God—*into relation*.

3. This has two immediate results:

(a) that no person is entitled to exercise an authority over another that is not reasonable, freely consented to, justified, and in a word legitimate;

(b) that, under pain of alienation, i.e. of entering into voluntary servitude (cf. Boethius), no person has reason to obey except through enlightened and free consent to the one who commands.

Many modern and contemporary theoreticians of power have not recognized that their very finitude means that neither prince nor people is entitled to claim to be the ultimate holder of power. In this sense, the absolutism of the prince finds its exact counterpart in the revolutionary anarchy of the people.

4. Reference to God shows that in the final analysis all human power is *delegated*. Here we find a viable meaning for St Paul’s phrase, “there is no authority except from God”. God *delegates* to people responsibility for *governing themselves*, as he delegates responsibility for *procreation*. God gives people his *proxy*, bestowing on them everything needed for them to take charge of their existence because, thanks to their reason, people can know their origins and destiny, as well as the laws governing their existence.

In a way, as St Thomas basically says, “*Man is for himself his own providence*” (cf. for example *SG*, III, 113).

In management of society, as in management of the natural world, man thus enjoys an *autonomy* based on his existential relation to his Creator, and this, for the same reason, brings into play the inventiveness and responsibility of each finite being. His vocation as man is to *invent* his relations with the world and time, *and with others in society*. It follows that ways of choosing the prince are left to man’s initiative, but also that no man is entitled to dispense himself—still less to be dispensed—from the political responsibilities falling to him because of his social nature. Although the ultimate source of power is God, this in no way cancels the legitimacy and even the need for human forms of mediation, and every person *has* to play a part in inventing these.

5. The theocracies mentioned above thus have limits, which must be defined. They of course affirm that power comes from God, and also introduce a certain element of moderation into the exercise of power. For example, Louis XIV exercised *absolute* power, which he claimed to hold directly from God. If the king so to speak totally overshadows the people, so be it, but he will have to render account to God. However, no more than anarchy, a similarly absolutist conception of power which does not admit the *need for just human mediations*. It is no exaggeration to hold that inasmuch as the *metaphysics of existential participation* exalts the equal dignity of all people, it justifies the active participation of *all* in political power and underlies the inalienable responsibility of *each person* toward the search for the common good.

These in our view are the safest anchor-holds of any authentic democracy, whose heart lies in the *principle of subsidiarity*.

6. Finally, from the perspective of the new evangelization, we have to announce to the world that fraternity is not possible without the Father. No democracy is possible if the dignity of *all* people is not recognized from the outset. Entrance into democracy is *first of all a moral event* which involves and engages us all and entails primordial recognition of the equal dignity of all men—the fact that we, he and I, both derive our dignity from the same God who created us, keeps us in existence, and sustains us in his love.

III. FACING THE DIFFICULTIES

We shall have to face the difficulties that today arise with respect to democracy. Let us mention some of these:

1. The connection and integration of social and economic democracy (cf. trade unionism, co-management, etc.) and political democracy.
2. We have to establish an interface between our work on *unemployment* and our work on democracy.
3. The ideal of *equality*, which is central to Christian tradition and to the political and juridical tradition of the West, is under strong attack. However, it is essential to classic models of democracy. The question of equality is so important that it would be a good idea for our Academy to initiate a dialogue on this question with Moslems and the major religions of the East.
4. The various kinds of doubt being cast on the Universal Declaration of Human Rights (1948) raise a question; could there be new and pressing reasons today for rejecting the “unwritten laws” binding on all, governed and governors?
5. Debates on conflicts of values, seen as inevitable and insoluble, and the resulting rejection of any transcendent principle, raise the question: in such circumstances, how are we to establish and ensure the progress of a democratic society?
6. Can human rights, and hence democracy, be altered depending on culture? Should we initiate dialogue on this question with Moslems? Is democracy not the privilege of an elite?
7. Personally we believe that the legalization of abortion in certain countries raises basic questions concerning democracy. When a democratic country legalizes abortion, by this very act it restricts the all-embracing nature of the right of every human being to life.
8. The strong revival of segregationist and discriminatory views—based, for example, on psychological, genetic or socio-biological considerations—views that some want to turn into laws, runs counter to the democratic dynamic.
9. What benefit can the Church derive *for itself* from the experience of democracy? For example, in the 13th century the new religious orders drew important lessons from the rise of communes, and thereby benefited the Church.
10. Can a democracy be based on purely “positive”—voluntarist, contractual, consensual, utilitarian, etc.—bases? Are there any empirical democratic models founded on these bases?
11. What does reference to God contribute to the proclamation, protection and promotion of human rights? The American Declaration of Independence (1776) holds it as self-evident that “all men are created equal, that they are endowed by their Creator with certain unalienable rights”. When the 1789 Declaration of Human and Citizens’ Rights refers to a

supreme Being, it gives a lay interpretation of these rights. Does universality gain thereby? Does experience show that political agnosticism or atheism are better able to guarantee democracy than reference to the Creator as bestowing inalienable rights?

IV. NEW HUMAN RIGHTS AND DEMOCRACY

Any discussion of the Church and democracy entails the inherent danger of embarking on a debate that has already lost much contemporary relevance. History is what it is, with its shadows and lights, and although evaluations are of course necessary, the main point is to anticipate new problems so as to be prepared for them when they arise. Despite the Second Vatican Council's call for attention to the signs of the times, this forward-looking effort is often lacking in Catholic circles. For example, it is not enough for moral experts to react after the event in the face of a given situation, simply offering a moral judgement. A social and political morality must also be a morality of the future, of action, and such a morality requires an ongoing task of discernment and looking to the future.

As soon as the Church opens up to social and political democracy—and the 20th century offers a good many examples—it runs the risk of being one war behind if it does not take the measure of current debates and realize what is at stake. I think that our Academy has a special role to play here: that of being a watchman, and of barking if need be (cf. Is 56:10).

Inasmuch as the quality of democracy is closely bound up with the specific conception of human rights, there are reasons for serious concern at present. Various UN agencies are using numerous publications and international meetings in a concerted attempt to establish a new conception of human rights, which could lead to a universal charter overriding the 1948 Universal Declaration. It is not simply a question of rephrasing the declaration on the occasion of its fiftieth anniversary, but of drawing up and implementing a globalistic or "holistic" (to use New Age terminology) project.⁹ This project would entail rejection of the Judaeo-Christian monotheistic tradition and its connected concept of equality, and would accept new forms of discrimination and/or segregation based on genetic and/or financial criteria. Health itself would be subordinated to market imperatives, and new rights, such as that to "reproductive health", would be proclaimed by "consensus" and incorporated into national bodies of legislation.

⁹ We analyze this project in detail in *L'Évangile face au Nouveau Désordre mondial* (Paris: Fayard, 1997).

When we realize that the expression “reproductive health” is used to cover a wide variety of models of family, homosexuality, and the “right” to abortion and euthanasia, there are very real grounds for concern. Similarly, a certain neo-pagan exaltation of the Earth as Mother tends to reduce the individual to a passing moment in the cosmos, to whose laws he must submit.

There are also major grounds for concern with regard to institutions, when we see, for example, that the UN or the European Union are behaving increasingly as supranational governmental bodies, which pay little heed to individual national features, intermediary bodies, and subsidiarity. Is it not worrying to see how the UN uses certain NGOs to subvert the authority of legitimate national governments? Similarly, can we look on while “satisfied” societies (to use the expression coined by J.K. Galbraith) manipulate foreign aid to keep control over poor countries, while the majority of the latter still have no idea of what exactly a *social* democracy really is.

This gives rise to the question of what has happened to representation today, and the right of the nations and citizens of the whole world to exercise supervision over these new international institutions.

Present changes, which we simply mention here, justify fears that are all the greater inasmuch as they arise at a time when the economy is becoming globalized and when the sciences of life are making huge steps forward. Never have leaders with few scruples had the means of such a fearsome power within their reach.

As our colleague Mary Ann Glendon has observed, certain essential features of democracy are gradually vanishing. A rising new international oligarchy is causing grave concern over the “technocratic tyranny” that it seeks to establish. We must take account of this observation, for any change in the conception of human rights is bound to have a direct and lasting effect on future conceptions of democracy—for better or worse.

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DEMOCRACY IN WESTERN EUROPE

RENÉ RÉMOND

SUMMARY - Throughout Western Europe democracy has triumphed over all opposing regimes, totalitarian ones as well as those inspired by communism. It has emerged as the only valid form of social organisation as to both, the political system and the complex of values. This community of views has taken a part in uniting the continent by the joint adherence to a whole set of principles and institutions that define the idea of democracy: from the separation of powers to the plurality of the political parties and currents inseparable from public liberties, not to forget the request for solidarity from which has proceeded social protection.

If, therefore, the situation of democracy is better than ever before in this part of the globe, it is still giving rise to worry and concern. Even if democracy is held to be the only possible form of organisation, it is also a source of disappointment. In most countries public opinion deplores a democratic insufficiency; it questions the notion of representation and longs to intervene more directly in the decision making process: it deplores in particular a democratic deficiency with respect to the institutions of the European Union. On the other hand there is suspicion about the integrity and competence of the politicians: there has perhaps never been such a wide gulf between the political class and the people. The dissemination of scandals and failures through the media is of importance here. The power of the media not being counterbalanced constitutes one problem, the power of the judges another one.

And there is another challenge: that of how to reconcile the unity of the political society with the diversity of the civil society; that of how to avoid the appreciation of individual solidarities not compromising solidarity on the broader national or the European level.

Living democracy needs the participation of the citizens. The feeling of the powerlessness of the politicians, however, to solve the relevant problems threatens the trust in democracy: what is being interested in politics good for if the politicians are powerless to remedy the crises troubling the individual? On the other hand democracy calls for apprenticeship with respect to the political realities and the exercise of responsibility: where can this be trained? When does the individual have the opportunity to become aware of his belonging to a society towards which he holds responsibilities? The whole problem is education, which is indispensable, as democracy does not develop by itself and postulates the adherence of the intelligence and the will.

The more a topic of study and reflection is broad, the more important it is to set immediately the limits within which one intends to discuss it. This precaution applies especially to democracy. In fact, with time, the idea has been enriched increasingly and the practice has extended the field of application. The twelve-point catalogue addressed to the authors of the report, which draws up a very judicious inventory of the main direction on which to focus our investigation is a good demonstration. Today democracy is not only a political system, the most widespread on the surface of the globe, even if the achievements are very unequal and leave much to be desired with regard to principles — it is not only one answer among many to the question of the origin of the organization of power in political societies. It is a whole complex of values which touch every aspect of collective life, principles that apply to all sectors of society — business as well as the educational system — which omits no type of activity; some would even wish to introduce its maxims and practices in the organization of the Church.

Since it is unthinkable to deal with so many and varied aspects in an introductory report, and the aim of our Academy is not to elaborate a theory but to answer the questions of the hour, I will limit my paper to raising the points that are problematic today. Rather than dwell on the undeniable achievements in the minds as well as in concrete realization that I will mention only briefly if need be, I thought it would be more useful to point out the defects and imperfections that call for improvement, from new questionings that arise, some from new problems that previous generations did not know, others from new demands from the public awareness. For democracy entails a constant adaptation to the changes that affect our societies. Renouncing a systematic presentation of the premises to espouse the contingencies of concrete history, this report will be more of a disparate enumeration of the problems than a reasoned and ordered presentation. I ask the reader to be indulgent.

As for the geographic limitations that define the other aspect of the topic, it has been set by the organizers. I will stay within Western Europe. It seemed impossible to deal with this region of the globe and North America in the same report; not only because I feel less incompetent in the first than in the second, but also for less personal reasons. If, for political organization, the two shores of the Atlantic refer to the same principles, and if history has woven particularly close bonds between them, history has also sown among them many differences that are translated in the way democracy is put into practice.

A coherent whole

The territorial whole to which I will refer corresponds approximately to the European Union as it now stands since the number of members went from twelve to fifteen; only Iceland, Norway and the Swiss Confederation are missing. Enlarged by these three countries, the Union forms a geographically contiguous whole whose eastern limits, with one exception, corresponds to the boundary that divided the continent during more than forty years, from the end of the second World War to the fall of the Communist system. The exception is the former German Democratic Republic which has entered into the Western sector with the reunification of Germany; for it the problem of democracy is the same as for the other nations subjected to Soviet domination between 1945 and 1989, which Mrs. Suchocka will deal with. It is the connecting link between the two halves of Europe that the fate of combats and forced relations have long forced to live separated and enclosed in hostile blocs.

The givens. A Corpus of homogenous references

Rather than review each country one after the other to try to evaluate the state of democracy in each one of them — a fastidious and presumptuous exercise, for according to what criteria can we give a positive appreciation to one or denounce the imperfections of another? — I will deal with the whole formed by these fifteen or eighteen countries. The topic is propitious to such a treatment for there exists, among all those countries, an undeniable community of views on the organization of society that is not usually taken into consideration. By dint of stressing the economic dimension, the circulation of products, the production of goods, the convergence or contrast of interests, the solidarity of activities, we have lost sight of the fact that the community of this Europe rests just as much on a corpus of notions, principles, values, institutions that are precisely inseparable from the idea of democracy. Starting with very dissimilar origins, by divergent ways, our peoples today share a whole heritage of convictions, institutions, practices that define a certain idea and approach of democracy.

Without pretending to be exhaustive, I will mention the principal elements of this corpus. The idea that society is made for individuals, and not the contrary, that consequently the state must respect persons. Freedom is at the same time principle, value, modality of organization and evolution. The people is the sole sovereign; there is no other principle of legitimacy and legitimating of power than that derived from the people. To prevent all

abuse, powers must be shared among several separate organs among which we must attempt to establish a balance. Powers are only granted for a time whose limits are set and respected. They are responsible and their action controlled. The judiciary is independent of the other powers. The rule of the majority defines the collective will, but since it is not said that the decision of the majority of the moment may not be iniquitous and violate principles superior to the law, every law may be submitted to the appreciation of a jurisdiction that judges it in reference to texts of a bearing superior to ordinary law. This point is very important for it is the one that will allow us to overcome the eventual contradiction between civil and moral law; it is the guarantee of a State based on rights.

Democracy is inseparable from every heritage of civic, public, personal liberties progressively defined and introduced into the codes and legislations under the inspiration of the liberal thought that is not to be confused with the democracy that it usually preceded. In this vein, democracy cannot admit the distinction preached by Marxism between the so-called real liberties and those that are called formal: specious distinction whose pernicious effects we have seen only too clearly in the so-called popular democracies. Conversely, we will be careful to avoid certain criticisms once preached by the ecclesiastical authorities against the liberalism sometimes unjustly and unduly compared to the totalitarian ideologies, forgetting that attachment to liberty is acknowledgment of God's gift to man. Moreover, since the Magisterium has legitimized the recognition of human rights and the Council gave a theological basis to religious freedom, the misunderstanding that for too long had opposed fidelity to the Church to the claiming of liberties is now fortunately dissolved. Since the Council has set religious freedom in doctrine by the nature of the act of faith which requires a free adherence of conscience, and consequently excluded all constraint, there is no longer an alternative between attachment to truth and freedom of conscience. Consequently — and it is the legitimate acceptance of the notion of the laity — citizenship is dissociated from confession; the exercise of civic and political rights cannot be subordinated to the belonging to whatever religion.

On the level of institutions democracy, as it is understood and practiced in Western Europe, entails plurality of political parties, freedom of choice among them, equality of opportunity.

If democracy is thus the accomplishment of the ideal of liberty, it is also — and this is its particular contribution — the demand for equality because it is synonymous with universality. Liberalism works with inequality; it is based on the fact that only the minorities who have the ability or aptitudes for liberty can enjoy its advantages. Democracy cannot be

satisfied with these limitations; it carries in itself a tendentious aspiration to equality, to the rights as well as the resources being available to all. Just like, in the eyes of democracy, there is no legitimacy unless all the citizens are able to participate in it, so too all must have access to goods. It may admit delays in attaining this objective, but it cannot renounce the demand of justice which is inseparable from the claim for equality and democracy. The experience of our societies has revealed that the effort to reduce inequalities and to assure the same rights to all extends to all aspects of life. There will never be an end; it is the utopia that inspires the initiatives to approach the goal, even if it is unreachable. This includes access to instruction, culture, the fruits of collective work. To correct the most flagrant inequalities, it has inspired a system of social protection; that is one of the points on which democracy is clearly differentiated from an intransigent interpretation of liberalism and can even enter into conflict with it. It is also one of the points on which it is in harmony with the Church's thinking on society, joining the call to sharing of goods and the preferential option for the most needy.

What important thing have I forgotten that is part of the corpus common to all our countries? Other aspects could be mentioned. But this inventory, even summary, suggest the wealth of the corpus common to all the countries that make up Western Europe. If we take each of the elements listed one after the other and compare it to the practice of our peoples, we note that they are all recognized, proclaimed, respected in our countries, without exception. The modalities of application vary from one country to another, according to the history, but the essential is admitted and practiced. Who knows if this consensus is not as determinant for the construction of a unified whole as a convergence of interests and material solidarity?

The insufficiencies and the interrogations

These givens on which rests a broad accord are not the only things that the Western European countries have in common. They also have similar difficulties in the application, they suffer the same imperfections, they have the same worries, and they share the same questions. It is the other side of the relationship among the Western European democracies that must now hold our attention and of which the second part of this report will develop a few aspects.

Dissatisfaction of the citizens

The first question deals with the relationship between democracy and public opinion. Differently from the other regimes which in principle do not need the adherence of the citizens, democracy cannot do without it. The interest of the citizens in politics, their active participation are necessities without which the institutions would be only an empty frame. It is the oxygen indispensable to the life of democracy. So in this sense, in most of the countries of the European Union, the situation does not cease being worrisome. There is a general feeling of dissatisfaction, perhaps maintained and amplified by the image given by the media, but which also has objective causes. This state of mind is profoundly different from before, notably in between the two world wars, which nourished the criticism of democracy and contributed to the rise of totalitarian regimes; were it only because Europe has experienced the nefarious effects of anti-democratic doctrines and the malfeasance of the regimes that they inspire. Today everyone knows that there is no other acceptable formula but democracy and, with a few exceptions, no political formation in our countries advocates the discarding of democracy for principles to the contrary. Democracy enjoys a kind of universal consent, but it is often for lack of anything better or through resignation. It is held as the only possible regime, but without necessarily measuring what it entails, and it is also a source of disappointment.

Criticism of the representation

Yesterday, because we refused the principle, we blamed democracy for everything. Today it is more the institutions which are blamed for not being democratic enough; we criticize their democratic insufficiency. Yet the comparison with former practice would be advantageous for our time. In most of our countries, according to objective criteria, our societies are more democratic than they used to be. But this is no longer considered sufficient. If we once considered being in a democracy as long as the citizens had the possibility of electing their representatives periodically, to whom they entrusted all powers for the length of their term, this practice is unsatisfactory today. The delegation of powers to democratically elected representatives does not exhaust the democratic idea. It is the very notion of representation and the manner in which it is assured that are questioned. In other words, there is no refusal of democracy but a questioning of representative democracy. Opinion longs to intervene more directly and less

sporadically in the decision making process; it wants to be better informed, consulted more, to be associated at all levels, from the nearest to the most remote. It favors all practices of direct democracy. This claim invites a great imaginative effort to conceive and experiment with types of consultation, modes of communication that reduce the gap — inevitable but no doubt too great today — between those to whom the people have entrusted the duty of running the common business and the citizens as a whole.

It is relatively easy to imagine procedures of consultation and information in the narrow circle of basic communities, but the more we are removed from them and the sphere of responsibility widens, the harder it is to combat the feeling of being kept out of the decision, which is contrary to democracy. Today this difficulty is particularly apparent for the institutions of the European Union, and it is one of the principal objections to integration: the idea of building Europe suffers from what we call a democratic deficiency. The existence of a European Parliament and the election of its members by universal suffrage has not remedied the situation substantially for the moment. This is explained in part by the little competence granted to that assembly; it is perhaps due also to the use that it makes of the powers it does have, such as the silence about its works. At any rate, it is a question to which the reform of the European institutions will perhaps answer. It is one of the stakes of the inter-governmental conference. The credibility of Europe is closely linked to the progress of democracy. It is imperative to put into practice the principle of subsidiarity with a clearer definition of the respective responsibilities and a redistribution of the missions at the different levels. Democracy has a wide open field for reflection and experimentation.

Suspicion and corruption

The crisis of democracy in the public mind also has other causes. The fracture between the citizens and the delegates holding power, in part by the discredit of the political personnel. The phenomenon is general; it touches all our countries. There is doubt about the disinterestedness of the leaders, suspicion about their integrity because of the disclosure of affairs where power and money were mixed in a confusion where morals as well as democracy suffered. The multiplication of scandals has given credit to the idea that politics is corrupt, that there was no other motivation than greed. Such an idea is fatal for democracy which needs a confidence that rests on the devotedness to the public good. This situation results from two distinct phenomena. On the one hand, corruption has taken such widespread

proportions, probably because our countries have entered into an era of ease where money is abundant and the opportunities to get rich are multiplied. On the other hand, the increase in the competence and responsibilities of the public power has extended considerably the occasions to seek its good-will and thus the occasions for corruption.

Responsibility of the media

We must mention also the role of the media which sometimes blow the affairs out of proportion. The practice of an investigative journalism which appropriates all the rights and considers it its mission to divulge all secrets in the name of the citizens' right to be informed has gone a long way in convincing the man in the street that every political person is a liar, and in so doing has shaken the foundation of democracy. This power of the media gives to the reflection on democracy a problem on the responsibility of information: how to reconcile the respect of freedom of information with that of the private life and the favorable judgment granted to the leaders as to all individuals? How to establish and preserve a balance between the critical role and the need for openness that democracy demands, which it would be desirable that journalists be able to exercise without fear, and the fact that they themselves elude this control? There results an imbalance in the rights and responsibilities that can only be corrected by the drawing up of certain rules and the establishment of a body charged with defining them and watching over their implementation.

Role and place of justice

The condemnation of the political class translates the disillusionment of the citizens with regard to those of whom they expected exemplary behavior, but it reflects even more an aspiration of the moral order, a demand for justice. If public opinion today is so severe and unjust, it is perhaps because it has become more ethically demanding. There is a new intransigent demand for justice which renders public opinion more severe with the judges' lack of impartiality or the meddling of other powers in the exercise of justice. In the near future, everything that touches justice will be called to hold an increasingly greater place in the debates on democracy; all the more so that we observe throughout Western Europe a tendency to a growing judication of life in society similar to what we see in the United States: problems with businesses, litigations between doctors and patients,

everything ends up in court. If this indirect homage to the rule of law is something positive that demonstrates the superiority of juridical relations over those of force, it is not without its reverse side. The principle of democracy excludes that any power — whether it be of rule or of fact — dominates over the others. Yet today democracy is threatened by the hegemony of two powers: that of the media and that of the judges. A reflection is necessary to define the parameters, the limits and the competence of each one. That is an example of the innovations that the development of democracy demands periodically in order to adapt itself to new situations.

