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TOPIC 3.

“A LEGALLY UNRESTRICTED MAJORITY RULE, THAT IS, A DEMOCRACY WITHOUT A **CONSTITUTION**, CAN BE VERY FORMIDABLE IN THE **SUPPRESSION OF THE RIGHTS** OF MINORITIES AND VERY EFFECTIVE IN THE SUFFOCATION OF DISSENT WITHOUT ANY USE OF VIOLENCE.”

HANNAH ARENDT, *ON VIOLENCE* (1970).

INTRODUCTION

According to a very ancient metaphor, any society can be imagined as a body that is kept together and can work well only if sturdy bones and trained muscles do their job. In other words, they provide the necessary framework for any ordinary or athletic effort of this body. I would like to compare the legally unrestricted majority rule imagined by H. Arendt to Frankenstein, the weird creature born from M. Shelley's imagination, which is a monster, because it represents the will, the interests of a perverted genius who wants to command a manipulated mass. On the contrary, I would like to compare the resort to constitution, when the safety of democracy and of minorities is menaces, to the legend of the Golem, a good giant evoked to protect the Jews when they are in danger.

1 THE TYRANNY OF THE MAJORITY AND HOW TO AVOID IT

During the Second World War, democracy was shaken by the threats of fanaticism and ideology. The masses had to think according to nationalistic standards, started to move as one body. Any citizen had to behave under a regime, in those days already named “totalitarian”, because it required a full obedience, not only in public but also in the secret of personal conscience. Totalitarianism has raised a new question: if all people in a democracy move as a single block, should not we consider it as tyranny? Should not we say that democracy has given birth to a Frankenstein within its own body? As long as Nazism held sway in Germany, democracy was brutalized and disfigured, Germans lost track of themselves. The weak Republic of Weimar gave way to Nazism and even if its constitution was kept alive, the drastic changes wanted by Hitler made it crystal clear it was time for the tyranny of the unrestricted majority who had wanted him on charge. Unrestricted, because the Weimar Constitution was not applied anymore; unrestricted because there were not limits that ensured the protection of liberal rights and then of the rights of the minorities.

Hannah Arendt lived during that time when people had already started to question the importance of democracy and its efficacy. The disavowal of liberalism and of

parliamentarism had crept in in the beliefs of many who cherished the so-called elite theory of power, along the lines of Marxism or of fascism.

These theories were imbued with irrationalism and the influence of Nietzschean philosophy endorsed a stress on the individual will of power against any political ideology. Even what seemed so important before, namely a constitution, to guarantee the protection of human and civil rights, was revoked in doubt. Old and venerable institutions were kept alive but emptied of their true meaning and vitality. A new monster was created and with a magic that was certainly swift and smart, because this puppet was baptized with a true election and fed with the typical nutrients of democracy: news, radio, cinema, parades, education. What was the real trick?

2 IS DEMOCRACY THE FAIREST COMPROMISE?

I would like to start evoking a monster that seems to lurking behind any democracy, as the Leviathan evoked by Hobbes to represent absolute power, even more frightening though, because Hobbes' symbol comes as a logical protection against the explosion of human egoism that would lead to "the war of all Against all". The case described by Arendt is utterly different, because Frankenstein comes in after people have developed a conviction that democracy is a failure and should be replaced with an artificial system that pumps into the veins of society a new fuel, a new faith. "If democracy is the problem why should we maintain it?".

Democracy is the "compromise" to accept to avoid the government of the few who are likely to impose their business against the will of majority. Arendt expressed her disavowal of democracy in the context of WWII. Then Germany was governed by Adolf Hitler, who was allowed to take that power by a majority against a wide range minorities who were going to be persecuted. Already in 1933, the institution of the first concentration camp made it clear that certain group of people were not tolerated or even suppressed. That was one of the saddest pages of human history, when human rights were neglected or firmly rejected. But why did democracy fall apart?

Most cases of tyranny were ruled by a single person, who succeeded in obtaining so much power to threaten and control the rest of population. However, what happened with Hitler is different, because the multitude gave total control of society to him. It was not brute force to bestow the absolute power, on the contrary it was public opinion, expressed in the conventional way to legitimate it. The unrestricted majority voted to make those ideas come true; the unrestricted majority voted according to its interest against the unprotected minority. Plato thought that democracy was not the best possible way to govern a country; in his works, he argues that a few

enlightened people should rule far better. A step even further was made by Machiavelli, who thought that a single enlightened ruler, his "prince", would do better than a majority. Both Plato and Machiavelli thought that majority was prone to irrationality and therefore true democracy was to be discouraged. Should the rise of Nazi-fascism in the 20th century be taken as the ultimate seal of a real inadequacy of democracy as a form of government?

Democracy is not perfect, people are fallible and are moved by "passions and pains" (as Hume says) which totalitarian regimes have learnt to manipulate through the means of propaganda, but with Rousseau we would like to cherish a belief that sounds like the invisible hand of the market according to Adam Smith: right, people are moved by irrational passions; nevertheless, in democracy, the extremes and different views balance each other, such as a glass of water where millions of particles collide, but the total result is a perfect, balanced, glass of water. Besides, this was also the point made by Bernard Mandeville in his famous "Fable of the Bees": the outcome of all egoistic private interests will converge into the public utility at last. Is it not a modern faith that went into crumbles once for all?

3 THE RISKS FOR MINORITIES

As Schumpeter says, democracy is a competition where every politician sells his goods (ideas) to the public and where a new entrepreneur who offers a better product could do something more. It is a cycle where powers change location to avoid too much power in the hand of a single person. In different proportions, the problem of totalitarianism comes back nowadays when leaders have to face this pandemic with emergency decrees, sometimes bypassing ordinary parliamentary procedures. Which are the means to protect the parties who are not the majority or the people without means to be represented, to enable a fair competition" that ensures the rights of everyone?

