

Tyrannic Democracy or Democratic Tyranny

In the early 1960s as I had just begun at university I went with fellow students to watch a movie called 'Hud'. It starred Paul Newman as a 20th Century cowboy living alone on the family farm with only his old father and a kitchen maid for company. Drinking and flirting with the maid seemed to be how he spend his day. Reviews at the time applauded how the movie captured the essence of modern farming featuring amongst other things cattle herding by helicopter rather than the romantic version of herding on horseback on an open sunlit prairie under a clear blue sky.

Towards the end veterinary authorities diagnose foot and mouth disease among the farm's herd of cattle and the entire herd obviously has to be culled including the father's beloved 'longhorns'.

The image, which has remained with me, was the steely efficiency with which the authorities went about their task; the cattle driven down into a big dug-out to be sprayed with machine gun fire by people dressed in dark rubber coats, then covered with lime and bulldozed over. No consultation with the farm people, no mercy for any individual piece of cattle.

Twenty years later (in 1982) Steven Spielberg directs his ground breaking epic 'E.T. the Extra- Terrestrial'. This includes similar scenes of ruthless efficiency by the authorities in their search for the fugitive E.T. In doing so they set aside normal standards for their conduct and established rights of individuals.

Forward again 36 years to the year 2018 when a defected ex-Russian spy, Sergei Skripal and his daughter Yulia, was poisoned apparently by agents of Russia.

This incident was brilliantly dramatized in a three part series 'The Salisbury Poisonings' shown by BBC during the month of June this year.

All these dramas tell a story of how the machinery of government takes over our lives when the powers that be deem that the health or security of society is under threat. Fact or fiction, intently or not, they also foretell the changes that are now gripping our society in the form of measures many governments across the world have introduced in their struggle with the outbreak of the virus known as Covid-19; measures they have introduced while referring to the threat to individual citizens as well as society as a whole.

These three dramas are also evidence of a change in the way we think about politics and politicians and the way we think about ourselves as the people who are the subjects of their governance.

During the years following the defeat of the Nazis and well into 1950s and the 1960s people have come to be considered as self-contained individuals, equal (not forgetting the current debate about racism) and endowed by their Creator with certain unalienable Rights, that include Life, Liberty and the pursuit of Happiness (American declaration of independence, 1776). The objective of politics and politicians has been to protect the rights and create a system of governance within which people could pursue happiness in peace and without fear.

By contrast people are now seen as weak and vulnerable beings each inhabiting a potentially dangerous and fragile physical body which needs protection from outside, foreign, perceived or real threats of all kinds. At present most urgently a threat exists to people's health. While politics until recently has been about the realisation of grand visions of a better future for society it is now about how best to protect society in general from such threats and avert catastrophes that might make living conditions a lot worse.

The fight against the new virus Covid-19, about which we gradually get to know more and more, but essentially still know very little, may well require new and hitherto unknown forms of governance, the introduction of which for many will still be hard to accept. Referring to the new viral threat and other perceived and real threats, (terrorism, immigration, etc.) regimes throughout the world have been busy rearranging the parameters within which they operate.

Mr Erdogan, the Turkish president, Mr Orban, the Hungarian prime minister, Mr Xi Jinping, the Chinese supremo, are now backed by sizeable parliamentary majorities and have in effect given themselves extended powers, which seem impossible to check and are not time-limited. Meanwhile Mr Putin of Russia appears to be engaged in a similar process.

By some standards the rule by all these people may be described as benign. However, for the purpose of this essay we may label them 'tyrants' and describe them as 'democratic tyrants' since they have been elevated or promoted to their present positions through some parliamentary procedures superficially similar to those of a truly democratic legislature freely elected by the people of the relevant nation.

Opposite the 'democratic tyrants' I will place perhaps a majority of the regimes in existence today. In defence of their nations against the Covid-19 they have introduced measures such as 'social distance', limitations to the number of people in any group, closures of many social and economic institutions, limitations to travel distances etc. by which they have infringed important principles of human rights no different from what the 'democratic' tyrants have done. I will describe such systems of governance as 'tyrannic democracies'.

