



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS REFERENCES COMMITTEE

Inquiry into nationhood, national identity and democracy

Discussion paper

Some Australians report a growing sense that democracy is under threat. Around the world, voters seem increasingly dissatisfied with how democratic politics works for them. Public trust in democratic institutions is declining. Notions of national identity, which can be the roots of a democratic community, are changing as our world becomes increasingly interconnected. Political divisions appear to be increasing in the face of rapid economic, social and cultural change.

These are substantial issues that should concern all citizens, regardless of their political persuasion. The loss of trust in democratic institutions does not only threaten social-democratic parties or other movements that work through these institutions to implement a reformist agenda. Ultimately, these changes have the potential to weaken liberal democracy itself.

The committee is keen to engage with these issues and consider the challenges and opportunities they present. This paper discusses the landscape and some of the relevant trends, as follows.

There is a wealth of evidence showing a worrying decline in the level of public trust. In 2007, 86 per cent of Australians were satisfied with how democracy works in Australia. That figure is now 41 per cent. Just 31 per cent of Australians say they trust the federal government, and the approval rating for politicians is at 21 per cent.¹ Evidence also suggests that those with the lowest incomes are least satisfied with democracy.²

These issues are not limited to Australia. For example, British researchers found that 50 per cent of Britons say the main parties and politicians don't care about people like them. Further, 54 per cent of people say Britain needs a strong leader who is willing to break the rules.³

In the US, a Pew Research Center study found that only 17 per cent of Americans said they can trust the government in Washington to do the right thing 'just about always' or 'most of the time'.⁴

However, some research also indicates that Australians largely continue to trust some major institutions such as the armed forces, the public service, and the courts, even as trust in other institutions declines.⁵

As dissatisfaction with democracy has grown, the weight of political opinion has shifted away from the political centre.⁶ Political ideologies that were once considered fringe now command substantial support. These movements have been given various labels including populist, conservative nationalist, and nativist. They tend to emphasise sovereignty and preservation of national identity. Their supporters appear to seek political outsiders who represent 'the people', as distinct from 'the establishment' and 'elites'. This kind of politics has frayed the connections between mainstream political parties and their traditional support bases. Social-democratic and other centre-left parties have seen many of their working class voters turn to extremists on the populist right, and the rise of these populist parties has in turn undermined mainstream parties on the centre-right. Many observers are concerned that these ideologies do not respect democratic norms and conventions. Some suggest that they reflect a 'post-truth' politics that draws on emotion instead of expertise and evidence.

At the same time, more extreme movements of the eco-fundamentalist and postmodernist variety have arisen. These movements are often adherents of notions of identity politics and hold perspectives that would inhibit free speech in a way that has the potential to contribute to the division outlined above, fostering an intolerance of differing perspectives in a way that may well alienate other segments of the community from democracy, as they come to believe that their perspectives and contributions are unwelcome in the public space.

These developments are associated with concerns about increasing political divisions in society. Democracy might be more likely to succeed where voters feel part of a shared civic community. However, to take the example of Brexit, evidence suggests many more young people voted to remain than leave,⁷ and the leave vote was higher in non-urban areas.⁸ Economic factors may also be relevant—as developed economies move away from traditional industry, some workers may feel a loss of identity or that they are being left behind.

Debates on Brexit and other issues highlight the connections between democracy, nationhood, and citizenship. If a person's legal stake in democracy comes from their citizenship, then where does their national identity fit in?

A cohesive democracy and nation may rest, in part, on clear and meaningful communication between the public and elected representatives. In some respects, Australia has a vibrant civil society that seeks to engage in this dialogue. Public debate regularly touches on questions of democracy and national identity, such as discussions of constitutional recognition of Indigenous Australians. Technological developments such as social media present opportunities for new forms of community engagement, whilst at the same time using algorithms that, by exposing users to content reflecting previous usage, have the potential to increase the intensity of political division by leading users to believe that their views are universally held because they are not being exposed to a more realistic range of the perspectives that exist in the community.

There are concerns in some quarters about the health of our civil society. There is a relationship between the growth in the size of government due to increased demand from the

community for action on the problems faced in our lives, and a weakening in the fabric of civil society. When we ask the government to perform functions once met by families, churches, neighbours and other voluntary groups of individuals, an unintended consequence can be the weakening of those institutions or relationships. Similarly, a weakening of our commitment as a culture to fundamental freedoms, such as free speech, freedom of association and freedom of religion undermine the resilience of our civil society.

