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Democracy in crisis

In this article I submit that the pandemic politics of the COVID-19 crisis have unmasked the inadequacies of existing representative democracies. Mixing the experiences and responses of various democracies and thinkers to this crisis, particularly from India and South Africa, I argue that a minimally functioning democracy must do two things at least: ensure the health and well-being of citizens and the equal means competitively to select prudent, empathetic and courageous leaders. For this, I suggest, we need a politics that allows us to express and assess our needs, and determine who is best placed to represent us in responding to these needs, all in non-dominating conditions. To this end, the article also proposes and defends four institutional reforms that would enable a dynamic, anti-oligarchic form of democracy to consistently empower the least powerful and keep elites properly in check.

> Democracy is a form and a method of government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed.
>
> Bhimrao Ramji Ambedkar[1]

> Crises are situations that cannot last, in which something must be decided. They emerge when the status quo is untenable and nothing has yet replaced it.
>
> Adam Przeworski[2]

Crises bring out the best and worst of politicians and populations. Folly, fear and fortitude have been on display everywhere during the COVID-19 pandemic. At the one extreme we have seen denialism, the denigration of scientific advice and an obsession with putting the economy before lives, especially evident in Donald Trump's USA, Narendra Modi's India and Jair Bolsonaro's Brazil, that is, democracies characterised by secretive, narcissistic, paranoid, hubristic and impulsive decision-making. This has endangered the lives and livelihoods of their citizens and residents.[3] At the other extreme we have witnessed the organised, prudent, empathetic responses of South Korea's Moon Jae-in, New Zealand's Jacinda Ardern and Finland's Sanna Marin. These democratic political leaders have, by contrast, 'followed the science' and controlled the spread of the virus and fake news. A combination of transparency, prudence, empathy, timing and courage has produced excellent results (Johns Hopkins 2021). Then, in between these extremes, there are democracies such as South Africa, which initially did very well but some subsequent inexplicable decisions, such as the prohibition of the sale of tobacco products as well as heavy-handed policing, have damaged its good record (Powell 2020). Yet these differences among democratic regimes have always existed. The crisis and associated kinds of pandemic politics have merely brought them into sharp relief. Our current crisis therefore offers a silver lining. It allows us to see the differences between and fault lines within democracies. This article brings some of these out and offers possible institutional solutions.

The COVID-19 crisis, that is, the disease and the varied political responses to it, has thereby unmasked the distortions and inadequacies of existing representative democracies. The crux of this argument is that a minimally functioning democracy must do two things at least: ensure the health and well-being of citizens and the equal means competitively to select prudent, empathetic and courageous

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1   Jadhav 2013: 287.

2   Przeworski 2019: 9.

3   Henceforth when I use the term 'citizen' I include within that category residents of a country who may not have citizenship status. For the purposes of my argument here, all existing residents of a polity matter equally.

leaders. Competitive elections, liberal rights of speech and association, and the rule of law, as argued by many democrats of differing stripes, are all necessary means for achieving these goals, but liberals are mistaken when they make these predicates or prerequisites of democracy. The first thing to identify is that health is not the simple 'absence of disease' but the status we each have when our ever-changing needs are optimally satisfied (Yuille and Ollier 2020). For this, we need a politics that allows us to express and assess our needs, and to determine who is best placed to represent us in responding to these needs, all in non-dominating conditions (Hamilton 2003, 2014b).

As the visionary (but ultimately unsuccessful) Indian reformer Bhimrao Ramji Ambedkar suggests in the first epigraph to this article, democracy is not only about elections or formal equality before the law or freedom of speech, association and so on. It is also about the substantive power to bring about collective decisions and (sometimes) revolutionary changes without bloodshed. Thus, he argued, democracy is incompatible with inequality in general and caste in particular. Ambedkar was keenly aware that thinking about equality in terms of electoral access alone will do little or nothing to overcome the fact that 'in all other spheres of private and public life (even in jail), graded inequality is the norm' (Drèze 2018: 2,11).

Yet, as I argue below, the shortcomings in our representative democratic systems are not resolved by insisting that we make our democracies more deliberative, participative, or deepened, for these (often) vague pleas ignore one of the central components of modern democracy: representation and representative institutions. As recent advances in understanding political representation argue convincingly, and something that democracies' current crises also bring out well, even forms of more substantive democracy that may help to resolve the underlying shortcomings of representative democracy would depend upon representation. This is because all forms of politics involve representation of some kind or other (Saward 2010; Hamilton 2014b; Disch et al. 2020). It follows, therefore, that leadership matters. Moreover, certain kinds of leadership are enabled by certain forms of democracy (or democratic institutions). Thus, the nature of democracy matters. Particularly important are the incentives created by different kinds of democratic institutions. And leadership and form of democracy both really matter because together they determine the lives, well-being and livelihoods of citizens, as is highlighted all too graphically by the politics, strains and burdens that have emerged during the COVID-19 crisis. This diagnostic point is the first focal emphasis of this article.

