

INTERNATIONAL CONFERENCE

**ISLAM AND DEMOCRACY
IN SEARCH OF A VIABLE SYNTHESIS
[Islam dan Barat dalam Era Globalisasi]**

Jakarta, Indonesia – March 22-23, 1995

DEMOCRACY: THE UNIVERSAL CHALLENGE

Franz Magnis-Suseno

AMAZING

"Two and a half thousand years ago the small Greek city state of Athens invented a new form of political regime. Today the name of that form of regime is the only credible basis on which to claim regular and lasting political authority across the entire world." This statement on the jacket of a recent book on democracy¹ expresses succinctly a quite amazing fact: at the end of the 20th century democracy claims to be the only legitimate system of political power.

Let us put aside for a moment the question whether this claim can be sustained in face of a host of counter claims and, still more urgently, in face of the fact that the success of democracy in most countries outside the "West" is still in question, and let us first reflect on how amazing this fact really is.

At a superficial glance democracy's global legitimitive dominance maybe does not seem so strange. It is universally accepted that no development and, still more, no national power can hoped to be achieved without the fullest resource to Western technology. Thus, one might say, since Western countries are democracies, democracy seems the indicated form of political power. But, of course, this kind of reasoning is not very convincing. Neither has, in the West, modern technology developed exclusively under democratic conditions. Nor seems to be any reason why modernization should be linked to a specific form of political organization of the state. It could have been quite possible

that western democracy would have been nothing more than one of a number of models of modern organization of political power.

But it came differently. To quote Robert A. Dahl: "During the twentieth century the idea of democracy ceased to be, as it had been heretofore, a parochial doctrine embraced only in the West by a small proportion of the world's people and actualized for a few centuries at most over a tiny portion of the earth. Though it is far from a worldwide achievement, in the last half-century democracy in the modern sense has gained almost universal force as a political idea, an aspiration, and an ideology".²

Only 100 years ago you could have counted democratic states on your two hands. For thousands of years people the world over, in the West and in the East, with the exception of a few Greek cities a couple of 2000 years ago and some Italian cities during the European Middle Ages, were very quite content with their monarchies or aristocracies or tribal chieftainships or you name it. Nobody wrote a word about democracy or sovereignty of the people. But all over sudden, in this century, and more so after the colonized countries threw out their colonial oppressors, there comes democracy with its universal claim and, it seems, nobody can get away from it.³ The funny thing is, nobody, in Asia or wherever, can shrug democracy's claim off [as the Indonesians stopped learning by heart the names of the rivers of motherland Holland and forget about it].

Not that everybody embraced the idea of democracy. The idea of democracy is still questioned and challenged in many non-Western countries. But the interesting thing is: Such criticism, apart from a very few exceptions, never aims at the idea of democracy as such, but always at certain forms of democracy, especially at what is called "western" or "liberal democracy" what ever be meant by this expression. Or it is said, as was said recently by the President of the Republic of Tadjikistan, that Western democracy was nothing for his country and it would take Tadjikistan more than 100 years to become a democracy. Thus while repudiating democracy now, the Tadjik President operates from

the silent supposition that eventually his country should, and probably will, become a democracy. Almost never anybody says, f.i., that, "irrespective of the fact that there are democratic countries around, we have our own - say non-democratic - form of government and so much for democracy," which would be, if we were only used to it, quite a sensible thing to say.

THE DEMOCRATIC CLAIM

Let me spell out a bit what democracy's claim to exclusive political legitimacy involves. It involves the claim to be "the only credible basis on which to claim regular and lasting political authority."⁴ This involves the claim that non-democratic regimes have no legitimacy except under special circumstances and for a limited period of time, but not as something regular and lasting. The only positively acceptable form of government, positive in the sense: barring special circumstances, would have to be democracy. Non-democratic states would be liable to critique. Non-democratic regimes would lack in legitimacy. Considering that a majority of states in the United Nations are not considered democracies, this statement should sound exceptional indeed.

And we have to give attention to the fact that this democratic claim is a moral claim. Democracy claims universal legitimacy as a principle of political ethics. As such the frame of reference is human dignity. Democracy is claimed to be the only legitimate modern form of political power, because it is regarded as the only form of government in accordance to the dignity of its citizens as human persons. Under modern conditions, political power has to be democratic out of respect for the human dignity of its people. Non-democratic government is seen as contrary to their human dignity.

