

Limits of and to Democracy

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ABSTRACT

Democracy is often lauded as the best form of government. However, it has come under threat in recent years, with a surge in authoritarianism around the world. If democracy is indeed the best form of government, why are so many countries turning away from it? Granted, in some cases, the shift away from democracy has been by force rather than choice. However, authoritarian-minded leaders have often managed to manufacture significant popular support for their anti-democratic agendas. In an effort to better understand democracy and the threats to it, this paper explores three of the most commonly cited criticisms of democracy: its dependence on irrational and uninformed decision makers, its unresponsiveness to sudden and long-term threats, and its failure to protect minority rights. It concludes that these inherent problems may be mitigated through certain non-democratic protections and that, ironically, democracy may be more effective in less pure forms. It further asserts that acknowledging the limits of democracy and how they may be mitigated through limits to democracy is all the more important in a rapidly autocratizing world, as doing so may ultimately empower us to build more resilient, albeit less pure, democracies that are better equipped to deal with the complex challenges facing humanity in the 21st century.

Introduction

Winston Churchill famously described democracy as the “worst form of government except for all those other forms that have been tried from time to time.” Decades later, most people around the world seem to feel likewise. One recent survey of thousands of individuals across a wide range of countries with different political systems found support for democracy to be far higher than for any other form of government.¹ Its proponents have attributed it to a range of positive outcomes, from the protection of individual freedoms to economic success. Even those who resist it seem to understand its appeal. Putin’s Russia, where critics of the government and its leader are routinely imprisoned or killed, held an election earlier this year.² And the official name of North Korea, which was recently ranked last out of 165 countries by the Economist Intelligence Unit’s Democracy Index, is the Democratic People’s Republic of Korea.³ If democracy is so universally deemed good that even non-democratic leaders feel compelled to legitimize their rules with a democratic facade, then one might easily imagine that there could be no such thing as too much of it. However, the truth is far more complicated. A 2023 report by the International Institute for Democracy and Electoral Assistance described the “bedrock of democracy” as “trembling amid a surge of authoritarianism.”⁴ The report called out Hungary, Poland, Turkey, Slovakia, Israel, and the United States as merely the “most familiar examples” of a much broader trend, arguing that “the erosion of democratic norms has been engineered by leaders claiming to speak in the name of, and with the authority of, the people.”⁵ In fact, roughly a third of the global population now lives in countries

¹ Wike

² Hartog

³ “Democracy Index 2023”

⁴ Hülsemann

⁵ Ibid

undergoing autocratization.⁶ If democracy is by far the most popular form of government, why are so many countries turning away from it? Granted, in many cases, the shift away from democracy has been by force rather than choice. However, in some cases, authoritarian-minded leaders have managed to manufacture significant “popular support for their anti-democratic agendas.”⁷ In an effort to better understand democracy and the threats to it, it is important to be open about its weaknesses. This paper identifies three of the most common criticisms of democracy and discusses their implications, ultimately concluding that the best way to protect democracy may, ironically, be to place some limitations on it.

Discussion

Irrational and Uninformed Decision Makers

In a democratic government, supreme power is retained by the people.⁸ While this is often cited as one of democracy’s principal advantages, it presents inherent challenges. Chiefly, for a democracy to function effectively, people must make good decisions. However, an abundance of recent evidence suggests that voters may not be well equipped to do so.⁹ A 2017 study by Christopher H. Achen and Larry M. Bartels, for instance, concluded that “ordinary people know very little about politics and have neither the time nor the interest in becoming well-informed.”¹⁰ Instead, they tend to be motivated primarily by “group loyalties and social identities,” which may drive them to make decisions that go against personal and national interests.¹¹ Moreover, even voters who try to make rational decisions may struggle to do so given the prevalence of misinformation.¹² A recent survey by the Pew Research Center found that nearly two thirds of Americans believe that “fake news” has led to “confusion on basic facts.”¹³ In fact, disinformation can easily be weaponized to destabilize democracies, paving the way for authoritarianism. For instance, Russian disinformation propagated over social media is widely speculated to have played a major role in the vote for Brexit and the election of Donald Trump.¹⁴ Granted, such problems can be somewhat mitigated through a strong public education system, which can provide future voters with the knowledge and critical thinking abilities to make prudent decisions.¹⁵ However, educated voters are also vulnerable to fake news, albeit less vulnerable than their uneducated counterparts.¹⁶ Besides, even a well educated public may be ill-equipped to make decisions about specific laws and policies. For instance, an educated voter may know that she values socioeconomic equality, but that doesn’t mean she will know how to write the tax code to foster it. Moreover, because of the frequency with which important decisions must be made at a governmental level, it is often burdensome if not downright unfeasible for citizens to take the time and effort to learn about every issue at stake.¹⁷