The most brutal burden of this health, economic and, in some cases, humanitarian crisis has been shouldered by the most deprived parts of the globe's

population. This is true of many relatively poor and highly unequal societies, such as India, Brazil and South Africa. They are struggling to respond to these challenges, either for want of good leadership, adequate public health systems or both (Hamilton 2020: xv). The USA, India and Brazil are far ahead of others in terms of confirmed coronavirus infections and deaths. And in India and Brazil the confirmed case count, and its official death toll, are likely to be severely understating the true magnitude of the epidemic as they compete for top spot in the ranking of the *lowest* rates of testing per head of population of any major nation in the world.

The second focus of this article is on how we can take advantage of what this current crisis has taught us about democratic leadership, judgement and institutional reform within democracies. This crisis, I submit, can be used to radically reform our democracies. With particular focus on leadership, needs, representation and democracy in Brazil, India and South Africa, I show why it is timely to seize this opportunity of pandemic politics to rethink democracy. This link between crisis, judgement and change is no accident. The very word 'crisis' originates in the Ancient Greek word *kritein*, which means to judge or decide. And, as the second epigraph to this article captures neatly, crises tend to bring matters to a head, forcing us to either revert to a *status quo ante* or speed things up such that what once seemed impossible is now possible.

I therefore go on to suggest how we might seize this moment to generate meaningful democratic institutional transformation. I propose and defend four practicable means of making our democracies simultaneously more popular and accountable. These institutional proposals would focus the minds of citizens and representatives on two interlinked goals: the health and well-being of a polity's citizens and how best to generate competition for power that rewards empathetic, modest and responsive leaders. This is thus an argument for empowering the people *and* their representatives to make better-informed and responsive choices. Representative democracies around the world have been in crisis for some time, not only during the financial crisis or current pandemic, but also under 'normal' conditions, giving rise to authoritarian political leadership and the return of ethno-nationalism, all amid widespread disenchantment with democracy (Przeworski 2019). The COVID-19 crisis can be used to overcome the deeper crises of representative democracy. Ironically, our current pandemic politics enable us to broaden our horizons for democracy in theory and practice.

Leadership and democracy: discussion or managing conflict?

Democracies that happen to have leaders who simultaneously engage empathetically with those they govern and are informed by good science have

been best able to deal with the COVID-19 crisis. By engage empathetically I mean listen to articulated needs and preferences and assess and evaluate these in the light of existing priorities and deprivations in the context concerned. To do so, especially in a crisis of the kind the globe has been facing, they gather clear-eyed knowledge of their country's particular circumstances, and display courage and timing in making critical and sometimes unpopular decisions. They are thereby able to overcome many of the challenges that the pandemic throws up.

Formal democracy helps, but it is not the deciding factor. What matters most is what kind of leader is in place, where his or her priorities lie: the well-being of the populace or the interests of a small group of that population. But, if this is the case, what of all of the theses and entreaties regarding the virtues of democracy, not just as the best mechanism to select good leaders but as the best and most efficient institutional carapace for the kinds of constraints and incentives that lead to the best decision outcomes?

However, dogmatic focus on quality of leadership can lend itself to thinking exclusively about the qualities or characteristics of the leaders in question and thus laying too much explanatory power on the virtues of a good leader. In fact, the more telling factor is the institutional configurations of a polity's democracy. This is the case due to a number of factors, but two stand out.

First, if a country's democratic institutions successfully ensure against the representation of vested or small group interests as opposed to the often varied and even competing interests of the citizens as a whole they tend to produce better decisions. Needless to say, under the current crisis an important factor as regards the most successful countries is that their leaders govern welfare states that take health to be a central public good. Thus, a settled welfare state may also be a crucial determinant in explaining their careful public-health focused approaches. Yet, having grown up within – and gone on to lead – a state that takes seriously its duty of health care for its citizens is not sufficient. The UK, for example, has a developed welfare state and yet its leadership response to this crisis has been parlous, patchy and pathetic.

The second component in common is that these countries and leaders share a characteristic that places needs and judgement at the heart of their democratic processes. The mix of empathy and 'listening to the science' bears the hallmark of good judgement in politics, that is, judgement that keeps the needs and interests of the population, however diverse and conflictual, front and centre and realises that these are changing phenomena, which require constant questioning, listening and evaluating (Hamilton 2009a). Politicians judge best when they listen to their populations and learn from the science. That is why democracy is uniquely

placed to engender good judgements, as the famous Indian economist Amartya Sen argued with regard to famines (Sen 1999 [1981]).

Yet, as India and its discontents bring out well, especially in our current crisis, there is much more to this story than mere formal democracy, listening and deliberation. Formal democracy has to be translated into substantive democracy, that is, the kind of achievements in quality of life across the board that empowers all citizens to take advantage of growth in GDP terms and the successful maintenance of formal democracy.