So much for the universalistic claim of democracy. Please note, I do not say, or better, not yet say that this claim is justified. I only try to spread out what is meant by it.

QUESTIONING THE DEMOCRATIC CLAIM

During their fight for independence from colonial power, many third world leaders had hailed democracy as their preferred form of government. But only few former colonial countries later introduced democracy and where this has been the case, as for instance in Indonesia, it mostly failed, the only exceptions being, it seems, India and Sri Langka. It became more and more obvious, that democracy can only work where definite political, social, cultural and probably also economical preconditions, especially regarding "stability" are given, and the introduction of democratic mechanism is no panacea for the solution of all kind of political, social and economic problems.

On the other hand, if we look at the so called success stories in East Asia, we get the impression that social stability and economic development could proceed smoothly under authoritarian regimes, while repeated democratic endeavours as, f.i. in Pakistan or Bangladesh have not resulted in the desired stability.

Thus while the democratic principle is, generally, not put into doubt, the claim that political legitimacy can only be obtained through democracy, or, more precisely, that all countries, in order to become ethically acceptable, should introduce or activate democratic institutions is widely disputed as ethnocentric, and therefore false, by leaders and political thinkers of non-Western societies. They widely reject the accusation that non-democratic forms of government must be contrary to the human dignity of their people.

I would describe the situation of the ongoing discussion on democracy as follows: It seems that there are two contradictory trends existing at the same time: On the one hand, the - very modern - principle that government should be democratic is rarely challenged directly; one might even say, it is, in spite of all contrary experiences as disputations, still almost universally accepted. But on the other hand, claims that non-democratic countries implicitly violate the human dignity of their citizens and democracy, therefore, be speedily introduced also widely rejected and accused of being based on a pro- Western basis

[not to speak of the suspicion that demands for democratization serve to camouflage massive Western and political interests].

I would like, therefore, to pose the following key questions: What about democracy's universal and exclusive claim to legitimacy in face of the fact that it is, in its modern form, a product of the European-North American tradition, or, succinctly, of "the West"? Can democracy, the child of a distinctive social and cultural environment, i.e. the Western one, be expected to become the preferred expression of political adulthood in states with very different social environments? Can democracy become the institutionalized political expression of respect for human dignity in non-Western societies?

MODERN DEMOCRACY

Allow me make a few more general remarks on democracy. I understand, in this paper, democracy in the modern sense, as a political system which institutionalizes control of government by the people and its accountability to the people through a system of representation. Thus modern democracy is two things together: It wants to realize the sovereignty of the people, and it does so through a complicated system of institutions which operationalize this sovereignty of the people.

The important thing is that democracy is essentially more than just sovereignty of the people. It is also a complex web of institutions. This means two things. Firstly, not every government or form of government that is accepted by the people, thus, in this sense, expresses the sovereignty of the people, is a democracy. A benevolent populist dictatorship of a great leader might be accepted by the people, it might even be the best form of government for this nation, but it is not a democracy. Democracy is sovereignty of the people institutionalized through those political and juridical mechanism usually connected with the term democracy.

Secondly, democracy [in this sense] never claimed to be in fact government of the people, by the people and for the people, in spite of Abraham Lin-

coln's famous statement. In modern representative democracies the citizens do very little governing. Democracy's claim are much more modest. It only claims to be a form, the best form!, of institutionalizing the maximum control by the citizens of a country of their government and the maximum of accountability of the government to their citizens, and this on a stable, thus institutional and juridical, longtime basis. Never did democracy claim that citizens could directly influence legislation [as Rousseau demanded] or that legislation would always be what a majority of the people would approve. This was always seen and accepted as an inevitable consequence of the principle of representation which, itself was accepted as the only possible way of translating the democratic ideal of the sovereignty of the people into constant political reality. It is claimed that no other form of government offers, in an anyway comparable way, the same degree of control of, and accountability by the government in relation to its people, on a long time, institutional basis, independently of the skills and the moral character of the person or persons incidentally being at the head of the government. I had to stress this point in order the counter the less then clear headed objection that in democracies, too, government is the business of an elite. Of course it is, and it should be. The point is that in democracy, and only in democracy, elites are forced to present themselves to the citizens and the citizens are able to throw out a ruling elite and to chose for themselves which elites they want to govern them, and they are allowed to speak their mind and no political party can afford to neglect their opinion.