Some hold concerns about declining levels of civic engagement. For example, membership of political parties has reduced substantially over recent decades. Those interested in the position of traditional institutions in everyday life may be concerned by the accelerating number of Australians reporting 'no religion', with 30 per cent doing so in 2016.⁹

It is important to approach these issues with history in mind. While the specific details of these trends may be new, this is not the first time that we have grappled with questions of democracy or national identity. Our past experiences may offer insight into our current situation and what we should do about it.

The committee acknowledges the breadth and complexity of these issues. In order to grapple with them, it wants to hear from the public, academics, civil society, business, government, and individuals in our community who have reflected on them. The committee is particularly interested in the implications of these trends for Australia, and what Australia could learn from overseas experiences.

In addressing any of the individual issues discussed in this paper, you may wish to consider the following overarching questions:

- What is the issue?
- Why has the issue arisen?
- What challenges does the issue pose?
- What opportunities does the issue present?
- What action should be taken by governments or other relevant groups?

Some further issues and questions are presented below to guide you in preparing your submission. However, this paper is not intended to be prescriptive. Your submission may go beyond the questions raised in this paper if it is relevant to the terms of reference. You may also wish to focus your submission on certain narrower questions within the broad theme.

Sustaining democracy

Some researchers highlight that democratic decline can occur through subtle erosion of democratic norms.¹⁰ Some have also raised the possibility of 'illiberal democracies' that, while perhaps enjoying widespread public support, do not respect principles such as the rule of law or separation of powers.¹¹

- What does a democratic culture look like and how can it be nurtured?
- Why are there declining levels of public trust and satisfaction with democracy? Is one factor a perceived or actual failure of democratic governments to deliver?
- What are the implications of declining trust for Australia's democracy? How can these trends be reversed?
- Would you distinguish between dissatisfaction with democracy and dissatisfaction with liberal democratic values such as the rule of law and separation of powers?
- What could be done to encourage adherence to liberal democratic norms and conventions? What is the role of gatekeepers, such as major political parties or the media, in preserving liberal democratic norms and conventions?
- What are the implications of international law and treaties for a domestic democracy and sovereignty? How should we think about democratic representation as countries become increasingly connected and interdependent?
- What is the role of electoral systems including, for example, compulsory voting?
- What is the role of civics education?
- How should we consider the tensions between representative and delegative democracy? How should governments represent both the majority and the minority?
- Could Australia's democracy be enhanced through, for example, forms of deliberative democracy or participatory democracy?
- How are the challenges and opportunities facing Australia similar or different to those of other democracies? What could Australia learn from other democracies?
- Is there a connection between satisfaction with democracy and economic conditions, such as living standards or wages growth?

Nationhood and the nation state

The concept of the nation state has been significant in global development. However, the modern state has been influenced by increasing social, economic, cultural, and political connections between countries.

Australia has a rich Indigenous history of over 60,000 years. It also has an important British colonial history from the late 18th century. It has become a diverse multicultural society.

- What constitutes a nation in the twenty first century? How have notions of nationhood developed over time?

- What does it mean to be an Australian? What constitutes the Australian nation?
- What role does and should national identity play in a modern state? Is the nation becoming more or less connected to the state?
- What does it mean to be an Australian citizen, including any rights or obligations? What are the obligations of the state to its citizens?
- How can the Australian nation recognise its Indigenous cultures, peoples and history?
- What does it mean to be a nation of immigrants? How is this different from other types of nations?
- How does citizenship intersect with nationality?
- How could a sense of shared civic community be encouraged for all Australians?
- What is the role of governments, civil society, business, and others in shaping notions of nationhood or the nation state?
- How might employment, class or other individual attributes be tied to national identity? What are the implications of the decline of traditional industry and the flow of once regionally-based populations towards our cities?

Social cohesion and cultural identity

- What are the connections between national identity, cultural identity, and social cohesion?
- What risks are presented by economic inequality, including to social cohesion and national identity?
- How is national identity and social cohesion affected by the decline in industrialised employment?
- How is national identity and social cohesion affected by the geographical location in which Australians live? Has the movement of Australia's population from the regions to the cities over time had an impact? Are you concerned about increasing political divisions between certain groups?
- Are you concerned that economic and cultural anxieties in Australia and elsewhere are increasing? If so, what should be done about this?
- Are you concerned about a decline in civic engagement? If so, what might be done about this?

