

Presentation for the Conference on
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The background paper that I prepared for this conference, which has been distributed to participants, treats in its opening pages the issue before us in this session. Although I will necessarily repeat some of the key points made there, I hope to clarify matters by adding a few new formulations. My answer to the question of what we are really promoting is clear—it is *liberal* democracy, which is what is usually meant today by the shorthand term democracy.

The phrase liberal democracy usefully reminds us of the compound nature of the kind of political regime that is our goal. Liberal democracy indeed consists of two elements or components. In regard to the question of who should rule, its *democratic* component insists upon the rule of the majority, not of a single individual or of some privileged group. The vehicle for majority rule today is free and fair periodic elections with universal suffrage.

But elections, of course, are by no means a sufficient condition for liberal democracy. The *liberal* component refers to the matter not of who should rule but rather of how that rule should be exercised. Above all, it

requires that government be limited in its powers—limited, first, by the rule of law, and especially by a fundamental law or constitution, and ultimately by the rights of the individual. While the idea of democracy can be traced back at least as far as the ancient Greeks, the idea of natural or inalienable rights—today most often referred to as human rights—originated with liberalism in seventeenth-century Europe.

The key issue, of course, is the relationship between these two components of liberal democracy--liberalism and majority rule. We know that they can and have been separated, not only in theory but in practice. Premodern democratic city-states were not liberal (in the sense of protecting individual rights) and did not aspire to be. Some European constitutional monarchies in the nineteenth century were relatively liberal even if not democratic. Hong Kong under British colonial rule was exceedingly liberal, even though its residents had very little voice in how they were governed.

Yet in today's world, it is virtually impossible to find a liberal regime that does not also feature majority rule. And while some countries that hold free and fair elections can reasonably be called illiberal, they are almost always more liberal than contemporary nondemocratic regimes. In short, despite the real tensions between the two components of liberal democracy,

majority rule and the protection of individual rights almost always appear in tandem.

I would argue that this link, far from being accidental, is an intrinsic one. At the level of political theory, it resides in the intimate connection between the principle of human rights and that of human equality. If, as liberal theory claims, all human beings are equal in the politically decisive respect—their entitlement to human rights—then there can be no legitimate basis for political rule apart from the consent of the governed. From there it is a short step to the principle of the sovereignty of the people, and a historically longer but inevitable step to majority rule.

Still, this does not prevent voters from sometimes electing candidates hostile to human rights or liberal values. To what extent do such officials have a claim to democratic legitimacy? If the elections in which they prevailed were genuinely free and fair, I believe they do enjoy the degree of legitimacy that comes with popular endorsement. But even if the results of such an election cannot be rejected by the international community in the same way as the results of a fraudulent or unfair election should be, this does not mean that every freely elected government can be considered genuinely democratic, in the sense of qualifying as a liberal democracy.

Our goal, then, should be to promote *both* individual rights and majority rule, even as we must acknowledge that they are sometimes in tension with each other. That brings us to the question of what are the “right ways” to make a democratic transition. Should priority be given, whether in importance or in timing, to elections or to the liberal desiderata of rule of law, protection of individual and minority rights, and the like? In practice, I believe that this is a somewhat artificial question. I am not unaware of the argument that individual rights and hence the rule of law should take precedence, with elections postponed until much later. But Thomas Carothers has, in my view, decisively rebutted this thesis in an article entitled “The ‘Sequencing’ Fallacy” in the January 2007 issue of the *Journal of Democracy*.

Everyone can agree that it would be nice if peoples who gain the right to elect their leaders already have a strong tradition of the rule of law and the institutions that it requires. The problem is how to get to that point. If power is held by an authoritarian ruler, what incentive will he have to promote the rule of law so long as he is not accountable to the governed? If we insist that the rule of law must take hold in a country before there are elections, we could be waiting for generations. Elections may not belong at the very outset

of a democratization process, but it is unrealistic to think that they can be pushed to the very end.

Critics such as Fareed Zakaria and Edward D. Mansfield and Jack Snyder (who respond to Carothers in the forthcoming July issue of the *Journal of Democracy*), have argued that premature elections exacerbate ethnic and other differences within a society and may provoke internal or international conflict. This may be true in some instances, but it is very unlikely that such differences would be more smoothly resolved in the absence of elections. Consider Afghanistan after the fall of Najibullah in 1992 or the Congo after the fall of Mobutu in 1997, both situations where no elections were held and where the results were calamitous.

It may well be that developing the rule of law for centuries, as the British did, is the best preparation for stable democracy, but who is ready to wait that long? There is no single right way to sequence a transition.

Different paths may be best in different circumstances. But we cannot allow either liberalism or free elections to be wholly sacrificed for the sake of the other. The two components of liberal democracy may sometimes have a rocky marriage, but a divorce is likely to be disastrous for both parties.