In fact, democracy is generally recognized as a political system where a number of specific properties and conditions have to be fulfilled. I subsume these conditions under what I call five clusters of essential characteristics of a democracy: (1) The rule of the law (*Rechtsstaatlichkeit*); (2) effective control of the government by the people and/or its representatives; (3) free general elections; (4) decision making by the majority principle; (5) guaranteed basic democratic rights. Only if all conditions subsumed under these five clusters obtain can we speak of democracy in the modern sense.⁵

[Excursus: One could ask on what authority these five clusters can be regarded as valid criteria for the existence of democratic government. The answer is that modern democracy is not a theoretical construct of political ethics, somehow apriori deducted from more fundamental ethical principals. Democracy is a form or organizing government that has empirically and historically developed over the times. There could be other forms. But this is what nowadays is called democracy. Thus those five clusters are empirical descriptions of what experts and, I would say, to a great degree also the informed public in general understands as democracy. And this paper is not over democracy in the abstract, but about this thing called modern democracy^{6]}

THE ROOTS OF MODERN DEMOCRACY

Now, while there have been democratic and participatory customs in many traditional societies around the globe, especially on the village level, modern democracy in the above sense are doubtlessly originated from the Western European and North American tradition, thus from "the West". It is intrinsically linked with the collapse of Medieval feudal structures, with the ideals of Aufklärung (Enlightenment), with rationalism, individualism, secularization and especially with the ideals of the French Revolution: liberty, equality, brotherhood. From these sources arose the modern conviction, that all human beings are of equal dignity, that they, therefore, enjoy equal right of participation in determining the direction of their community, that no one has a divine right to rule other human beings, thus that all legitimate authority must come from the delegation by the whole community. These ideas were very well summarized by Rousseau's sovereignty of the people. The British political system after the Glorious Revolution in 1689, the birth of the United States of America [which was not yet regarded as a victory of "democracy" but of the republican idea] and the turbulent constitutional developments in the course of the French Revolution 1789-95 were extremely important in channeling the idea of the sovereignty of the people into feasible institutional channels.

This rise of democratic ideas was intrinsically linked to the rejection of feudal privileges and absolute monarchic power in the name of rationalism and liberalism. This rejection itself cannot be separated from the rise beginning from the 16th century of a new social class, the bourgeoisie. The bourgeoisie more and more became the main economic backbone of the emerging national state. Capitalism and industrial revolution still more increased its crucial role in the support of their countries. Full of self-confidence and optimism, the bourgeoisie demanded, and finally got, their say in the direction of their countries. Modern democracy is the child of the collapse of traditional society, both of its social structures and its social beliefs and values. Thus the rise of modern democracy cannot be separated from the collapse of feudal society and the rise of modern, industrial, rational and bourgeois society. It is the logical outcome of the rise of modern society.

But this origin of modern society should not make us blind to the fact that the philosophical roots of democracy reach back into times much earlier. By this I do not, in the first place, refer to Greek democracy which gave our democracy its name, although democracy as a political possibility was almost always on the mind of Western political philosophers precisely because they read their Thukydides, Platon or Aristotle. But there is no straight line from Greek direct democracy to modern representative democracy. The basic philosophical premises of democracy go much farther back, to times even before the Greeks entered the world stage 2700 years ago. Modern democracy was the outcome of a change in the understanding of man which took thousands of years until it, at the threshold of modernity, finally penetrated into the consciousness of philosophers and political thinkers. This change of the self understanding of men was, as was often the case, intimately connected with a new understanding of God.

It began in the twilight of history, almost 4000 years ago, with Abraham. His experiences with God, which deepened through the experiences of the people of Israel opened the understanding of God as transcendent, as the creator of the world and of the human race. In front of the transcendent God differ-

ences between human beings became non essentials. The very real differences between men and women, free people and slaves, lord and servant, and between social classes in general became to be understood as irrelevant to their human dignity. Before God all human beings are the same, except for their personal situation before God. This was very different from religious frames of reference where worldly reality was understood as concentric circles of emanation from the powers of the invisible world. Inequality was the logical consequence of such a world view because The Divine emanated in circles of different intensity. There was also no sharp distinction between people and animals as we can witness in the plays of the Javanese wayang-shadow-play.

