INTRODUCTION

Democracy is heading for a hangover. This is the apprehensive theme of a book titled, The Democracy Trap, in which the author, Graham E Fuller, argues that: "Democracy can become a trap when it stimulates the erroneous belief that with the passing of the Cold War we are emerging into a new and automatically more promising world." (1) It is my own view that Democracy, like 'free enterprise' or a 'market economy' are instrumental values but are being approached as ends in themselves. It is a fundamental error to imagine that if one has solved the problem of means that the ends will look after themselves. This error
is compounded if one imagines that ends can be reached with means that cannot do so.

Increasingly articles and papers are appearing warning against triumphalism after the collapse of communist regimes; identifying the development of neo-nationalist even fascist tendencies in countries pursuing democracy and free enterprise; agonizing over the implications of ethno-racial tensions for democratic consensus in divided societies and so on. Some argue that the pursuit of democracy and a market economy inevitably unleashes these tensions, others that it was inevitable that the collapse of the bi-polar world would bring such forces into the open and that democracy and/or a market economy are the only means to deal successfully with them in the long run. It seems to me that democracy in many cases is being burdened with problems which it cannot solve and if expected to do so must lead to the failure of democracy itself. This is the theme which I wish to explore particularly in the South African context, precisely because I believe democracy is both desirable and necessary. If you ask me why, I can put it no better than Robert A Dahl does in his brilliant work Democracy and its Critics where he argues that Democracy is .. "superior in at least three ways to other feasible ways by which people might be governed. First, it promotes freedom as no feasible alternative can: freedom in the form of individual and collective self-determination, in the degree of moral autonomy it encourages and allows, and in a broad range of other and more particular freedoms that are inherent in the democratic process, or are necessary prerequisites for its
existence, or exist because people who support the idea and practice of the democratic process are, as a plain historical fact, also inclined to give generous support to other freedoms as well. Second, the democratic process promotes human development, not least in the capacity for exercising self-determination, moral autonomy, and responsibility for one's choices. Finally, it is the surest (if by no means perfect one) by which human beings can protect and advance the interests and goods they share with others." (2)

Such confessional statements, in the absence of the profound and compelling analysis, which precedes it, usually induces scepticism and disbelief on the part of those who hear them for the first time. Suffice to say that Dahl does not come to this conclusion lightly, and he himself is deeply sceptical of 2/3 of the countries of the world achieving the status of democratic governments for the next 20 years. But he, like many other contemporary scholars/analysts agree that most countries in the world are caught up in the pursuit of democracy, whether most of them can sustain such forms of government or not. It is in this almost universal quest for democracy that lies the burden of democracy and which I believe we have to understand if we are to enjoy and not destroy democracy in South Africa.

The Quest for Democracy
Phillippe Schmitter (3) talks about the fourth wave of democratisation which the world is experiencing: from 1848 until World War 1, then between the World Wars followed by the period
after World War II and then the current period which he pinpoints as having started with the coup in Lisbon on 25 April, 1974, which began in Southern Europe, spread to Latin American, affected some Asian countries and literally swept through Eastern Europe. From Mongolia to Mali; Madagascar and Mexico, important changes are still in the offing. Only the Middle East seems immune, although even there some change has been occurring in Tunisia and Algeria. "(4) Dahl, is more cautious and talks of a possible 3rd democratic transformation of the world - from City State to Nation-State and now on the threshold of some new, as yet, unresolved development. (5)

Whatever the case may be, and it is not really critical for the purpose of the argument, the characteristics which define the current wave of democratisation is, that:

- it is more global in its reach;
- it is more thorough in its regional impact, i.e. countries within a region or continent cannot ignore each other’s response to pressures for democratisation; and
- there are fewer regressions to autocracy than before.