Unity and pluralism

Another problem that democracy faces in most of the Western European nations: that of the compatibility between the unity of the political society and the diversity of civil society. The establishment of democracy was based on the principle of unity identified with homogeneity and unicity: the sovereign people was made up of all the citizens and the citizen was defined by the fact that the members of the political society all held their common belonging to the political body, excluding everything that introduces differences among individuals — family situation and origin, social condition, professional activities, geographic location, particular belongings, religious convictions. Democracy was synonymous with unity and everything that introduced diversity was either combated, or scorned as liable to weaken the strength of the collective bond or threaten the national cohesion. With time and under the constraints of reality and also because its rootedness made it less vulnerable, democracy lost its fears; it was led to take into consideration the diversity of social society and admit that plurality was not in itself contrary to democracy nor incompatible with its practice. Today, even in the countries whose tradition was the most centralized — such as France — pluralism, far from being considered the antonym of democracy, is recognized as an attribute and a criterion of democracy. Democracy as we conceive of it includes, for example, the plurality of political parties and I could add plurality as a constitutive element of the corpus common in all our countries today. On this point, the practices have been greatly homogenized and the gap between countries of a unitarian and centralized tendency, such as France, and the countries of federal and decentralized tradition, such as Germany, has been reduced considerably.

If experience has thus brought unity and diversity closer together, if the evolution of mentalities has reconciled democracy and pluralism, the

question remains nevertheless of the breadth of its applications. Can the acceptance of diversity be applied to religious beliefs, for example? Laicity well understood is not opposed to the acknowledgment of the religious fact by the political democracy, nor is it offended by the plurality of confessions as long as they conform to common law. But if, as is the case for certain expressions of Islam, the religious belief is accompanied by behaviors and practices contrary to European legislation, for example the family status, freedom of consent to marriage, polygamy, what should be determinant: the sincere respect of convictions in the framework of pluralism or the conformity to the common law? Where is the point of balance between the acknowledgment of diversity and the need for cohesion of a political community? This question is one that the peoples of Western Europe and the leaders of the European Union will not be able to avoid and to which they will have to find a common answer.

Participation and apprenticeship in democracy

Democracy, as we have seen, is not only a more or less theoretical answer to an academic and juridical problem of the best form of government; it is also a practice that calls for apprenticeship. If it is true that democracy postulates the participation of the citizens and that, to survive — and all the more to develop — it needs the participation and adherence of the citizens, then the latter must have the opportunity to become aware of their belonging to a democratic political society and be trained in the exercise of democracy. But in our societies, when do they have such an opportunity? There are the electoral consultations. These are essential and the participation in them gives an indication of the citizens' interest in the public affair. In this regard, the indications are ambiguous and open to different interpretations. From one country to another, the differences are not negligible; it is not the countries reputed to be the most democratic that necessarily have the highest participation. In the same country, the participation varies notably according to the circumstances and the type of election. From the mass of consultations, one constant stands out: the participation varies according to the importance of what is at stake or the idea that the electorate has of its power to influence the outcome of the consultation, which after all is a proof of common sense. The factor that no doubt best explains the relatively weak participation is the doubt about the usefulness of participating: what is the use of voting if the ballot only ratifies the fait accompli, or worse, if those to whom we have delegated the power are powerless? Today what threatens most seriously the participation

in political life, and consequently the trust in democracy, is no doubt the growing feeling — before the powerlessness of politicians to remedy the crisis — that politics cannot change the course of things. If it is true that politics has no power over history, what is the use of affirming that the people are sovereign? There ensues a feeling of resignation to fate. Every political action, and democracy more than any other form, supposes a minimum of trust in the men's power to make history.

A look at the recent past of democracy shows that it has given several occasions for the citizens to live their belonging concretely, which were so many symbols of the principle that politics is everybody's business. I discern at least three whose universal nature transformed heavy burdens into acts of democratic participation. One was the participation in public expenses; in this regard the Revolution's substitution of the term "taxes" with "contribution" is significant. Another was the application of the idea that everyone must participate in the common defense in the armed services, with the eventual possibility of paying with one's blood. The third concerned the exercise of justice; since in a democracy it is in the name of the people that justice is done, assisted in the procedures of criminal judgment by the representatives of the people in a popular jury. But, for reasons that flow from objective changes and others that result from the evolution of mentalities, it happens that these operations have lost their universal character and have been purely and simply abrogated. In most of our countries, as a result of the demand for equality inseparable from democracy, we have a tendency to exonerate an increasingly number of tax payers. Thus, in France today, it is half of the taxable households who are dispensed from paying the direct tax. They have lost the opportunity to feel as full fledged members of the community of which they would assume the burdens and hold the responsibilities; but instead the only relationship they have with it is that of consumers and recipients of assistance. The suppression of conscription and its replacement by a professional army has similar effects on the relationship of the citizen to the community. It is to be feared that the dissolution of these bonds may have negative consequences on the sense of belonging and the development of a democratic awareness.

Democracy: a precarious acquisition to be continuously re-invented

We cannot insist too much — and we will end on this point — democracy, more than institutions and principles, is a state of mind. It is the willingness of each one to prefer the good of the whole to particular interests. It is the fruit of an education. Democracy, as an idea as well as a

practice, does not come by itself; it is neither an intellectual evidence nor a spontaneous behavior. It is neither in the nature of things nor in the order of instincts. On the contrary, it goes against natural appetites, it contradicts the desire to dominate, to impose one's view point. It is not natural to accept that others may think differently, and even less to side with an opinion contrary to the one that obtained the consent of the majority. Democracy — and we cannot insist too strongly — is the product of the intelligence and the will; it is one of the inventions of the human genius. It is a second nature which is first the product of a culture. Just as it could not emerge without the conjunction of the intelligence and the will, so too it cannot survive and develop without the concurrence of the two. Because it is not natural, there is the danger that nature will come galloping back and carry the fragile construction of democracy away. Even if today we can rightly judge that democracy is firmly installed in Western Europe, this firmness must not give us illusions; the past has taught us the precariousness of democracy. Hence the need for an apprenticeship in democracy, for an education in democracy that will guarantee its continuation in coming generations, that prepares the future. There is no city without citizens, democracy without democrats; hence the formation of the citizens is part of the defense of the progress of democracy. On this chapter the Churches have responsibilities in the measure of their influence and their audience; they can nourish and stimulate the reflection on the foundations and applications of democracy. They can instill the respect for institutions and the rule of law; they can participate in the education of freedoms and teach disinterestedness, honesty, devotedness to the public good without which there is no political society, and even more no democracy, that functions correctly.

DEMOCRACY IN POST-COMMUNIST COUNTRIES

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I. The history of most post-communist countries, especially in Central Europe as well as Baltic states is inextricably bound up with the concept of democracy. The special case is Poland with its historical tradition of the first on the continent May 3rd constitution of 1791.

But what was much more important for the current democratic transformation was the crucial role of intellectual forces which shaped the nature of the struggle of communist societies against communism after 1945. The leading role has been played by Poland. The perception that the Yalta Accords represented a finality in Poland's and other countries' European role, and that the question of national independence was settled in the negative for the foreseeable future, meant that for the vast majority of Polish [but not only Polish] intellectuals resistance to communism was rooted in the language of democratization rather than national liberation. This rested well not only with the liberal traditions of most post-war intellectuals, but also with the possibility to use the official language of Marxist rhetoric as a vehicle for promoting intellectual concepts which were rejected by the official post-war political establishment. This phenomenon we could also notice in Czechoslovakia and to some extent in Hungary. For Catholic intellectuals the watershed of Vatican Council II, in many ways couched in terms of a democratization of the Catholic Church, opened the way to using the same language in the political sphere. The highly influential Polish Catholic monthly "Wież", published openly in communist Poland and under the influence of Tadeusz Mazowiecki, then a proponent of the Mounierist vision of personalism, was also instrumental in introducing the language of democracy into political debate.

The solidarity revolution of 1980-81, although as much a national movement as a democracy movement, also couched its identity in terms of "democratization" of political life in Poland. The same rhetoric was used by intellectuals in Czechoslovakia — Charta 77, and then by the Civic

Movement in Hungary. So strong was the rhetoric of democracy that it was extended to the economic sphere, for it was during this time that one can see the greatest support for the concept of worker self-management within intellectual circles, seen very much in terms of the democratization of the work-place. Such democratization was seen as the only viable method of economic reform of the centrally-planned economy, in conditions where the introduction of private property was regarded as a political and technical impossibility.

It was also one of the biggest misunderstandings. Nobody then spoke on free market, privatization etc. It was a kind of agreement for the so called third road.

In Poland the Round Table agreements of 1989 themselves, the first agreement between opposition and communist leaders, were perceived as a "democratization" of Poland's political system, and not as the introduction of democracy itself. (The acceptance of the leading role of the communist party was included in the agreement). Even at this late historical stage, the dominance of the Soviet Union in Central Europe was understood as given, and the rhetoric of national independence subsumed to the language of democracy and human rights. It was difficult for it to be otherwise; especially, since the 1970s this had been the language of anticommunist activists everywhere in Central Europe, following the acceptance, at least in propaganda terms, of the Helsinki human rights accords by the regimes of the region.

So when we speak about the relationship between the transformation after 1989 and democracy, this has to be understood in the context of the prior acceptance of the language of democracy by almost all the leading actors of this transformation, including post-communists. The crucial difference was that whilst even as late as 1989, post-communists spoke of "democratization" in the hope that this process would fall short of full democracy, the anticommunist opposition did so in the hope that it would be the first step to the complete democratization of political life in the country. In the Soviet Union this was the case of Gorbachev.

II. Now, six years after the collapse of the Soviet Empire, the question is still valid. What does democracy mean for post-communist countries?

In his report, Prof. M. Schooyans cited a definition of democracy which is extremely important to our discussion. He referred namely to that contained in the encyclical *Centesimus annus*, 46, stating that the Church appreciates democracy as a system ensuring citizens of participation in political decision-making. It guarantees the governed the possibility of

choice, of overseeing their own government and, when the situation warrants, replacing it in a peaceful manner with another.

In connection with developments transpiring in the post-communist states, I believe that further quoting from that encyclical is necessary. Democracy may not foster the emergence of narrow decision-making groups which, for their own personal gain or ideological reasons, take over power in a state. Another emphatic statement declared: History teaches that democracy bereft of values can easily metamorphose into open or camouflaged totalitarianism (46). Also important is the encyclical statement: The demands of society are sometimes considered without reference to the criteria of justice and morality but rather in terms of the votes or financial might of the groups behind them (47). Those words of the Holy Father are extremely important, as they point up possible deformations of the democratic system.

They are particularly relevant to the newly-emerging democracies in the post-communist states. The democratic procedures arising there are weaker, and weak democracies face many more threats. These form part of a broader social and economic context. As a result, the problems of democracy in post-communist states encompass a broader range of topics for discussion than a simple analysis of rules governing free elections and the organisation of state organs. Very important is also the manner and method of exercising power. It is that which often decides the actual substance with which formally democratic points of the constitution and other laws are endowed.

One should never forget the negative legacy of those states involving a dichotomy between declarations of democratic, constitutional principles and the actual practice of political power in the previous period. The governments of those countries had no problem enshrining freedom of speech in the constitution, whilst maintaining preventive censorship. They may "guarantee" freedom of association, whilst ensuring the leading role of the communist party and banning all opposition parties. It is no wonder that the present opposition in Poland and other countries, in which forces with ties to the communist party have returned to power, is apprehensive. Those anxieties do not so much concern the restoration of the former political system, because in the changed environment and amid present conditions that would be quite impossible. Instead, the fears centre on the methods being used. Even when the law is democratically formulated, such methods can distort its sense and exert a negative influence on the development of public awareness.

If we perceive "democracy" as a set of formal rules governing political life, then I think we can agree that democracy as the basis of the political

system is a fact in the majority of post-communist countries. The best examples are the new constitutions of post-communist countries, including traditional democratic principles. Yet, democracy as an established system of behaviour is still in the process of formation. In order to assume a mature form, it must be at work for a longer period of time. But it is not only a question of time. The development of quasi-democratic attitudes over an extended period of time may turn against true democracy. It must be remembered, after all, that the societies of the post-communist states were not moulded to function democratically. One should not lose sight of that important social aspect. These societies often lack what might be called a sense of democratic attitudes, and often quite the opposite is true. Frequently a tendency to support authoritarian methods emerges and such methods may gain greater acceptance than democratic ones as a way of putting things in order.

The Belarussian example may be invoked. It is difficult at present to evaluate whether the recently-conducted referendum was fair. But there is no doubt that a majority of Belarussians succumbed to erroneous demagoguery and voluntarily supported the referendum. That example probably best illustrates the way democratic processes, one of which is undoubtedly a referendum, can be exploited in a frustrated society accustomed to life in a highly centralised, omnipotent state.

In every system, the economic situation — including unemployment — is an important factor bringing about changes of government in successive elections. In this respect, the stable democracies are no exception. In the case of the post-communist countries, however, this problem takes on a different, more dangerous dimension, because it can strike a blow at their still frail democratic foundations. In the stable Western European democracies, changes take place within the democratic order, within the framework of established ground rules in which no-one undermines the essence of democracy. However, in the post-communist states, where democratic structures are being created or restored, such changes in certain situations may damage the development of democratic structures or halt it over an extended period.

All the post-communist states have gone through or are going through the stage of implementing the democratic electoral process in order to remove from office those who had activated democratic processes and paved the way to free elections. This democratic paradox does not undo democracy as long as the new group in power retains free elections and allows for a future change of political teams. Such was the case in Lithuania, Hungary, Poland, Bulgaria and Romania in the years 1993-1994.

In a number of those countries, another change in the ruling echelons is taking place. That is a good sign meaning that democratic processes have taken hold. A good example of this are the latest elections in Lithuania and the presidential poll in Romania.

III. A common tendency of all those countries after the collapse of communist rule was a return to traditional democratic principles developed by the western democracies in the course of their constitutional development.

The general principles of so called socialist constitutionalism were contrary to western democratic principles. The most characteristic features of that system included:

1. Rejection of the separation of power and its replacement with the principle of unity of power;
2. Acceptance of the concept of citizens' rights rather than human rights;
3. Recognition of the will of the state as essential to creating individual freedom [rejection of the personalistic concept];
4. Recognition of the leading role of a single party which meant the rejection of political pluralism;
5. Rejection of the concept of monitoring the constitutionality of law by constitutional courts, owing to the binding principle of unity of power and the supremacy of parliament among state organs.

The entire catalogue clearly shows that this marked an attempt to construct a system alien to the European constitutional tradition. That was amply demonstrated in practice. The moment the Soviet-influenced communist system collapsed, there emerged a general tendency to restore the traditional tenets of European constitutionalism. Those tenets were regarded as the cornerstone of a democratic order unlike the principles of socialist constitutionalism which paved the way to an authoritarian system.

Both in the countries that had been a part of the Soviet Union itself, such as the Baltic States, Ukraine or even Russia, as well as in those which had been elements of a broader scheme of things as in the case of Poland, Hungary, the Czech Republic, Slovakia, Romania, etc. — the tendency was to return to traditional democratic principles.

Those principles include:

- 1) the sovereignty of the nation;
- 2) free elections;
- 3) guarantee of human rights and freedoms (based on the personalistic concept);

- 4) separation of powers;
- 5) constitutional judiciary.

Amid the arguments and entire phraseology of returning to Europe, the tendency to invoke constitutional tradition and to restore constitutional principles rooted in the European legacy have become one of the visible elements of the return to Europe. That aspiration is explicitly expressed, for instance, in the preamble to the Constitution of the Czech Republic of 16 December 1992: "We, the citizens of the Czech Republic (...), determined to build, protect and develop the Czech Republic in the spirit of the inalienable value of human dignity and freedom (...) as a member of the family of European and world democracies ...".

A characteristic thing is a stronger tendency among post-communist states than among traditional European states to enshrine in their constitutions precisely those principles which had been eliminated and which are regarded as the foundation of democratic order emanating from European tradition.

These include issues centring on the definition of the status of the individual. As a result of Western European evolution, the concept of human dignity, together with the concept of freedom, has become an integral element of political relations. Those two concepts have delimited the scope of the catalogue of human rights.¹

An analysis of each of the above mentioned principles would require a separate monographic study. That is not the aim of my presentation.

I would like to point out one problem which is of special importance in constitutional discussion as well as in practice in some post-communist countries. It is the role of the head of state (president).

In some countries one can observe the tendency toward a very strong power of the president. For example: Ukraine, Russia, Belaruss. Even in Poland the system is not clear. To some extent it is a parliamentay-presidential system.

The crucial problem is what are the checks and balances in such a system, (impeachment, counter-signature etc.). One can have fears that all provisions giving a special position to the president in extreme conditions can lead to an authoritarian system. I think that this danger is not imaginary but quite real in the system, where the omnipotent role of the first secretary of the party is still vivid. The last development in Belaruss is the best example.

¹ I have made a broader analysis in my paper "European Constitutional Heritage and Social Particularities", presented at the Conference in Montpellier organised by the University for Democracy under the auspicy of the Council of Europe, November 1996.

IV. The common tendency, to come back to democracy, was quite obvious. It was a clear negative reaction to the deformities of the previous system. Some constitutional rules were born under the influence of the general sense of euphoria that accompanied the collapse of the old system. Often, especially when new constitutions emerged very rapidly certain solutions known to Western European constitutionalism were emulated rather mechanically.

The question arises — how deeply have the new constitutional provisions based on personalistic concept and separation of power taken root in the individual societies? How stable are they? What role do they play as guarantees of democratic order?

In light of the foregoing, I believe that it is not constitutional solutions themselves, whose significance I do not question, but rather potential threats to democracy which in future may decide the course of development in the post-communist states. At the moment I would like to call attention to the threats to democracy appearing in post-communist countries. One can enumerate the following threats:

- 1) economic difficulties;
- 2) public passivity;
- 3) the existence of undemocratic forces capable of threatening the democratic form of government;
- 4) a lack of democratic tradition and political culture;
- 5) weak democratic institutions;
- 6) a poorly-organised party system;
- 7) an unstable legal system.

The economic and social processes taking place in post-communist Europe are more closely interconnected than in the traditional democracies. As a result, all fluctuations and threats in the economic or social spheres constitute a much greater threat to democratic processes than elsewhere. Each analysis of those countries' democratic processes as well as every attempt to assess the progress of democracy requires a broader consideration of the state of their economies. It is largely such influence that shapes the condition of society, the way it perceives democracy and what is traditionally known as democratic behaviour. In my view, the freshest Belarussian example convincingly backs up that statement.

One should recall that the construction of democratic institutions following the collapse of the Soviet Union coincided with the development of a market economy in place of a centrally-planned economy.

The economic condition of the post-communist countries was very bad. Polish economist L. Balcerowicz refers to it as destroyed capitalism and

says that the starting point for market orientated reforms was much worse and much more difficult than, for example, in Germany on 1948 or in South Korea in the early 1960s. In those countries, all that was needed was to free the economy from administrative constraints (in the case of West Germany), or to reorientate it from a regime based on import-substitution to one geared towards exports (as in South Korea's case). The course of reform in post-communist countries in the last few years can only be understood if one takes this background of weakness of the main opposition parties, and contrasts it with the strength of social forces which remain resistant to reform. The creation of a capitalist system required a base of property owners with all the attributes of behaviour that implies, and in 1989, such a group did not exist. Whilst initial surveys found that societies in Central Europe were theoretically in favour of reform, at the same time it might be said that no clear part of societies was interested in the change in practice. The fall of communism in 1989 was based essentially on a moral wave of rejection of a system which was perceived as unjust and undemocratic. Yet that did not imply positive support for capitalism: support for economic reform was purely theoretical. In real terms, most of post-communist society was interested in maintaining most of the myriad industrial and sectoral privileges of the socialist economy, together with the welfare functions of the state.

The market economy, because of its function in allocating resources according to relative prices and not political decisions, effectively cut across the interests of those groups which, paradoxically, had been the most active in overcoming communism, namely workers in large state enterprises and private peasant smallholders. This was especially the Polish case. In addition, the fact that many believed that the new entrepreneurial class had obtained their wealth not through talent but by lawbreaking and old communist connections served further to delegitimize the new middle class as an acceptable social model.

Several other factors were important in fostering alienation from the reform process in conditions of democracy. The pursuit of reform policies that had to be compromises with social interests meant that many sectors of the population were unable to identify their economic interests with the new economic order, which remained a hybrid, rather than a fully functioning capitalist system. In particular the average worker came to see privatization as a threat to his present condition rather than an opportunity for the future. In 1989, the market had been perceived mainly in terms of access to a multiplicity of goods, and much less as a demanding mechanism in the workplace, requiring adjustment of labour roles, responsibility and increasing social stratification. For many workers, there is still an immediate tendency

to direct protest towards the political centre, whether it be a ministry or government; and there is still the tendency to view the state rather than the market as a distributor of resources which can only be extracted by organized political pressure.

The initial successes of the Balcerowicz programme in Poland were as much due to the public wave of trust in the Solidarity movement, as they were to any conscious public support for reform. The period thereafter is essentially about the falling away of this fund of moral credibility, and its replacement by interests rooted in the socialist system, combined with an increasing tenacity by policy makers to surrender to the very interests they sought to combat. These failures should not overshadow the very real progress the Polish economy has made since 1989. Real growth, at 7% per annum in 1996 is one of the highest in Europe, and is evidence of the liberating effect that the removal of the worst aspects of the communist economy has had on economic growth. However, it also serves to demonstrate the real paradox with which reformers felt they were faced from 1989 onwards: how to carry out a radical reform, which will undermine the real interests of large social groups in the country, without risking electoral rejection? The impossibility until now of squaring this circle has meant that the key problems of the economy in many post-communist countries remain unsolved, and that such an unsustainable situation will require an even harsher remedy in the future.