Thus Israel's belief in Yahweh, the Lord of history, had as a result a conception of political power where the king was just a human being as everybody else. Belief in the transcendence of God which also became the corner stone of the two other Abrahamistic religions, Christianity ("There are no longer Jew or Greek, slave or free persons, men or women, because you are all one in Christ Jesus", Gal. 3,28) and Islam, gave no room for a dewa-raja, a god-king, nor for divine powers of a ruler. In heaven, according to these three religions, there will be no difference between king and beggar, both will be judged according to their value in the eyes of God. This was the reason the prophets of ancient Juda and Israel dared to confront their kings when they betrayed their faith or condoned injustice, Petrus and John told the Jewish leaders in Jerusalem that they had to obey God more than human superiors [Act.4,19; 5. 29] and Muslim ulama again and again clashed with their kings, f.i. their Mataram rulers in 17th century Jawa.

It needed the collapse of the Medieval feudal order and of its accompanying hierarchical world-view for this essentially egalitarian view of human persons to become politically operative. But it is very important to remember this religious, philosophical origins of democracy. Thus the basic ideas of human dignity, of the essential equality in dignity of all humans, and therefore of the need for rational legitimation of political power is not specifically "western". They originated in an environment that comprises at least the whole Jewish,

Christian and Islamic world. The democratic idea is, therefore, not 100% a child of Enlightenment. Its foundations in a basic view of what human beings are much broader than what the Western outlook of modern democracy suggests. What gave democracy its clearly Western face is the fact that its basic philosophical foundations only became socially and political operational after the emergence of post-traditional society which, because of reasons I do not have to go into, took place, historically, in what we call "the West" [with all its accompanying Western colonial and post-colonial domination].

THE CRISIS OF DEMOCRATIC LEGITIMATION

But whatever the philosophical foundations of democracy, there is no doubt that modern democracy has come to the world as the probably most prominent ideological export of Western political culture. And precisely because of its strong claim on legitimacy, it opens itself to reproof of ethnocentricity. In order to assess the democratic claim, I want to enter a bit into this question of ethnocentricity.

It may be useful to point out that not all criticism of democracy is free of self-seeking purposes. The rejection of democratic reforms under the title of western democracy often comes from those in government. At the same time, oppositional groups - if they are able to articulate themselves; often they are silenced precisely with the argument that "opposition" is a feature of "western democracy" and therefore unacceptable - NGOs, human rights groups and many intellectuals in the same country voice quite different views on democracy. There are also very different political opinions. During the first 12 years of Indonesian independence President Sukarno strongly denounced "western democracy" as not in accordance with the character of the Indonesian people, while Vice-president Mohammad Hatta pointedly never distinguished between "democracy" and "western" democracy" [what Hatta criticized as "liberal democracy" was something else: the fact that in the West democracy was limited to the political sphere, but did not extend into economics which were dominated by the capitalists, a minority, thus not democratic, therefore also cancel-

ing out the benefits of political democracy - which he supported without reserve].

But the fact is that democracy has not performed too well outside "western" countries, India, Sri Lanka, Malaysia and Japan [whose democracy was always special and seems now to be in a kind of crisis]. In Latin America there has been a constant up and down. In many African countries democracy seems to be a far cry. In Asia one would have to look at every country individually. "Success stories" like South Korea and Taiwan developed well under authoritarian regimes, but are increasingly moving toward democracy, while Singapore stays authoritarian and prospers too. And so on and so on.

Let us look at some of the difficulties. I suppose that in many countries people, out of their traditions, would probably be much happier with a benevolent authoritarian father figure at the head of the state than to have ongoing bickering between political parties. Very often, as f.i. in the Indonesia of the 50th, they are not able to transcend party interest and clearly articulate the national point of view. Often the culture of conflict management is very different from the democratic one. Open conflict might be taboo. The idea of "her Majesty"s loyal opposition" is foreign to many cultures: open criticism is often regarded as the first step to revolt. Political parties can exacerbate primordial, ethnic or religious divisions, while a mildly authoritarian regime can play them down.