In opposition to 'minimalist' or 'elite' views of democracy (Schumpeter 1942) as well as 'liberal' or 'realist' views, which focus on institutional safeguards (Dahl 1961, 1973, 1989; Dunn 2006, 2014; Shapiro 2006), a diverse array of contemporary theorists argue that we see this best if we focus not on elections, procedures or safeguards, but on 'democracy by discussion'. This now predominant 'deliberative' view of democracy is that democracy is (or ought to be) about the participation of citizens in public deliberation or discussion to determine the interests of citizens in a way that either assumes or aims at broad consensus and thereby legitimises public action to meet these interests (Habermas 1984, 1987, 1996a, 1996b; Cohen 1989; Benhabib 1996; Gutmann and Thompson 2004; Sen 2009).

Remarkably, Sen goes even further and argues that not only is this view central to democracy in and of itself, but it is also central to the very ballots and elections that 'political institutionalists' emphasise. Balloting can be thoroughly inadequate on its own, as is obvious in the repeated astounding electoral victories of authoritarian regimes in North Korea, Russia, Angola and Zimbabwe, among many others. As Sen notes, the problem is not simply about the punitive pressure brought to bear on voters in the balloting process itself, "but in the way the expressions of public views are thwarted by censorship, informational exclusion and a climate of fear, along with the suppression of political opposition and the independence of the media, and the absence of basic civil rights and political liberties". All of this makes direct coercion unnecessary; dictators often get away with 'gigantic electoral victories' without any overt coercion in the process of voting. In other words, as Sen puts it, the "effectiveness of ballots themselves depends crucially on what goes with balloting, such as free speech, access to information and freedom of dissent" (Sen 2009: 327).

Yet, as Drèze and Sen themselves argue convincingly, in their magisterial account of the various things that have plagued public policy in India, especially in areas such as health, education, social security, environmental protection, economic redistribution and so on, these components of democracy and development depend on public action. As they argue, effective public action is not possible without significant change to how it is thought about and implemented.

It depends on high standards of governance both in the determination of where and why extreme deprivations exist and how best to keep corruption at bay and accountability to the fore. It is an indictment on successive Indian governments over the last two decades or so that, despite high levels of growth, its latest social indicators are still 'far from flattering'. China may have been less successful at keeping famines at bay, but in terms of social progress – from ending poverty to the provision of decent education and functional toilets – it has been far more successful than India (Hamilton 2020: xvii). Moreover, as regards most relevant social indicators, India is still worse off than many of its much poorer south Asian neighbours, such as Bangladesh, Bhutan, Nepal and Sri Lanka. With the sole exception of Pakistan, India has the lowest life expectancy, the highest child mortality rate and the highest fertility rate. In terms of sanitation and child nutrition India fares worse than all of its neighbouring countries. Its rates of female literacy are among the lowest in the region. And, staggeringly, over 40% of India's children are underweight, compared to 25% in Sub-Saharan Africa (Drèze and Sen 2020).

Sen is rightly famous for his explanation for why famines do not occur in democracies, but his overall views on democracy do not play out so well under our current crisis. Alongside the periodic role that elections play in keeping democratic governments accountable – it is partly because of the need to win votes that government has to listen – Sen argues that democracies uniquely generate responsive governments as a result of one of two mechanisms: either through sympathy (when the government cares), or through the antipathy that would be generated by its inaction (when the government remains uncaring). Sen argues that John Stuart Mill's analysis of democracy as 'governance by discussion' helps to identify the 'saviour of the threatened famine victim', in particular a free press and unrestrained discussion. He has recently suggested that the same kind of mechanism occurs for social calamities such as the present COVID-19 crisis: what is needed is 'participatory governance' and 'alert public discussion'. As with famines, the victims of the present crisis may be socially distant from the relatively 'more affluent public', but this does not mean that the public discussion will not bring these deprivations to light, and once they do, the entire population, especially the more powerful affluent group, can ensure the government responds quickly and adequately. Unlike the marooned migrant worker or jobless urban poor, the more affluent Mumbai resident, say, may be concerned only about not getting the disease, but democracy with its free press and unrestrained public discussion will ensure that all of these hazards – the dire needs of all sectors of the society – are addressed (Sen 2020).

This is a rather rosy view of existing democracies, in India and elsewhere, involving as it does an idealistic view of the power of public discussion to direct

public decision-making. It is not clear why, for example, under the conditions of a pandemic, say, the 'more affluent public', even if Sen means by this the majority of the population, would really care that much about starving migrant workers and the like, especially if they perceive the threat of disease to their own lives as imminent and dangerous. The same is true for more 'normal' conditions: does democracy really make the 'more affluent public' think beyond their own parochial class and caste interests? In any case, why rely on the already powerful majority to be the reason why government ends up being responsive?

It is therefore hard to see the practical or ethical appeal of 'democracy by discussion'. First, it is not clear how this view of democracy could transform the power relations and associated social, economic and political structures that undergird India's stubbornly unflattering social indicators, something also true of many other democracies around the globe. These forms of domination in terms of caste, class and gender need less polite mechanisms of change. Second, it is far from clear that 'democracy by discussion' can provide the kinds of incentives and guidance for leaders to make judgements in line with the varied interests of their populations as a whole. We need to look elsewhere to properly empower the least powerful, those at the bottom of the economic ladder, often without voice.