Governing in a democracy

Some commentary suggests that declining trust and confidence is driven by a perceived failure of our institutions to uphold promises and deliver outcomes. A recent Australian survey found 'significant appetite' for democratic reform: of 15 proposed reforms, nine received net agreement rates above 50 per cent.¹²

- Is Australia's current approach to major policy problems working? How can governments, business, civil society and others best approach significant policy challenges?
- How can we maximise the strengths and abilities of the public service?
- How can we build trust in the abilities of those delivering public services?
- What is the role of compromise in politics? What is the place for principled stances?
- How can our democratic institutions manage competing interests in a way that is respected by all participants?
- How can we encourage long term vision and planning in politics, when our election cycle is much shorter?
- Does the rise in the number of independent agencies and commissioners appointed by governments harm democracy by passing contentious issues to bodies and individuals that do not face the accountability of elections?
- How can democratic institutions such as parliament best engage with the public?
- Is there a problem with how government communicates with the public? Is the language of politics broadly understood?

Public debate

- What is the nature and quality of public debate in Australia?
- What is the role of traditional and social media in encouraging and conducting constructive public debate?
- What opportunities and challenges are presented by social media?
- Are you concerned about an apparent increase distrust of experts and their advice?
- How is satisfaction with democracy influenced by the 24 hour media cycle and the high volume of news and analysis?
- How does our approach to fundamental freedoms affect the quality of our public debate?

Terms of reference

Nationhood, national identity and democracy, with particular reference to:

- (a) the changing notions of nationhood, citizenship and modern notions of the nation state in the twenty first century;
- (b) rights and obligations of citizenship, including naturalisation and revocation, and the responsibility of the state to its citizens in both national and international law;
- (c) social cohesion and cultural identity in the nation state;
- (d) the role that globalisation and economic interdependence and economic development plays in forming or disrupting traditional notions of national identity;
- (e) contemporary notions of cultural identity, multiculturalism and regionalism;
- (f) the extent to which nation states balance domestic imperatives and sovereignty and international obligations;
- (g) comparison between Australian public debate and policy and international trends; and
- (h) any other related matters.

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- 1 Gerry Stoker, Mark Evans and Max Halupka, *Democracy 2025 Report No. 1: Trust and Democracy in Australia: Democratic decline and renewal*, December 2018, p. 9.
 - 2 Gerry Stoker, Mark Evans and Max Halupka, *Democracy 2025 Report No. 1: Trust and Democracy in Australia: Democratic decline and renewal*, December 2018, pp. 25–26.
 - 3 The Hansard Society, *Audit of Political Engagement 16: the 2019 Report*, 2019, pp. 4–5.
 - 4 Pew Research Center, 'Public Trust in Government: 1958-2019', 11 April 2019, available at: <https://www.people-press.org/2019/04/11/public-trust-in-government-1958-2019/> (accessed 26 August 2019).
 - 5 Danielle Wood and John Daley, Grattan Institute, *A crisis of trust: The rise of protest politics in Australia*, March 2018, p. 71.
 - 6 See, for example, Danielle Wood and John Daley, Grattan Institute, *A crisis of trust: The rise of protest politics in Australia*, March 2018, pp. 18–20.
 - 7 Sir John Curtice, 'How young and old would vote on Brexit now', *BBC News*, 10 August 2018, available at: <https://www.bbc.com/news/uk-politics-45098550> (accessed 23 August 2019).
 - 8 Danielle Wood and John Daley, Grattan Institute, *A crisis of trust: The rise of protest politics in Australia*, March 2018, p. 21.
 - 9 Australian Bureau of Statistics, '2016 Census data reveals "no religion" is rising fast', *Media release*, 27 June 2017, available at: <https://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/7E65A144540551D7CA258148000E2B85> (accessed 22 August 2019).
 - 10 Steven Levitsky and Daniel Ziblatt, *How Democracies Die: What History Reveals About Our Future*, 2018, pp. 1–10.
 - 11 See, for example, Fareed Zakaria, 'The Rise of Illiberal Democracy', *Foreign Affairs*, Vol. 76, No. 6 (November/December 1997), pp. 22–43.
 - 12 Gerry Stoker, Mark Evans and Max Halupka, *Democracy 2025 Report No. 1: Trust and Democracy in Australia: Democratic decline and renewal*, December 2018, p. 39.