EXCURSION INTO POLITICAL ETHICS

Thus indiscriminately demanding democratization seems unwise and unrealistic. But this opinion has specific relevance from the point of view of political ethics. It is one of the principles of political ethics, that its normative demands may only be made if the conditions for their application obtain. To derive a political obligation, such as to introduce democracy, directly from ethical principles would amount to what Prof. Otfried Höffe calls the "normativistic fallacy": to derive directly what has to be done from normative principles.⁷

Thus from the point of view of political ethics, although under modern conditions democracy is one of its principles, there is nothing like an absolute obligation to introduce democracy. There are more fundamental obligations a state has to fulfill, especially to secure the most basic needs of the population such as internal peace and security, food, clothing, dwelling, education and health care, and the safeguarding of the rule of law a.s.o. If the conditions for democratic government do not obtain, trying to introduce democracy would endanger that minimal amount of security and welfare that has already been achieved, and this means, trying to introduce democracy under such circumstances would be ethically wrong. Whether the necessary conditions for democratic development exist is not an ethical, but an empirical question, to be decided in the first place by the respective people themselves.

Secondly, it should be noted that democracy is a contextual and dynamic concept. Contextuality⁸ here means: how the essential elements of democracy - rule of the law, government controlled by the people, free general elections, majority decisions, democratic fundamental rights and liberties - are to be interpreted and to be put into practice depends on the political, social, and cultural context. Democracy does not mean the British or the European or the North American system. Democracy means institutionalized processes that under the obtaining conditions realize in an optimal way those five clusters of characteristics of the democratic form of government.

To keep this contextuality of the concept of democracy in mind is of paramount importance precisely if one is convinced of the universal claim of democracy. It may be against the grain of democratic purism, but from the point of view of political ethics none of the essential elements of democracy must be translated into political reality without regard for the social, political and cultural context. Questions like how to develop a multiparty system, whether, f.i. a hegemonical position of the government party is acceptable, whether the armed forces should play a particular role in the political life of a nation, or how freedom of the press is to be interpreted have to be decided with regard

to how would be the impact on the functioning of the state and of the future development of democracy.

Regard for this contextuality is especially important in all non-western cultures because of their very different deeply internalized traditions as regards hierarchy, political power, communication, civilized behaviour, expression and management of conflict.⁹ Democracy as principle of political legitimacy in no way justifies disregard for those structures. Thus, democratic institutions have to be developed in conformity with the values of the respective political communities. This is both an imperative of political ethics -defining in which sense democracy enjoys, and does not enjoy, exclusive legitimacy - and a demand of practical reason. Democratic structures that do not work make no democratic sense.

But besides being intrinsically contextual, the concept of democracy is also intrinsically dynamic. By this I mean that democracy is something never finished. To quote McIver, "democracy is a form of government that is never completely achieved. Democracy grows into its being."¹⁰

Thus democracy is always developing. It develops in western democratic societies where the greatest danger to democracy seems to be that it is taken for granted, that people get fed up with "the system", or atrophy into an attitude of "I pay my taxes and therefore I have a right to enjoy the services of the state", without involving oneself. [Therefore the growing cry for a return of republican virtues by people like Charles Taylor and Alasdair MacIntyre¹¹]. But change of democratic structures especially take place in countries of non-western traditions, because all these countries are in the midst of a relentless process of social change where traditional structures are replaced or re-interpreted by the forces of modernity and globalization. In Indonesia, f.i., the situation in 1995 is different not only from 1945 when the journey into freedom begun, or from 1959 when parliamentary democracy was at its end, but also from 1973 when the distinctive political structure of the "New Order" where fully in place. Good reasons for going slow on democracy in 1975 may be not

so good 20 years later. The whole of society has developed immensely during those 20 years, for the greatest part precisely because of those structures from more than 20 years ago, but this means that a new context has arisen and it might be asked whether the [more than 20 years] old democratic structures put in place at the beginning of the New Order are still in accordance with the now obtaining social and cultural conditions.

Thus there is nothing like a "maximum democracy". The same structures that were once structures of democratic freedom and at that time conducive to the further development of democracy can, if not developed, become structures of oppression 20 years later, because they have lost their contextuality. There is always the possibility to optimize still further the democratic contents of political life.