It makes more sense to propose a view of democracy that is able to cut through existing power relations by means of undermining the power of those that tend to set the policy agendas, such as the 'more affluent public'. The institutional empowerment of the precarious and marginalised groups, classes and castes would be an obvious place to start, especially in a country like India where caste plays such a central role in determining voice, or at least the power of one's voice. Democracy in India – and elsewhere – in fact constitutes a stark reminder that all voices are not equally as powerful. The voice of the Dalit class – 16.6% of the Indian population – has historically been systematically ignored.

A different view of democracy that its author stipulates as 'minimalist' or 'electoralist', but that I would suggest sits more comfortably among the second camp noted above – more exactly, 'realist' – may open up better means of meeting these challenges head on, and thus confronting democracy's crises. I am talking about Adam Przeworski's view of democracy. In a nuanced fashion he argues that "democracy is a mechanism for processing conflicts" (Przeworski 2019: 7; see also Bobbio 1987, Przeworski 2010). This is helpful for understanding democracies during this COVID-19 crisis as well as whether and how representative democracies are in some form of deeper crisis. And this is exactly because it focuses on how political institutions manage conflicts "by structuring the way social antagonisms are organized politically, absorbing whatever conflicts may threaten public order, and regulating them according to some rules" (Przeworski

2019: 7-8). As Przeworski brings out clearly, the focus on institutions and how they manage conflict is vital here both for understanding democracy, competent government and why elections are so central in determining that and why crisis can be the cause and consequence of having too much at stake in institutional conflicts. He argues that democracy works best when the stakes entailed in institutional conflicts are neither too small nor too large. Elections must matter but not too much; that is, they must be able to affect peaceful change (handover) of power but not bring to the fore deep divisions and conflicts of interests and stakes that would bring about the breakdown of political order.

This is exactly why this COVID-19 crisis constitutes both a test of many democracies and a potential fuel for political change. This is the case because the crisis, especially in places like India, Brazil and South Africa, lays bare a deep division that the institutions of representative democracy have managed to mask, at least under normal conditions: the brute life of the better off (in terms of whether or not they are protected from contracting the disease) versus the desperate livelihoods of the majority living (mostly) under conditions of poverty. The latter must carry on earning and cannot wait while economies are put on hold, on the basis of an argument premised on the dire need to save lives. For the very lives of the majority of the population depend on the continued functioning of the economy, while the former (more affluent) are much more willing and able to handle a complete pause (a lockdown or series of lockdowns) because, in an equally pressing sense, their very life depends upon closing up shop to avert the rapid transmission of the disease. Life or death on both sides seems imminent and pressing and so conflict and disorder rise to the surface quickly, at least as a real possibility. This constitutes a firm test for the capacity of our institutions of representative democracy to manage conflict.

Bread, circuses and crises: needs, interests and representation

In the face of these ultimate conflicts of interest, it is tempting, both for governments and theorists alike, to respond by assuming they can make policy decisions or build theoretical edifices based on meeting the 'basic needs' that drive these stark life or death choices. They think it is possible and necessary to focus first-and-foremost on the 'basic needs' of their contemporaries or citizenry, with little or no actual or empirical reference to the population in question, that is, without listening and evaluating the actually expressed needs of the population in question. They also thus assume that 'basic needs' cover all (or most) of the actual or potential conflicts of interest that democratic governments must manage.

Indian governments have been guilty of this both during and before the pandemic, but I shall leave these examples aside and rather focus on an unfortunate set of assumptions and decisions made by the South African government while tackling COVID-19. These bring out well how equally problematic a 'basic needs' approach is to the centrally significant democratic process of managing conflicts of interest (and possible change) without resorting to bloodshed. To be clear, I shall now suggest that the discourse of basic needs that underpins these decisions is the source of the problem *not* the very idea of public intervention *per se*. The latter, in a variety of forms, is necessary, possible, desirable and – in many instances – life-saving.

In the current crisis, South African President Cyril Ramaphosa has done a much better job than, say, Trump, Modi and Bolsonaro. Ramaphosa got off to a great start. He acted firmly, quickly, with clear justification and impressive results. South Africans have only recently emerged from the third of three of the most severe lockdowns imposed anywhere in the world. Initially, this kept the infection rate nearly as low as that of South Korea, one of the star performers as regards controlling the spread of the virus, though in South Africa it soon began shooting up. Given the country's political economy, racialised geography (a stubborn legacy of apartheid) and extreme inequality, where at least half the population lives in cramped and dire conditions, it is no surprise that, following very firm lockdowns, infection figures and deaths have spiked for many months each. What is more surprising is that these lockdowns – and associated behavioural changes – managed successfully to dampen the surge to its current relatively low levels. The same has not been true of Brazil and India, though both took very different approaches: Bolsonaro infamously denigrated the dangers associated with the disease and did not impose lockdown, while Modi initially imposed a severe lockdown on India, causing untold suffering for millions of stranded workers and beyond, and then adopted a more *laissez faire* approach, with a subsequent massive surge in the spread of the disease. There is no telling how things will develop now in South Africa, and, of course, *if* vaccination take-up can reach European levels of more than two-thirds of the population the deleterious severe effects of infection may be significantly reduced. Yet, as the country and economy re-open and emerge after over a year-and-a-half of various levels of lockdown, at least one more wave seems likely.