The scope and intensity of current democratisation has made available a considerable amount of comparative material. A new humility is emerging amongst scholars about the confident conclusions that were offered on the preconditions for, and sustainability of democratic systems of government. There is a much greater awareness of the role of political actors, the
choices facing them in relation to each, the structural circumstances against which they have to evaluate options and how they interact with one another in deciding on them. Schmitter identifies four modes of transition away from authoritarian rule to uncertain but desired democratic outcomes: the process can be driven by leadership pacts as in Venezuela, Spain, Uruguay, Colombia and Chile; or revolution as in Nicaragua and Romania; or imposition from above by a military type group as in Brazil, Ecuador, Portugal and Turkey or reform from below as Argentina, Guatemala, Poland and Yugoslavia. (6) He tentatively concludes that democratisation that is driven from top-down modes of transition, i.e. PACTS and Unilateral Imposition appear to stand a better chance of consolidating in democratic outcomes than those who democratise from bottom up, i.e. revolution and reform. Currently South Africa seems to be following a combination of PACTING and reform which could account for some of the uncertainty and tension in our progress.

Fundamental to current understanding of the process is the distinction between democratisation as a process and the practice of democratic government. Many of the countries caught up in the process may never end up in the practice of democracy. Another way of putting it is that the fact that a country is caught up in transition from some form of autocratic government does not guarantee that democracy will be the outcome. More often than not, (as in many Latin American and even African countries), there is a regression to a new form of autocracy, or some form of stabilization short of democracy as in an interim type
government where a modernizing oligarchy governs with some presumed popular consent. In some cases, e.g. Argentina, there can be ongoing democratic instability driven by populist politics and movements.

South Africa is therefore part of an international quest for democracy. We have enough comparative material at our disposal to know that the success of our transition does not depend on the eloquent commitment of the different leaders to democratic values; nor on the desire for retribution for repression experienced, nor on the need for redressing the inequalities of the past, however understandable and even legitimate such feelings may be. At the moment, our own transition hovers between the possibility of regressing to a new form of autocracy or domination or stabilizing short of a democratic outcome in the form of an interim government. What drives the process is nevertheless repeated and publicly declared commitment to democratic values on the part of all the leaders and movements involved in negotiations. What is not clear, is whether there is sufficient unity of purpose and meaning on what democracy is and is not.

The Meaning of Democracy

A remarkable degree of convergence has emerged on the meaning of democracy in international relations. The heat has gone out of debates on such qualificatory concepts as 'guided', 'African', 'total', 'social', 'participatory', or 'one-party' Democracy. No doubt this is one of the consequences of the ideological thaw.
that flowed from the collapse of the Cold War. The operating principles and procedures of the established and consolidated democracies of the world have been accepted as the norm which has to be approximated if a country can claim to be democratic. Two fundamental operating principles have emerged: **contingent consent** and **bounded uncertainty**. **Contingent consent** refers to the principle that the party or coalition that secures electoral victory does not use its victory to permanently deny the losers an opportunity to win; and those who lose accept the right of the victors to take binding decisions over everybody for the time being. **Bounded uncertainty** means that some fundamental aspects of civil life, e.g. property rights, freedom of association, speech and belief are removed from political contention or the capricious will of a majority or minority. These principles cannot simply be guaranteed by a constitution, although constitutional guarantees may be built in, in an attempt to make them effective. They have to live in the democratic culture or civil society. In this sense a constitution can reflect and reinforce a commitment that exists in society, but it is very difficult to create it if it is not there in some measure already.

It is in terms of these principles that **democratic practice** or **procedure** operates. Fundamental procedures that underpin a democratic system are that:

Decisions binding on society are taken by elected officials.
Everybody, except the insane, or criminal, enjoys adult suffrage.

Similarly, everybody can stand for public office.

There are regular elections free from manipulation and intimidation.

There is freedom of access to alternative sources of information and freedom of association, movement and speech.

No non-elected officials can overthrow the decisions of elected officials.

There is functional autonomy for the political unity in which democratic practice occurs.