It is difficult to define these 'democracies' as a uniform group since each country has its own set of procedures for dealing with emergency situations such as a pandemic. In some cases these procedures may be complicated further by a federal structure such as in Germany in which each state has its own procedures. However, it is a common feature of such countries that all emergency legislation is subject of parliamentary control including a set time limit for keeping them in force.

For example in the UK 'The Coronavirus Act 2020' was introduced to Parliament on 19th of March 2020, passed by the House of Commons without a vote 23rd of March, by the House of Lords on 25th of March and received royal assent the same day.

The Act has a two-year time limit that may be shortened or lengthened by six months at ministerial discretion and additionally the Act is subject to parliamentary renewal every six months.

In Denmark an existing law 'the Measures against Infectious and other Communicable Diseases Act' was amended after proposals that were presented to the parliament on the 12th of March, debated, approved and received royal ascent the same day and took effect from the 17th of March. A so-called 'sunset clause' ensures that the new act is annulled on the 1st of March 2021.

The question now arises whether one of these systems of governance could develop into the other, that the tyrannic democracy with all its features for controlling the population could be the fertile soil from which a democratic tyrant might arise. Perhaps it is unlikely that with the systems of checks and balances full-blown authoritarianism can happen here. However, it would be foolish to ignore the risks posed to established norms and institutions, which help preserve both order and liberty. Those risks will grow if resistance to violations of long-standing norms is limited to opposition parties and supporters just laugh, howl and agree (Sunstein, 2018).

C R Sunstein writing in the 'The New York Book Review' refer to some personal accounts of the rise of National Socialism in Germany in the 1930s*): "...each step was so small, so inconsequential, so well explained or, on occasion, 'regretted,' that people could no more see it developing from day to day than a farmer in his field sees the corn growing." "... the collapse of freedom and the rule of law occurred in increments, some of which seemed to be relatively small and insignificant."

Little by little Nazism was introduced into German life almost unnoticed by the population itself: People "did not know before 1933 that Nazism was evil. They did not know between 1933 and 1945 that it was evil. And they do not know it now. ... they looked back on the period from 1933 to 1939 as the best time of their lives." (Sunstein, 2018).

"... although the adaptive qualities of democracies should not be under-estimated, so too should their capacity to learn from the past not be over-estimated." (Artemis, 2017)**)

The danish philosopher Anders Fogh Jensen (AFJ)^{3*}) suggests that democracy has failed and should in the future be "replaced by a sensible, know-all government", which will see to all the needs of the citizenship within a framework of cultured education and refinement. The dictatorship will be under a leader with the official title 'The Good Tyrant'.

But mankind has been here before?

'The Good Tyrant' as described by AFJ seems to have similar features to those of an absolute monarch nowhere better set out than in the danish enactment of 1665

*) Sunstein, CR, *It Can Happen Here*, The New York Review of Books, 2018. Sunstein is reviewing and comparing three publications: 1) Mayer, M, *They Thought They Were Free*, 1955; 2) Haffner, *Defying Hitler*, published 2000; and 3) Jarausch, K, *Broken Lives*, date unknown.

***) Artemis, JP, *The future of democracy: is there ground for optimism?*, LSE blog, 09/05/17.

3*) Anders Fogh Jensen quoted in the Danish daily 'Information', 08/06/20.

known as 'Kongeloven':

"The king shall from this day forth be revered and considered the most perfect and supreme person on the Earth by all his subjects, standing above all human laws and having no judge above his person, neither in spiritual nor temporal matters, except God alone".*)

In a monarchy successive rulers (now as then) would be determined by the established order of succession. But who and how would AFJ's 'Good Tyrant' be selected? By who and how would it be determined whether a candidate is 'sensible' and whether his knowledge could be stretched to 'know-all'? It would seem that even in AFJ's benign dictatorship some checks and balances would be needed.

Surely at the start of the 21st century it cannot be beyond the wit of mankind to devise a system of governance that can provide and secure for the population a healthy and sustainable livelihood, efficiently and effectively, and within which people can pursue happiness without fear of each other or any visible or invisible third party; a system that is transparent and open to checks and balances and flexible enough to accommodate changes; and a system by which a majority can be at least contended if they do not actually approve.

*) Quoted from 'Wikipedia'.

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