During this long period of various levels of lockdown in South Africa, however, there have been at least three problematic decisions that have undermined public trust and, consequently, how people behave as regards governmental prescriptions. All three arise out of a paternalistic view of politics and the needs of South Africans.

The first is the decision to ban the sale of tobacco. Even if we could distinguish sharply between basic needs and other needs – something I dispute at length elsewhere (Hamilton 2003) – the idea that addiction to smoking falls into the latter category, and that, along with the fact that COVID-19 is a respiratory disease, justifies the ban, is misguided. For an addict, the need for a cigarette may often trump even the need for vital nutrition (Lane 2006). What this means is that draconian restrictions of this kind – with poor justification – generate distrust and disquiet among the populace. Dictating people's needs without reference to their actual needs and preferences, which include addictive desires, is tantamount to government by *diktat*, not a good basis upon which to practice or engender democracy (and manage conflict).

The second is the decision to allow religious gatherings to resume under lockdown level 3 (Mvumvu 2020). Having spent so long restricting gatherings, this was an act of folly. To allow large gatherings of this kind was to undo so much that had been achieved up to that point. It is well known that, like funerals, large religious gatherings are super-spreading events; cases abound from South Africa to South Korea.

The third is the decision to try and use existing, inadequate social welfare (social grant) payment mechanisms and information regarding poverty and unemployment levels among relevant parts of the population to provide access to a small COVID-19 monthly cash injection of R350 alongside the distribution of food parcels for the needy.[4] Besides one or two glimmers of efficiency, this has been an unmitigated disaster. Poverty, inequality and unemployment in South Africa shot up in 2020: 50% of South Africans now live below the upper band poverty line (as opposed to 40% at the start of 2020); inequality continues to rise sharply in the most unequal country on earth; in the first two quarters of 2020 South Africa shed over 2.34 million jobs, going from 16.44 million jobs at the beginning of 2020 to 14.1 million in early 2021, that is, a loss of just over 14% of all jobs; with its formal unemployment rate reaching 30.1% in March 2020 and 32.5% at the end of 2020, and its expanded unemployment rate, which includes discouraged work seekers, now close to 50% (STATSSA 2020, STATSSA 2021).

In other words, the ban on tobacco products, the response to the religious lobby and the incorrect assumption that the state could directly meet the basic nutritional needs of the population via the delivery of food parcels, if taken together, are reminiscent of Juvenal's comment under imperial Rome some 2000 years ago that all the people really want is 'bread and circuses' (Juvenal 1998: 10.78-8). This is not what people want or need. Everywhere they clamour for the

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4   R350 amounts to $23.37 per month (exchange rate 14h00 CAT 27 October 2021).

power to express their actual needs, interests and choices and the democratic means to ensure that government responds to these in an equitable and responsible manner; and, when government fails, the periodic means to replace it peacefully with an alternative set of political representatives.

Ramaphosa's good leadership has been undermined by a paternalistic attitude to people's needs and seeming deference to South Africa's powerful religious lobby. In South Africa, this has a lot to do with the historical paternalism of the ruling party (the ANC), and the fact that South Africa adopted an electoral system that rewards party loyalty and accountability as opposed to popular accountability (Hamilton 2014a). South Africa is of course not unique in this regard. Many decisions during this crisis in democracies as diverse as the UK, USA, Brazil, India and Mexico have made similar blunders for similar reasons. But South Africa's socio-economic conditions and macro-political arrangements make these moves more consequential on the lives of its citizens, especially the large, impoverished majority.

Many democratic theorists and activists assume these kinds of blunders are the consequence of either one of two things: a) insufficient participation by citizens in their democracy, that is, insufficient means to participate (Barber 2004; Habermas 1984, 1987, 1996a, 1996b; or b) that the problem is the result of the executive usurping the powers of the legislature, the judiciary and civil society, all under the banner of 'emergency politics' (Afsahi et al. 2020). Both arguments rest on a common if highly problematic assumption: that representative democracy is in crisis because it over-emphasises its representative component to the detriment of its 'democratic', 'popular' or 'deliberative' elements. It gives rise to democratic authority with insufficient participative control over representatives in general (the former, or [a] above) or over those representatives that constitute the executive arm of government in particular (the latter, or [b] above). Thus – at least in their most extreme versions – they argue that the less representation the better.

