A 'SIMPLE MAJORITY' DEMOCRACY WON'T WORK

DAVID WELSH, professor of political studies at the University of Cape Town, contends that no viable proposal for effective achievement of national reconciliation has yet been tabled at CODESA and asks: Who can offer a viable alternative to simple majoritarianism?

IN A RECENT speech Mr Nelson Mandela was quoted as saying that he wanted South Africa to become 'an ordinary democracy'.

I have no doubts whatever about Mr Mandela's commitment to democracy, and nor do I question his genuine desire for national reconciliation: but I have doubts about what 'an ordinary democracy' is in the circumstances confronting South Africa.

Liberals (and I include myself here) have tended to shy away from debating some of the difficult issues surrounding the application of democracy to a deeply divided society like ours. Any proposal suggesting that something less than 'simple majoritarianism' might be more appropriate, or that some form of safeguarding of minority rights is desirable, tends to raise hackles as if the proposer is thereby making concessions to racism and/or the apartheid legacy. Nothing less than full non-racialism, it is asserted, will meet the requirements of democracy theory, and a justiciable bill of rights, safeguarding the individual, should take care of whatever 'rights' minorities may claim.

I am going to argue that the vision of a non-racial democracy, based upon 'simple majoritarianism' is not only seriously flawed but incapable of realisation. I will be provocative, not for the sake of being so, but in the hope that a debate can be started. My further hope is that the debate will be a constructive one because so far no-one, it seems to me, has advanced a viable alternative.

THESE ARE not abstract problems that keep scholars in employment: the issue at CODESA is fundamentally about what kind of democracy South Africa is to have. The Nationalist government has advanced a convoluted scheme for a collective presidency (essentially a forced coalition) and a complex upper house, where regions and minority parties are to be accorded inflated representation. It won't fly.

The ANC, on the other hand, propose a majoritarian system, admittedly one that is limited by a justiciable bill of rights and regional representation in an upper house. It makes no concessions to minority rights (other than affirming very generous provisions for language and cultural rights), but says that a proportional representation electoral

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LETTER TO THE EDITOR

Why I cannot support the ANC

BLACK SASH Natal Coastal Region chairperson, Ann Colvin's letter in your January/February issue cannot go unchallenged.

She wonders why there is no apparent commitment on the part of white liberals for the ANC which advocates a non-racial, multi-party democracy and, according to her, best enshrines the values liberals espouse, whilst serving the interests of all.

I regard myself as a white liberal but cannot support the ANC for several reasons. I differ fundamentally with the ANC on major issues of policy, and am suspicious of its links with the SA Communist Party.

The ANC is not the only political party or organisation in our country which advocates a non-racial, multi-party democracy and its depth of commitment to freedom of speech and political tolerance remains to be proven.

For example, DP students in Mashishing, near Lydenburg, were recently intimidated and prevented from writing their matric examinations by ANC members. In addition, the local DP organiser's house was burnt down — also by ANC members.

In my opinion it is the Democratic Party which best enshrines the values liberals espouse and which deserves the full support of all liberal South Africans.

ALAN STERNE Regional chairman of Fund-raising, E. Transvaal, Democratic Party

in this issue . . .

From Page Three

Tyranny of the majority . . . exacerbated by the minority's inability to become the majority

system will ensure that minorities are adequately represented. It is implacably opposed to forced coalition (i.e. coalition government as a constitutional requirement), but is happy to accept a coalition should this be thrown up by the operation of PR. (As much of European political experience shows, PR tends to encourage a multiparty system, and, in turn, coalition government.)

The ANC's proposals rest upon an implicit view that parties in a democratic South Africa will be (or will shift towards being) based upon common interests and common values, and not race or ethnicity. They will be, to use the technical term, 'classic aggregative parties', like the Republican and Democratic Parties in the USA.

The trouble with this view is that it does not square with the common experience of politics in deeply divided societies, where, overwhelmingly, parties tend to be rooted in one or other segment of the population and few voters 'float', and parties with intersegmental bases do not prosper.

THE THEORY of representative (or liberal) democracy rests upon the assumption that minorities can become majorities, or that governments will alternate with some regularity. (It is precisely this failure which flaws Italian and Japanese democracy, where, respectively, the Christian Democrats and the Liberal Democrats have governed for decades without serious challenge.)