Therefore democracy cannot, in general, be imposed from the outside [the counter fact being Japan]. There would be countries that just lack the preconditions for democracy altogether. In most countries democracy is probably a real, if long term, possibility, but it cannot be forced upon them, and can certainly not reasonably be demanded, in an abstract way, in a shape that is taken from western experiences. Whether existing minimal democratic structures are in fact what is feasible, or are instruments of oppression by a political elite afraid of losing the reins of power, and how, in a given context, the five clusters of essential elements of democracy should be realized, or what kind of authoritativeness would be the most fitting one in the context of a specific culture, all these questions cannot be answered by political ethics. They are the legitimate matter of political discourse by all concerned [where, of course, the tricky point is that political discourse itself does not prosper where democracy is curtailed].

DEMOCRACY'S UNIVERSAL CLAIM

I want to return now to the main question of this paper: What about the universal claim on legitimacy by democracy? The decisive point is the concept

of democracy. If democracy is naively understood precisely as how it has developed in the West, the claim of universality is untenable. But the answer must be different, if its contextuality and dynamic character are taken into consideration.

Firstly, although democracy as a system of political power came into being in the western, post-traditional world and in this form cannot be simply transplanted into quite different cultural environments, the basic idea of democracy, namely essential human equality, has, as we have seen, its roots far back in pre-modern times, in the understand of the human person that resulted from the encounter with the transcendent God through Israel's religion, Christianity and Islam. But basis human equality was also a value in other cultures. In sub-Saharan Africa human beings are regarded as basically equal in dignity, a view expressed among other things in the close relation between the community of the living and their deceased ancestors. One could even make the point for a deep view of Javanese culture which, on the surface, looks very feudal and unequal. There are two elements pointing to a deeper lying conviction of human equality. First, the Javanese idea of the "unity of servant and Lord" [manunggal kawula Gusti], expressing the relation of human persons to God, transcends all feudal gradations; it is open for everybody and, where this stadium is reached, there is no longer a difference between king and commoner. Secondly, in the wayang-shadow-play, looked at a deeper level, the servants [punakawan] of the noble knights are in fact their "keepers" [pamong] and the knights are, seen from this perspective, nothing else than children they [the punakawan] do baby-sit, which means implicitly that the noble knights also are just people like everybody else.

A second point is this. If there were a traditional non-democratic system of political power still in existence, then certainly there would be no basis to ask them to change to a democratic one. But almost all political entities all over the world are regarding themselves as modern states. And as such they no longer command traditional loyalties although traditional attitudes towards the powerful certainly still colour their way of communicating. A point in case is India.

As outsider, one would expect that the still very strong and inflexible cast-system must be an unsurmountable hindrance to democracy. But India, in fact, can look back at more than 40 years of uninterrupted, reasonably successful democratic government. Obviously, the Indian state, as apex of the new, modern India, has not been associated with traditional social views and this was not disruptive of society but probably, on the contrary, a welcome and necessary counter-experience to India's social traditions.

Thus modern statehood served as powerful mobilizer for the deep lying conviction of human equality and dignity. In many cultures around the globe, this conviction had an empirical, social basis in the traditional village with its "village democracy" where equality is regarded a high value.¹² As Mohammad Hatta noted: although modern democracy is something quite else than village democracy, but village democracy became the experiential background for introducing people still living in quite traditional environments to modern democracy.¹³

And there is the question of freedom. It is true that in no traditional culture the word freedom enjoyed a special standing. Freedom first became a concept of great social power with Martin Luther who appealed to "the freedom of a Christian", namely the right the individual Christians to read and try to understand for themselves the Holy Scriptures, against the Catholic hierarchy. [In fact "freedom" was first proclaimed as paramount value in some Italian republics of the 13th century¹⁴].

In countries like Indonesia one often hears that western "liberal" freedom smells of individualism and is alien to eastern cultures. But this statement does not stand up to closer inspection. Not only is the appeal to freedom among simple people still enormous, even after the struggle for independence from colonial rule has long ended. But freedom is in fact one of the most fundamental human and social values. Not freedom in an abstract sense, as a kind of anarchy. But in the sense of freedom from suffering, fear and repression, as freedom from being exposed to arbitrary interference by the government, f.i.

from being driven from one's living quarters in order to make room for a government project, as freedom to live according to the values of one's community, as freedom to strive for what one conceives as the good life. And so on. Thus although this yearning for freedom does not directly connect with modern democracy, it shows how the fundamental democratic values of equality and liberty are deeply felt values of common people also in non-western societies.