I submit that both diagnoses are mistaken. The problem does not lie with the level or kind of popular control but the forms of representation and representative institutions that bring these about. Due mainly to the nature of diverse needs and interests – that is, our pluralism – as well as the necessary division of labour that has arisen as societies have become more and more complex and our lives more interdependent, representation in politics is unavoidable and desirable. We cannot get along without it – even simple forms of collective action involve forms of representation – and we ought to laud it because it enables some of us to specialise in the art of politics while the rest of us get on with specialising in other areas of human existence and endeavour. This is not to say that as citizens

we give up our capacity and right to political judgement and that we cannot get better at it and be more involved in it, and thus hold our representatives more firmly to account. On the contrary, once we accept representation as inevitable and good for democratic politics we can then devise ways of controlling our representatives to better respond to (and empathise with) our needs and interests. In other words, rather than being diminished in significance representation ought to be enhanced. This is the case because the best way to make representatives simultaneously more responsive and accountable is to make them more (not less) powerful. We can hold them accountable best when we see clearly what informed their decisions and how they independently came to the conclusions they did, and we can only do this if they are free and powerful enough to come to their own decisions among and by themselves. Obviously, for citizens to have insight into how their representatives have reached their decisions, various mechanisms of transparency will need to be in place; but this is part and parcel of the institutional recommendations I make in the next section of this article.

Political representation is normally conceived in terms either of 'mandate' or 'independence': political representatives do or ought to respond directly to the expressed opinions and interests of the citizens they represent (Dahl 1989); or, by contrast, they do or ought to act independently of these interests and judge for themselves what is in the best interests of the citizenry and state (Hobbes 1996; Burke 1999; Gyekye 1995; Wiredu 1996). These two main views of representation assume that all relevant needs and interests exist *antecedent* to the process of representation itself, and in the former case also that legitimate representation must *track* interests.

There are four main problems with this, although I only elaborate on one here (for more see Saward 2010; Hamilton 2014a, 2014b; Disch et al. 2020). Citizens' needs and interests are not pre-existing and fixed, waiting to be tracked through representation. Rather, they require identification, articulation, expression, evaluation and representation. Needs and interests have a dualistic nature – they are attached and unattached, subjective and objective – and this lies at the heart of the ambiguities of any form of interest group representation (Pitkin 1967; Hamilton 2003). Moreover, individual and group interests often become present as a result of representation, that is, they are experienced, identified and expressed as a result of the actions and concerns of representatives. This is the case formally and informally: political representatives actively identify and generate new interests; and representation often occurs via identification, where there is no appointment of a representative. In the latter case a representative, such as the leader of a cause, brings forward a claim to represent a group, evidence for which is found in their capacity to attract a following; and members of the group feel they have a presence in the actions of the representative by

dint of what the representative has in common with them – causes, interests, identities or values.

So, a different approach is needed based on the nature of needs and judgement, which remains realistic about the following four characteristics of representation. First, representation is never simply the copy of some pre-existing external reality. Representation always creates something new: Mandela's account of the realisation of democracy in South Africa does not simply replicate the historical events, it creates a new version of them in the act of representing it. There is therefore always a 'gap' between an object and the representation of that object and this holds in politics too. Political representation opens up a gap between the government and the people. Second, the act of representing creates new versions of the people and their interests, and this creative process gives representation its dynamism. Political representation provides citizens with images of themselves, or partisan groupings thereof, upon which to reflect. Third, it follows that representation generates more than one version of 'the people'. This highlights an oft-forgotten central component of politics: political judgement is usually regarding partisan not general or common interests. Finally, none of the versions of 'the people' on offer to 'the people' ought ever to succeed in closing the gap between the represented and their representatives. Even the attempt to do so is futile and dangerous. It is not the realisation of democracy but an invitation to tyranny because it thwarts any opportunity for the people to reflect on and judge their representatives; and the effect of closing the gap will be to remove the possibility for the portrayal of other competing images, visions and interests of the polity.

Representation understood in these terms enables citizens to avoid or overcome domination. How so? First, political representatives as independent of ordinary citizens are empowered to judge 'for us'. Second, citizens are likewise able to assess the judgements of their representatives, something they do best when their representatives are unambiguously separate from them and their interests. Third, if the unavoidable and necessary 'gap' is 'filled' with the mechanisms and institutions I outline in the next section, these additional representative institutions provide a means through which citizens can affect the judgements of their representatives aimed at keeping states of domination to a minimum.

So, in order for this more nuanced view of representation to obtain we must also build into our democracies better means through which citizens can determine, that is, express and evaluate, their own needs and interests *and* make decisions on who would be best to represent them. This means more involvement in determining needs and interests and more autonomy for representatives to

lead. Citizens would then be incentivised to assess and elect actual and possible *leaders* based on who is most likely to respond to their assessed needs and interests. In order to achieve this kind of seemingly self-negating dynamic – more power to the people via more power to their representatives – we will need to make the following kinds of reforms to most existing representative democracies.