In terms of these procedures and principles a variety of democratic constitutions and systems of government can be categorized. Schmitter develops four broad categories namely corporatist, electoralist, populist and consociational (7), but one can talk about Presidential Parliamentarian, Federal, or Unitary types of democracy or a combination of them. One of the burdens of democratic principle and procedure is that people tend to isolate a particular constitutional mechanism or system and reify it as the defining characteristic of a democracy. In South Africa, this is particularly the case concerning the debate around majority rule or 'majoritarianism'. If the debate is to be raised beyond the self-serving interests of parties who either
desire or fear majority rule, then it is well to remember that in no established or consolidated democracy is the principle or practice of majority rule allowed to destroy the practice of democratic government (i.e. contingent consent) nor deny the fundamental rights of the citizens of the country, (i.e. bounded uncertainty). If there is a wilful majority or minority determined to do just that, then no amount of haggling about whether there should be a 70% or 75% majority can prevent that. It simply means that in such a situation we do not have a society capable or ready for democratic government. That does not mean that one cannot take the added precaution of having extraordinary majorities in order to bring about certain changes in a democratic constitution. However, in a penetrating analysis Dahl has exposed major flaws in the majority rule argument. He concludes that: "The quest for a single rule to specify how collective decisions must be made in a system governed by the democratic process is destined to fail. .... We may reasonably conclude, then, that judgements as to the best rule for collective decisions ought to be made only after careful appraisal of the circumstances in which these decisions are likely to be taken. This conclusion is consistent with actual experience in different democratic countries where people have adopted a variety of different rules and practices." (8)

In short, there are majoritarian and non-majoritarian democracies and the manner in which collective decisions are taken is not the necessary and sufficient condition for guaranteeing democratic principles and procedure. There is nothing sacrosanct in the will
of a majority or minority and either have the capacity to undermine and destroy democracy.

When I say that there is a remarkable convergence on the meaning of democracy in international relations, I do not mean that this is purely of academic significance. It is fundamental also to requests for international aid as well as for governments formulating foreign policy positions in relation to countries undergoing democratisation. Toward the end of last year the proceedings of a workshop held in the USA was published. This workshop was commissioned by the Commission on Behavioural and Social Sciences and Education of the National Research Council and sponsored by USAID. The first paragraph of the Preface reads: "The recent movements towards democracy in many areas of the world have brought the US a growing number of requests for assistance from governments that are undergoing transitions to new more open forms of society. Finding the appropriate US role requires addressing complex, sometimes controversial questions: Can we identify the major elements that characterize effective democratic societies? Can we identify the critical steps necessary to support the transition to such societies? What are the major threats to achieving and maintaining democratic societies? What can the US government, and particularly AID do to help countries move toward a more enduring type of democracy? (9)

There are countless of these workshops and research programs going on at the moment. Their findings and recommendations
inform the policy objectives of major international aid and development agencies such as USAID, World Bank, IMF, the European Commission and others and these in turn have a direct impact on the programs and policies of countries undergoing fundamental political transition whether in Latin America, Eastern Europe or Africa, also South Africa. I have said elsewhere that "... the issue of transition to democracy can no longer be settled by ringing slogans, popular mobilization, or ideological comfort zones in a super-power confrontation." (10) That there are still attempts to do so is another burden that democracy will have to endure which may postpone its achievement in some countries.

Representative Democracy

In this regard, a few words on the distinctive characteristics of representative democracy are in order. The first democratic transformation occurred in the first half of the 5th Century BC in the City State of Greece, notably Athens. A thousand years later, in the city-states of Medieval and Renaissance Italy, popular government of the Greek and Roman variety re-appeared. The second democratic transformation took place when the city state was replaced by the Nation State and this had a profound impact on democratic practice and procedure., Dahl comments in this regard "... what often goes unacknowledged is how profoundly the historic shift in scale, from city state has transformed the limits and possibilities of democracy. The transformation is so profound that if a fifth-Century Athenian citizen were suddenly to appear in our midst, he (being a citizen of Athens it would

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necessarily be he, not she) would probably find what we call democracy unrecognizable, unattractive and undemocratic. To an Athenian of Pericles day, what we regard as democracy would probably not look like democracy at all, mainly because of the consequences for political life and political institutions of the shift of scale from the small, more intimate, and more participatory city-state to the gigantic, more impersonal, and more indirect government of today." (11)