The problem may be illustrated by the extreme example of Northern Ireland where, between 1921 and 1972, the Province enjoyed extensive self-government through its own Parliament, the Stormont.

Northern Ireland is deeply riven by a religious/ethnic conflict, which pits the Protestant majority (two-thirds of the population) against the Catholic minority (one-third). Many Catholics, of course, favour a united Ireland and, consequently, boycotted the Stormont elections; but this does not affect the issue, which is that over a 50-year period, in which regular and (reasonably) free elections were held, the Catholic parties who participated did not enjoy so much as a sniff of political power. (Only once, in 1931, did a Catholic initiative succeed in Stormont: The Preservation of Wild Birds Act was duly passed, the Unionist majority having convinced themselves that the legislation contained no diabolical plot to undermine the Protestant ascendancy.)

The fact that Northern Ireland is not an independent state does not affect its illustrative value: it largely conformed to the outer trappings of democracy, even though its record on civil liberties (as applying to Catholics) was deeply flawed. It was — and is — a classic case of that major sub-theme in democratic theory, the tyranny of the majority, in this case exacerbated by the minority's inability to become the majority (except, of course, in a united Ireland).

Northern Ireland, I concede, is an extreme case, complicated by an intractable religious issue — always one of the least bargainable forms of conflict. In this respect it bears some resemblance to Israel whose 18 per cent Arab minority (that is pre-1967 borders) has likewise never enjoyed so much as a sniff of power in what is an explicitly Jewish state. So, too, with the Ceylon Tamils who number 12 per cent of the Sri Lankan population; Sri Lanka has a somewhat shaky record as a democracy, but at least it has a record of competitive elections and regular alternation of government. Competition, however, effectively occurs only within the dominant Sinhalese group, who account for 72 per cent of the population.

A SURVEY of the modern world will produce many comparable examples of ethnically divided societies, where majorities and minorities crystallise in permanence, and effective competition occurs only *within* broad ethnic categories, typically in the form of 'ethnic outbidding', i.e. where a more radical ethnic party tries to draw support from a more moderate one, rooted in the same group, often by accusing the moderates of 'selling out'.

Those who need convincing that this is indeed the dynamic typical of ethnically divided society should consult Donald L. Horowitz's *Ethnic Groups in Conflict,* which is a massive survey of the problem. (On a more modest scale F. van Zyl Slabbert and David Welsh's *South Africa's Options,* published in 1979, attempted to extrapolate these comparative findings to a future South African democracy — which in 1979 looked a long way away.)

The obverse of this comparative evidence is that the only divided societies that have sustained democracy (and the list is depressingly small) are those where government has been by means of a broad-based coalition, which has enabled any and every minority to plug into power, and exert a leverage that is roughly proportional to its size.

Mauritius is a good example. Malaysia is hardly a model of a democratic state, but its institutionalised (by pact, and not by the constitution) coalition has largely prevented its potentially volatile ethnic mix from exploding. India may be cited by some as a counter-example, but it isn't really, since the Congress Party which has governed India for most of its history as an independent state, has *itself* been a broad-based coalition, providing a roof for many of India's disparate minorities.

A further (gloomy) implication of the evidence is that there is no single case in the modern world that I am aware of where societies with deep ethnic cleavages have transformed themselves into 'non-ethnic' ones. Even the United States, with the most powerful economy in the world and a remarkable history of absorbing immigrant minorities, remains a deeply race-conscious society.

WHAT I have just said must be understood very carefully: I am *not* panning the ideal of 'non-racialism'. On the contrary, I am insisting that non-discriminatory norms are fundamental to any chance of a South African democracy's taking root. All I am saying is that on the basis of the comparative evidence there seems little chance in the foreseeable future (50/60 years?) that 'non-racialism' as an attitudinal predisposition will penetrate the warp-and-woof of society and enable individuals to

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vote on the basis of common interests, values or ideologies.

Voting in a future South African democracy will inevitably be shaped by our long legacy of deep conflict — just look at the way the ANC tried to keep FW de Klerk off 'its' turf in Mitchell's Plain recently, by advancing the profoundly undemocratic argument that it was inappropriate/insensitive for someone so recently associated with apartheid now to appeal to its victims for political support? How long must Mr de Klerk and Co. spend in quarantine before being permitted to campaign in black areas? And shouldn't the people of Mitchell's Plain be allowed to decide for themselves?