Revitalising representative democracy via institutional change

Representative democracy as it has developed and been practised in the West and 'exported' around the globe, mainly due to colonialism and now forms of neo-colonialism, survives despite a deep 'democratic deficit'. It fails to enable sufficient participation and representation for citizens in the institutions and practices of democracy as most of us now know it. The result is a politics that focuses insufficiently on determining and responding to peoples' needs. South Africa and India are no exception. In fact, due to the warped legacy of colonialism – the combination of imposed macro-political structures and institutions, persistent poverty and extreme inequalities – the democratic deficit is even more stark and consequential. Many Africans and Indians hardly ever feel the positive effects of their national politicians, for want of access and means, that is, for want of power among both rulers and ruled. In more stark terms, the negative effects of citizens' lack of control over their representatives (who thus find it all too easy to loot the coffers of their state) are etched into their very bodies as they suffer the material consequences of the corrupt and inept administration of the political economies that determine their economic possibilities. Given this, and the account of representation I outlined in the previous section, what kinds of institutional reforms and additions might follow? Here below I propose four possible institutional changes. These would enable greater participation in the determination of needs and the means effectively to hold representatives to account in light of a politics of needs.

Two things are important to note before laying these out. First, they are intended as reforms or supplements to the existing main institutional structures of representative democracy; they are *not* intended to *replace* those. Second, the exact form they take would have to be determined by context; and these contexts vary a great deal across the globe. So, these are not proposed as a one-size-fits-all solution or blue-print for every or any polity.

a. *District Assemblies* – local deliberative fora, meeting once per quarter, with three main functions: i) to make available to citizens all new national legislation; ii) to articulate, evaluate and vote on local needs and interests and proposed amendments to legislation emanating from the national

assembly and other district assemblies, the results and justifications of which would then be taken by the district's counsellor to the national assembly for legislative determination; iii) to select counsellors for the revitalised consiliar system (see below). Each district would incorporate as diverse a group of the district's population as possible as the nomination and appointment for assembly offices would be selected by lot and be one year in length. This would undermine the oligarchic tendencies of political parties, even if political party affiliations influence these fora. Nomination and appointment by lot avoids oligarchic co-optation (McCormick 2011, Vergara 2020).

b. *A Revitalised Consiliar System*: i) would rest on the network of district assemblies; ii) each district assembly would select one counsellor for a two-year period, who would provide counsel to the representatives in the national assembly regarding the local needs, interests and decisions of the citizenry in the district assemblies – that is, what changes may be required to better satisfy needs and interests and diminish domination. Their main role would be to give counsel to national government and, unlike existing councillors, their independence from national representatives and other social and economic elites would have to be procedurally safeguarded within the constitution. Their selection would also be undertaken by lot. Sortition is preferable as district assemblies could easily fall prey to local oligarchic interests that would work against the point of this form of local participation and representation. Procedural constitutional constraint and forms of accountability and transparency would need to be included to ensure that they do carry forward the needs and interests as articulated and determined in the district assemblies.[5]

c. *Updated Tribunate of the Plebs* – This is inspired by and transforms the example of Roman tribunes of the plebs who met in a Plebeian Council. Differences are the result of starkly different representational power dynamics that obtain in modern representative democracies as compared to Rome, where, for example, there was a clearer elite/plebeian distinction and the tribunes of the plebs held mainly veto powers over senator-produced legislation. This updated tribunate of the plebs would be an electoral procedure by means of which the least powerful groups in society would have exclusive rights to elect

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5   For more on district assemblies and an explanation of my adoption of the term and institution of 'counsellor' from Ancient Rome (as opposed to the more normal modern English term and institution of 'councillor'), see Hamilton 2009b, 2014b. The revised account of 'district assemblies' submitted here, also draws from Condorcet's notion of 'primary assemblies'. For more on these and how they therefore become sites for both the positive and negative powers of sovereignty (legislation and repeal), see Urbinati 2008: 207-13.

at least one quarter of representatives for the national assembly, alongside the normal electoral process for the remaining three quarters. Political parties and independent citizens would nominate candidates, appointment would be by election, and these popular representatives would have more than mere veto power. The oligarchic tendencies of elections would be counteracted by strict membership criteria. Membership of (and thus nomination for) this section of the representative body within a unicameral parliament as well as eligibility to vote for these popular representatives would be open to all those who currently have little or no formal or informal access to power. A proxy for this would be to allow eligibility to only those with net-household-worth below the mean average net-household-worth in the polity in question, effectively giving them greater chance of being selected as representatives and, as electors, two votes for members of parliament.[6] This would give those with the least social and economic power in any polity much greater power both to propose *and* repeal (or veto) legislation. Moreover, unlike poststructuralist democratic theory, here more emphasis is placed on popular legislative proposal and repeal rather than on mere veto power or power of impeachment against elite representatives.[7]

d. *Constitutional Revision and Safeguard*: i) a plebiscite every generation, that is, once every 20 years, following a two-week-long carnival of citizenship – a public holiday – in which all citizens would have equal formal freedom to assess existing social, economic and political institutions and practices in terms of their effects on the determination and satisfaction of needs; ii) a right of constitutional revision that would have to be procedurally safeguarded, that is, a right of any citizen at any point to propose the assessment and possible amendment of a component of the constitution based on two important considerations that come out of the work of Condorcet, Jefferson and Paine: *fallibility* of reason (that reason is prone to error and subject to change over time and thus a constitution may require revision) and *anti-tyranny* (that it is necessary to shield present and future generations from the

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6   This is quite easily defensible in terms of quota arguments based on lack of economic and political power. In suggesting this I am not discounting other proxies dependent on context, but all would have to pass the same threshold: members would have to be drawn from that group of residents who, normally under liberal representative democracy, have no formal or informal access to the elite powerbrokers.