Although the extent of the economic reforms have not been as deep as necessary in order to lay the foundations of long-term growth, there is little danger of the reestablishment of full-blown state socialism. Similarly, although I do not foresee any danger of forces hostile to the democratic process coming to hold any real power in the country, I do see the danger of a hybrid political system developing, much as we have seen the development of a hybrid economic system. The political paradox in many post-communist countries has been that the rapid establishment of democracy has enabled political forces who do not understand the delicate balance of constitutional rights and obligations to emerge on a wave of dissatisfaction of the population with democratic parties. Again, these political forces do not question the nature of the democratic process as such; they merely act to commandeer institutions which are part of the democratic fabric, such as the civil service, political nominations in the economy, the media and the diplomatic service, and use this new entrenchment to seek to prevent the entry of democratic political forces. Just as we see the phenomenon of rent-seeking in the economy, so I call this process the emergence of political rent-seeking through a monopolization of democratic institutions by one political option.

It is obvious that democracies develop easier amid economic growth and the accompanying social order. All the countries of our region, however, over the past six years have experienced recession and profound social change. For that reason, unfortunately, democracy is associated by many with recession and confusion. After seventy or forty years of restricted social initiative, many social groups are still under the spell of passivity and restrict their activities to the sphere of family.

According to Polish sociologist Prof. E. Wnuk-Lipiński, the paradox of our transformations consists in the fact that market economy, which abhors central management, is being imposed from above. The institutions of a democratic state, which should develop with the active participation of society, are also being built from above.

A common experience of the new governments in the post-communist countries was public passivity. For that reason, many changes in those countries have to be accomplished at the central level first. Only after the mechanisms developed under the previous system have been destroyed can individuals and new organisations begin to develop normally.

Continuation of policy reforms from above is becoming increasingly difficult. Several distinct options have already appeared. Some of them involve the prospect of public mobilisation round certain slogans invented by political élites. One slogan called for the formation of a civic movement centring not on specific policies but on the ethos of action developed during the period of anti-communist opposition. Another idea has pinned its hopes on revival through general privatisation. A third slogan called for the acceleration of reforms. (The latter was a major campaign issue during the 1990 presidential election campaign).

In contrast to the concept of overcoming the passivity through gaining support for slogans devised by the political class, there have emerged ideas stressing the necessity of filling the social vacuum between the family and the state. Among the ideas being debated there are two that need mentioning — namely: corporatism (in Poland) and the formation of a state based on the principle of subsidiarity.

The first of the latter two concepts was formulated on the basis of the experiences of *Solidarnosc* (the Solidarity free trade union). Its point of departure was the realisation that the modern Polish political system is based on the social contracts of 1980 and 1989 and that a new arrangement must be a social contract consisting of several primary settlements. This model of the state, as conceived by its extreme advocates, would involve the direct participation of trade unions in government decision-making and their significant influence on the legislative process. The character of democratic institutions would be broadened by the introduction of

negotiations designed to resolve major affairs of state by contract. This line of thinking would distort the essence of democracy by excessively favouring certain social groups within the political system. Some proposals going to this direction can be found in the new draft constitution drawn up by Solidarity.

An alternative to corporatist solutions might be proposals based on the conviction that the state — as a common good should not be taken over by any one professional or social group. This conviction stems from the principle of the subsidiarity of the state. That means — as Pope John XXIII wrote — that state authorities should support and stimulate the initiative of private individuals in a manner allowing them to implement certain planned tasks.

The creation of intermediate structures so important for the stability of the democratic system can also help to overcome public passivity. As the encyclical *Centesimus annus* formulates: It is not only the state which is the expression of man's social nature but also various intermediate groups, beginning with the family and ending with economic, social, political and cultural communities, which have their own autonomy — always within a wider common benefit — as a manifestation of human nature. As Pope John Paul II writes: This is what I call the *subiectivitas* or the activeness of the social which, along with the *subiectivitas* of the individuals — was annihilated by real socialism.

As regards undemocratic forces, these may be encountered in every society. Sometimes they use democratic slogans and that makes them all the more dangerous. A justified struggle against undemocratic forces always poses a certain danger to advocates of democracy. In trying to defend this fundamental political value, they may seek quick, direct and effective methods. In so doing, they may approach measures which cannot be reconciled with democracy and consequently strike a blow to democracy. Every democratic society faces the challenge of assessing such undemocratic forces and seeking balanced means to oppose them. That boundary is often a very thin line. For that reason, democratic societies are often inclined to tolerate even undemocratic attitudes as long as they do not constitute a direct threat to the state order.

It must be remembered that the creation of democratic processes is the only truly effective way of limiting the influence of undemocratic forces. If this is to take place in accordance with democratic methods, it must remain within the framework of that process. It cannot be bypassed or delayed. These remarks refer of course to undemocratic forces in a society whose authorities apply democratic methods. The problem takes on a completely different dimension if the authorities resort to undemocratic methods. Again I invoke the example of Belaruss.

What type of methods should be employed in that concrete situation? Is it an acceptable form of democratic protest for MPs not approving Lukashenka's methods to remain in the parliament building?

The situation becomes even more complicated when society gives its support to such undemocratic methods, hoping to improve their lot thereby.

In such conditions, what kind of influence should be exerted on society and how should desirable democratic attitudes be moulded? I believe that this is also our task. Seeking answers in the social teachings of the Church is a pursuit of solutions to practical problems, not only to those arising from theoretical reflections.

As I have mentioned above a lot of democratic procedures and methods in the post-communist states are always in sharp confrontation with society's economic situation. We cannot determine with any great precision what is the degree of authentic public support for democracy. The ease with which those societies shifted their support to parties rooted in the former system attests to their relatively negligible attachment to the concept of democracy. It may also reflect the conviction that democracy is not threatened by anything, whilst the return of the former ruling group may guarantee the social security so characteristic of the period in which the state was the main, or in fact the only employer and organiser of an individual's life. And here the question arises — to what extent is such public behaviour the result of manipulating public opinion, of treating it instrumentally to achieve *ad hoc* political goals? (Such a warning is found in the encyclical *Centesimus annus*).

When discussing undemocratic forces in society, one should not overlook what is a very important and controversial issue in post-communist countries, the problem of vetting and decommunisation. The problem of decommunisation in particular has caused difficulties. This problem is important from both a moral and legal standpoint. It should be noted that no Central or East European state has declared the communist party a criminal organisation. Was there a lack of political will or of justification? One may state that the principles of justice embodied in democratic penal law pose a challenge to decommunisation bills. Difficulties in enacting the proper material laws, reflecting European standards, were on more than one occasion the reason draft decommunisation laws were ultimately abandoned.

These remarks refer of course to decommunisation in the strict sense of the word, that is to solutions disadvantageous to groups of individuals because of their former membership of the communist party or the senior posts they held in its apparatus. The questions arose — if we are to build a democratic system, can we at the start of that process adopt just, albeit

undemocratic solutions? Opponents of decommunisation argued that limiting the rights of large groups of individuals constitutes a dangerous precedent. Could not the limitation of rights as a normal mode of operation easily become a habit? This problem recurred in many countries after post-communists returned to power as a result of elections. It was stated that decommunisation would have prevented a comeback of the forces of the *ancienne régime*.

One should also realise that large-scale decommunisation could directly or indirectly affect a considerable section of society and lead to the deepening of social divisions or even the collapse of the still fragile democracy.

These questions have by no means lost their currency. The failure to carry out decommunisation continues to divide for example Polish society. The final word on this issue has not been spoken.

For that reason I should like to reiterate the question: is decommunisation indispensable for the activation of truly democratic procedures or, on the contrary, would it nip them in the bud? What should be the scope of decommunisation? The Czech Republic constitutes a positive example in this area. But it would be difficult to say whether the Czech experiment would succeed in other countries.

With regards to democratic traditions, it must be stated that the countries of this part of Europe did not have the historical opportunity to develop a mature, democratic culture. The majority of them did not have the possibility of developing their own political system at the time when the democratic systems of Western Europe were becoming stabilised. Most of those countries at that time formed a part of another super-power. Some of them, such as Ukraine and Belaruss, had never had their own independent statehood. A common feature was the fact that truly democratic mechanisms did not function in any of them. The dichotomy between an attachment to democracy on the one hand and the extent of democratic behaviour on the other led to a very weak psychological infrastructure of democracy in those societies. As a result, the uncompromising struggle against political rivals, rather than their programmes — a feature typical of many countries with stable democracies — could produce dangerous consequences in our countries, although they cause negligible harm in the West.

Stable laws play a big role in the process of moulding democratic attitudes and democratic mechanisms. An instrumental approach to the law is one of the chief threats to democracy. Nonetheless, the instrumentalisation of the law may be observed in different states. The most glaring example is Belaruss. But on a smaller scale, that tendency may be found in other countries as well. That became clearly evident in Poland in the course of the president's disputes with the government and parliament over the scope of presidential powers.

It should be stressed that the rates of democracy and of a freedom-oriented legal order are a reflection of the value of the law. An unstable law is a bad law. A state order, in which the law is treated instrumentally as a tool for achieving political aims, is a bad state order. A perception of the law solely as a method of achieving one's own group's or party's political objectives is incompatible with the principle of a law-abiding state.

Periods of rapid transformations also produce side-effects such as economic pathology and fraud. It is very important that these phenomena should not become permanent. It is very important for us to avoid the intermingling of economic and political structures which poses a very grave danger to democracy. This danger is extremely acute in the post-communist countries, in which the memories of various kinds of state aid — arranged in the past four decades through personal connections with those in power — are still vivid. This is also a threat to our democracy and a warning to the authorities.

Hence it is imperative that transparent procedures should be introduced wherever the state is involved in the economy. The scope of licensing should be reduced and those licences, which have to be retained, should be openly allocated in accordance with clear administrative procedures.

I have described the degree to which the ethos of change before and after 1989 was dominated by the rhetoric of democracy. Yet the reality of change after 1989 was that the forces and institutions supportive of democratic order remained weak, whilst the social and economic strength of those who remained disinterested in the democratic process did not change to any significant degree. This is best illustrated in the nature of the political party system after 1989, which remained particularly weak as far as the anti-communist political parties were concerned. Partly as a result of personal animosities dating from the period before 1989, and partly because of the natural tendency to pluralize in the initial period of post-communist rule, post-communist countries' political scene saw a proliferation of parties of every conceivable hue. Many of these, moreover, were based around obscure historical and ideological conflicts rather than policies which addressed society's pressing problems. Parties were further weakened by their inability to organize at a local level, encourage local politics or speak in a simple language. Instead, most pro reform parties confused and alienated the public by indulging in politicking and highly abstract theorizing, enabling the post-communist parties with their substantial assets and financial resources to stake their claim as representatives of ordinary citizen. Social depoliticization can also be seen as rooted in the abstract political language used by politicians, their private bargaining, and constant short-term shifting of tactics, which served to persuade many of the public of the secondary importance of voting as a means of changing political reality.

Indeed the failure of Solidarity in Poland to be an active player in the pro-reform camp in this early democratic period was a significant weakness. Solidarity's dilemma by the early 1990s was that continuing support for the Balcerowicz programme would have eroded its power base in large state factories and opened the door to populist resistance outside its structures; conversely opposition to reform in an absolute sense would have cut across its own pro-reformist self-identity. (The situation was similar in Ukraine, Russia, Slovakia). The resulting paralysis of the union was therefore an important factor in demobilizing popular backing for the democratic governments of this period.

The structure of the Polish political system between 1989 and 1993 was not, therefore, conducive to the implementation of a successful reform programme. The inability of democratic parties to focus on the critical issue of reform, and their tendency to define themselves according to personality and myth, resulted in paralysis and an increasing confusion among the electorate about the real issues of political debate. This lack of clarity and leadership opened the door to opportunists from both left and right who were able to present themselves as political alternatives without explaining the policies they would follow in government. In contrast, the post-communist parties were able to reap a double dividend: from criticizing in unscrupulous fashion the entire thrust of post-1989 reform, and also from the financial benefits which were accruing to them and their supporters from their economic activities in the new market environment. By 1993, they were able to reap the benefits of their own supposed professionalism and refashioned political images.

My own experience as Prime Minister illustrates well the weakness of Poland's party system at that time. My government was a grand coalition of seven non-communist parties in parliament. But the very nature of the government meant that much energy during the fifteen months of its existence was devoted to balancing the competing claims and agendas of its component members. In the end, it was democracy itself which led to the downfall of the government and the opening to new elections which saw post-communist forces victorious: paradoxically it was the votes of the Solidarity trade union members in parliament that forced through a vote of no confidence, after which I was forced to resign.

The experience of post-communist countries over the last seven years has therefore raised interesting questions about the relationship between democracy and reform, but provided no easy answers. Certainly, the fidelity to the democratic ethos prior to 1989/1990 made it impossible for the new elites after 1989/1990 to do anything other than to act within its framework, if they were not to risk their own self-identity. On the other hand, the

tensions between democracy and reform were evident and the fear of populist forces gaining the upper hand in elections was real. In reality, it was not only populism which began to undermine the base of reform forces within the democratic process, but also the inability of reform forces to implement an effective political strategy within democratic conditions, and an inability to understand that winners in democracies are not those who have right on their side, but those who are the best organized. It was for example the case of Gaidar in Russia. Now the challenge for those who wish to restore both the democratic process and economic reform to full health is whether they will ever again be in a sufficiently dominant position within an already weakened political process to effect the reform changes necessary for long-term economic growth. Only in such conditions will it be possible to see the emergence of entrepreneurial social forces that have a vested interest in the development of economic freedom and can form the "Spirit of Modern Capitalism" upon which liberty ultimately rests.

LATIN AMERICA: DEMOCRACY IN DIFFICULT TIMES

CARLOS A. FLORIA

SUMMARY - For most of the countries of Latin America the century is drawing to a close in the midst of diverse experiences, with more or less consolidated democracies, insecure democracies, or regimes more akin to authoritarianism or totalitarianism (the case of Cuba warrants separate study) than to democracy. A recent study warns of the tendency towards fragile or insecure democracies, identifying four totally democratic countries in the region, three with authoritarian régimes (even though they claim to be democratic), and 15 that fall into one of the following categories: partially illiberal democracy, competitive semi-democracy, restrictive semi-democracy and semi-competitive partially pluralist authoritarianism. For all the apparent complexity of this classification, current political analysis reveals two facts: that in Latin America democracy is still the principle that predominantly bestows legitimacy; but that the majority of Latin American countries fall into intermediate categories along the democratic/non-democratic continuum.

Analysis of those processes requires various “readings”: readings of history, of societies, of the economy, of institutions, and of values (this last being a view that explores the democracy’s state of moral health). Even though the reading of history should examine the political and cultural traditions of the Latin American countries since colonial times and of the revolutionary pro-independence processes and their consequences during the last century, which revealed certain specific characteristics interpreted as “structural” by some, we feel that the exchange of ideas for which we have gathered here should focus our attention on the national and international factors that have prevailed during the last quarter of this century, and more immediately, in the present decade starting in 1989. It is a fact that during this final decade age-old historical characteristics are fast dissolving into problems, conflicts and dilemmas that are concurrent in virtually all countries of the region, albeit in different forms of their own.

What first attracts our attention during this latter period (1989 to 1996) is the uneasy coexistence of *political democracy* and critical *economic emergency*. This dilemma is more novel than it seems, especially when viewed in perspective. The earliest governments of the transition to democracy were too quick to identify

economic hardship with the authoritarian régimes they displaced. Inflation and foreign debt, combined with other considerations, clearly showed that the welcome arrival of political democracy went hand in hand (in Bolivia, Ecuador, Brazil and Argentina, to name a few) with underestimation of the *economic emergency*. And this augured ill for the *governance* of democracies.

The experience of those years underscored the distinction between the early days of the transition, marked by the rehabilitation of the *institutions*, and a second period when our democracies' legitimacy was beset by pressing problems of economic *crisis management*.

This feature — common to a region which, although at different stages of democracy, is converging for the first time in decades in a single principle of legitimacy, means that the “reading” of the institutions called for “more government” (greater democracy management capacity) when authoritarian régimes were left behind, with the result that they are long on government and short on efficiency. The threat of *ungovernability* reminds us that democracy is *first of all a system of government*.

Differences in traditions were mirrored in the reactions to this discovery. For instance, in Uruguay and Chile co-operation strategies took pride of place. In Argentina and Brazil it was confrontation. But virtually everywhere, governments resorted to an historic Latin American response: the considerable influence of *presidential management teams*. These were to become the agent of economic shock therapy programmes applied through actions agreed among themselves and decisions formulated by cabinets of technocrats. The economic emergency and, in some cases, crises of runaway hyperinflation led to “mass praetorianism” and its logical concomitant, “decisionism”.

«Decisionism”, which is autocratic and discretionary in *style* has not been the exclusive preserve of Latin America, as evinced by “Thatcherism” in Britain, “Reaganism” in the United States and other similar experiences in developed democracies. Nonetheless, the *fact* that particular circumstances impose the same style of policy-making does not mean that the consequences are the same for *non-consolidated* democracies.

Latin American democracies have *three tasks* ahead of them in regard to their political and economic dimensions: the return to of *civil society*, *institutional* renewal that would ensure responsible competition and pluralist participation, and *economic stabilization*. The intellectual proposal in the early transitions was to tackle these tasks *sequentially*. But the swift deterioration of the economy, growing social demands and collective disenchantment suggest that these two tasks must be addressed in tandem. This has only occurred in a very few exceptional cases (Chile), hence the myriad “types of democracy”, many of them fragile, that have so far turned out to be “hybrid régimes”.

It should be said, on the one hand, that the survival of our democracies sin the *short term* is linked to successful applications of “decisionism”. However, accompanied by strong doses of unpunished corruption, it implies the probable *long-term* corruption of democracy itself.

It is reasonable to infer from our experience that the relative *autonomy* that democracy enjoys in regard to its performance — encouraged by the collective

memory of the violence and injustices of the authoritarian past — vents collective frustrations on *governments* and not on the system.

But experience and intellectual responsibility show that the indirect benefits of governmental “decisionism”, condoned because of the drama of the economic emergency, do not last forever, nor are tendencies to democratic soundness inherent in their own internal logic. The quest for *congruence* between the “political constitution”, the “economic constitution” and the “moral constitution” in Latin American democracies is a necessary objective even in hard times, or perhaps precisely in hard times.

FOREWORD

Most Latin American countries are seeing out the 20th century under different experiences and “types” of democracies, all under the same umbrella principle of legitimacy. In itself this is positive, and it would not be wise to ignore this in view of the problems and dilemmas raised by the persistent difficulty of installing a political system that has shown that it is the best of all possible systems, while being the most fragile on account of its inherent complexity.

There is a great deal of literature on this subject. Philosophy and political theories continually return to the debate on “what” democracy is, and what we are talking about when we refer to it. This is not the purpose of this paper which sets out to provide a “map” to be used in the debate on what is happening to democracy, and to democracies in Latin America.

However it is necessary to point out that philosophy and political theories are revising past “models” of democracy and what is emerging from this vast *comparative* historical experience of democracy. The first major model to emerge is based on the principle of popular sovereignty, as an exclusive and excluding principle; the second model adds individual freedoms, rights and guarantees enshrined in a Constitution; while a third model, without setting aside citizenship — which broadens the whole issue of sovereignty in legal terms — introduces more actors, and the features of other forms of government to the point of setting up a “joint political system of State governance” [1]. In short, oligarchies, bureaucracies, technocracies, domination by political parties and corporativism of various kinds are infiltrating into contemporary democracies in a kind of relationship between the “pure” idea and “impure” reality. This not only applies to democracies in one particular region, or different types of democracies on the basis of their level or degree of development or consolidation.

While philosophy and political theory quite rightly examine what democracy is, Giovanni Sartori [2] has said in a few well-chosen words: “Of all the conditions for democracy, the one which is less frequently mentioned is the fact that wrong ideas about democracy make sure that democracy works badly”; what is done in the name of democracy may not be democracy, and may even reflect democracy in what it does. Tocqueville had already realised what Sartori is saying over a century ago when he said: “It is the way we use the words ‘democracy’ and ‘democratic government’ that produces the greatest confusion. Unless these words are clearly defined and we manage to agree on definitions, people will live in a total confusion of ideas which will only benefit the demagogic and despotic ...”.

Chapter I

THE ART OF POLITICS AND PRECONDITIONS

Before examining the most eloquent and important situations specific in Latin America, let us try to set them in a broader context, albeit closer to the issues of relevance to the region.

The political, economical and ethical analyses that make up a whole literature based on frameworks and theories relating to societies not only deal with the “models” of democracy but also the *problems of democratisation*.

This approach brings us to our specific theme, and as we shall be seeing it includes it.

Without ignoring the theoretical debate, we have to understand the perceptions, feelings and specific dilemmas which we are faced with seven years after the collapse or implosion of the Soviet communist empire. This implosion, which for historians marks the end of the 20th century, with all its progress, lessons and perversities, followed the euphoria of democracy and the market. This euphoria as such has ceased. And as Samuel Huntington [3] has said, “We too have become sadder but wiser”. A dominant ideological/military conflict has left the international stage and given way to a variety of different ethnic and nationalistic conflicts and religious politicisation, and the term “genocide” is cropping up time and time again with horrific frequency. In this ‘heady’ world, sober judgment, severe analysis, careful diagnosis and the right treatment is needed from the viewpoint of democracy. Experience tells us that in these areas, the last word is never said, no final phrase is set down for all time, and the last step is never definitively consolidated.

In most parts of the contemporary world where democracy is an issue we are not faced with *consolidated* democracies (which are still the exception, and have their own and by no means insignificant problems) but *transitional* democracies which, in the best of cases, are still seeking *consolidation*.

This explains why it is that when thinkers debate “democratisation” they are mostly concerned with issues relating to the political “art” of building up democracy as opposed to the “preconditions” for making an established democracy possible. The former rest on the ability of the elites and the political leaders, while the latter are dependent on the need to bring together, create or find in society the necessary economic, cultural and social preconditions for implanting democracy.

It is obvious that the debate leads to the desirable *interaction* between both positions because both have a role to play. Experience shows that a reasonable level of economic development, the prevalence of certain values, generally western, among which Christianity in its main forms is explicitly present, as well as the presence of leaderships dedicated to democratic values are contributory factors to democratisation, even though this does not mean that where these conditions do not obtain democratisation is impossible. The case of India is a case in point. But it is a fact of experience that preconditions do exist which make democratisation easier, and when they are absent democratisation is more difficult. This is the least one can say without intellectual or moral concerns.

It is also a fact of fairly recent experience that the *transition towards democracy*, varying in quality and conviction, and the fostering of human rights and the toppling of authoritarian regimes, are phenomena in constant but fragile expansion. This is why the dominant issue, the main emphasis in political thought and advocacy hinges around *consolidation*. Russia, Ukraine, South Africa, Mexico, Poland, Argentina, Nicaragua, the Czech Republic and Brazil — this is only an indicative list. They face different problems, even though we shall see that in some areas they coincide. Some problems have to do with ethnic, tribal and religious issues which all enter the contest to set up new democracies.

