



CHECKS AND BALANCES: STEMMING MOB RULE

Democracy cannot work without citizen participation. However, citizens need to act in a responsible manner that recognizes the broader good of society. This is a primary difference between democracy, which is rule by the will of the people, and ochlocracy, which is rule by mobs with little regard for reason and rationality.

Lord of the Flies has many examples of boys acting as a mob. Even Ralph—the character most closely associated with democracy and lawfulness—succumbed to aggression and impulse during his first pig hunt. After taking great pleasure in spearing the boar, he enthusiastically joined the frenzied mock killing of Robert:

They got his arms and legs. Ralph, carried away by a sudden thick excitement, grabbed Eric's spear and jabbed at Robert with it.

"Kill him! Kill him!"

All at once, Robert was screaming and struggling with the strength of frenzy. Jack had him by the hair and was brandishing his knife. Behind him was Roger, fighting to get close. The chant rose ritually, as at the last moment of a dance or a hunt.

"Kill the pig! Cut his throat! Kill the pig! Bash him in!"

Ralph, too, was fighting to get near, to get a handful of that brown, vulnerable flesh. The desire to squeeze and hurt was over-mastering. (p. 126)

Ralph's "thick excitement" and over-mastering "desire to squeeze and hurt" suggest he was being overtaken by mob mentality.

So if democracy involves the will of the majority, what checks and balances does democracy have to ensure that the mob does not override reason and the rule of law?

CHECKS AND BALANCES

As discussed in *Constitutions and the Role of the Courts*, Canadian government and its laws must respect the highest law in the land, the Constitution. Sometimes, it is questionable whether or not this is the case. So when asked, the courts will determine the answer to this.

Because judges have the power to rule on the validity of laws, this has led some people to suggest that there is a "tyranny" of the judiciary. They argue that it is unelected judges, and not elected representatives, who ultimately determine Canada's laws. This is not necessarily true.

Even if the Supreme Court rules that a law is contrary to the *Charter of Rights and Freedoms*, the Federal and Provincial governments have the option of invoking something called the "Notwithstanding Clause." The Notwithstanding Clause allows a legislature to temporarily allow a law that is contrary to the *Charter* to stand. This is provided that the law is within that legislature's constitutional authority. Thus, the Notwithstanding Clause gives legislatures higher authority than the courts.

Because of the importance Canadians place in the rule of law and the Constitution, invoking the Notwithstanding Clause is extremely controversial. It is said that governments use the Notwithstanding Clause at their peril.

Even with an independent judiciary, there is another check on laws. All legislation passed must be given Royal Assent before it can become a law. Royal Assent is the formal approval of the Monarch. Currently, our monarch is Queen Elizabeth II. Because the Queen does not reside in Canada, Royal Assent is given by her representatives. In the case of federal legislation, it is the Governor General. In the case of provincial legislation, it is each province's Lieutenant Governor.

Although this check exists, the refusal of Royal Assent is virtually unprecedented. The last instance of a British monarch refusing Royal Assent in the United Kingdom was in 1707. The Governor General of Canada has never refused Royal Assent of a Bill. And only once has Royal Assent been refused provincially, in Prince Edward Island in 1945.

Given what has happened historically, it is highly unlikely that Royal Assent would be refused today. Yet, because the Queen's representatives could refuse to sign a law, it could be said that it is the Queen who has the ultimate power in Canada's democracy. Because refusal is virtually unprecedented, it is difficult to know what would happen if Royal Assent was refused for a Canadian law today.

AVOIDING OCHLOCRACY

Canada has other safeguards throughout the legislative process, such as legislative committees and multiple readings of laws, that help ensure laws are thoroughly reviewed and not simply the result of mob rule. These rational processes, combined with the independent judiciary and the concept of Royal Assent, helps curtail ochlocracy and ensures Canada remains a country of peace, order, and good government.

CONSIDER

1. Ralph's eager participation—albeit temporary—in the boys' frenzied mock killing demonstrates human fallibility in the face of mob mentality.
 - a) Do you think Canada is completely protected from falling into ochlocracy and mob rule?
 - b) How does the concept of ochlocracy reinforce the importance of statistics, research, and rational debate?
2. Do you think the boys' system of government can effectively ensure that mob rule does not take over?
3. Even though democracy is the will of the majority, why is it important that democratic processes respect and protect minorities?

FOR FUTURE READING

As the story progresses, look for instances of where mob rule overpowers reason on the island. Who resists mob mentality? Who embraces it?