7   These changes to my initial tribunician proposal in Hamilton (2014b) are in response to Vergara's (2020: 238-9) insightful critique. Here, in avoiding the need for a separate assembly or house for these popular representatives, I overcome the problem of competing authorities I generated in my earlier proposal. One house is ideal for popular empowerment, sovereignty is thereby located in one representative assembly, and this also adds ballast to critiques of bicameral parliaments.

unchecked power of past generations, that is, any constitution is a product of the power relations, needs and interests of a particular generation and it is necessary to ensure that the imperatives and concerns of one age are not cast in stone, forever lording it over the ever-changing needs and interests of subsequent generations) (Urbinati 2008 and Hamilton 2009b); iii) *procedural* safeguards giving priority to the satisfaction of contextually determined *vital* needs, safeguarding counsellors from manipulation, coercion and corruption, ensuring the administration of district assemblies and the updated tribunate, and so on, as specified above, and securing constitutional revision.

Together these four main institutional changes would provide sufficient power, class antagonism, and institutional checks and balances to generate and safeguard freedom as power for citizens and residents in any polity, or at least ensure against one powerful group usurping the power of all the citizens, classes and groups that constitute the polity in question. More exactly, this is a road map for how we can properly make the well-being of a state's population the *raison d'être* of its government. For this, we need a politics that allows us to both express and assess our needs and determine who is best placed to represent us in responding to these needs, all in non-dominating conditions (Hamilton 2003, 2014b). Most importantly, it provides the institutional means to learn how to keep oligarchs away from political power. Under representative democracy, bar outright revolution, we do not have the power to affect the everyday decisions of our representatives, but we can keep those with exclusive social and economic interests out of positions of political power.

Conclusion

In this article I submit that the pandemic politics of the COVID-19 crisis have unmasked the distortions and inadequacies of existing representative democracies. I have argued that a minimally functioning democracy must do two things at least: ensure the health and well-being of citizens and the equal means competitively to select prudent, empathetic and courageous leaders. Competitive elections, liberal rights of speech and association, and the rule of law are all necessary means for achieving these goals, but liberals are mistaken when they make these predicates or prerequisites of democracy. The varied pandemic politics that have characterised democratic responses to the COVID-19 crisis have made it clear that it is now imperative for citizens everywhere to find a new way forward.

The institutional proposals I have put forward and defended here are part of an attempt to give institutional form to this pressing need for change, especially as regards what kinds of institutions would enable this dynamic, anti-oligarchic form

of democracy to consistently empower the least powerful in social and economic terms and keep elites properly in check. As proposed here, representatives of marginalised or oppressed groups, with class- and caste-specific quota in representative institutions (or specific offices, as in Rome's tribune of the plebeians itself) would be best placed and incentivised to keep the domination of elites at bay. The kinds of substantive changes proposed in this article will leave leaders no option but to choose to take into consideration context-specific assessment of their citizens' well-being, quality of life and associated policies that ensure the direct involvement of citizens in the process of determining their needs and interests. Over time, it will also generate in citizens a learnt ability to keep those with exclusive social and economic interests out of positions of political power. In other words, the institutional proposals I make are intended to empower both ordinary citizens and their representatives; this, I argue, will ensure that both rulers and ruled identify better the interdependent nature of their lives – and thus needs, interests and preferences – and thus incentivise the two crucial components of good political judgement that the COVID-19 crisis has revealed as sorely lacking in most representative democracies: real accountability and empathetic leadership. The imperative, we have been shown, is to arrange our institutions to punish hubris and praise empathy.

How do we get our elites to buy into this project? I do not profess to have the answer to hand. There is little doubt, though, that what is needed urgently is more radical agents of change, that is, institutional structures that effectively incentivise ordinary citizens and political and economic representatives to support progressive change (Hamilton 2018). For some, this would require nothing short of revolution. I demur. The threat of revolution would be sufficient. The threat of revolution coupled with a version of what follows may be enough. These institutional reforms would better manage the main lines and forms of cleavage that democratic politics throws up, especially in times of crisis. We are now in the middle of one. Rulers and ruled alike are clearly tired of our democracies' inability to deal with stubborn inequality, poverty and crises. And we have yet to face up to our biggest challenge: the climate crisis. Democracy must adapt to deal more adroitly with the demands of crises and normal politics. Now is the time for change; while we are in the midst of a crisis that hinges around life and death. We must decide collectively now to transform our democracies and thus resolve our current crisis.

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