

Reflection on Conditions for Effective Democracy

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Abstract: *The paper examined the conditions relevant for effective practice of democracy. The central objective was to identify the various conditions required to enhance successful democratic governance. The study used relevant documents retrieved from libraries and websites. With the aid of content analysis, the conditions for effective democracy were identified to include mainly, legal conditions, political conditions, and socio-economic conditions. The highlighted categories of conditions are interwoven to the extent that defects in any of the conditions have spill over effects on the others. It is argued that meaningful practice of democracy in any country largely depends on the ability of the key players to make these core conditions realistic. It is therefore recommended that governments of different democracies should guarantee the presence of the stated conditions simultaneously.*

I. Introduction

The concept of democracy is seen as manifestly vague and flexible with contentious meanings owing to the varied definitions and interpretations of different scholars. Nevertheless, Abraham Lincoln's popular conceptualisation of democracy as government of the people, by the people, and for the people seems to have stood the taste and tests of time above any other. This definition saliently emphasised three fundamental issues for the citizens and the state.

- i. As government of the people, democracy vests sovereignty on the people to choose their leaders and hold them accountable. In other words, the power to determine who should occupy positions of authority rests with the people either directly or indirectly.
- ii. As government by the people, democracy entails that all eligible citizens participate actively in the decision-making process.
- iii. As government for the people, democracy is primarily concerned with serving the welfare and security needs of the citizens.

Hence, in any democracy, political recruitment and decision-making directly or indirectly rests with the people to serve their welfare and security needs in the society. In a sense, democracy is a system of government designed to guarantee (a) peaceful choosing and replacing of leaders through free and fair elections; (b) the active participation of the people, as citizens, in politics and civic life; (c) protection of the human rights of all citizens; and (d) rule of law, in which the laws and procedures apply equally to all citizens (Mackenzie, 1958). These issues form the basis upon which the conditions for the effective working of democracy are derived.

Conditions for the Successful Working of Democracy

The conditions for the successful working of democracy are mainly classified into three:

1. Legal conditions
2. Political conditions
3. Socio-economic conditions

II. Legal Conditions

The successful working of democracy largely depends on the processes and procedures for rule-making, rule-enforcement, and rule adjudication in the state (Nwabueze, 1993). In this light, the legal conditions for effective democracy presuppose the existence of legislative institutions to enact laws; executive institutions to enforce laws; and judicial institutions to interpret the laws. In essence, effective democracy is determined by the quality of the legal system and the rule of law. In terms of the quality of the legal system, there is need for a constitutionally provided professionalism of judges and the legitimacy of the justice system (Egbewole, 2006). While the professionalism of judges may be realised through appointment based on merits, the legitimacy of the justices can be guaranteed by building citizens' confidence in the justice system and in the institutions responsible for law making, law enforcement, and interpretation of the law. The appointment of competent

judges into judicial positions tends to enhance efficient dispensation of justice, while building citizens' confidence accords legitimacy to the judicial process.

On the other hand, the **rule of law** is a legal maxim which states that (a) no one is above the law; (b) no one can be punished by the state except for a breach of the law; (c) no one can be convicted of breaching the law except in the manner set forth by the law itself (Nwabueze, 1993). Thus, the rule of law essentially emphasises **equality before the law** which is in contrast with the ancient doctrine that "the King is the Law" (Rex Lex). By the democratic perception of the rule of law, it is rephrased to "the law is king" (Lex Rex). Meanwhile, it entails that **no one is above the law**, including its creators. As a result, the legal framework must be independent and effectively impartial as not to be subject to manipulations. Democracy is therefore most realistic when justice is sought and obtained without undue constraints. In this light, the World Justice Project explained that the rule of law is indispensable in democracy and refers to rules-based system which upholds the following four universal principles:

- (i) The government, its officials and agents are accountable under the law
- (ii) The laws are clear, publicized, stable, fair, and protect fundamental rights, including the security of persons and property;
- (iii) The process by which the laws are enacted, administered, and enforced, is accessible, fair, and efficient;
- (iv) Access to justice is provided by competent, independent, and ethical adjudicators, attorneys or representatives, and judicial officer who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.

In line with these four principles, the UN Secretary General in 2004 Report on The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, summarised the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of power, participation in decision-making, legal certainty, avoidance of arbitrariness, as well as procedural and legal transparency.

III. Political Conditions

The political conditions necessary for the successful working of democracy revolve around the regular conduct of free and fair elections through competent non-partisan administration; the active participation of the citizens in politics within the platform of multiparty system; adequate separation of powers; effective checks and balances; transparency and accountability (Powell, 1982; Joseph, 1991; Nwabueze, 1993).