Here in South Africa, Dahl does not have to imagine the response of the average Athenian citizen of Pericle's day to the practice of modern representative democracy of the Nation-State. He will find such Athenians on our Campuses and in the Trade Unions. They are 'assembly democrats' as opposed to 'representative democrats' - both are part of the democratic tradition and culture. However, assembly democrats (or campus or shop floor democrats) practice democracy on a much smaller more intimate scale where there is immediate resonance between argument and response and mandates can be shifted and adjust at short notice. It is when the experience of 'assembly democracy' is projected onto large masses of people in a complex industrial society or nation state that democracy itself comes under threat - it is then burdened with romantic populism, demagoguery and hidden agenda manipulation. The shift from city state to nation state profoundly affected who the demos (people) were and what kratos (rule) meant. To insist that the demos (people) of the city state can be transferred unchanged to the demos of the nation state is to fundamentally ignore the complexity that comes about
as a result of changes in size; technology and composition of population. The Jacobin terror unleashed during the French Revolution and subsequently by other movements who insisted on some compulsory egalitarianism as the basic ideology for a 'true democracy', is directly related to this confusion. It is precisely the complexity of this shift which has helped to evolve the operating principles and procedures of representative democracy and which is serving as the basis for convergence on the meaning of democracy which I referred to earlier on.

Another complicating factor of more recent origin is the resurgence of multi-culturalism or ethno-nationalism. In effect, scholars in this field begin to question the viability of the nation-state concept arguing that its geographic boundaries ignore nationalist interests or national groupings. (12) The simplistic version of this as reflected in political conflict is that there can only be democratic practice within or amongst Serbs or Croats, or Slovinians but not between them - a variation on the assembly democracy theme. However, there is enough evidence that representative democracy can survive in cultural plural societies not to abandon the nation-state concept altogether. Hanf has identified various conflict regulation mechanisms in deeply divided societies and concludes that representative democracy can work where you find inclusive syncretistic national ideologies which attempt to accommodate diversity in the search for unity. (13)
Currently in South Africa we are, hopefully, in the process of resolving the tensions between assembly democracy and representative democracy. I pointed out earlier that at least in principle, there is a possible tension between negotiation at leadership level and mass-mobilization at popular level to drive the process of transition in South Africa. If this tension polarizes around competing conceptions of democracy, i.e. representative vs assembly, then progress can get bogged down and authoritarian clampdowns may result. Of course, we do not only have "Athenians" within elements of the left; there are some of them on the right who would like to resurrect a modern version of an exclusivist Afrikaner city-state where circumscribed 'assembly democracy' can flourish. The recurring theme of the CP objections to the current negotiations in South Africa is that a representative democracy in a nation-state South Africa is impossible because it ignores ethno-communal interests. These fears are of course elevated to the status of self-fulfilling prophecies if the response is that South Africa’s problems can be solved by imposing 'assembly-democracy' on the 'masses' or the 'people'.

Cutting across the debate about assembly vs representative democracy are at least three other factors which complicate the speed and quality of negotiated transition between the incumbent government and its opponents. Firstly, they do not only approach each other as negotiating partners, but also as political competitors. In other words, this is not negotiation between opponents with relatively fixed constituencies, e.g. Catholic vs
Protestants, but precisely where part of the outcome is determined by the one's ability to woo the other's support away. Secondly, because the negotiation is between an incumbent regime used to the exercise of power and opponents who engaged in popular revolt against it, there is an ambivalence about sharing power and responsibility. At the risk of oversimplifying, but nevertheless to stress the point, the NP government, for example, seems more willing to give the ANC responsibility than actual power, whereas the ANC understandably, is more keen to have power than to accept responsibility for administration. This dilemma must necessarily affect the debate on constitutional mechanisms such as majority rule, the devolution and separation of powers as well as interim constitutional arrangements for managing transition. Finally, there is the vexed problem of synchronising the relationship between constituency support and compromise. It is very difficult to translate the solidarity of the roundtable with its hours of give and take, alleviated by visits to common waterholes at Codesa, to those supporters out in the cold who are outbidding each other on how their representatives are outsmarting their opponents. This problem resonates back onto the fears about sell-out or co-optive politics and can add fuel to the disputes on the relative merits of assembly vs representative democracy.