Other experiences of emerging democracies challenge the previously prevalent idea and experience that democracies are not prone to wage war. Yet in the “transitional phase” there have been many cases of aggressiveness, and in virtually all the transitions an atmosphere of “laissez-faire” has been and is still being experienced not only against all forms of authority — as a natural reaction to an authoritarian past — but laissez-faire in favour of a kind of complacent amorality which fuels crime, drug addiction, corruption and impunity.

These challenges to what has been called the “third wave” of democracy, which has been of benefit to people, are viewed with concern in view of the historical risk of *political U-turns*. In a sense, a novel situation that has arisen is that the challenges and threats are not spread by the enthusiasm of the anti-liberal and anti-democratic extremist militants that paved the way to totalitarianism of the Left and the Right in the throes of a crisis of the liberal democracies as occurred in the Twenties and Thirties (even though their heirs still exist today). They are spread by those who fear the *erosion* of democracy as a result of thwarting people’s hopes. The denunciation of a “return of the Reds” (former communists revamped as nationalists), the triumph of the “anti-system parties” with anti-democratic ideologies, such as the Islamic fundamentalists, the reaction against this threat of the “Pinochet option” variety, the emergence of presidentialist hegemonies leading to “plebiscite democracies” or potentially authoritarian democracies — all are alarm bells which are not only rung by the convinced advocates of the value of democracy, but also by applied comparative political scientists, albeit not neutral with respect to the values at issue. With this approach, the comparative analysis deals with so-called “alternatives” boosted by economic success, religious politicisation, the social order or general prosperity, without spelling out the human costs, the sacrificed values or the quality of the system of governance. Failure to take a “systemic” approach to human reality, of the kind set out in the encyclical *Centesimus annus*, usually leads to the “Islamic alternative”, “Asian authoritarianism”, “prosperity dictatorships” or “unavoidable hegemonies”, in competition with democracy.

Anyone who has experienced totalitarianism and even witnessed fleeting authoritarian successes can see more clearly why democracy alone is able to produce sound government over the long term, and why the foundations of democracy were justified in such beautiful terms by Reinhold Niebuhr: “Man’s capacity for justice makes democracy possible; but man’s inclination to injustice makes democracy necessary”.

Chapter II

THE '90s: SOCIETY, POLITICS AND THE ECONOMY

Part I. *The reconstruction of civil society*

The quotation I have just cited applies to the whole of Latin America without any appreciable exceptions between different national situations and even in certain critical situations where political transition has not yet even begun (Cuba).

It should be pointed out that the state of democracy in Latin America is not and could not possibly be unaffected by the effects of *globalisation* in the liberal democratic countries (in the proper sense of the term, as constitutionally guaranteed democratic states). Globalisation marks a *qualitative stride forward* in history whose features cannot be dealt here — but as David Held and Anthony McGrew [4] have said — it has two dimensions: extension and intensity, which make it necessary to redefine the extension and nature of the sovereign authority of the democratic state. It changes the security and power structures in the international arena. It alters the rules governing the world economy and the rules of international law, and it “internationalises” States themselves. Since the nation state is a prime “survival unit” of the modern age, all these effects occur when it no longer seems possible, at least in the present and foreseeable future, to conceive of democracy *without* a State.

In most of the Latin American countries the last decade has been the scenario in which three simultaneous processes, which are difficult to reconcile, have taken place: the reconstruction of *civil society*, the establishment of *political democracy* — in the transitional quest for consolidation — and the permanent or recurrent seige laid by the *economic emergency*.

The question of civil society emerges once again in Latin America on the basis of a theory whose broad version identifies it with a set of socio-political institutions: a public authority with limited power answerable to society; the rule of law, in which the law applies equally to governors and governed; a public sphere, a market economy, with no significant violence or corruption, and a network of voluntary associations [5]. As Victor Pérez Díaz has said, civil society viewed in this way is not something which is completed once and for all and is practically impregnable as far as human error is concerned. On the contrary it is a fragile and vulnerable edifice, continually requiring repair and careful vigilance by free citizens, with an enormous investment in terms of goodwill. As we shall be seeing, it is important to note that it cannot be guaranteed a permanent existence and that a political reversal is always possible when governors and governed act unscrupulously, and if it is distorted. In such cases, civil society can become an “un-civil” or “anti-civil” society, eventually becoming authoritarian and left at the mercy of moral relativism. In an un-civil society there is no virtue of justice, namely, the need to give to each his own. The morality of Sparta is practised: the man who is punished (the fool) is the man who does not know how to steal properly and is found out. And this is only one aspect of a lack of civility [6]. Various Latin American societies can recognise themselves in what I have just sketched out.

In a narrower version, civil society does not have a public authority as such, and this is entrusted to what is known in the traditional sense as the *political society*. Both versions are equally stimulating for the analysis of democracy, except that the narrow version makes it possible to say that democracy in this case appears to be a service by politics to society, and that civil society is a necessary condition for democracy within a political society.

The question of the economic constraints that besiege political democracy is a phenomenon that is extended in relation to the public policies through which most Latin American countries have passed.

As Pablo Gerchunoff and Juan Carlos Torre [7] have so clearly said, “the process of economic transformation through which Argentina has passed in recent years forms part of a more general trend, which is region-wide in scope”.

The process of structural reform transformed the economic institutions set up in the wake of the Second World War through two parallel developments; the first was produced by the economic emergency triggered off by the external debt crisis, while the second was the result of the influence of the so-called “Washington consensus” around the new free trade debate that dominated the thinking in international financial institutions and their national followers in government circles in the creditor countries. Reining in the role of government and its historical role in promoting development, and changing the traditional balance between national markets and the international market then became the standard rules that were applied, in essence, by governments in virtually every country in Latin America. The pace and application differed from one country to another because of the different conditions and peculiarities of each one, and they were — and still are — implemented in terms of the wise distinction drawn by Albert Hirschman between “selected problems” and “emergency problems”. The former presuppose a deliberate selection according to perceptions and preferences, while the latter are imposed by the emergency. In the first case there are situations that leave a margin for manoeuvre (Brazil, Chile), while in the second case (Argentina, Mexico) emergency issues problems arise — such as hyperinflation — challenging the very capacity of the government. In the former case, reform policies contain alternatives between various possible options. In the latter, they take away the sensation of a terminal crisis and make it necessary to inevitably improvise to a certain extent. And in both cases with little evaluation of social costs and benefits.

Part II. *Democracy and emergency: the case of Argentina*

Argentina between 1989 and 1990 is an exemplary case of the application of an “emergency policy” imposed by the emergency and without an appreciable margin for manoeuvre. Hyperinflation threatened both government and society, and eventually the very survival of the democratic system.

The *political* consequences of a process which was to be repeated in other areas of Latin America, as we shall briefly explain below, must have been ‘congruent’ (although this did not mean that they were necessarily positive for the consolidation of democracy) because one president left office before the end of his term (Raul Alfonsín) and his successor was forced to take severe and bold action in order not to be destroyed as a result of the erosion of the economy by hyperinflation (Carlos Menem) and launched a frontal attack on the fiscal crisis (the economic problem) thereby gaining credibility (the political problem), and reversing the socio-economic alliances of traditional Peronism.

Having made a virtue of necessity, the first term of office of President Carlos Menem showed that under the circumstances at the time, the “adjustment policy” being thoroughly implemented by a capable economic team enjoyed the support of the public in a desperate society; that the reformed economic institutions were quite unable to stave off the crisis, and that the political leadership of the reformist government might benefit if it managed to persuade the public that it had chosen the lesser of all possible evils. Looking at the biography of Peronism — which is not an easy exercise — one can say that with its populist credentials it did in fact contribute to incorporating new allies without losing its old allies in the short term, and it managed to carry through a neo-liberal economic reform to which its domestic opponents were unable to offer any viable alternatives.

The experience of the Menem presidency in Argentina in the Nineties bears all the singular hallmarks of Peronism together with its own in this national case. But apart from the differences, it shares common features with other Latin American democratic governments in these difficult times. Privatisation was carried through relentlessly in order to test the radical nature of the change and win a reformist reputation, even in a power relationship that went against the government and without any effective regulatory framework. It was decided to liberalise trade under the stabilisation policies which swept aside any gradualist strategy, operating rapidly and effectively, while at the same time generating unemployment likely to last for a long time to come. With the deregulation of the economy

the “Convertibility Plan” showed that it was designed to achieve more ambitious objectives than mere stabilisation. For three years, economic policy implemented in this way benefited from buoyant international markets. Between 1991 and 1994 there was a “fortunate combination of structural adjustment and economic expansion”. A no less important role was played by the technical and managerial capacity of the economic team assisting Minister Cavallo, which was not indifferent to the needs of the political administration, but which worked in a blaze of technocratic autonomy. A second wave of privatisation measures therefore went ahead more rationally and fairly, and the free trade area established by Mercosur revised the “fundamentalist policies” of Phase I. In the end, the “adjustment policy” enabled the government to win the general election, build up alliances and impose its leadership.

But at the same time democratisation was complicated by the *political style* of the leadership which combined the use of public assets with the discretionary manipulation of the constitutional rules, the dependency of the judiciary and the comparative subordination of the legislature.

In Argentina’s case, the political and economic process shows a disconcerting mixture of a rejection of hegemonic attempts and a resigned approval of the economic changes. These were eventually overturned for two main reasons. The first, external, reason was the result of the devaluation in *Mexico* which set in motion the so-called “tequila effect” and the radical change in the international financial scenario. The second, internal, effect came from the struggle for *succession* and the socio-economic tensions which led to intra-governmental strife. From a point of view of the economy two *public policy* issues arose: macroeconomic management in difficult times for convertibility, and political support for the reform process when the economy enters a recessionary phase.

One of the reasons why we have dwelt at length on this period of the Argentine case is that we know it comparatively better; but there are also two other reasons. The first is that within Latin America, Argentina is the workshop for lost opportunities even though at the present time democratic consolidation is at stake; and the second is that it is only partly true that there exists such a thing as an “Argentine specificity”.

In Latin America the “government of democracy in difficult periods” is a commonly shared experience.

Part III. *Latin America: the period of transition*

The transition to democracy in Latin America, as we can more clearly see today in a historical perspective, took place in two stages. The first was

with a domination of the political/institutional side, and the second with a dominance of politics and economics.

The first examples of transition to democracy were marked in most cases by the fact that the countries had an authoritarian past, whether military or civilian, and the fact that they rejected the criticism levelled by the anti-liberal right and the Marxist or nationalist left that had previously been levelled against “formal democracy”. Most of the intellectual world and the “moral authorities” (major sections of the Catholic Church included) had bowed to this criticism which, as was subsequently discovered after the tragic period, challenged the whole question of democracy “tout court”. The return to, or establishment of, democracy nevertheless meant *the predomination of politics, but the underestimation of the economic restrictions*.

In the Southern Cone one might say that the political leadership in Chile was an exception, because it took up the economic legacy of “Pinochetism” unquestioningly and set out openly to discuss and agree upon *the political governance of the State*. And by this is meant, primarily, political democracy.

The theories of “the two moments” — political institutional democracy first, followed by social and economic democratisation — seemed to work for a time. How can one deny the importance of the principle of the triumphant democratic *legitimacy* and why not *consolidate* it with the *results* of social reforms and “progressive” economics? Did not the models of transition in the Mediterranean European countries, headed by Spain which was assumed to be so familiar to the Latin Americans, show a very clear picture, a programme of action based upon covenants and cooperation, accessible to countries that were moving out of a tradition of dictatorial military bureaucracies?

There was no time to answer these questions. History was already answering the last one: the “models” were a mixture of common-sense, cooperation bearing in mind earlier tragedies ... and fate. The first question was brutally answered by the *economic emergency*.

Both these moment merged into one. As Sartori was to put it [8] economic policy is nevertheless *politics*: the leaders of Latin America’s transitional governments had to be realistic before they even realised whether it was good or bad realism. And they had to prove their democratic legitimacy by a crucial examination of their capacity to *manage the economic crisis*.

And this management required “more government” and “more leadership” precisely at a time when many of our countries were pulling out of a period of “over-government”, of an authoritarian nature. How to

reconcile this requirement with areas of “greater participation”, which was implicit in the definition of contemporary democracies, is one of the most obvious challenges facing Latin America’s democracies in the Nineties.

One can immediately see how the desirable reconciliation between participation and effective action, particularly when faced with the economic emergency, became not a reasonable task but a challenge to the governability of the new democracies. It was only the intellectual circles that heeded the warning sounded by R. Dahrendorf [9] in the early Nineties, on the subject of the events in central and eastern Europe, recalling that *democracy is also a system of government* and not only the guarantee of freedom of expression of all the opinions in society.

In short, I share the excellent definition of Fr. Jean-Yves Calvez S.J. which I have cited elsewhere in my writings on democracy. If I remember rightly, and I believe that I do, democracy is, according to his definition, “the *responsible participation* of the human person in elaborating the collective destiny”.

This concept of democracy is still the ultimate ideal of which we must not lose sight. It is only that it is on this side of that horizon that one finds the capacity to govern, the “management” of democracy, which can be summed up in the term *‘governability’*. I am sure that Calvez would consider this to be an appropriate part of his definition, without being swayed by this dramatically Latin American observation which — I need hardly say — is also a world problem.

One thing is certain today: the drama in some cases is “agony” (in the sense of the term used by Unamuno, namely the struggle to survive) and in other cases, such as in Uruguay and Chile, it is more of a “problem” and less of a drama because of the existence of political elites and social leadership and a party system which is willing to cooperate. In Argentina, and in Brazil it is a “issue” because of their proclivity to compete or their need to replace the absence of a clear party system with sporadic alliances. In Colombia and Venezuela it is the issue of the State itself, while in Mexico, for example, it is the improvement in quality which is taking the country away from a system with a “hegemonic” party (the PRI) to the possibility of a full democratic alternation in power [10].

Part IV. *Governability and “decisionism”*

The capacity to govern, governability, is the dominant issue in the democratic consolidation of Latin America.

The political traditions in most of our countries offer a response which

is rooted in history which hampers the consolidation of full democracies: *presidentialism*.

Presidentialism, which is so widespread in Latin America, contains traditions which are specific to caudillismo, caciquismo, the hegemony of a leader who is the only one, who is everything, and who is the very “system” itself. We know the price that democracy has paid because of the weight of this tradition. Once the leader is identified with the system, the system exists or disappears with him. It follows his own fate.

The economic emergency has given rise to the intervention of a fast-moving and bold decision-maker: the “*crisis leader*”, the breakage leader. But we know that in Latin America, breakage leaderships do not necessarily move in the direction of plural, competitive and constitutional democracy, but towards *plebescite* democracy. With exceptional powers, with “emergency decrees”, with technocratic cabinets, and with policies based on past events, they eventually set up hybrid systems governed by discretionality, then by arbitrariness and frequently with corruption and impunity.

Latin America’s experience shows that, all told, the style of exceptional intervention which becomes routine does not usually consolidate democracy but only *bogus copies* of democracy.

It is certain that “*decisionism*” as an autocratic *style* is not the exclusive property of Latin America. Even developed democracies such as the British democracy have had Thatcherism, and the “imperial republicanism” (Schlesinger) of the United States had its “Reaganism”. But it is also certain that decisionism as a style of leadership is one thing when it takes place in consolidated democracies and quite another when its historical consequences are appraised in democracies that are still in a precarious situation.

And this is where the principle of modern logic applies which is usually identified with the “principle of complementarity”. According to this principle, one and the same element or factor produces different consequences depending upon the situations through which it passes or in which it acts. Decisionism, which is a problem that upsets developed democracies, is a question that may affect the very *nature* of the political system in precarious democracies.

Chapter III

TOWARDS CONSOLIDATED DEMOCRACY

Part I. *Fragilities: Styles of authority and moral relativism*

The scenarios described or alluded to and the problems and issues I have mentioned must not conceal the fact that regimes in different stages of

democracy surprisingly survive in a Latin America which in the Thirties, Sixties and the Seventies was subject, when faced with similar challenges, to the probability or the certainty of military coups or “saviours” using the sword or ideology.

But neither must they conceal the fact that the *types of democracy* coexisting in Latin America today in such adverse circumstances as the economic emergency, marginalisation, unemployment, drug trafficking, corruption and impunity and the unwanted consequences of globalisation, are only exceptionally *consolidated democracies*, and much more frequently *hybrid regimes* which lay claim to democratic legitimacy by permitting the election of their governors, while being managed using autocratic or discretionary methods.

It is possible that in the short term, in so far as they save their countries from extremely critical situations, decisionism and “urgently necessary” measures which are technically sound may well have positive results. But in so far as they embody a *style of authority* which is strongly rooted in traditions that fly in the face of a democratic political culture, in the long term they will conspire against an appropriate consolidation of the government which preaches them as being the best of all possible alternatives. Research by Robert Putman [11] regarding democracy in Italy, which has become deservedly famous, are appropriate for understanding the consequences of the patronage spoils system, paternalism and the purely vertical application of power in most of the Latin American national situations.

It has been wisely observed that the consolidation of democratic legitimacy depends to a large extent on the comparative *autonomy of the political system* in terms of its disengagement, to the extent that the people attribute their lack of satisfaction to a personalised leadership and not to the system. In Argentina in the 1880s an autocratic leadership under President Juarez Celman at the time was the target of revolutionary opposition in an expressive phrase with the consequences of the “Unicato” as the special regime was called at that time: “The only one in power is the first to hold responsibility ...”.

But these remissions end up in the long term depending on the currency of the collective memory of the times of disaster and tragedy and not of the merits of the institutions because of their decision-making efficiency and legitimacy, as lasting supports of consolidated democracies.

The fragility of most of the democracies in Latin America is, therefore not only due to external factors but also to the inadequacy of the political, economic and moral cultures that go to make up a “sound” democracy.

However polemical some of his remarks are, the comparatively recent

work by Alain Touraine [12] shows a concern about these transitional systems in which Chile is taken as the paradigm of favourable development, while Argentina and Brazil seem to be positive experiences but “with great reservations”. Central America is favoured because of the success of the peace process in El Salvador, the calm in Guatemala and the democratic skills shown surprisingly in Nicaragua, as well as the weakening of the armed action of Sendero Luminoso in Peru.

There are important positive facts leading to democratic solutions in a region dominated by dictatorships only a decade or so ago. But as soon as the observer looks at Mexico, Colombia, Venezuela and Ecuador the picture becomes more sombre: the “dualisation” of these societies, corruption and violence are phenomena which seem to be structural, coupled with the “neo-populist and state patronage” experiences.

Meanwhile, the reconstruction of the democratic systems in Chile, Brazil, Argentina, Bolivia and even Uruguay, has had such a high cost in social and human terms like the exercises of political intelligence of the leaders of “post-authoritarian democratisation». Touraine’s recommendations depend on his personal view of the political future, but the impressions that he has, which have not apparently affected the type of analysis that we have proposed, create a certain intellectual perplexity which can be explained in a committed observer, and yet inevitably already distant from situations in which the “magic realism” of García Marquez merges with the necessity for political “sound realism”. This presupposes an analytical sobriety and an appropriate use of time which increasing expectations demand should not be squandered.

Part II. *Conditions for consolidation: the law, currency and moral temperance*

In *Octogésima Adveniens* (1971), Pope Paul VI said “Political activity ... should be the projection of a plan of society which is consistent in its concrete means and in its inspiration, and which springs from a complete conception of man’s vocation and of its differing social expressions. It is not for the State or even for political parties, which would be closed unto themselves, to try to impose an ideology by means that would lead to a dictatorship over minds, the worst kind of all. It is for cultural and religious groupings, in the freedom of acceptance which they presume, to develop in the social body, disinterestedly and in their own ways, those ultimate convictions on the nature, origin and end of man and society”.

Latin American societies are demanding that this type of project should be worked out and affirmed. And the “moral authority” — intellectuals,

churches, press, the university world — must use “conviction morality” in order to keep careful watch over the action of the “responsibility morality”, following the still-useful distinction adopted by Max Weber. But responsibility morality must rest on a demanding comparative analysis. Applied to the theme of *democratic consolidation*, and considering plural democracy as an achievement of political civilisation which is constantly put to the test, experience shows that in modern politics there are no free elections, there are no victors who can exercise the lawful monopoly of force, or citizens who have their rights protected by the rule of law, unless there exists a State. Not maximum nor minimum, but just right. Neither is there any consolidation if the conditions accepted as being necessary for a plural democracy are not complied with, even if in the name of democracy the powers-that-be do not govern democratically. As Juan J. Linz and Alfred Stepan [13] conclude, “only democracies can become consolidated democracies”, they do not judge using concepts. They demand plural behaviour which prevails over violent groups or “anti-system” groups; attitudes that are willing to respect the rules of the democratic game even in severe political or economic crises; citizens who have internalised the procedures and institutions of democracy to resolve conflicts.

This does not mean that we should deny the *quality* of the various types of political regimes, and this is obvious in Latin America. It is equally obvious that the highest quality of the democracies depends on the convergence of the conditions relating to the existence of a free and living *civil society*, of a relatively autonomous *political society*, of a State apparatus that is subject to *constitutional law*, of a State *bureaucracy* which loyally supports the democracy it is managing, and an institutionalised *economic society* with a “currency” that makes it possible to make rational forecasts.

The task awaiting the world of thinkers, culture and religion in Latin America — and not only in Latin America of course — begins with the recognition that the health of a democracy depends on the ethical of life, on *political prudence* and *moral vision*, both on the part of the leaders and of the citizens. This raises similar questions to one and all. What J. Bryan Hehir [14] proposes in a *framework* with its dimensions of the ethical argument is an ethics of character (What sort of people, leader etc. are we?), an ethics of choice (What kind of decisions are we adopting?) and lastly an ethics of the *community* (What type of society are we trying to create?).

This triple agenda of moral issues not only fully captures the relationship between ethics and policy but it also reveals what type of concerns, dilemmas and demands Latin America must courageously avoid, with insight and a little luck the destiny promised to Mallarmé’s Hamlet: “The hidden lord who could not come into being ...”.