The regular conduct of free and fair elections is central to the theory and practice of democracy. It is through elections that political leaders receive the mandate of the people to rule; renew their mandate; and transit from one government to another. In a sense, the conception of democracy as government of the people which imply that the power of governance is vested in and derives from the people, is fulfilled through the conduct of free and fair elections (Lawal, 1997). In this light, it was asserted that democracy is adjudged as mature when there is periodic change of government through peaceful and orderly elections (Chikendu, 2003). However, it does not mean that the ritual of regular elections must always guarantee effective democracy because certain conditions (e.g. rigging, violence etc) which often prevail in the electoral process may still short-change the desired outcome. This notwithstanding, the regular conduct of free and fair elections is meant to enhance democracy by (a) vesting the power of governance on the people (b) making the people source of legitimacy (c) making democratic governments responsive to the people (Olaitan, 2005). It is further important to note that the conduct of free and fair elections can only be made possible if it is administered through competent non-partisan institutions devoid of undue political influences.

The active participation of the citizens in politics within the platform of multiparty system is also an essential political condition for the successful working of democracy. This partly explains why democracy is also conceived as government by the people. In a high-quality democracy, citizens must have equal participation rights: all persons who are affected by a political decision should have the right to participate in shaping that decision. This implies that suffrage must be universal to ensure that participation is as widespread and as equal as possible. In other words, **equality of participation** must be considered in the promotion of democracy. The essence of placing political participation as a vital condition for a successful democracy is because it gives the citizens the opportunity to influence public policies. Some of the instruments of citizens' participation in democratic politics include voting, rallies, campaigns, protests, and opinion polls etc (Powell, 1982; Shively, 1997; Ray, 2004; Roskin, 2010). The participation of the citizens in politics is more realistic in a multiparty system where they are opportune to make choices based on their preferences. Without multiparty system, democracies will be more or less dictatorial, totalitarian, authoritarian, and oligarchic in nature.

Adequate separation of powers is yet another political condition that shapes the functioning of democracy. The idea is that there are dangers in concentrating political power in one organ of government because they may jeopardise public interests. In order to overcome these dangers, the powers to make, enforce, and interpret laws need to be distinguished and handed to different bodies for exercise (Robertson, 1993). In this regard, the proper functioning of democracy depends on the relative independence or autonomy of the legislature, executive, and judiciary in making the rules, applying the rules and policies, as well as trying alleged offenders against the rules respectively. If these three key functions are separated with adequate checks against usurpation, abuse of power will be highly reduced in any democracy. But if one organ of government were to make rules, decide who broke the rules, and also punish the alleged offender, there would be excesses in the abuse of power.

Checks and balances among the institutions of governance are also vital for democracy to be effective. It refers to the various oversight functions mutually exercised by different organs of government on one another as a way of controlling institutional excesses in the exercise of political power. The successful operation of checks and balances in governance depends on the relationship prevailing among the legislative, executive and judicial organs. The essence of these mutual constraints among the organs is to avoid undue and overriding influences on government policies and programmes at the expense of public interests.

In terms of transparency and accountability, the success of democracy requires open and responsive governance. On one hand, transparency implies that: (i) political representatives should not be shrouded in secrecy because it gives room for bribery and corruption; as a result, democratic political institutions are legally obligated to disclose their incomes and expenditures (ii) provisions for open political process should be considered through effective freedom of information legislation; this entails that official records concerning the political process should be easily accessible. The media should therefore be allowed to cover political events and activities. Hence, media must not face political control, undue censorship, or strict regulations (iii) office-holders should be willing to openly communicate and justify their decisions. On the other hand, accountability demands two things which overlap (Robertson, 1993): first, those who exercise power, whether as governments, as elected representatives or as appointed officials, are in a sense stewards and must be able to show that they exercise their powers and discharge their duties properly; second, proper arrangements should be made to secure conformity between the values of a delegating body and the person(s) whom powers and responsibilities are delegated. In other words, those who exercise powers should be servants, rather than masters of the people. Accountability therefore emphasise servant-leadership, in which the leaders as servants account to the people on their various engagements.

IV. Socio-Economic Conditions

The socio-economic conditions necessary for the working of democracy mainly include the protection of the people against poverty through the provision of employment, investment, and trading opportunities. The provision of these economic opportunities is expected to enhance their social status, close the gap between the rich and the poor, and enable them to earn their living, rather than fully depend on the government for their survival. Usually, the poor socio-economic condition of the people often subject them to severe hardship which at times compel them to, sell their votes, be used as political thugs, and even denied of the rights to political participations. The claim is that the nature of modern property relations largely determine the operations of democracy; as such, the ownership of the means of production, income distribution, the cost of goods and services, as well as the general welfare of the citizens influence their political will to very large extents. In this light, it was posited that advocacy for democracy will only be practically feasible if there are employment and income-generating opportunities to guarantee the people's welfare (Luther, 1968). This view was later buttressed in the assertion that economic conditions and social status set the general trend of political interests and political alignments (Ake, 1981); hence, in so far as there is socio-economic inequality in a society, that society cannot have political democracy because political power will tend to polarise around economic power and privileged social status (Ake, 1981).

V. Conclusion

It is important to note that the conditions necessary for the working of democracy in any society include but may not be exclusively limited to legal, political and socio-economic issues in different societies. Nevertheless, whatever the conditions are, they should be such that promote popular accountability of government, political competition, alternation in power, uncertain electoral outcomes, popular representations, majority decisions, rights and freedom of individuals, political equality, as well as popular consultation and effective political participation.

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