⁶ Boese et al.

⁷ Ibid

⁸ “Government Types”

⁹ Agerberg

¹⁰ Amarasinghe

¹¹ Ibid

¹² “Disinformation and the public.”

¹³ Ibid

¹⁴ Simon

¹⁵ Reimers

¹⁶ Arin et al.

¹⁷ Bulmer

In response to these challenges, democracies have historically deemed it necessary to place barriers between the people and the exercise of their power. The most popular solution is through representative democracy. Unlike in a direct democracy, where citizens vote for specific laws and policies, in a representative democracy, the people entrust their power to elected officials to make decisions about specific laws and policies on their behalf.¹⁸ Nearly every democracy in the world today is a representative democracy in most of its functions, although some incorporate elements of direct democracy, such as allowing citizens to request referendums and propose constitutional changes.¹⁹ Representative democracy may be less democratic than direct democracy, but its popularity is testament to its advantages. Yet representative democracy is far from the only way a democracy may be rendered more effective by placing limits on the power of the people. When it comes to highly technical or complex matters, even elected officials may lack the specialized knowledge and experience to make good decisions. This is why most democracies also embrace elements of technocracy, leaving some complicated decisions to those with the most relevant knowledge and experience, regardless of their public support. In fact, it has become customary for democracies to rely on qualified appointees rather than elected officials to manage much of the governments' day to day operations.²⁰ For example, a senator or member of parliament is unlikely to be the most qualified person to make decisions about public health issues like how to ensure a sanitary water supply or which chemicals should be banned from consumer products. Therefore, it makes sense for authority over such matters to be entrusted to an organization like the Department of Health and Social Care in the United Kingdom or the Department of Health and Human Services in the United States. Though the leaders of these organizations are generally appointed by elected officials, they are not themselves elected, and thus are further shielded from the democratic process. Many democracies around the world are struggling to reconcile the "increasing need for expertise and technocrats for effective governance" with "remaining committed to and representative of the citizens who voted for them."²¹ It has been noted that allocating too much power to technocrats can pose an impediment to representative democracy, yet it has often been found to lead to better decision making.²² There have even been growing calls for epistocracy, a form of government in which only those considered wise or educated enough are permitted to vote.²³ Though the notion of epistocracy may seem antithetical to the principles of democracy and could be easily abused by a corrupt leader, it is easy to understand its appeal given the emerging consensus that incompetent voters tend to support suboptimal policies and candidates.²⁴

Unresponsiveness to Sudden and Long-Term Threats

Another common criticism of democracy is that it is, because it allows people, or at least their representatives, a voice in the decision making process, it is, by design, slower and more deliberative than other forms of government. In many cases, that is a strength, because it can facilitate the development of carefully crafted policies with broad public support. However, it has long been observed that, in emergency situations where a prompt and decisive response is needed, the slow and deliberative nature of democracy can render it unwieldy and ineffective.²⁵ A perfect example of this is the recent pandemic. In order to curb transmission of the virus and save lives, a rapid and decisive government response was needed.²⁶ China, under its authoritarian leadership, was able to provide such a response, implementing

