Audit Values: Reflecting the complexity of representative democracy

Marian Sawyer
Political Science Program
Research School of Social Sciences
The Australian National University

Democracy is itself a highly contested concept—in addition to often including the idea of contestation within its definition. The Australian democratic audit team has spent some time considering whether our audit framework can be adequately conceptualised as flowing from only two principles. In the IDEA audit framework which provides our starting point, these principles are specified as (1) popular control over decision-making and (2) political equality in exercising that control. Seven mediating values are derived from the two principles, including accountability, transparency and responsiveness. Political equality is defined in terms of equality of respect and voice.\(^1\) One of the authors of the IDEA framework, Professor David Beetham, argues eloquently that where popular majorities threaten equality of respect and voice for citizens, the political equality value must always trump the popular control of government value. However, the Australian team has been concerned whether this qualification is sufficient to capture the tensions between majoritarian and liberal principles or between majoritarian principles and deliberative democracy.

Some of these tensions were exposed in The Norwegian Study of Power and Democracy, commissioned by the Norwegian Parliament on 11 December 1997. Five years later, after a massive investigation of all levels of the polity, the final report was submitted. It was not however a unanimous report and one of the grounds of dissent is particularly germane to the concerns of the Democratic Audit of Australia.\(^2\) The majority report described the new international framework of human rights law as partially responsible


Democratic Audit of Australia

for a decline in the decision-making power of the national legislature. Such inroads into the scope of decision-making grounded in popular consent represented, in their view, a diminishing of democracy. In particular, the majority recommended that the incorporation of supranational law into national law be repealed, on the grounds that the democratic cost of handing over power to courts above and outside the democratic polity was too high.

The two dissenting reports were by women, one of whom, Hege Skjeie, contested the notion that improvement of the rights of minorities and of women through the application of international human rights norms could be regarded as a loss of democracy. While signing up to international human rights instruments did bind the hands of legislators and transferred some power to international tribunals, it also increased the power of citizens. The strengthening of the rights of individual citizens could not, in her review, be regarded as lessening democracy. Clearly there are different and competing democratic values at stake here and they should be presented as such, rather than in terms of a zero-sum account of the state of democracy.

In general, the rise of populist discourses in many Western democracies has meant new threats to the independence of the judiciary and its role in upholding internationally agreed-upon human rights norms. There is increased contestation over the role of bodies independent of government in constraining executive power and protecting the rights of individuals and of minorities. Populists decry the constraints imposed on ‘democratically elected governments’ by non-elected bodies or by houses of parliament that are not controlled by government.

To measure democracy simply in terms of the principles of political equality and popular control of government may conceal rather than reveal some of the most significant developments in Western democracies. One of the widespread sources of concern since 2001, for example, consists in the constraints being placed on civil liberties and on transparent government in the name of national security. While security might be construed as a majority concern, and hence a priority of democratically elected
governments, the priority given to security also serves to restrict the freedoms that make individual rights, popular control of government, and well-informed debate a possibility.³

As a result of debate within the Australian team⁴ and at a workshop supported by the Academy of Social Sciences in 2001, it was decided to identify separately, rather than subsuming, the principles of (1) popular control, (2) political equality, (3) civil liberties and human rights and (4) quality of public debate. The civil liberties/human rights value is taken to encompass not only expressive freedoms but also the equal opportunity principle, whereby all citizens have an equal moral right to realise their potential and to participate in the life of the community. While some would see this as the necessary foundation or extension of the political equality principle, not all those who have espoused political equality have seen it as entailing equal opportunity.

The fourth value is the deliberative democracy value, stressing the importance to democratic legitimacy of public debate that is inclusive of different perspectives, particularly those of previously excluded citizens (and hopefully non-citizens). As well as being open to all viewpoints, such debate should be informed by diverse sources of information. The deliberative democracy value entails a commitment to a process of public reasoning and non-manipulative dialogue, as a defining feature of democracy. Auditing against these principles as separate values has already revealed significant conflicts over which democratic values should provide the measuring stick for institutions such as political parties and non-government organisations (NGOs).

Those who prioritise the deliberative democracy value also prioritise intra-party democracy, as creating a sphere for deliberative debate and policy development and for democratic citizenship. By contrast, public choice theorists tend to place less emphasis on political parties as forums for deliberation or for socialisation into democratic values. Rather, they argue that intra-party democracy has anti-majoritarian effects and also makes parties less competitive in the democratic marketplace. On the first point, they

⁴ Available at: <http://democratic.audit.anu.edu.au/debates4.htm>
argue that party leaders should be responsive to voters rather than to party members, who may have a different set of policy preferences. In particular, they suggest that there will be a considerable gap between the preferences of party activists and those of the median voter.

On the second point, relating to competitiveness, public choice theorists argue that intra-party democracy will get in the way of effective inter-party competition for votes and be irrelevant to the selection of the most saleable candidates and policies. Without a meaningful role, party membership is likely to dwindle and to be replaced by the role of pollsters, advertising agencies and other professionals. However, from this perspective the essence of democracy is effective competition between parties and not democratic accountability or forms of debate within parties. There is a privileging of non-deliberative majority opinion over deliberative processes for policy development. These issues are canvassed in the focussed audit report: *Australian Political Parties in the Spotlight*.

In relation to NGOs, a deliberative approach suggests the importance of community-based peak bodies or advocacy organisations as forums for deliberation that enable new perspectives to be included in public debate and policy development. In Western democracies governments have provided public funding to strengthen the voices of sections of the community such as sole parents, immigrants or those with disabilities to ensure they are able to consult with their constituencies and represent their viewpoints to government and to parliament. With public support, such organisations are able to build up expertise in consulting hard-to-reach groups and in the substantive policy issues that affect them.

Those who take a more majoritarian or populist view of democracy distrust the role of such intermediary institutions and argue that they should not have privileged access to government or parliamentary enquiries. They see democratic values as being better served by more direct forms of consultation with citizens, including citizen-initiated referenda. Sometimes such views on the relative priority of different democratic values are flavoured by the perception that strengthening the voice of those who need public
intervention for equality of life choices will result in increased public expenditure at the expense of taxpayers.

From these examples we can see that while there might be broad agreement that all four values that we have identified are important to democracy, differing priority may be assigned to these values, giving rise to important democratic debate when there are perceived conflicts. In the Democratic Audit of Australia we are attempting to encompass rather than gloss over the kind of value conflicts found in modern democracies.