In fact, the claim on universal legitimacy by democracy rests on the fact that after traditional legitimations of political power like traditional monarchies are no longer believed in, there seem to be no positive alternatives too democracy. When the privileged position of powerful individuals or traditional ruling classes are no longer believed in, power over the people can only be legitimate by the consensus of these people. Thus the only acceptable basis of political legitimacy is the sovereignty of the people, not just as a slogan to be coopted by all kind of populist or guardianship like regimes, but in a real, substantive sense, and this is what democracy is all about: A conception of a system of power institutionalizing to the highest realistically achievable degree the sovereignty of the people, thus its lordship above government.

As we have seen, very often democracy might not be a realistic option. In many cases the existence of a central administration capable of guaranteeing a minimal degree of public security, law and order is already a very high achievement and even this minimal degree of orderliness is still out of reach for many countries. But, except for a very few countries still steeped deeply in tradition, such a state of affairs, even any non-democratic situation, is never extolled as a value in itself, as a positive alternative to democracy, as a proper model for institutionalizing power. These regimes are legitimate, but by default. Their basis of political power is pragmatic in the sense, that they do what they can, but their legitimation is not lasting and not regular.

Thus democracy is much more than a western product, offered after the collapse of colonialism. In an post-traditional context all non-democratic

power, although perhaps pragmatically legitimate, is in fact arbitrary and without sufficient ethical foundation because it only rests on the power of the ruling elite to keep up its domination. If there is no democracy, then political power rests solely upon the capability of the rulers to impose their domination. Such a situation lacks legitimacy as it is hazardous because political stability can only come from the free acknowledgment by the citizens. Lasting political stability seems to depend on the development of democratic structures that are in accordance to the social and cultural setup of the respective nation. And this seems, under post-traditional condition, to be the case universally.



NOTES

- 1 John Dunn (ed.), *Democracy. The Unfinished Journey. 508BC to AD 1993*, Oxford: Oxford University Press, 1992.
- 2 Robert A. Dahl, *Democracy and its Critics*, New Haven/London: Yale University Press., 1989, 213.
- 3 We might still remember the deceased "Second World": While Lenin, and for that, Karl Marx, were openly derisive about democracy, his descendants of minor posture had to drape their seedy dictatorships with the funny name of "people's democracy" - although they had, on their own term, the best ideological credentials.
- 4 See quotation at the beginning.
- 5 The essential elements of democracy in these five clusters can be detailed as follows:
 1. Rule of Law: [1] The state is run according to provisions of a constitution; [2] the constitution contains safeguards of the most important human rights; [3] government [and government agencies] wields power always and exclusively on the basis of the law; [4] people can appeal to the courts against measures taken by the government and the government will honour what is decided by them; [5] independent and unbiased judiciary.
 2. Effective control off government: [1] Accountability of the government; [2] the government is, and is willing to be, under the constant glaze both of the representatives and, directly, of the citizenry, especially the press and other media; [3] the representatives of the people are free to say what they think, to demand account and to criticize and, if so intended, reject government policies; [4] the government cannot legislate or create legal norms, at least not without the approval of the representatives of the people; [5] the government is installed and can be removed peacefully by the people or their representatives, in connection with the results of general elections.
 3. Free general elections: [1] Citizens can chose among at least two candidates or political parties; [2] the greater part of the citizenry enjoys the right, and is effectively able, to vote; [3] most of the citizens have the right to be a candidate in elections; [4] the body of representatives of the people chosen through general elections has the right to legislate, either by themselves or together with the government, they have the right and the capability to control government.
 4. Principle of majority means that the body of the representatives of the people can take their decisions by majority vote if unanimity is not achieved.