Critics will aver that South Africa is 'different'. (Some, a declining number, though, have expressed the comparable argument that while socialism has everywhere else been a lamentable failure South Africa will be 'different'.) Some may, legitimately, question the validity of comparative politics as 'pseudo-science', invalidating whatever extrapolations may be applied to South Africa.

Of course each society is unique, and of course South Africa's structure of conflict will have important differences from those anywhere else. Black and white are not monolithic categories that will confront each other as titans in a future electoral contest: blacks are politically as divided as whites, and, besides, how the Coloured and Indian votes will be distributed is a matter on which endless speculation is possible.

It could just be that our internal social diversity is so great that two or three roughly equal (in terms of electoral support) ethnically mixed alliances will emerge, so that there is a realistic possibility of genuinely alternating governments. This possibility, I think, presupposes that the ANC will, at some future stage, split: as its leaders repeatedly say, it is a 'broad church' unified only by 80 years of common opposition to segregation and apartheid.

Remove that binding force and centrifugal forces may take their logical course: a certainty? No. A possibility? Yes.

EQUALLY UNPREDICTABLE is the likely salience of intra-African ethnicity. It has been highly salient everywhere else in Africa, and there is no inherent reason why it should not become a factor here. Were it to develop its impact on the emergent party system would be considerable since it would heighten internal diversity and make imperative the building of alliances that almost certainly would cut across racial lines. I remain unconvinced, however, that this type of ethnicity is necessarily on the cards — and Horowitz's persuasive arguments to this effect in his book *A Democratic South Africa?* deal only with possibilities, not certainties.

It may well seem that the arguments I have presented in the last four paragraphs counter the arguments I presented in the body of the article. The point is that there is no way of predicting what future configuration of parties will emerge in circumstances of democratic competition. As the important theorist Adam Przeworski has argued, democracy is inherently about uncertain outcomes; but he also makes the point that 'no country in which a party wins 60 per cent of the vote twice in a row is a democracy'. It is by no means impossible for the ANC to achieve just that.

Two further considerations: the NP will not acquiesce in a majoritarian system. The entire referendum was fought on the issue of power-sharing, and they are not about to capitulate. In doing so they are not doing anything more than emulating the behaviour of old ruling groups in democratising systems: they accept democratisation only if their interests are protected under the new system. Is this not another reason for supporting the view that a power-sharing coalition is likely to be the most hopeful instrument for ushering in a democratic South Africa?

Secondly, quoting Przeworski again: 'Constitutions that are observed and last for a long time are those that reduce the stakes of political battle.'

In the case of South Africa one has to project into a hypothetical future and ask how vigorous an electoral contest the country could stand, if the stakes were control of the state, on a winner-take-all basis? There is every reason to suppose that such an election might blow the place apart: which is to say that it is imperative to lower the stakes.

TO SUM UP the issue: there is no precedent for a (successful) forced coalition — which is the NP's view; but there is no precedent for a simple majoritarian/winner-take-all system securing democracy in a divided society — which is the problem with the ANC's proposals.

At the same time, no system which perpetually frustrates a majority's will is likely to endure; but no system that enables the majority habitually to ride roughshod over minority interests can be called democratic.

Moreover, if the minority is powerful enough its disaffection could destabilise the state.

Constitutions, said Napoleon Bonaparte, should be 'short and vague'. South Africa's constitution-makers would be ill-advised to heed his advice. The rules-of-the-game, as codified in a constitution, are critically important: they should seek, in principle to anticipate every kind of political contingency, including worst-case scenarios.

We ignore the possibility of the crystalised majority/minority syndrome at our peril.

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How we achieve institutionalised coalition may not be a function of the constitution: perhaps it will be more fruitful to think in terms of pacts, solemnly agreed by the major players.

As the burgeoning literature on transitions shows, pacts have been highly useful instruments for getting new or restored democracies off the ground: they require the building up of at least some limited trust among rival leaderships.

South Africa, alas, is far off that hopeful situation, but at least the leaders seem to recognise that in spite of their sharp differences they are tied together by the bonds of interdependence. Building on that mutual perception may be the most hopeful place to start. ●