In a democratic powerplay, minorities are often fragile and the first to be neglected and maybe it is self-deception to keep believing that the concept of equality for all is going to be enforced notwithstanding. Everyone should be given the same opportunities, but this is easy to declare and very difficult to implement. That's why democracies have deployed a variety of counterweights to allow and facilitate the expression of minorities, such as the institution of the ombudsman.

With a little cynicism, should we just take for granted the sheer nature of democracy? The people in charge, selfish as every human, are bound to act according to their own interest regardless of the ones who are not. We do not have to quote Hobbes to be

assured about widespread selfishness, as a matter of fact any representative system and any fiscal regime is based on mistrust about it. As we tend to keep money for ourselves instead of contributing to general welfare, we tend to keep power as long as we can once we have got it. As we have pursued the liquid metaphor of Rousseau, we should trust that water will find a way to spill out whether it is compressed and in the Internet era we know that minorities have many ways to give vent to a protest, to a resistance against abuse of power. But again, there is a huge gap between the real political power and the possibility to change the state of things if you do not hold a seat in the parliament. That is why I would like to introduce a mythical character such as the Golem, a benevolent giant who could be evoked to defend the Jews in Prague with just a few mysterious words. I would like to imagine a fair boxing match among them. Would this be against the grain of democracy?

4 THE DANGER OF IDEOLOGIES?

Although particles can balance each other when there is not any external influence, mass-media, propaganda seem to be a radical disturbance of any ideal democratic dialectics. Following Rousseau's metaphor of perfect balance, the steady glass of water cannot stay the same if a hand shakes it. If a force comes in to move all the particles in the same direction, the stability will not be preserved. In the political field such effect can be achieved through ideology, that special kind of homologation which can lead people with invisible threads as nothing else in social life. This simple consideration seems to be enough to conclude about the danger coming from a majority united by a common ideology which might represent a kind of tyranny. Whenever the plurality of opinions is reduced to favor ideology, we are diminished in our power to face problems, as any species in nature leaves an irrecoverable deficit in terms of resources available to cope with evolutionary challenges. On the other hand, politics is not a tempest in a teapot, something happening in-vitro, independently of external influences. Just the presence of a constitution and its enforcement through the separation and the cooperation of powers to the common good is not enough to prevent this negative influence of ideology. I am sure that someone would immediately object recalling that the rise of democracy in America and Europe has been strictly connected to the spread of political and economic liberalism. Is not it an ideology too, together with Enlightenment which can be considered the source of any change in modern political ideas?

5 THE IMPORTANCE OF A CONSTITUTION

To ensure democracy, we need a constitution that protects those who are not holding power from the possibility of oppression, which is easier when restrictions are lacking and the platonic myth of Gyge's ring may help to scaffold this ideally extreme situation.

"A democracy without constitution" is for Hannah Arendt the equivalent of a legally unrestricted majority which may suppress the rights of the minorities. But what does she really mean? A constitution is a set of fundamental principles on which political parties in the course of history have based their activity, and above all the production of laws. We can see the constitution as a limit that none should surpass. It points to the right road to follow, limiting the possibility to take wrong ways with disastrous consequences. In the myth of Gyge's ring, Plato invites us to imagine an extreme situation where a person is given the unique chance to be invisible, that is to avoid any kind of law and regulation. In a way, this magical ring represents propaganda, the tendency of contemporary mass parties to take advantage of irrational aspects of human behavior. Framed within a reassuring philosophical format, ideologies and economic interests have always tried to spread out their influence in the shadows, regardless of laws, most of the times with the intention of creating chaos. Are we entitled to think that a constitution, being a line meant as a limit that none should trespass, has featured in history as a valid defense against this Frankenstein, namely "well-organized chaos"? Democracy in itself has been invented as a way to provide and maintain freedom for people, it is a political system to give power to any kind of people and to some radical thinkers even the idea of a constitution may be viewed as an unjustified or ideological restraint. Basically, a constitution is the glass that reflects ethical values against all kinds of distortions and manipulations, of those values which human wisdom has distilled in many centuries of trials and errors. Should we dare to say that even constitutions may represent ideology, "a well-organized chaos"? Should we use Gyge's ring to say that Rousseau's glass is just a way to keep any turmoil within the limits of a well-behaved protest, a smart way to stop any real change in society?

6 FINAL THOUGHTS

To conclude, I would like to return to the example of Germany during WWII, because it is the context where the quote by Hannah Arendt comes from and where it should be interpreted. Although that country formally still kept a democratic constitution (the constitution of Weimar), it was not applied anymore, on the contrary it had been largely modified to comply with the ideology of Nazism which managed to create that

unrestricted majority which can rule against the legitimate rights of minorities described by Hannah Arendt. Evidently constitutions are not enough to preserve society from dangers such as nationalism, populism, and totalitarianism. I would say they are just glasses, the illusion that the tempest can be bridled within a teapot. That is why I would invite to resort to another giant, the Golem from Prague to fight the modern Frankenstein. Constitutions, charts, programs are fundamental steps in the historical development of political ideas, but they are not a sufficient barrier against the clash of the destructive tendencies inborn in humanity, against the will to keep power regardless of any democratic opposition, against “invisible” economic interests rigged to control politics through ideology. We should remember that history is closer to a boxing match than a chess game and this is not an invitation to violence at all, but on the contrary a reminder on what is involved in any balance but also in any change: the necessary function of activism to promote fundamental and new ethical values. The story of Greta Thunberg and the challenge of this pandemics should have taught that even old democracies may fail to enforce the values treasured in their constitutions and that engagement, political progressive activism cannot be replaced by anything else, the rule will not do the magic when the game itself is missing.