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- [10] Larry Diamond, *Democracy in Latin America: Degrees, Illusions, and Directions for Consolidation*, forthcoming in Tom Farer, ed. *Beyond Sovereignty: Collectively Defending Democracy in a World of Sovereign States*, Baltimore: Johns Hopkins University Press, 1996. Diamond advierte sobre la tendencia hacia democracias frágiles o precarias de tal modo que en la región identifica 4 países francamente democráticos, 3 países con regímenes autoritarios (aunque invoquen la democracia), y 15 países que están en alguna de estas categorías: "partially illiberal democracy", "competitive semidemocracy", "restrictive semidemocracy", and "semicompetitive partially pluralist authoritarianism". Aunque dicha clasificación sea compleja y polémica, el análisis político actual revela dos cosas: que la democracia permanece en América Latina como principio de la legitimidad dominante, pero que la mayoría de los países latinoamericanos se sitúan en categorías intermedias "on the democratic — nondemocratic continuum", desde una posición preocupada por la *calidad* de las democracias, que es la nuestra.
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DEMOCRACY IN ASIA: A STATUS REPORT

WILFRIDO V. VILLACORTA

SUMMARY - Democracy in Asia is still saddled by problems. But these problems are not intrinsic to the culture and traditions of the region. It is more the economic and political structure in most countries which lend themselves to patronage and official corruption.

The greatest impediment to the maturation of democracy especially in developing Asia is massive poverty. In theory, periodic elections are the best vehicle for offering and debating basic programs for the people's welfare. In practice, however, the existing inequity in the distribution of social and economic power works against the effectiveness of electoral politics.

Elections cannot be genuine expressions of the people's will if voters have no access to media and to information on policymaking processes and government performance. Moreover, the effectiveness of elections is limited if voters are unaware of their rights and electoral procedures.

Beyond high voters' turnout and low incidence of fraud and violence is the question of who get elected and how, and the extent to which average citizens can influence elective officials in the performance of their official duties.

When wealth and patronage largely determine electoral victory, people's participation is severely hampered. Most election winners find themselves more accountable to their financial backers and power-brokers than to their voting constituents. They are pressured to represent big business and landlord interests rather than the interest of the powerless majority. In such a situation, we find an irony in which the exercise of suffrage negates the very principle of popular representation upon which it is founded.

With the improvement of the economies and the level of education in Asian countries, it is hoped that democratic processes will be more effective in the region. The stronger Asian democracies have a demonstration effect that serves to inspire pro-democracy movements as well as peoples in new democracies. They deserve the support of democratic countries all over the world.

Asia, as we know, is a kaleidoscope of very diverse cultures and societies. It is difficult to make generalizations about almost anything in the region, for even within most Asian countries, differences exist.

As far as their politics are concerned, there is the usual reference to the heritage of despotism and pluralism. But so too can we say of the political heritage of the West and Latin America.

In fact, there were early traces of democratic thought in Theravada Buddhist scriptures (see Villacorta, 1973). In the Digha Nikkaya and the Mahajimma Nikkaya, the Buddha spoke of the equality of all men and women. In his discourse with the Vijjians, he emphasized the importance of consultation and free choice of leaders. His teachings on the Dharma Raja or the virtuous ruler referred to the need for a moral ruler who is obliged to serve the people. An abusive ruler must be resisted and replaced.

We can also find the tradition of democracy in the Philippines, where the first anti-colonial revolution in Asia took place in 1896. This revolution against Spain was inspired by liberal-democratic principles and led to the establishment of the first Asian republic and democratic constitution.

The Myth of "Asian Approach to Democracy"

But in the eyes of many Westerners, "democracy" and "Asia" conjure contradictory images. "Oriental despotism" (Wittfogel, 1957) and "paternalism" (Pye, 1985) were generally associated with the political cultures of Asian societies. Samuel Huntington (1993) pointed out the inherent difficulties of transplanting the Western democratic model, particularly the U.S. model, to non-Western countries:

"The traditionally prevailing values in East Asia have differed fundamentally from those in the West and, by Western standards, they are not favorable to democratic development. Confucian culture and its variants emphasize the supremacy of the group over the individual, authority over liberty, and responsibilities over rights" (Huntington 1993 :38) .

With the end of colonialism in Asia after the Second World War, it was a fashion among many leaders of new states in the region to harp on the "Asian way" of governance. This was supposed to be the "Middle Way" between the political-equality ideals of democracy and the social-equality promises of socialism. The new states called themselves democratic, but claimed to be "enriched" by the traditional values of paternal authority and communitarian spirit. Mao Tse-tung crafted the Chinese approach to Marxism-Leninism, U Nu of Burma adopted Buddhist socialism, Jawaharlal Nehru spoke of "democratic collectivism" as the basis of Indian socialism,

Mohammed Ayub Khan introduced “basic democracy” for Pakistan’s Islamic state, Abdul Rahman of Malaysia proclaimed the *Rukun Negara* national philosophy, Lee Kuan Yew had his own version of socialism and people’s democracy, Marcos resuscitated the *barangay*, a precolonial concept which he used to name the basic political units in his “constitutional authoritarianism”. The message of all these “Asian” models was that there should not be a blind application of the Western paradigms of governance and development, but they must be adapted to local conditions.

More recently, prominence is given to the “East Asian miracle”. The Newly Industrializing Economies (NIEs): South Korea, Taiwan, Hong Kong and Singapore, and more recently, Malaysia, Thailand and Indonesia, are regarded as the models that should be emulated by the developing world. The economic growth of the first set of NIEs — the “dragons”: South Korea, Taiwan, Hong Kong and Singapore — were supposed to have been facilitated by their common authoritarian, Confucian tradition. In the case of the new “tigers” — Malaysia, Thailand and Indonesia — their economic take-off was supposed to have been aided by their strongman rules (Thailand was governed by military-backed governments until 1992.)

What is interesting is that these “dragons” and “tigers” did not follow a single approach to economic development. South Korea and Taiwan had varying degrees of protectionism and government intervention in the earlier years of their economic development, while Hong Kong and Singapore adopted laissez-faire measures.

But disproving the stereotype of Asia as the haven of authoritarianism is the dynamism of democracies — both old and new — in the region. The maturation of democracy in Japan, India and the Philippines and the democratization of Taiwan and South Korea attest to the universal workability of democratic institutions. We find in these countries the same commitment to civil rights and freedoms found in the West. What makes this commitment impressive is that in most of these countries, democracy has had to blend with age-old cultural institutions and practices, and has had to endure resistance from anti-democratic forces such as warlords and the military establishment.

This report examines the integrity of electoral processes in a region which is beset by feudal patronage and social inequality. It also provides an analysis of pro-democracy movements in non-democratic Asian countries, as well as the threats and pressures poised by anti-democratic elements on fragile Asian democracies.

Strengths of the Electoral Process in Asia

There has been a remarkable increase in the number of elections in Asia as well as an improvement in the quality of elections. The National Democratic Institute for International Affairs (U.S.), in its study supervised by David Timberman, observed that crucial elections triggered the process of political liberalization in Asia (NDI, 1996:2). The 1986 election in the Philippines returned democracy in that country. The elections in Mongolia in 1990, in Nepal and Bangladesh in 1991, in Thailand and the Philippines in 1992, in South Korea and Pakistan in 1993, and in Sri Lanka in 1994 further strengthened civilian institutions and hastened the democratization process (Ibid.).

The 1993 elections in war-torn Cambodia were supervised by the United Nations Transitional Authority in Cambodia (UNTAC). Last May's election in Taiwan made Lee Teng-hui the first elected president. Appointed as president in 1990 by the ruling Kuomintang (Nationalist) Party, he initiated democratic reforms. Not only is he the first elected president of Taiwan but also "of any Chinese-speaking nation in 5,000 years of recorded history (Newsweek, 20 May, 1996: 10)".

In May, elections were also held in India. The strength of the Indian political system was demonstrated by its feat of counting the votes of 300 million voters in a land area of 1,267 square miles, in a record time of one week. For the first time in India's political history, populist parties representing lower castes and linguistic groups made headway. The ruling Congress Party retained less than half its former seats in Parliament.

The orderly Indian election contrasted with that of Bangladesh last February. The ruling Nationalist Party under Prime Minister Khaleda Zia won almost all seats. But the results were contested by Sheik Hasina, who is the daughter of the country's first leader.

In October, Japan's election brought back to power the Liberal Democratic Party. Having been the ruling party since 1955, the LDP lost its control of the National Diet in 1993. Since then, there have been fragile, short-lived coalitions.

The last elections were significant, being the first since electoral reforms were passed by the National Diet. A new generation of politicians was voted to office in many constituencies. Those born after World War II increased to 181 members and their share of lower-house representation rose to 36.2 percent — the first time that the percentage went beyond 30 percent.

Thailand had its own election last 17 November, after Prime Minister Banharn Silpa-archa resigned. The issue was massive corruption. Named as the new Prime Minister was Chavalit Yongchaiyudh, the former defense

minister whose New Aspiration Party won the plurality of the seats in parliament.

In Pakistan, corruption was also the issue that was used to oust Benazir Bhutto as Prime Minister in November. President Farooq Leghari dismissed her on charges of graft and misrule. Bhutto began a train journey to mobilize support against her dismissal. She also appealed to the Supreme Court to reinstate her government. Despite her efforts, her party lost dismally in the last elections.

One of the tests of Asian democracy is the ability of the political system to make heads of government accountable for their policies and actions. The convictions of two former Presidents in South Korea demonstrated the strength of democracy in that country.

Mass media, which are becoming more independent and articulate, have played an important role in raising political awareness. Women, cultural minorities, lower castes and other marginalized sectors have been more politically active, with the assistance of non-governmental organizations (NGOs) and electoral monitoring organizations (EMOs).

Consequently, voters turnout in most Asian elections has been impressively high. NDI reports that in Mongolia, the turnout rate was more than 90 percent, in Cambodia about 90 percent. In Sri Lanka, it was 75-80 percent; in Nepal, the Philippines, South Korea, Taiwan and Thailand, the average was 60-75 percent. Pakistan had the lowest turnout: 40-50 percent (Ibid.:11).

In the recently held Thai elections, the turnout of voters was surprisingly high, despite perceived public cynicism towards traditional politicians. This is in contrast to the last Japanese elections where voter apathy was evident with only 59.65 percent of eligible voters casting ballots in the single-seat contest and 59.62 percent in the proportional-representation elections.

Shortcomings of Democracies in Asia

But all is not well in Asian democracy. The NDI study reports that electoral politics in most Asian countries are characterized by (a) violence, harassment and abductions (Sri Lanka, Cambodia and the Philippines), (b) the unrestrained use of money to influence voting (South Korea, Taiwan and Thailand), (c) voting along religious, ethnic or regional lines (India, Pakistan and South Korea), (d) the dominance of personalities and personal loyalties rather than policies (virtually everywhere), and (e) the illegal or improper use of government resources by the party in power (virtually everywhere) (NDI, 1996:9).

Elections in developing Asia at the national and local levels are generally competitions among families and clans. Their partisanship is rooted in long-standing rivalries over economic resources. The NDI notes that stakes are high in political competitions, "because control of the government translates to control over the flow of valuable economic benefits (Ibid.)".

Patronage is very much involved in politics in most parts of Asia. In Japan, this bond between voters and politicians is reinforced by local political organizations called the *koenkai* (Hayes: 1994: 76). The situation is more prevalent in the rural areas of developing Asia. The politician is regarded as the perennial benefactor who can dispense favors, which the government normally cannot provide.

Pro-Democracy Movements in Authoritarian Regimes

With all the imperfections of democracies in Asia, are their peoples better off than those in non-democratic regimes in Asia? Of the three Communist governments — China, Vietnam and North Korea — it is in China where there is a thriving pro-democracy movement. To this day, the Chinese government is haunted by the Tienanmen massacre of 1989. Human rights violations continue to be raised as an issue by many Western countries in their trade relations with China. Nonetheless, because the latter is the largest single market in the world, such international moralizing is always tempered by the expedient requirements of economic interests.

What will happen to the Chinese political system now that Deng Xiao Ping has passed away continues to be a source of anxiety among China's neighbors. Political liberalization seems to be less of a problem in Vietnam, which has launched *doi moi* or economic reforms. Not that there is less clamor for democracy in that country. The average Vietnamese are simply more concerned with the benefits of *doi moi*. With a much smaller population, Vietnam experiences less dislocation for its rural folk as a result of urban development and its adoption of market liberalization measures.

On the other hand, North Korea is faced with severe food shortage. Its bid to attract foreign investment is neutralized by its leadership's recalcitrant attitude towards world opinion against its program of nuclear weapons development.

Democratization can only come to North Korea if it is reunited with South Korea. In the case of China and Vietnam, their impressive economic growth could lead to the rise of a sizable middle class which will hasten the demand for political liberalization.

In non-Communist, developing Asia, strongman rule prevails in

Indonesia, Malaysia, Singapore, Brunei and Myanmar. The Indonesian government faces a serious challenge from democratic forces. Megawati Sukarno, the daughter of founding father of Indonesia, leads the opposition to the regime of President Suharto. The latter is also confronted by resistance to the occupation by Indonesian troops of East Timor and Irian Jaya. Conferences on East Timor that were held in the Philippines, Malaysia and Thailand stirred controversies in the host-countries due to pressure exerted by the Indonesian President on his counterparts in these countries, to abort these conferences.

Both Malaysia and Singapore have the National Security Act that allows the government to restrict civil rights. In these two countries as well as in Brunei and Indonesia, these restrictions are justified in the name of economic development. Their leaders attribute their achievement of high economic growth to greater national discipline and productivity afforded by limitations to political dissent and other forms of democratic expression.

This justification cannot be used for Myanmar (Burma). There, the people have neither political freedoms nor economic development. The candidates of the political party of Aung San Suu Kyi, the leader of the pro-democracy movement, won the majority of seats in the elections of 1990. But the election results were disregarded by the military regime.

Durability of Ruling Parties and the Populist Backlash

In Singapore, Malaysia, Indonesia and Taiwan, the ruling party has maintained its control of the political system. In Japan, the Liberal Democratic Party (LDP) temporarily lost its dominance in late 1993. The coalition composed of opposition parties held on to power only until mid-1994. A new coalition among LDP, the Social Democratic Party and the Sakigake (Forerunner) Party was formed. This year's elections consolidated the return to power of the LDP.

The dominance of conservative parties and of traditional politicians has given rise to the populist trend in many Asian countries. Given limited choices, the electorate made a statement by voting for actors and sports heroes. This was particularly true of the Philippines where voters elected a former actor to the Vice-Presidency and several movie and basketball stars to the Congress and some local positions. Actors and other populist figures also found their way in the Indian parliament. But what is surprising is that the Japanese had elected comedians to the Tokyo and Osaka gubernatorial positions.

Political Stability and Democracy

The failure to institutionalize electoral politics inevitably leads to political instability. Authoritarianism obviously poses problems of succession. It may ensure stability during the lifetime of the dictator. After his death, political disorder sets in. Pakistan, Bangladesh and the Philippines experienced the unraveling of strongman rule even before the death of their dictators. What followed was a tumultuous transition period, despite the restoration of democracy in these countries.

Fragile democracies always face the threat of a military takeover. There were no less than seven coup attempts during the term of former Philippine President Corazon Aquino. If the democracies in Thailand, Cambodia, Sri Lanka, Pakistan and Bangladesh do not shape up, greater popular apathy will embolden the military to usurp power — as it did in the past (except in Sri Lanka). Likewise, non-democratic regimes like Indonesia and China will invite greater participation of the armed forces should chaos arise during the post-Suharto and post-Deng era. Such a scenario will agitate pro-democracy movements and could lead to people-power upheavals reminiscent of the 1986 People's Unarmed Revolution in the Philippines.

Religion and Democracy

In Asia where traditions are deeply rooted, religion has close links with politics. Even in industrial Japan, a Buddhist sect, Soka Gakkai, is an influential political force and is identified with the Shinshinto, the merger of non-Communist opposition parties. Buddhist Tibet will always be an important factor in China's domestic and external politics. Fundamental Muslims have become assertive in the political dynamics of Indonesia, Malaysia, Pakistan and even Hindu-dominated India. Catholics and Protestants are influential in the politics of South Korea and Taiwan (Taiwan President Lee Teng-hui is a Presbyterian). Hindu nationalists made the most impressive showing in the last Indian elections. As the Myanmar regime becomes more repressive, Buddhist monks are expected to play a more active role in the pro-democracy movement there.

In the Philippines — the only predominantly Catholic country in Asia — the role of the Catholic Church must always be taken into account. The Church has always played a leadership role in defending principles of public morality. There, the principles of separation of Church and State is not as rigidly interpreted as in Western countries. Jaime Cardinal Sin openly campaigned for Corazon Aquino in the 1986 elections. He and other church officials have been outspoken about land reform, birth control, and poverty.

In the last statement which he issued, the feisty Cardinal threatened to mobilize another People Power upheaval, if the legislators insisted on amending the constitution to extend their term.

In the past two years, a Catholic charismatic group, El Shaddai, has emerged. Claiming to have a following of millions, it caters to the lower classes. It is rivaled by a myriad of non-Catholic, "born-again" groups which succeed in attracting some Catholics who seek small-community interactions.

In addition to these religious groups, politicians court the Iglesia ni Cristo (Church of Christ), which claims to have 5 million followers. The INC hierarchy requires its membership to comply with the recommendations of the church during elections.

Unlike in the West, religion becomes a more important element of electoral politics as democracy matures in most Asian countries. It is perhaps because in Asia, public service requires qualities that transcend human frailties, and religion is considered to be the best arbiter for determining the presence of such transcendental qualities.

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DEMOCRACY IN AFRICA

NICHOLAS J. McNALLY

SUMMARY - In 1789 the French Revolution established the primacy of the idea of Democracy with its watch-words "Liberty, Equality and Fraternity". Priorities have changed over two hundred years. The weaknesses of Democracy have become apparent. As far as Africa is concerned, our objectives as we enter the 21st Century should be "Development and Good Governance" and our watch-words "Accountability, Transparency and the Rule of Law".

WHAT IS AFRICA?

There are fifty-three countries in Africa, and they are very different from each other. It is not wholly meaningful to make generalised statements about "democracy in Africa". It may be helpful to begin, therefore, by establishing tentative groupings, although often the groups will overlap, and they will not always be geographically contiguous.

Starting at the top of the map, one begins with Arab Africa. It is utterly different from black Africa, and this paper does not attempt to deal with it. The Arab States lie along the Mediterranean littoral, but their influence, particularly in the form of the Islamic religion, spreads south along the Persian Gulf and the Indian Ocean coast as far as Mozambique on the East, and to the mouth of the Congo (Zaire) River in the West.

It is said that in 1960, tribesmen in the interior of the Congo (Zaire) fled in terror at the approach of Indian U.N. troops. They thought they were slave-traders. And in the interior of Zimbabwe, exotic palm trees grow by remote springs. It is said they grew from the palm seeds spat out by slave traders from the coast, hundreds of year ago.

South of the Arab States, in the vast areas of the Sahel and the coastal areas of West Africa, lie many states which were formerly colonies of France and the United Kingdom. Their social, economic and political development

has been greatly influenced by the former colonial powers. So Francophone Africa and Anglophone Africa differ in many ways. Even their communications with each other are limited. Until recently, telecommunication links were with the former colonial power. One had to telephone via London or Paris if one wished to communicate from a Francophone to an Anglophone country or vice versa.

One feature which unifies these countries is that (with the exception of Senegal) they were not colonised by the European powers. Thus there was no significant resident permanent white population at the time of independence as there was in parts of East and Southern Africa.

The next group is a group united only by its disunity. Stretching roughly along the equator there is a belt of states, from Somalia in the East, through the Great Lakes (Rwanda, Burundi, Eastern Zaire) to Sierra Leone, Liberia and Gambia. Their historical links with the West are varied — Italian, Belgian, British and American. Their present state is unstable. Their future is uncertain. But Africa should not be judged by reference to them any more than Europe should be judged by reference to Bosnia.

After them, as one moves south-east are, first the East African states of Uganda, Kenya and Tanzania, very different from each other, but formerly loosely linked as British East Africa. Uganda, potentially very rich; Kenya, with a small economically active but politically insignificant English and Asian population; Tanzania, poor, with a charming and friendly people.

Then one moves to South Central Africa, a group of disparate states being drawn together in very recent years in the orbit of the economic giant, South Africa. Zambia and Malawi, formerly ruled from London; Zimbabwe, formerly controlled by its own resident 100 000 white population; the two Lusophone states on the West and East coast, Angola and Mozambique, emerging from civil war to growing stability; Botswana, a present pillar of democratic prosperity; the two small states of Lesotho and Swaziland; the recently independent, formerly German, League of Nations and South African controlled state of Namibia on the West coast; and the offshore island states of Madagascar, Mauritius and Seychelles.

Finally, South Africa, uneasily combining first and third world, emerging from isolation and beginning exert its influence on the continent now that it has thrown off apartheid and assumed the mantle of respectability under its charismatic President Nelson Mandela. South Africa has a significant population mix — some 31,5 million blacks (76%), 5 million whites (13%), 1 million people of Indian origin (in Natal) (3%) and 3,5 million Malay people (in the Western Cape Province) (9%).

This paper, written by a Zimbabwean, inevitably reflects the viewpoint of a citizen of that country. In the International Herald Tribune of 13

December 1996, Richard Dale, quoting a recent paper by Washington's Centre for Strategic and International Studies, said,

"In Eastern and Southern Africa, a corridor of economic and political reform now stretches from Ethiopia and Eritrea to South Africa, and many West African countries are following suit".

It is of that Africa, essentially, that I speak.

It is of that Africa that the British Foreign Secretary, Malcom Rifking, said, in November 1996,

"While many are still dazzled by the tigers of Asia, the farsighted are recognising that Africa could be a boom region of the 21st Century".

I believe it is that Africa, where Catholicism is deeply and strongly rooted, which will produce the missionaries to re-christianise the West, just as Ireland did after the fall of the Roman Empire.

DEMOCRACY AS A GENERAL CONCEPT IN AFRICA

It is probably unnecessary to consider the philosophical basis or the dictionary definition of the word "Democracy". Since the collapse of Sovietic Communism, and given the lack of impact abroad of the Chinese and Cuban models, democracy is seen generally in the world, specifically in Africa, as the accepted optimum method of government. Islamic fundamentalism, save in some states in regard to woman's rights, is not a major challenge in black Africa apart from Sudan. Africa and the Church are at one in placing the individual at the centre of political philosophy.

Even in those countries where military regimes or traditional kingships hold sway, it is not really disputed that democracy is the ultimate objective. The explanation is always "our people are not yet ready for democracy". Few say "We do not want democracy".

Some countries in Africa are ungoverned and ungovernable. The United Nations and the United States learned this in Somalia. Anarchy prevails. Such countries lack the basic requisites for democracy. They do not reject democracy. They are simply unable to sustain it.