¹⁸ Day

¹⁹ Ibid

²⁰ Iaryczower

²¹ Bertsou

²² Ibid

²³ Méndez

²⁴ Méndez

²⁵ Stasavage

²⁶ Molloy

quarantines, contact tracing, mask mandates, and other restrictions that quickly drove domestic infection rates to almost zero.²⁷ Meanwhile, the democratic United States was beleaguered by debates about how to respond to the virus, and rolled out preventative measures only slowly, with the eventual result being substantially higher death rates.²⁸ Granted, some democratic countries did respond promptly and effectively to COVID-19.²⁹ However, this was often because they relied on emergency legal frameworks that temporarily disabled ordinary democratic procedures and bypassed legal and political accountability mechanisms.³⁰ The idea of temporarily granting leaders non-democratic powers in order to make them more responsive to sudden emergencies is actually quite common. Over nine in ten constitutions have “emergency clauses” which enable the government to “step outside of the ordinary constitutional framework” and “rule by decree with few checks on its power” for the duration of the emergency.³¹ The ubiquity of such provisions may be viewed as implicit proof of their practical benefits.

Ironically, while unfettered democracies may struggle to respond to sudden crises, they are also ill equipped to deal with long-term threats. This problem is often referred to as democratic myopia. Extensive research on inter-temporal choices has found that most people are myopic, meaning that they prioritize benefits that are tangible and immediate over ones that are abstract and distant in time.³² Therefore, in a democracy, where power is ultimately retained by the people, there is a natural tendency to make decisions that, while advantageous in the present, may be harmful in the long run. A representative democracy may be somewhat less vulnerable to this problem than a direct democracy because there are barriers between the will of the people and policy, but even representative democracy can be prone to democratic myopia. That’s because, in order to get elected, candidates for office need the support of voters, and if voters demand tangible and immediate results, candidates will be pressured to embrace policies that can deliver such results.³³ Unfortunately, such policies are often profoundly damaging to the well-being of future generations. Yet because candidates are not accountable to future generations, they have little incentive to consider their well-being.³⁴ One prominent issue where the effects of democratic myopia can be witnessed is with efforts to combat climate change. It is almost universally recognized by scientists that the greenhouse gas emitted by the burning of fossil fuels constitute a primary driver of climate change.³⁵ It is also recognized that climate change poses a grave threat to the long-run well being of humanity.³⁶ Yet because the consequences of climate change are not immediately observable—and because measures needed to mitigate it, such as reducing the use of fossil fuels, may entail economic sacrifices in the short-run—many have argued that democracy and climate change action are incompatible.³⁷ And the failure to address climate change is far from the only instance democratic myopia. Policies with significant long-run benefits such as investments in education and infrastructure are often costly in the short-run. This can make them untenable in a democracy, where elected officials are accountable to a myopic public. In contrast, it is often suggested that authoritarian states may be better equipped when it comes to implementing policies that maximize a country’s long-term well being.³⁸ The rapid development of countries like Singapore and South Korea, for instance, is frequently

²⁷ Chen

²⁸ Litt

²⁹ Mao

³⁰ Molloy

³¹ Versteeg and Ginsburg

³² Boston

³³ Ibid

³⁴ Ibid

³⁵ “Facts about the climate emergency”

³⁶ “Impacts of Climate Change”

³⁷ Abadi

³⁸ Wrage

attributed to the foresight of authoritarian leaders “untrammeled” by concerns about public approval or even individual rights.³⁹ Granted, there are plenty of authoritarian leaders who have not invested in their countries’ well being, and authoritarianism poses its own risks. However, even more moderate solutions to democratic myopia tend to involve placing some limits on democracy. One commonly-proposed solution involves extending the length of terms served by elected representatives or even shielding them from political pressure entirely through lifetime appointments. Such solutions reduce the power of the people, but potentially produce more effective governance. A recent study found that, under certain conditions, longer terms yield better decision-making as they reduce the incentive of office holders to pander to voters and distort policies.⁴⁰