There is no doubt in my mind that South Africa is either going to have representative democracy or no democracy at all. This does not mean that aspects of assembly democracy such as referenda and plebiscites cannot play an important role to test
mass support for national issues, nor that special techniques cannot be found to establish a more regular interaction between representatives and supporters. But there is no way in which 'the masses' or 'the people' can govern in the sloganised sense of the word and South Africa sustain democratic government. I am not at all despondent about the pace of transition or the issues over which deadlock threatens from time to time, nor for that matter, about the dynamics which affect the interaction between the different parties which I have referred to. If anything, all of this serves to season the minds of the participants and to deepen the debate on the kind of democratic constitution best suited for South Africa's purposes. Given, where the different participants started from, I believe considerable, even remarkable, progress has been made.

My fear is not that there will not be eventual consensus on the operating principles and procedures that will underpin a new democratic constitution for South Africa. Far more disturbing, are the expectations that people have of what a democracy can deliver and which comparative research shows it is incapable of doing. This, in the South African context, is the real burden of democracy.

Some Myths about Democracy

1. **Democracy does not guarantee stability** - perhaps this is the most deeply felt subconscious need of the majority of South Africans - the need for stability. There is nothing inherent in a democratic constitution which guarantees
stability and yet the most sought after form of political stability in the world today is that which emanates from a democracy. The contradiction here is more apparent than real. I have already made the point that a constitution can reflect and reinforce solidarity, it cannot generate it. This applies in equal measure to stability. Societal stability derives from many sources - the relationship between the instruments of consensus and coercion; the base value commitments of citizens, the nature of the economy; programs of development; the levels of inequality and divisions and how they are managed etc. The most primitive bedrock of societal stability however relates to the maintenance of law and order and the instruments responsible for it, i.e. the police and the military. I cannot think of any recent attempt at democratic transition in any society where the civilian security relationship has not been critical for the success of the process. To say that this relationship remains highly unresolved in South Africa is to put it mildly. Not only do we have competing chains of military and police commands, (e.g. Transkei defence Force vs SADF, KwaZulu Police in relation to SAP, but we have a consistent inflow of illegal arms to unofficial militia and criminal gangs, as well as ideologically divergent views on what maintaining law and order and self-defence means. To think that these problems can be resolved by appointing an interim political executive who have a common commitment to a democratic outcome, is to court disaster for a future democratic South Africa. Frans Kafka
once observed that "All revolutions evaporate and leave in their wake, the slime of a new bureaucracy". I am afraid we are going to have to clear up the slime of the old one before we can think of dealing with the slime of a new one. Just as we are negotiating democratic transition on a constitutional level, we urgently need to negotiate a civil-security arrangement on the problem of stability. Such stability can then be reinforced and reflected in a new democratic constitution.

2. **Democracy does not guarantee the absence of political conflict** - on the contrary, democracy is a social contract in society on how to mediate political differences between rival groupings. There are some who see in the outcome of democratic elections the possibility of political retribution against their opponents. This would be a denial of a fundamental democratic principle, namely, contingent consent. Others naively believe that in the workings of some kind of 'assembly city state democracy', political conflicts will be argued out on the level of consensus or unanimity where all parties have to accept the decision of the majority. The defining characteristic of representative democracy is not that it rids society of political conflict, but that society is enabled to manage fundamental conflicts in a non-violent, peaceful and democratic way. Again, this possibility happens because within society there is an agreement that precedes the implementation of a democratic constitution. The possibility of racial and ethnic
outbidding is not going to disappear because we have an eloquently phrased democratic constitution.