In a 1986 essay, John A.A. Ayoade, a Nigerian political scientist, then a visiting professor at the University of Pennsylvania, wrote:

"By April 1985, twenty four countries were under military rule and twenty one under civilian administration. However, among the twenty one ... two, Sierra Leone and Uganda, had previously experienced military rule ... Furthermore two

countries, Cape Verde and Chad, are under militarised civilian administration ... (and) there are also two civilianised military governments, in Algeria and Egypt. Thus a total of about thirty countries ... have military traditions. This makes up about sixty per cent of all the African countries”.

These figures exclude any reference to South Africa, now a democracy, but they also include among the countries under civilian rule Lesotho, which has flirted with military rule, and Swaziland, where there is limited democracy under a monarchy. Sierra Leone and Liberia have drifted into near anarchy. Zaire, Burundi and Rwanda are close to that danger.

DEMOCRACY: A MEANS TO AN END

To us in Africa it sometimes appears that democracy is the new religion of the post Christian West. It is exported by the missionaries of the developed world — the Aid Agencies, the World Bank and the International Monetary Fund. Its rigid rules are enforced with evangelical zeal; heresy is punishable by the ultimate penalty — withdrawal of support funding. Its institutions are carved in stone.

People in Africa prefer to see democracy as a process, not an event, as a means to an end, not an end in itself, as a system with more strengths than weaknesses, but still a fallible human system. In general terms it is the system best adapted to the achievement of individual human freedoms combined with the maintenance of order and stability in Society. But it has weaknesses, both conceptual and institutional.

Professor Dov Ronen of Harvard, in an introduction to “Democracy and Pluralism in Africa” expresses the idea in these words:

“Democracy is not after all a goal. It is the means for the attainment of something far more abstract which one might call human freedom, contentment, happiness, or a life free from fear. This distinction holds great importance for democracy. Democratic institutions and processes often require sacrifices and compromise, which are worthwhile making only for the attainment of this higher ideal. Remembering this essential difference is important, because such a view of democracy may free those of us who are interested in Africa from our often too rigid attachment to well-tried models elsewhere”.

THE INSTITUTIONS OF DEMOCRACY GENERALLY

In general terms it cannot be assumed that particular institutions, evolved in individual countries to deal with particular crises at particular historical moments, will necessarily be appropriate for other countries with different histories, different problems.

Equally, there is an unconscious assumption in the West that its institutions are good. Such imperfections as they may have are the inevitable consequence of human weakness. There is nothing to be done about these imperfections. An example was the American incomprehension when communist Russians were horrified at the homeless street people, the slums and the disparities in wealth in cities in the United States. These, to Americans, were not an indictment of the free enterprise system. Such things were merely an unfortunate by-product of a sacrosanct social structure.

The jury system is an Anglo-American institution deeply enshrined in the democratic mythology of countries under that system. It is seen by many as part of their democratic birthright.

Yet historically the jury was composed of twelve "good men and true" (no women of course) from among the "peers" of the accused i.e, those who know him well. If, for example, he was accused of stealing a sheep, they would know he was a well-known sheep thief, and his father before him (assuming that to have been the case). So they would have no difficulty in returning a verdict of "guilty".

Nowadays such inside knowledge would be the basis for a juror's instant dismissal. The system has been turned upside down.

It is certainly arguable that the jury system is very damaging to the administration of justice. It is cumbersome, time-consuming and expensive. It has a significantly bad effect on lawyers, leading them to become psychological manipulators and dramatic actors, rather than presenters of factual and legal submissions.

In the modern world the press provides a far better link between the legal system and the public than the jury system does. Yet the system remains. Its historical justification is too strong for its anachronistic weakness to be perceived.

So also might one point to the democratic election of judges in some parts of the world as being arguably undesirable. Yet because it is democratic it is beyond criticism. No one suggests that a referee at a soccer (football) match should, before awarding a penalty, take a vote among the players and spectators. Nor is "*vox populi, Vox Dei*" a papal dictum, for the many reasons set out in Professor Schooyans' preparatory paper. The Church has often seemed uneasy with the concept. It is becoming more and more apparent that that unease has substance, at least in relation to the institutions of democracy.

One of the more obvious weaknesses of a democracy is that the majority is not necessarily right on any particular issue. This is significant when the issue is a moral one. The great strength of democracy is that in the vast area of practical alternatives where the choice lies between two or more morally neutral courses of action, the machinery exists to establish:

1. The choice preferred by the majority after wide and informed debate;
2. The strength of support for the alternative;
3. The possibility of compromise.

So two points are made here

1. Democratic institutions are not good in themselves but must be found to be good in their effects;
2. The democratic answer is not necessarily the right answer.

DEMOCRATIC INSTITUTIONS IN PARTICULAR

It may be assumed that the institutions considered fundamental or at least important to the existence of democracy are:

1. A periodically elected Parliament, representative of the people, exercising control over the provision of funds for the executive.
2. A multi-party, or ideally a two-party political system, so that there is always a government and a government-in-waiting or opposition.
3. An electoral roll, involving universal suffrage in the generally accepted sense, and maintained openly and efficiently.
4. An independent judiciary with adequate integrity and power to maintain the rule of law and to protect basic human rights.
5. An executive replaceable peacefully by majority vote at appropriate intervals, or sooner in appropriate circumstances.
6. A division and balance of power between executive, judiciary and legislature.
7. Freedom of the media (Press, TV, Radio and now the Internet) to inform, to educate, to debate, and to expose wrongdoing.
8. A workable system of regional and local government, based on a wide franchise.
9. A strong trade union movement.

DEMOCRATIC CONTRADICTIONS

In the West there is a great deal of concern that, despite these institutions, democracy does not flourish. The West is far from satisfied with its own democratic institutions. There is widespread voter apathy, indicating a lack of faith in the political process. People do not bother to register on the electoral roll. Yet Africa must bend every sinew to ensure that voters rolls are computerised and opposition parties strengthened.

Parliaments in the West are often accused of being venal, corrupt and ineffective. Yet Africa is enjoined to organise elections because one cannot have a parliamentary democracy without a parliament. England has never had a written constitution or a Bill of Rights. Yet she happily manufactures both, for export to former colonies. The western gutter press drags down levels of morality and decency and panders continually to the lowest common denominator in society. Yet Africa is lectured on the vital importance of freedom of expression. The West is moving away from trade unionism, yet trade unions may well still have a major role to play in Africa.

The only point to be made here is that there are unresolved contradictions in the West's attitude towards democracy. See "Which Democracy Should We Export", an essay by Thomas Carothers of the Carnegie Endowment for International Peace, in the Spring 1996 edition of "Dissent", quoted in Harpers Magazine September 1996.

AFRICA'S PROBLEMS WITH DEMOCRACY

Africa has fundamental difficulties in achieving democracy, and the greatest of these are:

1. *Poverty*

Western people really do not understand the cultural impact of endemic, unremitting and inescapable poverty. Where weather conditions are harsh, and the rains may bring temporary comfort one year and death by starvation in the next, how does one come to terms with life?

One develops first of all a fatalism, a resignation, a feeling that there is nothing one can do to change one's life. Things happen. They are due to causes outside one's control. One seeks explanations not in reason or logic, but in the spirit world. (Contrast the Western drive to dominate the environment).

The idea that a politician, if elected, can change all that, simply does not arise. Politicians in many parts of Africa are not primarily elected because they are good economic managers or rejected because they have ruined the economy.

Poverty creates a relationship of an almost feudal dependency. You attach yourself to a clan leader, a tribal leader. In bad times you turn to him for help. So at election time you vote for him. If he is in power some benefit may rub off on you. There is no point in voting for someone who may be a better man from another group. Anything he achieves will benefit his kinsmen and not you.

Freedom of choice therefore is a luxury in Africa which cannot be imposed simply by the creation of democratic voting structures. It must start in the minds and more importantly the stomachs of ordinary people.

Extended family and tribal relationship of dependency, automatically creates patronage and patronage creates nepotism. Having so many dependants means that an ordinary salary is never enough. One's duty to one's relatives is far greater than to one's employer, so theft from the employer is the lesser of two evils.

The urge for financial security among people who have known starvation face-to-face is far greater than among people who have grown up in a relatively secure western society. So corruption is a significant factor in African society. (It exists in the West but, I suggest, for different reasons). Indeed any new society which is creating its own new elite will tend to be ravaged by corruption as people compete to form the top layer of the new society. This is not a new phenomenon in the world. It is simply that Africa has more new societies. Wherever new societies are being created there is an ugly rush to be part of the new elite, by fair means or foul.

2. The consensus approach to decision making

Traditional African legal systems have focused on reconciliation rather than punishment, on repairing the fabric of society rather than achieving strict objective justice. The policy of reconciliation adopted by the new government in Zimbabwe in 1980 and by the African National Congress in 1993 in South Africa took the white communities by surprise precisely because those communities expected, and feared, a form of objective justice. Yet it was logical, from an African perspective, to pursue a reconciliation policy. The legal philosophy was also the political philosophy.

This is the good, indeed the wonderfully admirable face of African consensus decision making. It has led to peaceful political solutions in many parts of Southern Africa — Zimbabwe, South Africa, Namibia, Lesotho, Mozambique and (tentatively and with fragility) in Angola.

The bad face is often the inability of African leaders to make good business decisions. Either no decision is made (because consensus is not achieved) or it is made too late, or it is made quickly, arbitrarily and for the wrong reasons, and thus wrongly. Inefficiency is perhaps more devastating than corruption. Yet I am inclined to believe, it is not due to incompetence but to a cultural mind-set unadapted to modern technological demands. Military leaders are trained in decision-making. Hence the tendency towards military coups.

3. *Tribalism and the legacy of colonial boundaries*

The scramble for Africa in the 19th Century led to the drawing of boundaries by European colonial powers without regard for ethnic unities. The people on either side of the Zimbabwe/Mozambique border speak Chinyanja. Yet the *lingua franca* of the Zimbabweans is English, of the Mozambicans, Portuguese.

So it is in Cameroon (English, French and German) and many other countries. Not only are tribal groups divided, but disparate tribal groups are united in one country.

It is a basic political principle of the Organisation of African Unity that existing boundaries be respected. So one of the major objectives of any African leader is to create unity.

The easiest way to create unity is to organise one all-embracing political party. Very often, at least in Southern Africa, it is the party which achieved independence. The struggle for independence has united tribal groups. In Zimbabwe for instance, people adopted Chimurenga (freedom struggle) names, symbolising their abandonment of tribal affiliations in favour of national patriotism.

Such parties do not have particular ideologies, in the Western sense. They may often have started with communist overtones, because support for the liberation struggle came from communist countries, but these overtones have not lasted. In many cases the influence of Catholic primary and secondary education has come through as the dominant influence. Political parties can and do change their economic policies radically. The electorate does not change its allegiance. The party does, as it casts to left and right, seeking a workable economic policy.

The result is that where opposition parties are formed, they are very often tribally based. So political opposition is perceived as causing disunity along geographical lines — the very thing that is to be avoided.

It is not therefore wholly unrealistic for African leaders to argue that the West, by blind insistence on fostering multi-party systems, is encouraging disunity. Nor it is wholly unrealistic to say that there can be a considerable degree of democracy within a *de facto* one party system.

4. *Freedom of expression*

I have already drawn attention to the fact that there is much concern in the West about the consequences of abuse of freedom of expression. Again, it would seem to be the result of elevating a slogan to the status of a principle. Freedom of expression, as a policy, is a means to an end, not an end in itself. So Africa is not alone in having problems with the concept.

Africa has several particular problems with the concept of freedom of expression. First, there is frequently a culture of respect for leaders and for elders (this may not be applicable in the case of young West African revolutionary leaders). It is genuinely shocking in many parts of Africa to see leaders reviled and insulted as they are so frequently in the Western Press. Thus, unfortunately, criticism of government is frowned upon, even when justified.

Second, Africa generally is morally conservative. Whether that is right or wrong is not the point. It is a fact. Therefore Africa will not accept the publication of pornographic matter which the West regards with jaded indifference.

Third, Africa is volatile, because of poverty, because of tribal loyalties, because simple cultures react in ways unexpected by Westerners. Extravagant oratory can lead to loss of life in rioting and disturbances.

Thus in a hierarchy of values, stability and unity may be seen to rank higher than freedom of expression. This again causes conflict with the West.

These are also factors which have led to the establishment of so many military regimes in Africa.

THE WAY AHEAD FOR AFRICA — DEVELOPMENT AND GOOD GOVERNANCE

Democracy has its weaknesses, especially where moral issues are concerned, and particularly when specific institutions of democracy are inflexibly translated into other cultures. I wish now to put forward the thesis that democracy should not be seen as the only aim in Africa. It should be seen as complementary to the aims of Development and Good Governance. There must be a balance among objectives as UN Secretary-General Boutros Boutros-Ghali said in his "Report on the Work of the Organisation" in September 1992:

"without development, long term enjoyment of human rights and democracy will prove illusory ... Good governance, democracy, participation, an independent judiciary, the rule of law and civil peace create conditions necessary for economic progress".

In Africa development must rank first. You cannot build institutions while the people starve. At the same time education becomes vital. The mind-set established through centuries of poverty does not go away simply because poverty is relieved. So development is the first priority. It is achievable through good governance.

"Good governance" is a phrase which has come to prominence in

consequence of a 1989 World Bank Study “Sub-Saharan Africa — From Crisis to Sustainable Growth”. It concluded that “underlying the litany of Africa’s development problems is a crisis of governance”.

In 1991 a World Bank Task Force produced a paper on “The Governance Dimension”. It defined “poor governance” as:

- “1. A failure to make a clear separation between what is public and what is private, a tendency to direct public resources to private gain;
2. A failure to establish a predictable framework of law and government behaviour conducive to development, or arbitrariness in the application of rules and laws;
3. The existence of excessive rules, regulations, licensing requirements etc. which impede the functioning of markets and encourage rent-seeking;
4. Priorities inconsistent with development, resulting in a misallocation of resources; and
5. Excessively narrowly-based or non-transparent decision making”.

These ideas have been developed in the document issued in 1994 “Governance — the World Bank’s Experience”. The Bank has identified four primary areas: Public Sector Management; Accountability; Legal Framework; Transparency.

Nowadays aid is more and more directed in support of whatever institutions are seen as supporting those areas. “Good governance” is largely, but not necessarily entirely, coterminous with “democracy”. But it is a better concept because it is more flexible.

AFRICA AND DEMOCRACY

PAULUS M. ZULU

Summary - The main thrust of this paper has been that sociological conditions in Africa have not been instrumental to the realisation of a democratic ethos first because of the weakness of civil society and secondly because of the entrenchment of the elites. Civil society remains weak in Africa because economic conditions that facilitate a strong civil society do not exist. And elites get entrenched because mechanisms for checking them do not exist where civil society is weak. The argument becomes circular in that those economic conditions that facilitate a strong civil society are predicated on a strong state capable of producing material conditions which promote the generation of elites that do not have to depend on the state for their political and economic fortunes. In other words the biblical analogy becomes operational, the seed has to fall into the ground and die before it can germinate into a healthy plant. The present state in Africa has to be “destroyed” before it can be reproduced in a better form.

1. INTRODUCTION

I wish to begin this paper by pointing out that this presentation can not do justice to a region as vast in area and diverse in practice as is the continent of Africa. First there are great variations in political culture and experience and secondly there is no uniformity in both the constitutional and practical encounters across Africa such that to treat Africa as a unit would not do justice in terms of political analysis. Therefore, whatever generalisations I shall refer to in this presentation, it should be noted that the context is a vast range of politico-legal and cultural experiences whose common origins only lie in a shared colonial experience and the recency of a state formation defined within the confines of a conventional western conceptualisation. The thrust of this paper is the impact of sociological and economic conditions on the process of democratisation in Africa. The main arguments are that the recency of the state in Africa and the absence of the

requisite economic and sociological preconditions that facilitate the development of a strong civil society have delayed the development of a democratic ethos on the continent. It is only when the polity diversifies into competing interest groups such as, for instance, a strong middle class and a vibrant trade union movement to name a few, that conditions conducive to a strong democratic ethos develop. So far only South Africa has these necessary preconditions.

I have to affirm that while there seems to be different accents on what constitutes democracy (a number of dictatorships prefix democracy to their labels), there is consensus that without an organic link of individuals to civil and human rights expressed in equality before the law there can be no democracy. As Sidgi Kaballo states democracy means "... the people's participation in decision making through the choice, accountability and change of their representatives and governments". (Sidgi, K. 1995). Kaballo further maintains that certain practices underline the above conditions:

- i. Choice presupposes the presence of alternatives to choose from, and the right of information about the same alternatives as well as the right of alternatives to introduce and expose themselves through their policies and programmes.
- ii. Accountability implies the right to and availability of information on the activities of elected representatives.
- iii. Change manifests in periodic elections where the general populace is availed an opportunity to express confidence or otherwise in the performance of elected representatives.

The above expose leads to the elements of a democracy. Since civil and human rights are central to democracy the practical and legal expression is generally in the form of a bill of rights which guarantees both the rights of individuals and the conditions under which those rights operate. For this to happen specific conditions have to obtain:

- i. an acceptance of the existence of a plurality of interests expressed in freedom of association reflected in multiple cross cutting organisations such as political parties, trade unions, cultural and intellectual organisations;
- ii. the right to free flow of information and of freedom of expression, and
- iii. a constitution which guarantees that these rights will be protected in law.

It is against these conditions that a political system is subjected for evaluation in order to pronounce it democratic or otherwise, and Africa will be evaluated against the same criteria for her record on democracy.

However, Africa's performance in democracy has to be examined against two critical intervening variables: colonialism and globalisation.

2. THE COLONIAL FACTOR

The scramble by European powers for territorial acquisition in Africa resulted in the drawing of artificial boundaries that brought together diverse social and cultural systems and created entities from which the modern African states emerged. One might justifiably argue that most modern states including the European powers that mediated in the creation of African states are artificial as most resulted from the conquest of neighbouring people by their more powerful political entrepreneurs. What is significant in the creation of African states is that both the drawing of boundaries and the formulation of administrative systems were engineered to suit the colonial metropole such that "native practices" had to be in synch with those of their conquerors. The modern African state did not evolve, but rather was carved out of this experience.

3. GLOBALISATION

The sociological outcome of globalisation has had profound outcomes on developing societies. The technological time frames have been such that while Europe could develop at a pace where cultures evolved, in Africa evolution has been mediated by global communication and commercial systems thus resulting in unevenness between aspirations, expectations and the material capabilities of the socio-economic system to meet these. For instance, the English prime minister of the 1890's compared favourably with his German, French, Swedish etc counterparts in terms of material position and lifestyle. The Ghanaian, Zimbabwean, Togolese or any African president compares himself/ herself with the American English, Japanese etc premiers or presidents where material conditions and the resource capabilities are incomparable. Further, the differential exposures of these incomparable societies to political and economic influences result in dissonance between expectations, aspirations and capabilities of the polities to fulfill them. The result is a turbulent political culture where popular expectations are not compatible with the aspirations of the leadership. The politico-legal system becomes an unevenly contested terrain where in the final analysis the average citizen is no more than an instrument of the state, albeit in the name of freedom and democracy.

4. AFRICA AND DEMOCRACY

In 1994 the Washington Freedom House classified eight of the countries in Africa, as “free”, fourteen as “partially free” and twenty six as “not free” (Larry Diamond in the Encyclopedia For Democracy). By 1996, Africa had experienced eighty two coups since the first occurred in Egypt in 1952, and forty eight of these coups have taken place during the past twenty years. This is explained by the fact that some countries have had several coups: Uganda and Chad come first with four each, followed by Burkina Fasso, Burundi, Ghana, the Comores, and Nigeria with three each, and a further eight states having experienced two coups each. The only region which has been relatively coup free is Southern Africa where only Lesotho has had two coups. If we accept that coups negate the basic elements of democracy i.e. choice, accountability and change as provided above, then Africa’s record of democracy is, indeed, bleak. Characters like Idi Amin and Mobutu Sese Seku, as well as the genocide in Ruwanda tarnish Africa’s image of democracy, while the prevalence of one party dictatorships does not augur well for conventional democracy either. What further bedevils Africa’s case is degree of corruption coupled with poverty in a region that is endowed with natural resources. For instance, agricultural experts claim that Zaire can produce enough food to feed the whole of Africa, yet Zairan residents are starving. The next task is to find explanation for this bleak record.

In an analysis of the democratisation process in Botswana and in Zambia, van Binsbergen lists three modes, what I refer to as dimensions, of operationalising democracy. The first he terms philosophical, that is where democracy is situated in the source of the legitimate exercise of power by a collectivity. Conventionally this source is the people or the collective conscientiousness. However, there is so much flexibility regarding what constitutes the people or this philosophical collectivity that “Statements about the people are sufficiently flexible and gratuitous to allow the philosophical label of democracy to be applied in numerous settings where in fact, through complex symbolic, ideological and military means, voluntary or forced representation and usurpation have dramatically narrowed down the range of those who actually exercise the power” (van Binsbergen, W. 1995). In Africa representation constitutes the most contested terrain in the exercise of democracy. The principle of representation such as the holding of periodic elections on the basis of the freedom of association and the freedom of expression has, until recently, been honoured more in the breach than in the observance. The second mode of practising democracy is the translation of the philosophical into constitutional and organisational

arrangements that stipulate in practical and controllable detail the specific steps through which philosophical power is translated into concrete actions, offices and personnel (Ibid. p. 5). The third mode is the socio-cultural, or the political culture where individuals “actively and responsibly participate, and have the sense of participating, in the major decisions that affect their present and future, in such a way that they see their major values and premises respected and reinforced, in a political process that links the local and the national”. (Ibid. p. 9).

Specific preconditions in the social system have to exist in order for the above three dimensions of democracy to be realised. The first is a level of development commensurate with the concept of a national state so that the people become a definable entity and boundaries of participation are identifiable. Secondly, institutional arrangements can only be made within specific territorial boundaries. However, the two are not as critical as the third dimension, the cultural, for it is often in the pollution of the third that deviance from the philosophical and institutional is defended. Referring to the African dilemma, Mamdani maintains that Africa suffers from a paralysis of perspective where, on the one hand, issues of individual rights (the philosophical and the institutional) are ascribed to the development of a vibrant civil society, often associated with the west, and on the other, those who defend their absence resort to culture and argue for an African culture (Mamdani, M. 1996). The second precondition is more controversial than the first since it borders on the ideological. It is that certain optimum economic conditions have to exist before a healthy participatory democracy is realised. The controversy is not about the economic conditions per se but about their nature. Empirically there is a tendency for democracy to work better where a developed capitalist sector coexists with a strong working class which finds expression in a vibrant labour movement. A return to Kaballo’s basic elements of a democracy, choice, accountability and change, will help situate a critique of Africa in perspective.

