

3. Distributed Authority in a Democracy: The Lattice of Leadership Revisited

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Introduction

Democratic regimes share with all regimes a source of rule and authority. This operational source of authority can be distinguished from the more distant sources of regime legitimacy (Kemp 1988). Public leadership in contemporary Australia broadly takes two forms. One form illustrates the theme of ruling by detailing the ways that different centres of authority (political, bureaucratic, civic) contribute to public leadership. The other form illustrates the theme of legitimacy by tracing out less direct ways that 'the public' or the people collectively contribute to leadership. To simplify: public authority generally reflects the leadership of elected rulers, while public legitimacy can be traced back to the electoral leadership exercised by the people as voters or, more particularly, the type of political leadership that voters are prepared to delegate to elected representatives or take on trust.

In this collection, some authors focus on public actors (politicians, bureaucrats, opinion shapers) exercising *authority leadership* and some focus on the space for delegated decision-making made available by the voting public as part of its own contribution to *legitimacy leadership*. For example, concepts of 'leader democracy' (see Pakulski, this volume) are dramatic sketches of the power of ruling authorities to manage contemporary democracies, often with the willing or at least trusting consent of the managed population. Similarly, concepts of 'democratic leadership' (see Kane and Patapan, this volume) remind us of the importance of the legitimacy theme and of the place of 'people power' to frame and reframe questions of the legitimacy of particular ruling authorities. In this chapter, I try to clarify the relationship between authority and legitimacy by reference to what I term 'the lattice of leadership'. This lattice concept conveys one picture of how authority can be distributed and legitimised in a democratic setting. Accordingly, this chapter links the discussion of legitimacy and indirect leadership in the chapter that precedes it and the discussion of authority and direct leadership in the chapter that follows it.

The concept of the lattice of leadership emerged in my book *Terms of Trust* as a way of trying to explain the character of dispersed leadership in a democracy (Uhr 2005: 78-81). The concept derives from the primary theme of democracy,

or at least what I take to be contemporary democratic themes of power-sharing across many different locations of authority. I acknowledge that competing interpretations of democracy have alternative concepts of leadership. To take but one striking example: Schumpeter's influential theory of democratic-elitism reinforces a concept of leadership resembling the classic pyramid shape, with the electorate at the base below an edifice that narrows as it ascends to a sharp point where peak leadership sits (Schumpeter 1943). Leadership needs no unnecessary flattery and I contend that Schumpeter's pyramid has provided more than enough flattery. Of course, I also acknowledge that Schumpeter's modelling is more nuanced and subtle than this account conveys, and that even in his theory of elite-managed democracy there is quite some latitude for dispersed locations of leadership generated by competing political, social and business elites.

Leadership in all shapes and sizes

Schumpeter's pyramid model is consistent with many conventional theories of public leadership. The pyramid shape might even be thought to favour democracy to the extent that the many who follow support the few who lead. Then there are other shapes favoured by leadership scholars, particularly the circle, which can describe an egalitarian distribution of power where influence is open to all, or even a device to share power equally among those making up the circle. Finally, in this brief gallery of leadership images, there are various constitutional sketches of the separation of powers which feature distinct 'veto points' where those in authority have opportunities for obstruction written into their job description. Think of Australian cartoonist Bruce Petty's many maps of misadventure where heads of government confront institutional opponents (for example, opposition parties in the Senate, or state governments, or international forces) with a recognised capacity to slow down or negate initiatives from the head of the governing party. In this sense, the lattice concept is not simply a story about power but also one of accountability: the points of intersection between vertical and horizontal laths resemble the reinforcement of vertical and horizontal forms of accountability frequently identified in democratic governance (see Mulgan 2003).

The lattice of leadership attempts to describe a style of dispersed public leadership based on a spread of locations where powers and influence intersect. The 'veto point' models play up the negative or obstructive potential. I wanted a version that allowed the flow of influence to go in both directions, positive as well as negative. As bad luck would have it, I came up with a wooden structure with few if any suggestions of two-way flows of influence. A lattice is exactly what you think it is: frequently wooden, it is a frame of intersecting laths designed either as a wall or as a screen to allow plants to grow aided by the support of the structure. Lattices are often longer than they are high, which suits my

concept. They are often framed at the edges with quite heavy or substantial wood, but with thinner strips of wood used for the body of vertical and horizontal laths. The overall effect is of many intersecting points interspersed with many regular spaces, giving the structure considerable strength but also a degree of flexibility to cope with the growth patterns of the many plants benefiting from the lattice.

Where does trust enter this picture, and why does trust matter? My argument in *Terms of Trust* was that much of the leadership claimed by Australian governments took the form of delegations of trust according to terms and conditions established more by the trust-claimer than by the trust-granter. While democratic theory might assume that 'the people' delegate powers to their elected representatives, I suspect that Schumpeter is closer to the mark when he argues that governing elites convince electors to give their consent to one or other of the competing elite groupings, not simply to 'hold office' but to rule as they see fit. The electorate's consent is a vote of confidence in the trustworthiness of the chosen party. Electoral contests come down to contests over which political grouping is fit to rule on the basis that they can be trusted to exercise public powers responsibly. Electorates might be more difficult to hoodwink than cynics fear, but electorates are also remarkably trusting, especially of fresh-elected governments. Sure enough, electorates can turn their back on any competing or even a governing party, and clearly do so, frequently. But this is simply the reverse side of their vesting of trust in a fresh party to govern, voters having persuaded themselves that the new party can be taken on trust to comply with its declared promises about how it will govern.