Failure to Protect Minorities

Finally, while it is often argued that democracy is the greatest guarantee of individual rights, this is not necessarily the case. It may be true that democracy offers citizens some protection from abuses by the government. However, as philosopher and political economist John Stuart Mill famously observed almost two centuries ago in his treatise *On Liberty*, “The will of the people... practically means the will of the most numerous or the most active part of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, may desire to oppress a part of their number.”⁴¹ Mill referred to this problem as the “tyranny of the majority,” and argued that “precautions are as much needed against this as against any other abuse of power.”⁴² Historically, there have been numerous instances where minorities have suffered under majority rule. One example is in the United States, where racial segregation was prevalent until the 1960s. Some have argued that the cause of this discrimination was not democracy but the lack thereof.⁴³ Indeed, it is true black Americans were often disenfranchised through legal loopholes or intimidation.⁴⁴ Yet it should also be noted that during this period the vast majority—88.6% according to the 1960 census—of Americans were white, and that most of those white Americans opposed desegregation.⁴⁵ For instance, in a 1963 poll, 78% reported that they would leave their neighborhoods if black families moved in.⁴⁶ Therefore, it seems doubtful that more democracy would have ensured the rights of black Americans. A more recent example of tyranny of the majority can be found in India. India is the world’s largest democracy, and its leader, Narendra Modi, is supported by nearly four fifths of Indians.⁴⁷ However, he is also an advocate of Hindu Nationalism, and has referred to Muslims, who represent 14% of India’s population, as “termites eating away at India’s resources.”⁴⁸ Along with his ruling party, he has implemented a number of discriminatory policies and incited violence, leading some to fear that India may be on the path to genocide.⁴⁹ All this is not to suggest that authoritarian regimes have a better track record. From Jews in Nazi Germany to Uyghurs in contemporary China, there are plenty of instances where minorities have suffered terribly at the hands of autocrats. Still, it proves that democracy is no panacea when it comes to protecting the rights of minorities.

³⁹ Ibid

⁴⁰ Gersbach

⁴¹ Mill

⁴² Ibid

⁴³ Chin

⁴⁴ Ibid

⁴⁵ “1960 Census of the Population”

⁴⁶ Sirota

⁴⁷ Huang

⁴⁸ Chowdhury

⁴⁹ Chowdhury

Given these shortcomings, many countries find it valuable to embrace non-democratic measures to ensure the protection of minorities. One way some democracies have attempted to counter the risk of tyranny of the majority is through requiring a supermajority for important legislation or constitutional changes.⁵⁰ Such measures may be viewed as inherently anti-democratic in the sense that they empower a minority to block changes supported by a majority. Nevertheless, it has been observed that minority parties tend to benefit from supermajority requirements, suggesting that they may be somewhat effective in protecting minority rights.⁵¹ Another solution is robust constitutional protections enshrining individual rights and prohibiting laws that violate them—even if those laws have democratic support. For example, in the United States, the 14th Amendment to the Constitution, which provides “equal protection” to all, has often been utilized to strike down laws and practices deemed unfair to minorities.⁵² Governments may also aim to protect minorities by subjecting themselves to international agreements such as the Geneva Accords or the Declaration of Human Rights. Granted, such agreements tend to lack enforcement mechanisms, which can limit their impact.⁵³ Nevertheless, they have often been credited with reducing minority oppression and protecting rights.⁵⁴

Conclusion

While democracy is admirable in many regards, the common criticisms surrounding it are not completely unwarranted. Namely, it entrusts important decisions to an electorate that may be unqualified to make them, can be unresponsive to both sudden and long-term threats, and fails to offer adequate protection for minorities. This is not to suggest that other forms of government are necessarily better equipped to deal with these issues or that the advantages of democracy do not outweigh the disadvantages. Nevertheless, as the preceding discussion makes clear, democracy may ironically be most effective when tempered with selective non-democratic practices, leaving most power in the hands of the people but placing barriers on the exercise of that power. Acknowledging the limits of democracy and how they may be mitigated through limits to democracy is all the more important in a rapidly autocratizing world, as doing so may ultimately empower us to build more resilient, albeit less pure, democracies that are better equipped to deal with the complex challenges facing humanity in the 21st century.

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⁵⁰ Rajnai

⁵¹ Ibid

⁵² “The Supreme Court and the 14th Amendment.”

⁵³ Franaschouk

⁵⁴ Macklem

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