4.1. *Choice*

Commentators on democracy generally regard the key principles of democracy: liberty, equality and fraternity as products of the French Revolution, a revolution whose preconditions arose from the development of an aspirant middle class. It was the perceptions of inequality by the middle class that spurred it to revolt against a decadent political system that promoted privilege and corruption. Howthorn (1995) refers to the recent origin of distinctively political classes in Africa, and avers that such classes have little if any economic base outside of the state. Writing immediately before the first democratic elections in South Africa, Zulu and Morris

elaborate on the problems of replacing an apartheid elite whose sole source of power is derived from their positions in the apartheid state and the problems this would have on the democratisation of a new South Africa. While under normal situations elites source their power from a variety of resources such as professional practice and entrepreneurship, and competition for political power is just one of the avenues to social mobility, the elite that apartheid had created depended on the state both for accumulation and reproduction. Hence failure to be elected to political office would result in disastrous personal consequences (Zulu, P.M. and Morris, M. 1994). One might add that in South Africa there are more avenues for the social and political mobility of elites than is the case elsewhere in Africa.

The above picture has two basic implications for Africa:

- i. The first is that the base from which political leadership emanates is relatively limited.
- ii. The second is that because of the centrality of the state as a base for vertical mobility, access to state power is critical to the fortunes of political and economic elites in Africa.

4.1.1. *Implications For Political Choice*

The critical question to ask is: what implications have these social conditions for political choice in Africa? The absence of an independent economic base renders African political elites vulnerable and, in the main, it is this vulnerability which is the source of anti democratic tendencies among the political elites. To them political office becomes a matter of life and death and hence they tend first to stifle political competition among themselves and secondly to refuse to extend political opportunities to the general public. As Hawthorn (1994) states, the leaders of states where “economic patronage has been an important source of political power, have always had to guard against those individuals as well as associations, who might weaken their control” (p. 336). This was a classic case in South Africa before the transition to democracy where homeland leaders sourced their economic power and social status from their political positions rather than from personal achievements. The tendency was that they entrenched themselves politically in order to continue enjoying the economic rewards and the result was authoritarianism expressed in the suppression of any form of opposition, and the present spiral of political violence that has engulfed sections of the country such as the province of Kwa Zulu/ Natal has to be appraised within this context. As stated earlier in this paper, relative to the rest of Africa, South Africa has almost the requisite resources to sustain a democracy, elsewhere in Africa the resource base is, indeed, precarious.

Very few countries in Africa have a vibrant opposition political party and whatever voluntary associations exist, they tend to take the form of protest movements rather than that of deliberate party formations whose programme is to offer an alternative government. As products of the psychology of anger, protest movements generally tend to be diffuse, idealistic and rhetorical rather than goal-oriented, and often do not have a definite plan of administering the state, nor do they possess sufficient discipline to govern. As Zulu (1991) states with regard to the extra-parliamentary opposition in South Africa before the transition "By definition, mass organisations thrive on popular disaffection and have very low, if any, extractive capacity" (p. 207). Such limitations in experience in government together with tensions which result from the relations between government and opposing voluntary associations are indicative of the limitations in the choice of governing personnel that the new polities are confronted with. Consequently, democracy suffers.

4.2. *Accountability*

Two factors affect the principle of accountability in societies with narrow or constrained bases for political power. The first is that the authoritarianism which results from elite competition means that the masses have no access to the mechanisms for holding the incumbents in political offices responsible. The second reinforces the first in that the narrow bases are often also products of the distribution of resources which facilitate mechanisms of holding politicians responsible to the electorate. Lacking in an independent and a vibrant middle class to offer challenges and riddled with high levels of illiteracy the masses in a number of African states are at the mercy of officials who contain whatever limited opposition there is through alternative recourse to patronage and oppressive edicts. Questions of accountability to the electorate in the form of a vibrant opposition party or through periodic censure expressed in general elections is rare if not completely absent. Once in power, a number of political parties ensure that they remain in control by either manipulating conditions such that the opposition is completely wiped out. Where educational levels are low and the mass media is controlled by the state, processed information is easily manipulated to suit those in office. Hence the right to information, a right which constitutes the basic prerequisite to accountability, is mediated by social conditions and manipulated through political engineering by the ruling elite. Malawi went without any elections for decades while South Africa before the transition consistently manipulated public opinion through the state's controlled broadcasting corporation. The white public to which the South African government felt responsible, was deliberately kept

ignorant of what went on in the townships and rural areas where the vast majority of South Africans, mostly black lived. In this way both the governments of Malawi and of South Africa respectively contained challenges to their public accountability.

4.3. *Change*

One of the basic ingredients for political change is a competitive economic system which facilitates not only a strong capitalist class but also a powerful working class with an organised trade union movement. African economies with a few exceptions (in the main South Africa and Egypt, and to a lesser extent, Zimbabwe, Kenya and Nigeria) are basically agrarian and of the peasant rather than the capitalist type. Further, most African countries have until recently adopted the socialist model of production where the state rather than the market dictates both the nature and tempo of change. This, besides the recency of industrialisation, has contributed to the slow development of a competitive middle class eager to galvanise the state to change and adapt to new challenges. Also the dominant role of the state in the sphere of production has meant that worker interests in industrialisation have had to be catered for by the party and not by an independent trade union movement. Historically industrialisation has precipitated democracy and trade unions have exerted great influence in the process. The absence of these two catalysts in Africa means that there are less pressures on the states to change. Generally, the pressure to change has come from outside, mainly from the World Bank and some foreign governments, particularly the United States, which have made democratisation expressed in multiparty competition and periodic elections conditional on the granting of foreign aid.

5. THE TRANSITION

Ironically, one of the unintended consequences of authoritarianism in Africa has been the decline in the state's capacity to deliver the necessary goods and services, an inability which has resulted in the disappearance of the state from the public domain. Monga (1995) maintains that one of the reasons for the emergence of voluntary organisations in Africa has been "an attempt to fill the social void which the absence of the state represents for so many of the inhabitants" (p. 370). Faced with the inevitable demise of the state and spurred on by the international community, most African states started to promote human rights standards. In 1986, the African Charter on Human and People Rights was promulgated and a Commission

on Human and Peoples Rights was established in 1987 as an arm of the Organisation of African Unity (OAU) to champion these rights. While its documentary role, training and educational capacities might be in doubt, the Commission and the Charter represent a change in consciousness and an internal recognition by African governments that democracy is not only necessary for foreign aid but also intrinsically desirable for a just society. The proliferation of non governmental organisations (NGO's), most of which are cause-oriented has impacted on the democratisation process in Africa. A number of the NGO's have documented abuses of human rights and internationalised the problem thus acting as watchdogs of democracy.

5.1. *Political Conditionality*

Perhaps the greatest visible contributor to the attempts at democratisation in Africa has been the imposition of political conditions for aid and assistance to African governments. In 1986 foreign ministers in the European Community decided that respect for human rights was a prerequisite for cooperation between members of the Community and foreign countries. Since most members of the EU are also principal donors in foreign aid this meant that recipient African states had to honour this principle in order to qualify for financial assistance. Two tendencies arose from mediation by foreign governments or bodies in the democratisation of Africa after "emancipation". The first espoused by the World Bank has been to link democracy to the operation of market forces. Democratisation has, therefore, been assumed to be a product of facilitative processes especially the creation of an independent middle class promoted by a release of market forces in the economy. The rationale has been that an independent middle class is functional if not essential to the operation of a democracy. Hence structural adjustment programmes which limited the role of the state in the economy were imposed on African countries as a condition for foreign aid. The effect of the structural adjustment programmes has been that they further weakened an already waning state.

The second tendency has been to predicate the granting of foreign aid on democratisation rather than on imposing economic conditions as facilitators of democracy. The first visible manifestation of this tendency has been the insistence by foreign donors that recipient countries hold multi party elections as a demonstration of democratisation. Consequently a number of states such as Kenya, Tanzania, Zambia and Malawi have had to create conditions for multi-party elections as a demonstration of democratisation.

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DEMOCRACY: COMMON QUESTIONS

HANS F. ZACHER

PRELIMINARY OBSERVATIONS

Ever since there have been Christians, *Christians and the State* have had to establish a *relation with one another*. Similarly the question of *the Church's relation to the State* is as old as the Church itself. In the course of two thousand years these relations have continually changed both in content and in form. That is not only true of the relation between Christians and the State and the relation between the Church and the State, it is no less true of the triangular relation between Christians, the Church and the State. Contents and forms have all been subject to continual variation. Christians and the Church have had to work out a *modus vivendi* with practically every kind of State.

In this process situations have again and again occurred in which Christian life, the Church and the State have come very close to one another. But this constellation rarely happened when the State was a democratic one. The expression "the throne and the altar" is a reminder that other forms of government than the democracies have succeeded more frequently and more permanently in coming particularly close to the Church and consequently to a specific form of Christian life. But the realisation that Christianity, the Church and a specific type of State can never be fully equated with one another no more perished than did the realisation that the form of a State is no guarantee that it will always remain unchanged. So the phrase arose that *Christianity does not of necessity correspond to any particular type of State*. The *Church* too has repeatedly emphasised that *it cannot identify itself with any particular form of State*.

The last few centuries have seen the spread of the concept and practice of democracy in a way unprecedented before in history. The relation of this development to Christianity and the Church has been many-sided and complex. The geographical area in which it took place was primarily Europe

and North America. The development was widely accompanied by ideas that contradicted the traditional understanding that, while the individual Christian is subject to both the State and Church authorities, the Church is in general on a level with the State and in spiritual matters even superior to the State. The Churches of the reformation showed a tendency to allow Church authorities to be dissolved in State authorities. Since the North American and French revolutions separation of Church and State has often been carried through. Neither process was achieved without tension and friction between constitutional and political developments on the one hand and the various forms of Christianity and Church on the other. All the same it was the Christian countries that were the ground on which modern democracy developed and spread. There is obviously a deeper relationship between Christianity and modern democracy than appeared, in particular, to the catholic Church, which lost power, freedom and influence both through the protestant State-Church system and through the separation of Church and State.

In the meantime *democratic government has spread all over the world*. New areas have been opened up to it both by the end of the colonial era and, more recently, by the collapse of communism. Democratic government has become more and more general in the world; with this, however, not only its advantages and benefits have spread, it has also become more and more apparent what dangers democracy is exposed to and what dangers people living in democracies may be exposed to. This applies all the more as democracy has long since left the geographical area in which it came into being during the past centuries. As democracy has spread, so has the *multiplicity of conditions* increased, in *which democracy now lives*. This multiplicity is *out of keeping with the unquestioning view of democracy as the one and only true form of government*, a reputation that democracy has acquired by now at the end of the 20th century. An unquestioning view like this weakens the readiness to look into the different historical, cultural, civilising, social, economic and other circumstances in which democracy has to operate in different countries and different peoples. It also weakens the agility to react to these differences.

But there has also been an increase in the manifold constellations in which Christians meet "their" State, and in the manifold constellations in which Churches and the State confront one another. All this gives the theme "democracy" a new meaning and a new urgency for Christians and the Christian Churches, especially for catholics and above all for the catholic Church. The unquestioning acceptance of democracy and the multiplicity of circumstances in which democracy lives *represent a new and comprehensive challenge to both the teaching of the Church and to the practice of Christians and their Church*.

Studies presented at the workshop held in Rome on 12th-13th December 1996 and the resultant discussions raised manifold questions. What follows is an attempt to review such of these questions as would appear to deserve priority for further clarification by the Academy.

I.

THE NATURE AND FORM OF DEMOCRACY

1. THE VALUE AND JUSTIFICATION OF DEMOCRACY

a) *Value or instrument?*

The high degree of unquestioning acceptance that democracy enjoys throughout the world today raises the question whether democracy is a value in itself or whether it is especially close to values that are beyond dispute. Is democracy not an end in itself but a means to an important end? If democracy is not a value in itself, then the validity of the democratic principle will depend entirely on what values democracy serves and how effectively it does so.

b) *What values are served by democracy?*

Two aspects of democracy must be considered here. On the one hand there is the matter of “*input*”, that is the share of the citizens themselves in running a democratic State, their *participation*. It makes the governed who are the object of State authority into persons with a share in that authority. In this sense democracy organises *the self-determination of the individual*: when all can determine things for themselves, then the individual too can determine things for himself. Admittedly this only means in reality: the individual can determine for himself in that the representatives of all — the majority, those elected — determine things for everyone.

Then on the other hand there is the matter of “*output*”, the *result* of government authority.

— With regard to the State and its people as a whole, democracy serves the *bonum commune*. Admittedly this *bonum commune* has no a priori existence, it must be defined by the commonwealth. What is expected of democracy is that the dialectic cooperation of all with the responsibility of their representatives should result in the definition and achievement of a *relative optimum of bonum commune*.

— With regard to the *individual*, what is expected is that in the

dialectic cooperation of all with the responsibility of their representatives, a democracy *should succeed in uniting the greatest possible equality, liberty, security and welfare of each individual with the greatest possible equality, liberty, security and welfare of each other individual*. But this too must not be understood in an absolute sense. Here too it is a question of a *relative optimum of equality, liberty, security and welfare of each individual*, insofar as it derives from consideration of the relative optimum of equality, liberty, security and welfare of each other individual.

Can democracy be understood and justified in this way? How otherwise? And how are the doubts to be dealt with that always arise when the reality of democracy is measured against the principles that explain and justify democracy?

c) *The alternatives — a way or a false track?*

Situations are of course always conceivable in which other, *non-democratic structures* seem to offer and indeed to achieve a “*better*” *bonum commune* than an actual democracy. Likewise situations again and again arise in which non-democratic structures seem to offer or to achieve a “*better*” *optimum of equality, liberty, security and welfare for each individual*. What can then be said for democracy?

Certainly participation by the citizens is and will always be a powerful argument in its defence. But this participation has a built-in “*imperfection*”, the fact namely that the number of those who make decisions (the majority, the representatives of the population in general) is not equal to the total number of all who can participate. This legitimation of democracy from its allowing general participation is therefore easily open to doubt. It must be tested and proved by its results. And it cannot make compensation at will for deficiencies in the results of the system.

Can democracy be justified in spite of the dangers and realities of present “*failure*” by the argument that it is *the most reliable long-term guarantee of the values* that constitute the common good and the equality, liberty, security and welfare of each individual, even though other types of government in a given concrete situation may bring about better conditions? That democracy makes possible long-term correction and change is in fact one of its principal merits and one of its principal justifications. This presupposes, however, that society thinks not only about today, but that it thinks and judges *from a long-term point of view*, that it has a memory and reckons with a future that goes beyond today and tomorrow.

The dangers bound up with this are obvious; they are the dangers of legitimating government authority solely from the results it achieves and

relegating the importance of general participation to second place. It has always been the plan of authoritarian, fascist and communist systems to replace “formal democracy” with “real democracy”, to replace “government of the people” with “government for the people” in order to impose on the people whatever those who happened to be in power considered to be the bonum commune and to replace the equality, liberty, security and welfare of each individual by inequality, lack of liberty, insecurity and corresponding variations of the individual’s welfare.

2. THE STRUCTURES OF DEMOCRACY

a) *The institutions of government and society and the right relation between them*

There are democracies and democracies. A democracy’s achievements depend largely on its structures and procedures, on the nature of the society living in it and on the relation between the two. *Many variants* can be imagined *for a democratic State*. No less *varied* are those elements of *society that have to put life into the rules and institutions of a democratic State*. The result is an incalculable number of possibilities, effects brought about by the various democratic structures together with the various social circumstances. There is, however, a very significant difference between the two basic elements — the institutions of the democratic State on the one hand and the social circumstances on the other: democratic institutions can be made and unmade, insofar as political ability and possibility allow, whereas the possibility of changing social circumstances is very limited. More than any other age the twentieth century, in which democratic government has spread as never before in history, has multiplied experiences of a bad relation between the institutions of democracy and society, and has brought a fresh urgency to the question how this bad relation can be forestalled and corrected.

This social dimension of the problem mostly finds expression in the question about “civil society”. It will be dealt with later in greater detail (cf. II below).

b) *The structures and rules of democratic government*

This must not, however, lead us to forget the specific problems inherent in democratic institutions. Firstly, they determine what democratic participation should amount to in practice. Secondly, they determine how the bonum commune should be defined, and they also determine how the

equality, liberty, security and welfare of each should be equilibrated with the equality, liberty, security and welfare of the others. Thirdly, it is the democratic institutions that link the structures and procedures of participation with the structures and procedures of governance.

The degree and manner of the democratic machine's complexity determines on the one hand whether the democratic State is functional and on the other hand to what extent as many citizens as possible are involved in the process of democratic government. This also means in particular how far minorities are integrated. In other words, the structures and procedures of a democracy determine its effectiveness, but they also determine how seriously the aim of democracy is taken of giving the individual citizen a chance — both in the form of participation and also in offsetting his equality, liberty, security and welfare with the equality, liberty, security and welfare of the others.

In this once again *time* proves to be an important *dimension*. Dividing time up into periods (elections, periods of office) makes for stability and efficiency, and at the same time these periods constitute horizons within which account must be given and changes are expected. As these periods for giving account and effecting change follow one another, democracy must prove itself as the form of government for the smallest perpetually neglected minority.

Viewed from another angle, this corresponds to the demand that democracy should not be at the mercy of a dominant class or group, as tends to occur again and again in the most diverse forms. Indeed, whether or not democracy is open and egalitarian in this sense seldom ever depends solely on its legal and organisational structures. Rather the composition and spirit of society also play an important role here (cf. II below).

c) *Single aspects*

The *abundance of single items* that play a part in this can only be hinted at here: the franchise system, which produces the country's representative institutions; the structures of this representation (parliament, government, president's office) and the competence of the organs of representation; the rights of the people (the whole people comprising the nation or certain parts of the people) to demand decisions, to object to those decisions or to take decisions themselves.

The franchise system and electoral law stipulate who belongs to the "*people*" in whose hands democracy lies. The distinction made between the inhabitants of a country and its active citizens can be a clear indication of the sense in which democratic government is understood as identity between the rulers and the ruled.

How can the people influence what is done in politics? The role of the *party system* is central to this, but so is the role of *associations and similar structures* that form bridges between the State and society. All these are primarily expressions of *representative democracy*, that is of a more or less wide gap between the citizens' participation and actual political decision taking. Alongside this there are the expressions of *immediate decision taking by the people*. These deepen the participatory element in democracy, but as democratic government cannot survive without representative structures, a constructive relation between the elements of immediate democracy and those of mediate democracy is important. Types of immediate democracy are especially useful when, thanks to circumstances, the people learn over the years how to handle their responsibility. But they can also be dangerous when they serve to implement the interests and values of a *present majority, which may be a minority, against those of the people in general*. They can also degenerate into an instrument of government for an authoritarian regime.

A different field is opened by the question in what way *democracy can be combined with other elements of government*. The most common example is that of *hereditary monarchs* at the head of democratic States. Also parliamentarianism can be a home for mixed structures. So consultative assemblies of chieftains may reconcile the traditional tribal elements with the machinery of modern parliamentary democracy. But *democracy* can also create *its own differentiations*, by virtue of which it can institute *offices that are not under the immediate influence of current politics*. The most important case is that of the independent judiciary, but independent institutions of control (the ombudsman, the control office on public spending) and the trustees of public interests, whose work presupposes special technical competence (central banks), are also worthy of consideration.

3. DEMOCRACY AND THE RULE OF LAW

a) *Rule of law*

The most important principle to ensure the best possible relation of the equality, liberty, security and welfare of each individual with the equality, liberty, security and welfare of all others is that of the rule of law. This is not identical with democracy, and in the course of history we do not necessarily find both at one and the same time. Frequently the establishment of the rule of law preceded the development of democracy, and again and again there have been individual examples of authoritarian systems that observed the ideals of the rule of law. Nevertheless *the rule of law is closely*

related to democracy. Democracy must be subject to it if it seriously wishes to take the single citizen not only as a participant in democratic government but also as someone affected by democratic government.

The oldest, indispensable elements of the rule of law are an independent judiciary, the threefold division of power, and the subjection not only of the citizens but also of the government to the law. In the course of time the rule of law system has become more and more differentiated. Control by the judiciary has been extended potentially to cover the whole of the State's activity. Numerous principles have concretised the rule of law: the principle of proportionality, the principle of legal certainty and the protection of legitimate expectations or the principles of liability and compensation. The independence of the judiciary is not, of course, only a matter of legal rules. It is not conceivable without lending a general aspect to this independence and the system of selection that appoints such persons judges as are capable of realising this independence: in the service of the law and without succumbing to the temptation of arbitrariness — whether from outside or their own.

In a more general sense, an analogous demand of loyalty applies to the entire State machinery, in particular the administration. It may not be viewed and acted upon only as an instrument of the current government. The legal order can and should also subject it to a direct obligation — under the ultimate responsibility of the government. The independent loyalty of the State machinery is, however, even more important as regards its relation to social forces and individual persons. Protection against extortion, bribery etc. constitutes a core democratic postulate — and a problem.

b) *Constitutional government (“Verfassungsstaat”)*

It is of quite special significance for democracy that the rule of law has developed in particular in the sense of constitutional government (“Verfassungsstaat”). This is due to the development of a hierarchy of norms reaching their climax in the constitution, to the subordination of the legislative authority and to a great extent of all government activity to constitutional law, and to the establishment of constitutional courts which watch over this subordination and consequently repeatedly take the place of parliament as the legislature.

On the one hand constitutional government (“Verfassungsstaat”) represents an important opportunity for the development of values in democracy, as the *hierarchy of legal norms* makes it possible to distinguish between more important decisions on values to be incorporated in the

constitution and less important decisions to be left to ordinary legislation. Likewise the hierarchy of legal order makes it possible to distinguish between decisions in principle and their execution in practice, as the former (basic values, constitutional principles, constitutional programmes etc.) are incorporated in the constitution, while the latter are left to ordinary legislation. As a rule a change in the constitution is a more complicated process than ordinary legislation (and one that requires bigger majorities or directly involves the population). This differentiation is also a great advantage for democracy in facing values which are alive in society but which need to be defined, protected or, perhaps, restricted or abandoned in law.

On the other hand the role played by the *constitutional courts* in this system is not without its problems. Their democratic legitimation is as a rule less obvious than the democratic legitimation of parliament (and also less obvious as a rule than the democratic legitimation of the government or the president). It depends very largely on the credibility with which the constitutional courts base their decisions on the constitution, if decisions with which they oppose the authority of the legislature or indeed of the government are not to imperil democracy or the constitutional court itself.

Not the least impact of the developments described is that on *human rights*. Human rights, however, are being formulated more and more in international documents too, and in consequence international authorities and courts are keeping watch on their observance. Thus the possibility arises of a conflict between a national democracy and the international community (cf. also VI 2 below).