The Australian political system is a good example of how many contemporary democracies rely on popular trust in the capacity of ruling authorities to manage vast delegations of power, including considerable powers of self-regulation by governments over their conduct when leading, or allegedly misleading, public administration. But the system of trust and self-regulation is, or can be, quite dispersed, with important checks and balances to help manage misplaced public trust. And here we get to the political architecture of the lattice of leadership.

The constitution of public leadership

Is it feasible to think of the framework of Australian public leadership in terms of a lattice of leadership? My argument is that the formal framework of public power arising from the Australian constitutional design disperses political power. Leading power holders, such as prime ministers or, indeed, leaders of the opposition, see this dispersal as a traditional relic of the pre-democratic past (for example, the Senate, so the complaint often goes) and work to overcome its effects. But we can just as rightly argue that the constitutional design mixes dispersed along with concentrated powers, and that it is up to each generation of office-holders to set what they see as the appropriate balance between central

and regional powers. In contrast to many conventional accounts of the centralising features of Australian responsible parliamentary government, I have tried to emphasise the misunderstood degree of dispersal of power and trust inherent in the design, if not the everyday operation, of Australian constitutionalism.

The Australian constitutional framework contains a variety of institutions (for example, written constitution, federalism, bicameralism, separation of powers with an independent judiciary) with many checks and balances which act as obstacles to the ambition of populist leaders intent on taking advantage of popular trust. The written constitutional order disperses public power across the system of government: across the federal divisions between Commonwealth and state; across the parliamentary divisions between House of Representatives and Senate; across the divisions between elected representatives and voters; and across the three branches of government, so that policy making requires considerable give and take among the political executive, the parliament and the judiciary. At each level there are plenty of opportunities for grandstanding, power-ploys and indeed trustworthy leadership. The leadership expected of the national government is not confined to any one site of power or authority, and it would be democracy at its worst to defer to the claims of any one set of political office-holders to act as ‘the leaders’.

My image of the lattice of leadership is another way of conveying the message found in many traditional doctrines of ‘ethics of office’, where expectations about the right conduct of public figures derive from the nature of the specific office in question. One advantage of this type of so-called institutional or role ethics is that it helps officials avoid unnecessary abstraction in ethical thinking by keeping their focus on concrete circumstances and the practical responsibilities of role (Walzer 1983: 129-64; Hampshire 1993: 101-25; Appelbaum 1999; Sabl 2002).

Ethical discourse mirrors leadership language. Leadership responsibilities vary with the office of leadership. So too, ethical responsibilities vary with role. While general obligations to act honestly might be common, specific forms of honest ethical conduct can vary according to the role or office in question. This traditional orientation to public ethics undercuts expectations about a ‘one size fits all’ model of ethical conduct, deferring instead to a wide range of clusters of ethical priorities varying with different types of public office. Theories of ethics of office have survived so long precisely because they match the living realities of the public realm, where what is considered appropriate public conduct for officials derives substantially from the nature of the offices being occupied: take the occupant into another public office and you probably change most of their official ethical obligations. One striking example is the ‘role-relative’ ethics exhibited by leaders of the opposition and just as properly resisted by those

performing the role of leader of a national government. When political leaders move between these two public offices, we are not surprised to see their public conduct change, consistent with the socially-valuable interests being protected by each office.

My model of the lattice of leadership reflects the prominent value placed on checks and balances in the tradition of liberal constitutionalism. Political power is dispersed along the vertical and horizontal axes so that it does not concentrate in any one spot, yet the overall structure is strengthened by this diversified arrangement. Admittedly, I know of no political entity neatly modelled on this lattice structure. But the lattice model serves a useful purpose in bringing to mind a mutually supportive arrangement of diversified leadership, consistent with the constitutional principles we associate with separation of powers doctrines. Much of the leadership literature rests on a political preference for strong government and the institutional supremacy of the executive branch. My countervailing orientation is towards legislative supremacy, but even this commitment to accountable government is only incompletely democratic compared to views supporting the supremacy of the people themselves.

All lattice, no leadership?

The case for dispersed leadership begins with doubts about the adequacy of executive supremacy and can then be taken as far as democratic commitments might warrant (Pennock 1979: 478-500). Democratic regimes vary greatly according to the degree of separation of legislative and executive power. The concentration of both powers in the hands of parliamentary executives flatters the leadership pretensions of heads of governments; just as formally separated powers invite chief executives to consider themselves singled out for greatness. Both types of democratic regime benefit from the checks and balances of dispersed leadership.