5. Basic democratic rights are [1] the right to voice one's opinion and to criticize the government orally or in writing; this includes the right to a free press; [2] the right to obtain alternative information to the information presented by the government; [3] right of assembly; [4] right to form organizations, associations and political parties.
- 6 In fact, I have distilled above said five clusters of democratic essentials from the following sources: Miriam Budiardjo, *Dasar-dasar Ilmu Politik*, Jakarta: Gramedia 1977; Robert A. Dahl, *Democracy and its critics*, New Haven/London: Yale University Press 1989; Affan Gaffar, "Demokrasi Politik", paper given at the seminar "Perkembangan Demokrasi di Indonesia Sejak 1945" in Jakarta 1993 [Gaffar refers, among others, to G. Gingham Powell Jr., *Contemporary Democracies: Participation, Stability, and Violence*, Cambridge, Mass.: Harvard University Press 1992]; Jack Lively, *Democracy*, Oxford: Basil Blackwell 1975; C. B. Macpherson, *The Life and Times of Liberal Democracy*, Oxford: Oxford University Press 1977; Sri Sumantri, "Demokrasi Hukum", paper given at the seminar "Perkembangan Demokrasi di Indonesia Sejak 1945" in Jakarta 1993; Bernhard Sutor, *Politische Ethik. Gesamtdarstellung auf der Basis der Christlichen Gesellschaftslehre*, Paderborn etc.: Ferdinand Schöningh 1991; Reinhold Zippelius, *Allgemeine Staatslehre. Politikwissenschaft*, München: C.H. Beck 1973.
- 7 Otfried Höffe, *Sittlich-politische Diskurse. Philosophische Grundlagen, Politische Ethik, Biomedizinische Ethik*, Frankfurt a.M.: Suhrkamp, 1981, 16; Sutor 1991, 11, begins his book on political ethics with the "Grundthese ... daß Politik zwar immer ethischen Maßstäben gerecht werden muß, aber nicht aus ihnen allein bestimmt werden kann. For political ethics holds what is true for ethics in general: "Die Situation ist nicht eindeutig normativ bestimmbar. Die Frage, was ich tun soll, ist nicht durch logischen Schluß aus Prinzipien und Normen zu beantworten", ib. 46.
- 8 Contextuality is stressed by Otfried Höffe, *Politische Gerechtigkeit. Grundlegung einer kritischen Philosophie von Recht und Staat*, Frankfurt a.M.: Suhrkamp, 1989, 480.
- 9 Mochtar Buchori in his "Sketches of Indonesian Society" (Jakarta: Jakarta Post/IKIP-Muhammadiyah Jakarta Press 1994, 74, 77) uses the occasion of a statement of one of our VIPs that "every drive toward greater openness and more democracy in our society should be carried out in a polite way" to point out that "combining the drives toward democracy and politeness or civility will enable us to transform ourselves into a democratic society without experiencing excessive and uncontrollable social tensions". In other words, according to Mochtar Buchori, promoting democracy in Indonesia can only be successful if it saves the faces of political opponents, especially of those in power. It would be easy to ridicule the statement of the VIP [whose name Mochtar Buchori politely omits]. But, of course, the VIP is right and Mochtar Buchori too is right and by saying what you think is the truth without regard to the feelings of those in power [whose feelings? of course the feelings of those you regard as oppressors!] you may feel great as fighter for democracy, but you will not in fact promote it.
- 10 I take this quotation from the above mentioned paper of Prof. Sri Sumantri; Dr. Nurcholish Madjid stresses the same: "democracy cannot be defined once and for all," see: Elza Peldi Taher, *Demokratisasi Politik, Budaya dan Ekonomi. Pengalaman Indonesia Masa Orde Baru*, Jakarta: Wakaf Paramadina, 1994, 134 s.
- 11 See f.i. Charles Taylor, "Cross-Purposes: The Liberal-Communitarian Debate", in: Nancy L. Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge, Mass./London England: Harvard University Press 1991, 159-182; Alasdair MacIntyre, "Ist Patriotismus eine Tugend?", Axel Honneth (Ed.), *Kommunitarismus. Eine Debatte über die moralischen Grundlagen moderner Gesellschaften*, Frankfurt/New York: Campus 1993, 84-102, originally: "Is Patriotism a Virtue?" (The Lindley Lecture, University of Kansas, Dept. of Philosophy, 26.3.2984, 3- 20).
- 12 On the value of equality in village society see Robert R. Jay, *Religion and Politics in Rural Central Java*, New Haven: Yale University, 1963, 78 ss.
- 13 Mohammad Hatta 1932A, "Ke arah Indonesia Merdeka" [1932], in: Mohammad Hatta, *Kumpulan Karangan*, Jakarta: Penerbitan dan Balai Buku Indonesia 1953, 61-80.
- 14 See Quentin Skinner in: Dunn 1992, 66.