4. DEMOCRACY AND AUTONOMY

Every *State* is faced with the question whether it should consider itself an *undivided* political, legal and administrative *unit*, or whether it should *subdivide* itself, so that units come into being that have their own and therefore potentially different legislation, their own and therefore different administration and their own and therefore potentially different politics. A federal State, autonomous regions and autonomous municipalities or rural communities are *answers to this question on a territorial basis*, but there are also *units on a personal and functional basis*, for example chambers organised by professions of special public significance.

In democracy these phenomena of autonomy have a special meaning and a special effect. The possibilities of participation are intensified. The definition of the common good becomes more differentiated and more specific. And differences of opinion on an optimal relation of the equality,

liberty, security and welfare of each individual can be brought more into line with actual circumstances. For its part democracy in general is freed from the burden of these specific tasks. Decisions about the how and whether of autonomy fall under the principle of *subsidiarity*. In this sense there is also a positive relation of democracy to subsidiarity.

Nevertheless subdivisions of democracy also bring tensions. To what extent autonomy serves the realisation of democracy depends essentially on the circumstances of society, in particular on whether the forces carrying the whole and the forces operating in the parts are in equilibrium.

II.

THE SOCIAL PREREQUISITES OF DEMOCRACY

1. HARMONY AND DISHARMONY BETWEEN DEMOCRACY AND THE CONDITIONS OF SOCIETY

As stated above (I 2a) the conditions prevailing in society may be favourable to democracy or a hindrance to it. Democratic institutions and the conditions of society may be in harmony or disharmony with each other.

The cause of this disharmony may lie with the State if it fails to give society enough room, enough responsibility, freedom and privacy. This may be the consequence of an outlook that attaches too much importance to the responsibility of government and too little to the responsibility of the individual and society (authoritarian systems). Or it may be the consequence of an outlook with exaggerated concepts of the “correct” conditions of society (socialism). Not infrequently both tendencies coincide and reinforce one another. In extreme cases they reach a climax in totalitarianism, which deprives society of all content.

These problems can be approached from two different points of view

— How can the rules and structures of democracy be fashioned so that democracy becomes and remains operational in spite of difficult social circumstances? We have already looked at this problem from the aspect of constitutional policy (cf. I above) and we shall be returning to it later (cf. IV below).

— Far more complex and far less explored are the social causes of disharmony between society and democracy. What social circumstances are favourable to democracy or hostile to it? What can be done to bring social circumstances closer to the requirements of democracy? That is the theme of this chapter.

2. THE EXPERIENCE OF HISTORY — PAST AND PRESENT

a) *“Civil society”: taken for granted or sought after*

The 18th and 19th centuries saw the development of democratic conditions — largely in connection with monarchical and aristocratic structures — because societies had become mature enough to live democratically. When in the 20th century, during and after the first world war, monarchical and aristocratic structures collapsed at large — especially in Europe — democracy replaced them even in countries where the development of society had not yet reached a stage suitable for the introduction of democratic government. The crisis of European democracy in the 1920s and '30s revealed for the first time on a wider scale that there are social prerequisites for democracy. Authoritarian systems, fascism and communism dealt with the problem in their own way.

In the middle of the century fascism collapsed. Colonialism was ended. Everywhere it was taken for granted that these non-democratic forms of government should be replaced by democracy. The numerous types of authoritarian systems too — they had arisen particularly in the Spanish and Portuguese speaking countries — were contested repeatedly and with growing success and were replaced by democratic government. Towards the end of the century the collapse of communism again set off the democratisation process in numerous countries.

By and large the question of the social prerequisites of democracy came more and more to the forefront and with ever greater urgency. There was growing acceptance of the formula that democracy presupposes a “civil society”.

The general dividing line runs between those countries in which society has a more or less lengthy experience of democracy and those in which democracy is now replacing a non-democratic type of government.

b) *Old experience of democracy*

In old democracies too the relation between democracy and society is in continual evolution. To put it more precisely, democracy develops, the conditions of society develop and both processes of change affect one another reciprocally. So even where democracy can look back on a long history it is still dependent on the lasting readiness of both democratic institutions and society to reflect developments and take account of them.

c) *New experience of democracy*

But relations are far more difficult where democracy is replacing a non-democratic form of government. Here, too, there are essential differences according to whether it is a question of

- post-colonial
- post-authoritarian
- post-fascist or
- post-communist

democracies. History may add to this list the item of

- post-fundamentalist

democracy.

In all these situations what matters is the following:

— Have there already been experiences of democracy/“civil society” in the history of a particular State/society? What were these experiences? Did the non-democratic form of government interrupt a democratic development? Or have there been no experiences of democracy/“civil society”?

— In what way did the non-democratic system of government suppress the genesis and experience in society of those values, attitudes and practices that characterise a “civil society” ready for democracy?

— During the non-democratic system of government did values and attitudes come into being that still continue to obstruct the functioning of a “civil society” even when the non-democratic government has been replaced by a democratic one?

— What ideas came into being during the non-democratic period concerning “the time afterwards”? These ideas are different from those that arise in a democratic “civil society”. They do not arise in conditions of open exchange and competition. They are not faced with the risk of having to win the approval of the majority and, if they do win it, of having to be applied in practice. Finally, examples and experiences from other countries can only be brought in very selectively. Democracy is therefore confronted with a series of disappointments: firstly, the disappointment that ideas badly lose their power and validity when they stand in open competition with other ideas and need the approval of a majority before they can be carried out; secondly, the disappointment that ideas badly lose their power and validity when responsibility has to be borne for carrying them out; thirdly, that the suitability and valuation of foreign ideas look very different when their overall context — both in the country of their origin and in the country of their application — can be fully perceived.

3. THE “CIVIL SOCIETY” AS THE EPITOME OF THE DEMOCRATIC SOCIETY

a) *The principle of “civil society”*

There are a priori limits to what democracy can accomplish politically. A technical limit is imposed by the mechanisms of participation, a fundamental limit by the nature of democracy. The more completely the State governs the life of society and its members, the less able are the citizens to take responsibility for politics by their own decisions. But not everything the democratic State is therefore unable to do can be left to the individual citizens. The general well-being therefore requires that what the State accomplishes and what society accomplishes should be complementary to each other. In democracy both the *bonum commune* and the *equality, liberty, security and welfare of each individual* contemporarily with the equality, liberty, security and welfare of all the others *must be achieved in common by the democratic State and “civil society”*. “In common” means that the State and society must each play its part. “In common” also means that the State should influence society — primarily by means of the law — and that society should influence the State — primarily by means of participation —. But it means too that the State and the forces of society should dialogue and work together.

A “civil society” is a *society that is capable of working together with the State in this sense*.

— It must be capable of making its own contribution to the bonum commune and to the condition of equality, liberty, security and welfare of each individual.

— It must be capable of influencing the democratic State by participation and thus legitimating it.

— It must be capable of responding to the legitimate influences of the State. The most important condition is obedience to the law.

— Finally society must contain mediating structures that make it possible for the State and society to work together in the way of concerted activity.

b) *The prerequisites of “civil society”*

What are the prerequisites for this concept of “civil society” to become reality?

aa) *Minimal prerequisites regarding the degree of civilisation*

Democracy presupposes that the members of a society have certain minimum *possibilities for communication and action*.

Democracy also presupposes that *both individuals and society as a whole have time available*. If poverty in a country is so great that daily survival is the prime concern, society cannot get into the right pace for democratic politics. Yet also a high rate of inflation can already exhaust the time horizon of society.

bb) *Ethic prerequisites of "civil society"*

"Civil society" presupposes a social conscience for personal responsibility, cooperation and solidarity. The members of society must know and affirm that *not only the goods and values held by the individual* are of account; what matters is rather to define and achieve the *bonum commune*.

There must be an *ethic conscience* alive in society *regarding the structures and procedures of the State*, especially the democratic State. Society must accept that the services rendered by the State, especially if a democracy, have their "price". It must accept the fact that there is no immediate correspondence between the intentions of democratic participation and the results of democratic politics. It must adapt itself to the pace at which a democracy confers office on persons, which creates a gap between the moment in which confidence is given and the moment in which account is demanded. It is also important to recognise that the obligation of those in public office to serve the interests of the population at large is a value and that the personal profit of both office-holders (bribery) and members of society in any way close to them (patronage) is the opposite of a value.

All these demands can moreover be viewed in the context of *equality*: a "civil society" is also dependent on its general readiness to recognise all persons' equality before the law.

Finally an *ethic conscience regarding the relation of the citizens to the State* is necessary, especially regarding the obedience owed to the law.

The most reliable breeding ground for this social conscience as a prerequisite for democracy is a long and positive *experience*. If this preliminary experience is lacking, efforts must be made to replace it by "*education*" in the widest and fullest sense. There are narrow limits to this means. At all events education will have the speedier and more lasting effects the more it is accompanied by positive experiences.

On the other hand *experience of the abuse of State power, experience of power other than that of the State and not controlled by the State* or, finally, *experience of the extreme failure of State authority in other ways* can endanger the political ethos and even bring it to a fall where it seemed certain. The most widespread phenomenon of such endangering and undermining influence is the mafia.

c) *Homogeneity — heterogeneity — minorities*

Democracy requires a certain degree of homogeneity in society. Heterogeneity makes democracy more difficult. The more heterogeneous society is, the less correspondence there is between State democracy and “civil society”.

A special situation arises when heterogeneity leads to the formation of majorities and minorities in society that are shut off from one another. If the heterogeneity of society as a whole is offset by the homogeneity of sectors of society, its problems can be solved by forms of autonomy. This however presupposes agreement on the degree of community necessary for society as a whole and the degree of difference that can be tolerated.

It is a question of:

— *Historical, linguistic, cultural and ethnic homogeneity/heterogeneity.* The connection between democracy and the *national State* lies in this field.

At present many democracies are weighed down and indeed endangered by the explosive potential of ethnic groupings and divisions. Colonialism too has left behind many frontiers within which and across which tribal loyalties are stronger than those towards the democratic State.

— *The homogeneity/heterogeneity of education, social competence, welfare and such things.* The great problem today is that of *unemployment*: the heterogeneity between those with a job and those without.

— The homogeneity/heterogeneity of *views on values, religious homogeneity/heterogeneity, homogeneity/heterogeneity concerning the determinative influence of religious views on politics.* Historically speaking it is also a question of problems of the Church “in politics” (the politics of the papacy, of national Churches and of Church movements). At present it is a question in particular of the phenomenon of religious *fundamentalism*.

— *Political homogeneity/heterogeneity.* Democracy is a system designed and well suited to give differing political outlooks a chance. In this respect democracy must prove itself above all in the course of time. Heterogeneity that keeps within the rules of this game is therefore in its place in democracy. But the democratic system is rendered uncertain when political groups or movements aim at giving their views a determinative role that can no longer be democratically questioned. Where is the limit beyond which heterogeneity is incompatible with democracy and must be stopped, or at all events may be stopped? In the past it was a question for instance of how democracy should behave towards the party members of a fascist or communist system. At present it is above all a question of the persistence of non-democratic elements in former communist States and the fight against

fundamentalism especially in islamic countries. Democracy's dealings with its enemies is always a very difficult problem. On the one hand it appears a contradiction for democracy to deny its essential liberties of debate and competition to radical groups. On the other hand it also appears a contradiction to allow radical groups these liberties at the risk that they will use them to overthrow democracy and destroy the same liberties for others.

4. DIGRESSION: CONSENSUS, CONFLICT AND DECISION

Democracy presupposes both consensus and readiness for conflict and decision. Consensus must be in reference both to democracy and also to questions of life of the State and society. If in a given society dissent exceeds a certain measure quantitatively and/or qualitatively, this can overtax the strength and authority of democracy to impose decisions where consensus is lacking.

On the other hand dissent must not be made taboo. A political culture — such as is widespread in Africa — that considers existing consensus, or at most consensus achieved by patient discussion, as the only licit way to legitimate norms can paralyse democracy. Dissent that can only be resolved by decision taking is then either left unsettled or is settled undemocratically.

III.

VALUES AND DEMOCRACY

a) *The relativity of values in democracy*

The *relation of democracy to the moral values* is a *relative one*. Democracy represents a *chance* for those values that are alive in society, but it cannot in the long run create greater respect for values than they already enjoy in society. *Democracy* does not itself introduce values, nor does *democracy itself produce values*. It mediates between values.

But people who make values their own and advocate them tend by and large to regard them as absolute. Through this absolute claim for the validity of one's own values the relativity of values in democracy has often been looked on in the past, and still is today, as something negative. Types of government that identify with certain absolute values — monarchies, authoritarian systems and at times even totalitarian systems — seem to deserve preference in the interest of values whose absolute claims are contested in a democracy. The experience of history shows, however, that systems that

identify with absolute values are equally adamant in rejecting and suppressing the opposite values. In the final account there is no avoiding the relativity of values in democracy. It is rather a basic merit of democracy that people can live together in the same State and the same society though attributing absolute validity to different values. While the relativity of values in democracy denies the State the right to espouse the absolute values of some of its citizens, it also denies the State the right to suppress the absolute values of the others. Its job is to make it possible to live together in spite of conflict.

This is why *pluralism* and democracy are close to one another.

b) *The possibility of a positive relativity of values*

The relativity of values in democracy can nevertheless lead to the assumption of a positive or negative attitude towards values. A democracy with a positive attitude will endeavour, while mediating between values, to allow the values of any one section of its citizens as much room for development as is compatible with the opposing values of the others, while a negative relativity of values will in case of conflict come out in principle against all values that contradict one another. The principle of tolerance and the concept of pluralism are bound up with a positive relativity of values.

In these endeavours to achieve a positive relativity of values the techniques of the democratic system of government, and also in particular of the rule of law and of constitutional government (“Verfassungsstaat”), play a decisive role. Both the formulation and special protection of human rights and also the juridical formulation of fundamental values (“Grundwerte”) in the text of the constitution or in the decisions of constitutional courts can help give expression to a positive relativity of values. Beside the political processes of democracy the juridical processes of the rule of law too are of great importance in determining how the relativity of values in democracy is understood and put in practice.

All these problems present different features according to whether it is a question of:

- *macrovalues*, applying to the State, society and comparable bodies, or
- *microvalues*, applying to individuals and their private lives in society.

c) *Democracy and the “loss of values”*

It is a fact of modern life that more and more old values are being contested and losing force, while fewer new values arise that acquire comparable general recognition. This is observed and deplored as a loss of

values. Non-democratic systems appear able to compensate for this loss by espousing certain values and imposing them by force, regardless as to whether the people living under those governments really affirm these values. For this reason the loss of values not infrequently appears as a democratic phenomenon. This is not so in fact. Nevertheless the question remains: what can a democratic State, its society and the individuals living in it do in order to counteract the loss of values?

IV.

IMPERILLED DEMOCRACY — IMPERFECT DEMOCRACY

Democracy is a form of government that is always under attack. The reasons for this lie in democracy as a political system. Again and again political challenges may be greater than the ability of the complicated democratic government machinery to react. Other reasons are that democracy relies on being supported by a "civil society", the development of which is however largely a "natural phenomenon" of society and history that can only be steered marginally if at all. The result is continued crises, in which the "governability" of society is questioned and in which interests, goods and values seem to be endangered, so that authoritarian or even totalitarian forces present and impose themselves as an alternative.

In the face of this the question arises, *what can be done* to avoid or make good the deficiencies of democracy? What can be done to meet the authoritarian and totalitarian temptation? What can be done to prevent the collapse of democracy? To what extent is this a matter concerning the form of the democratic machine? To what extent is it a matter concerning the condition of "civil society" and the positive relation between it and the procedures and structures of the democratic machine? To what extent is it a matter concerning a planned "development" of "civil society"?

Another question that is continually being asked is whether there is such a thing as "*basic democracy*" that makes possible or even guarantees "*good governance*" but leaves out "over-refinements" of the democratic system. What is meant by this is essentially the establishment of a system of government in which the democratic input (participation) is reduced to the legitimation of efficient governing structures, while free rein is given to the democratic output (the production of the bonum commune and of the equality, liberty, security and welfare of the citizens, both factors being defined by the said governing structures).

The question is also asked whether there can be forms of democracy that are immune against certain shortcomings of "civil society" because

disturbing elements of “civil society” (e.g. tribalism) and even its “vices” (e.g. bribery, patronage), are incorporated in such forms of democracy positively and as far as possible in a planned manner.

In view of the worldwide diffusion of the idea of democracy and the extremely varied conditions in which it is applied, these questions acquire great significance.

V.

AREAS OF CONTACT BETWEEN STATE AND SOCIETY

The question as to the right relation between the State and society is of particular importance:

1. for everything concerning the *welfare State* (its aims and how the task of achieving these aims is distributed between the State and society);
2. for the *economy* (the alternative of market economy or State-run economy, the alternative of a competitive economy or monopolistic capitalism, the alternative between a “capitalist” and a social market economy);
3. for *dependent labour* (the relation of professional labour to non-professional labour, the relation of independent professional labour to dependent professional labour, the relation of employers and employed, the representation of the employed in their firm, the role of trade unions and employers’ associations);
4. for *education and training* (in its meaning for the individual and the family, its meaning for the public in general, in particular also for the development of the “civil society” and the functioning of democracy);
5. for *public opinion* and the *media*;
6. for *religions* and *organised faiths*.

VI.

THE INTERNATIONAL COMMUNITY AND DEMOCRACY

The 20th century is not only characterised by the spreading of democracy throughout the world, it is also characterised by the fact that the international community is becoming organised more and more intensively and with ever greater differentiation. This poses new tasks for democracy. But it is also bound up with new dangers that power and responsibility may fall apart.

1. DEMOCRACY, INTERNATIONAL ORGANISATIONS AND SUPRANATIONAL COMMUNITIES

a) *International organisations*

For decades now, with growing frequency and intensity, States have been approaching political tasks of international dimensions by looking to common organisations. These may be of a worldwide and general nature (as in particular the United Nations), of a regional and general nature (as the European Council, the Organisation of American States or the Organisation of African Unity), of a worldwide but specific nature (as the World Health Organisation, the International Monetary Fund or the World Trade Organisation) or, finally, of a regional and specific nature (as the North Atlantic Treaty Organisation, the Organisation for Economic Cooperation and Development or the Mercado Común del Cono Sur). For all these *organisations* the question arises *how far they should consider themselves "democratic"*. There are two aspects to the question: *Firstly*, should these organisations *be limited to democratic States*, or should they be indifferent to the type of government of their members? *Secondly*, should they *make it possible for the peoples involved to participate*? It is obvious that there can be no general and uniform answer to these questions.

b) *Supranational communities*

Different criteria apply to developments in which a grouping together of States goes beyond mere international organisation, and gives rise to *communities similar to a State*, that is supranational communities. By far the most important example in the world today is the *European Union* (European Community). Here it is no longer just a question of cooperation between governments. Nor is it just a question of the organisation of States. It is rather a question of a community of peoples in a common structure similar to a State. The democratic ideal is held so strongly by all the States concerned and their peoples that it cannot fail to mark their supranational community.

At present, however, there are two sources of resistance to a "democratic normality" in the structures of the European Union. Firstly, the European governments (which work together in the Council) appear as the surest guarantee of national identity but also of particular national interests in European Union policy. Secondly, the societies of the European States are primarily national societies, and the threshold has not yet been crossed to a "European civil society" to interact with the governmental

structures of the European Union. Nevertheless the further advance of European unification will demand a further advance in the “democratisation” of the European Union.

2. INTERNATIONAL INTERVENTION IN NATIONAL DEMOCRACIES

A totally different development is the one caused by the growing frequency and intensity with which international organisations, agreements, conferences, etc. bring their influence to bear on national democracies. This happens, for example, when

— *general political organisations* (U.N., O.A.C., E.C., etc.) work for the achievement and maintenance of agreed democratic standards by giving advice, voicing complaints or imposing sanctions;

— *special organisations* (e.g. the organs for the realisation of the European Convention on Human Rights and Fundamental Freedoms or the organs of the International Labour Organisation for the implementation of agreed social commitments) guarantee by special procedures provided for this purpose that agreed standards and contractually anchored rights are kept;

— *organisations for the promotion of the world economy, and in particular for the development of disadvantaged States* (International Monetary Fund, World Bank, etc.) tie their help to the acceptance of advice and conditions regarding the democratic structures of the country in question;

— *international conferences* (e.g. the World Women’s Conference) take it on themselves to formulate and proclaim the values held by the “world society”, thus influencing also the values of national “civil societies”.

— In all this the international community no longer keeps to the path marked out by the common responsibility of governments and the rules for the use of available instruments as laid down in international law. More and more *non-governmental organisations* (NGOs) too are playing a part. Their contribution to the formation of international views on values is considerable and is still growing, especially since the media give special prominence to the viewpoints of NGOs. *Internationality and transnationality* merge into one another.

Taken as a whole these developments are ambivalent. The insistence of the competent international institutions on avoiding and compensating for shortcomings in national democracies is legitimate. This applies in particular to interventions by general political organisations and the special orga-

nisations for guaranteeing human rights, social standards and so forth. On the other hand the tying of economic and technical aid to recommendations and conditions concerning the democratic development of a country — though there may be very good reasons for it — is not without problems. Competence for granting economic and technical aid does not necessarily mean legitimation for giving political and legal aid. The informal formulation of values both by government conferences and by non-governmental organisations and their conferences can be particularly problematic. Depending on conditions in the country involved, informal standpoints of this kind may represent a necessary and beneficial, or at least a harmless contribution to discussion in that country. But when the “civil society” of the country has insufficient competence and force to discuss and formulate its own code of values, informal declarations from abroad may inadvertently replace a code of values worked out by the country itself. This could open the way to an ethic “neo-colonialism”.

VII.

QUESTIONS FROM THE CHRISTIAN, ESPECIALLY THE CATHOLIC POINT OF VIEW

For the work of the Academy all these questions need to be raised from a Christian, especially a catholic point of view. At the same time in conclusion this interest in understanding must itself be given its right location.

There are three levels to be considered:

- the Church’s *social doctrine* on democracy;
- the Church’s *practice* (that of the hierarchy at all levels, of individual Church members — priests and laity — and of their specific groupings) with reference to the State in which and with which the Church lives, regarding
 - the building up or making of elementary changes to a democracy,
 - the political life of a democracy (in the framework of the legal and social relations created by it, in the framework of its institutions and procedures),
 - the dealing with the shortcomings of a democracy or
 - the relation to non-democratic States; and, finally,
 - the *internal life of the Church*, which itself is exposed to a new challenge as democracy is more and more taken for granted for the organisation of human society.

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