

The Australian

Julia's carbon jury is a cop-out

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IF all our leaders can offer is gimmicks, whatever will we do when this country's luck runs out? Call in Superman?

In the 1980s film classic *Superman III*, the aptly named Lorelie Ambrosia, "psychic nutritionist" to the villainous Ross Webster, is surreptitiously reading Kant's *Critique of Pure Reason* when she comes to a passage that baffles every student of the sage of Konigsberg.

"But how can he say that pure categories have no objective meaning in transcendental logic," she blurts out, "what about synthetic unity?" -- before quickly hiding the book behind a trashy magazine, so that the ruthless Webster won't realise she is no dumb blonde.

Well, now we know what happened in that cabinet meeting on climate change just before the election. Julia Gillard may have seemed engrossed in Mark Arbib's bestseller *How to Plot a Murder (in 10 Days or Less)*. But tucked behind the potboiler was a well-worn copy of Plato's *The Laws*. And thus was born the citizens' assembly, which, apparently, is to decide the fate of our climate change policy.

Plato had established in *The Republic* that a philosopher is exactly 729 times as happy as a tyrant. But he was no supporter of Athenian democracy. The *Laws* therefore sought to define a better process for taking decisions, focusing on the design of a colony, Magnesia, on a remote part of Crete.

The right place to start, Plato said, was population policy. (Sound familiar?) The colony should have exactly 5040 households. Why? Because 5040 is a "convenient number" that has no less than 59 divisors, which helps in apportioning burdens and benefits. Tough migration controls would protect the mathematical convenience.

The functions of government were then to be split between officeholders and representative bodies.

The most important elected official was (surprise, surprise) the supervisor of education.

Plato had already argued in *The Republic* that the best and brightest (the guardians) should persuade their inferiors to accept the guardians' decisions by teaching them myths the guardians themselves knew to be untrue. Little wonder then that the supervisor of education had to be chosen with particular care.

So Plato devised an elaborate procedure to ensure the election of the city's best man (this being the only post for which Plato held women ineligible).

But the key to Plato's scheme lay in the cunning design of the representative assemblies. Plato accepted that all citizens had the right to vote. But by cascading the electoral process so that the worthier citizens had the greatest weight, Plato ensured that the best and brightest controlled agendas and outcomes, despite seemingly extensive consultative mechanisms.

Plato was, in that respect, the original numbers man: focused not merely on marshalling support but also on ingenious schemes that would lead to the decisions he believed desirable. In that sense, his approach was a parody of democratic decision-making, as well as being, as W. G. Runciman put it, "confused in formulation and implausible in application".

But Plato's objectives were not unworthy. He had seen mass rule and was unimpressed. Athenian assemblies were often stacked, with outcomes determined by oratorical trickery, and as for the citizens, "the less they knew, the less they knew it".

At the same time, he considered tyranny the worst political system and hence insisted on popular representation and government by persuasion.

Plato therefore struggled with the balance between decision by the people, which allowed ignorance to triumph, and decision by the worthy, which inevitably led to oligarchy.

History has decisively determined that contest. The solution, formulated by James Madison in *The Federalist Papers*, lay in "the total

exclusion of the people in their collective capacity" from the actual process of government. Rather, decisions were to be delegated to a small number of representatives, periodically chosen by their fellow citizens, thus reconciling practical viability with a convincing claim to act on behalf of the people.

In reality, representative democracy has not completely displaced direct decision-making, as the survival of the jury system makes clear. And it is true that the brilliant 18th-century French mathematician Condorcet proved that even small numbers of jurors, selected randomly and deciding independently, had a relatively high probability of determining the right verdict.

But his no less brilliant contemporary Laplace showed that where the costs of wrongful conviction were high, near unanimity should be required, unless the jury was very large. And though the jury has survived, ever tighter safeguards have controlled the evidence jurors can take into account and ensured evidence is subject to open, rigorous testing.

Not that representative democracy has proven a sure-fire recipe for eliciting the finest humanity has to offer. But it has worked best when it is based on political parties that have distinct, coherent and clearly articulated positions, such that the electorate can identify party agenda and actions, and sanction them in the voting booth.

And that is what is fundamentally wrong in Gillard's proposal for a citizens' assembly. It undermines both the preconditions that make for good government. It avoids taking a stance on a crucial issue, thus circumventing the bases of political accountability. At the same time, it empanels what amounts to a jury, but without the safeguards indispensable for jury processes to have legitimacy.

This is not to say that further consultation on climate change is undesirable.

On the contrary, this area of policy is a mess. There is a compelling case for doing what John Howard should have done in 2006, rather than the quick fix of the Shergold panel: refer the issue to the Productivity Commission, which is by far the best consultative inquiry process we have.

And once it has reported, Labor and the Coalition should take their responsibilities and state a position on which they can be judged.

That is what our politicians are paid for; that is why we have elections; and that is why our system of government deserves to survive. But if all our leaders can offer is gimmicks, whatever will we do when this country's luck runs out? Call in Superman, as Lorelie Ambrosia did? Sounds good to me.

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