

Playing By the Rules?

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Can you undermine and even get rid of democracy while ostensibly playing by its rules? The answer is a blindingly obvious yes as has been shown by a long line of demagogues and manipulators from the ancient Greeks via 1930's Europe to contemporary Eastern Europe. The question is pertinent and urgent because of all those who are now trying to dismember Western democracy, whether out of their own self-interest or because it aligns with campaigns initiated by the world's various authoritarian regimes. It touches on many aspects of Western life, from Brexit politics to Twitter.

Recent weeks have shown once again that playing by democracy's rules, or going by the letter of the law, is not by itself sufficient guarantee for safeguarding democracy. The most glaring example, also once again, has to do with Brexit. The DUP has just forced another election in Northern Ireland after it lost its status as the region's largest party six months ago. It used the mutually agreed rules of the Good Friday agreements to withhold cooperation with Sinn Féin in forming a government. Sinn Féin leader Michelle O'Neill has accused the DUP of hiding behind its opposition to the Northern Ireland protocol, part of the Brexit agreement with the EU. The DUP maintains that the protocol, which imposes an, invisible, trade border in the Irish Sea, itself runs counter to the Good Friday agreements.

I'm not at all familiar with the situation on the ground in Northern Ireland but am reminded of a place where I do have some experience. Lebanon fought a bloody sectarian civil war that started in 1975 and lasted until 1990 after all parties signed up, some under duress, others pressured by various international actors, to the Taif agreement. It imposed a so-called balance between the factions that was in theory meant to preclude any one of them dominating the others. In practice it ossified the power structure at the time of the civil war, including the warlords' positions, left a toothless presidency and parliament and blocked the rise of truly effective national institutions. The few that were there, such as the army and the security services, in due course became colonized by the various factions. The result, as anyone who has paid attention over the last couple of years should know, is disastrous, maybe not as disastrous as a full-blown new civil war, but near enough.

Now, I do not believe this mirrors the situation in Northern Ireland but it does encapsulate a cautionary tale. Lebanon was never a really well-functioning democratic entity that worked for all its communities but many might argue that the same goes for Northern Ireland prior to the Good Friday agreements. Guaranteeing the collective interests of communities, particularly in order to put an end to violence, seems at first a laudable objective. But it only works if everybody concerned is willing to move forward, leaving behind the mind-set of conflict and is committed to democratic means, not only to the letter, but also in spirit.

It's clear that we're living in an era that presents extraordinary challenges to the stability of democracies. The political and societal debate, if it can still be called that, has become aggressive to the point of actually, concretely violent. Take what's happening in the US, from the January 6th storming of the Capitol to the hammering of Speaker Nancy Pelosi's husband just this weekend. The UK has the example of what happened to Labour MP Jo Cox, and from another source, the murder of Conservative MP David Amess. In the rest of Europe, extreme right-wing parties are forming governments and are stoking the fires of xenophobia and conspiracy thinking. The extreme left is currently less involved in violent attacks on political figures, but not completely innocent either. In the Netherlands, for example, one prominent anti-immigration politician was murdered at the beginning of this century.

Amidst all these heightened tensions, Elon Musk wants to liberate Twitter from so-called free speech restraints, or what others might call sensible precautions to stop incitement and misinformation. Free speech 'absolutists', naïvely or pretending to be so, argue that censorship has no room in a democracy and that we shouldn't be afraid of ideas. That is blatantly misleading, as some constraints on free speech exist in almost every liberal democracy. Even the US with its famously far-reaching first amendment protections, limits free speech in certain cases. Libel law is civil, not criminal on the federal level but it does exist, to say nothing of the downright draconian measures when it comes to what is deemed national security, targeting among others leakers and whistle-blowers. Corporations meanwhile use mile-long Non-Disclosure Agreements to control the conversation. Yet, some of the same people who'd champion the right of the security establishment to suppress stories and the practices of the corporate world to avoid scrutiny, which Musk himself has availed himself of on several occasions, would deny democratic society the means to defend itself against those that are wilfully trying to undermine it or bend it to their purpose.

It's a no-brainer to say that democratic societies would prefer to have nothing at all that even remotely smacks of censorship. But it's also meaningless and misleading. First of all, it equates setting the rules of the playground with censorship, while we all know that you need rules to deal with a bully. Secondly, it presumes some utopian state that has never been achieved. What the DUP using the Northern Ireland protocol to nullify an election and Musk 'liberating' Twitter have in common is not that they're fundamentally wrong but that they're using the language and the mechanisms of democracy to subvert it. In different circumstances and eras, both could have been correct, but that's exactly the issue: the defence of democracy is not a static affair and although democracy is not intrinsically weak, we should be ever vigilant of ways that it is being undermined.