3. **Democracy does not guarantee growth and/or development** - this is perhaps the most dangerous fallacy about democracy and also arguably its greatest burden. The World Development Report 1991 brought out by the World Bank under the title *The Challenge of Development* makes compelling reading in this regard. This report simply reinforces what numerous researchers/scholars have discovered who studied transitions during the 1970's and the 80's and that is that there is no conclusive relationship between democratization, democracy on the one hand the development and growth on the other. There can be authoritarian controls with growth and development (Chile 1973-89), (Malaysia Singapore, South Korea); there can be authoritarian control with low growth and developments, (e.g. in Eastern Europe, Haiti, Peru, Uganda); there can be democratic government with low growth and development (e.g. populist experiments in Latin America, Chile (1971-73), (Argentina 1946-49 under Peron) and Peru under Garcia 1985-88; and of course, there are democracies with high growth and development. The World Bank Report concludes that "On the whole, the evidence suggests that the democratic-authoritarian distinction itself fails to explain adequately whether or not countries initiate reform, implement it effectively or survive its political fall out." (14)
And yet, having said all of this, it is not an oversimplification to say that for many people gripped in the transition of their societies, democracy means development and growth. Again, it would seem to me that just as a country can commit itself to negotiating the transition towards a democratic constitution, it is vitally important to negotiate some kind of an agreement on what development and growth means for the people in the country. More important that such fundamental agreements be removed from the realm of sectional political competition and be part of a general framework within which democratic politics are concluded.

Is this suggestion farfetched? Is it impossible to negotiate fundamental agreements on such matters as: the role of the State in economic matters; property rights; worker rights; foreign investment, investment and consumption spending; development priorities and alleviating poverty and social distress. There is a host of comparative material available to show where government policies on these matters work and do not work.

Consider the alternative - we negotiate an admirable democratic constitution which on implementation creates new political space invaded by competing political movements who fundamentally disagree on the appropriate economic system for the country as well as on the appropriate policies for development and the alleviating of poverty. Let us for arguments sake have a movement committed to 'assembly democracy' and 'macro-economic
populism' confronted by a party who believes in political guardianship free from democratic constraints and insisting on strictly controlled policies of economic growth which entail high short term social costs. Either way, whichever party wins, democracy stands little chance of surviving. Macro-economic populism (if one takes the Chilean case between 1971-73 and even the Tanzanian and to a certain extent the Zimbabwean example), leads to wage increases unrelated to productivity, price fixing, exchange control regulation and constraints on foreign investment. This in turn leads to capital flight, investment apathy, non-competitiveness internationally, currency devaluation and inflation. The resultant political conflict invites repression. In Chile, the 1973 coup was followed by guardianship and repression at high social costs for the next 15 years.

CONCLUSION
Let me conclude by summarizing the points on which I believe South Africa stands a reasonable chance of becoming a democratic country -

1. If we can allow a vigorous and autonomous civil society to flourish where voluntaristic pluralism can promote the democratic principles of contingent consent and bounded uncertainty;

2. If we can evolve an overarching ideology of syncretistic nationalism in which unity in diversity is valued on cultural autonomy and mutual respect is actively promoted;
3. If we can negotiate a constitution entrenching democratic procedure with a clear commitment to representative as opposed to assembly democracy and where aspects of assembly democracy that survive are subordinate to representative democracy, e.g. referenda, plebiscites and techniques of reporting back to constituencies.

4. And most important, if we can take the burden we wish to impose on democracy onto ourselves and as we negotiate democratic transition also negotiate -

(a) A civil-security pact which would signal a transformation of the civil service to make it serviceable to a democratic constitution. Fundamental to this must be the uncontested role of the security forces, i.e. police and military in maintaining acceptable stability and/or law and order.

(b) A growth-development pact in which we commit our resources to an economic system which can stimulate growth and development programs to address problems of poverty and inequality;

Then our quest for democracy need not head for the hangover I alluded to in my opening sentence. It seems to me that the highly prized societal values of stability, growth, development and legitimacy are in some kind of functional equilibrium in the consolidated democracies of the world. Whenever one appears to
be stressed at the expense of the others, corrective measures appear whether from the political, social or economic system. Countries undergoing democratic transformation model themselves on these consolidated democracies without the history and resources to repeat their experience. South Africa is one of those countries. Its citizens are going to have to become democrats in a much shorter time frame than that available to citizens of the older consolidated democracies. Can it be done? I am reminded of Santyana's dictum: "Those who do not learn from history are condemned to repeat its mistakes." The important point about this dictum is to be found in the word 'those'; it implies that there also are those who do learn from history. If I did not seriously believe that I would certainly not bother to come and talk to you about the burden of democracy.
FOOTNOTES


4. Ibid

5. Op Cit, Part 6, pp 311


8. Op cit, p162


14. Op cit p133