In the Australian case, the constitutional system contains other locations of leadership that are no less important than that potentially available through the chief political executive. For example, chief ministers do what they do in part because of the scrutiny exercised by their opposite number in the Leader of the Opposition which is a high public office that grows naturally out of institutional logic of the parliamentary system. So too the Senate provides plenty of opportunities for leadership to exercise itself when responding to executive initiatives or when stealing the initiative itself. Then there is the High Court where leadership is certainly not confined solely to the position of chief justice. And so on, across the system of constitutional government, including within the political parties which are vital public institutions that do so much to cultivate the leadership capacities of politicians (Uhr 1998: 213-49). The Australian constitutional system of governance provides many useful checks and balances against the worst excesses of executive self-interest.

The Australian political order as originally conceived one hundred years ago illustrates the preferred institutional path of nineteenth century liberal constitutionalism. Liberal constitutional doctrine was in two minds about the place of political leadership. This ambiguity is reflected in the Australian situation. The silence about the office of prime minister gives rise to two alternative accounts of ruling. One account says that this constitutional silence reflects the framers' commitment to the evolving norms of responsible party government which they were careful not to obstruct with legalese capable of impeding the progressive development of new and more effective forms of party government. That is, the constitutional reticence about the role of political parties and of the prime minister as leader of the major party grouping reflects a growing confidence in the rights of the prime minister as leader of the political executive and effective, if unspecified, ruler under the new constitution.

The alternative account is the one that I favour. This holds that the constitution is intended to protect the rule of law rather than the rights of any one claimant to the office of ruler in chief. The remarkable detail in the constitution about the composition and powers of the parliament specifies the procedures to be followed in the legislative process, thereby highlighting the basic importance of the norms of the rule of law subsequently reinforced by the constitutional provisions detailing the judicial powers. This alternative account is consistent with one version of liberal doctrine which holds that good government is the progressive replacement of arbitrary practices of ruling by impartial processes associated with the rule of law.

There are limits to the practical value of every leadership model. The lattice of leadership might be suggestive but perhaps it also carries the risk of enfeebling leadership through gridlock. Schumpeter's followers would take that line on leadership. My preference is to retain the possibility of more openly democratic options for dispersed rather than concentrated leadership. The Schumpeter pyramid privileges great and powerful leaders. Uninspiring as it might sound, properly constituted constitutional systems can supply valuable leadership even in the absence of great and powerful leaders. It is in our own interest as democrats to bring into play the leadership potential of many political offices scattered across the governmental system — not to mention those positions outside government in civil society, often closer to the conscience of a community.

The formal constitution of leadership limits the greatness that can be contributed by great prime ministers, but also protects the community against the weakness of the weakest prime ministers. This principle holds that Australian political leadership has to be explained in terms of the leadership framework found in the constitution rather than simply in terms of the passing parade of political leaders Australia has enjoyed. What is this leadership framework? Obviously, the term leadership is not mentioned in the Constitution; but neither is the prime

ministership (ministers yes, but not the prime minister or cabinet), and that is my point. What makes the office of prime minister so fascinating is that its power rests on a mere convention or shared political understanding and not on any explicit constitutional provision. Yet from this convention or working assumption has grown the power and pre-eminence of our current system of prime ministerial, or as some would say, *presidential* government.

This rise in centralised political power would not take the original constitutional framers totally by surprise. Many of the most influential constitutional framers were themselves experienced heads of government before Federation and some went on to be heads of the national government in the early years of the Commonwealth. Just think of Barton, Deakin, Reid, and even the colourful Billy Hughes — not all of whom, I have to note, exercised leadership on a regular basis. But other framers went to be heads of other parts of the system of national governance. Think in turn of the leading High Court justices such as Griffith, O'Connor, Isaacs, and of H. B. Higgins as head of the Conciliation and Arbitration court. Think also of the many framers who went on to serve with distinction as members and senators who are only now coming to our attention in such works of rediscovery as the recently published *Biographical Dictionary of the Australian Senate* (Millar 2000; 2004).

Conclusion

I began by identifying two dimensions of public leadership, one drawing on perspectives of authority, and one on perspectives of legitimacy. The political health of a democracy requires both dimensions of public leadership: quite direct leadership over the public by ruling powers and indirect leadership from the public that helps to define the core legitimacy of the political order (Barber 1989). The concept of a lattice of leadership links both dimensions by sketching out the distribution of leadership positions. This pattern of distributed leadership maps points where different forms of power and accountability intersect. The concept is both normative and empirical, suggesting ways that a democracy such as Australia can build on (or indeed try to dismantle) promising constitutional foundations with potential to distribute public leadership in many institutional hands.

My argument relates to the diversity of leadership roles built in to the constitution. I contend that the intention of many of the constitutional framers was to reshape the institutions of responsible parliamentary government to counterbalance the inevitable power of the chief executive (the prime minister and cabinet). The framers countered the inevitable power of the political executive with the far from inevitable power of countervailing forces available in such institutions as federalism, with its vertical division of powers; the horizontal separation of powers between the political branches and the judiciary; the internal division of powers within the bicameral parliament; and so on. The

system of governance provides for many leaders, but political leadership really comes about as the sum of the parts rather than the heroic work of any one part, party or party leader. This is what I mean by the lattice of leadership which I suggest is a model for organisational leadership more generally (Pennock 1979: 495-505).

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