

EL PAÍS EDITOR: WHEN DEMOCRACY'S RULES ARE FLOUTED, DEMOCRACY IS PUT AT RISK

The Editor of Spain's El Pais, Javier Moreno, has an interesting piece explaining why he published the Wikileaks cables. He points to the same thing I pointed to—American efforts to squelch torture investigations in Spain and Germany—to explain the importance of the cables, though he also adds US efforts to prevent Spanish banks from doing business with Iran, even while Iran had not violated international law. These disclosures are important, Moreno argues, because they show the degree to which the US refuses to abide by the legal procedures in other countries, which in turn represents a danger to democracy.

A democracy comprises diverse elements: institutions and rules; free and fair elections; independent judges and a free press, among others. At the bottom of all this there are legal procedures. When these are flouted, all the rest is put at risk.

We have come to accept the difference between the government that we elect every five years, and the military, bureaucratic, and diplomatic apparatus that it is sustained by, but that all too often it fails to control. The WikiLeaks cables have confirmed this beyond any doubt.

But his second point—that the permanent bureaucracy manages to ignore the law regardless of what the elected officials of either party do—raises another important question: whether that permanent bureaucracy delivers what it

promises—ostensibly in exchange for
secrecy—instead.

Political classes on both sides of the Atlantic convey a simple message that is tailored to their advantage: trust us, don't try to reveal our secrets; in exchange, we offer you security.

But just how much security do they really offer in exchange for this moral blackmail? Little or none, since we face the sad paradox that this is the same political elite that was incapable of properly supervising the international financial system, whose implosion triggered the biggest crisis since 1929, ruining entire countries and condemning millions of workers to unemployment and poverty. These are the same people responsible for the deteriorating quality of life of their populations, the uncertain future of the euro, the lack of a viable European project and the global governance crisis that has gripped the world in recent years, and which elites in Washington and Brussels are not oblivious to. I doubt that keeping embassy secrets under wraps is any kind of guarantee of better diplomacy or that such an approach offers us better answers to the problems we face.

The incompetence of Western governments, and their inability to deal with the economic crisis, climate change, corruption, or the illegal war in Iraq and other countries has been eloquently exposed in recent years. Now, thanks to WikiLeaks, we also know that our leaders are all too aware of their shameful fallibility, and that it is only thanks to the inertia of the machinery of power that they have been able to fulfill their democratic responsibility and answer to the electorate.

The whole point of democracy is to ensure better decision-making by subjecting ideas and policies to debate and transparency. I'm none too sanguine about the seriousness with which voters take their job. But so many of the decisions getting us in trouble are those made by the permanent bureaucracy, in secret.

And when those decisions prove to be wrong or dangerous or illegal, the permanent bureaucracy secretly (and sometimes not so secretly) breaks the rules that exist for the rest of us—like rule of law.

Constitutional lawyer Floyd Abrams may not care about all this. But it is vitally important the citizens of democracy have the opportunity to see this. It is vitally important to demonstrate that all that secrecy the permanent bureaucracy likes to claim leads to good governance not only leads, instead, to rank incompetence, but also to the decay of our democracy itself.