

# Plato and Democracy Today



# Plato and Democracy Today:

*20/20 Reith Lectures*

Preface and Introduction,  
Afterword, and Footnotes  
by Keekok Lee as Rapporteur

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*As democracy is perfected, the office of president represents, more and more closely, the inner soul of the people. On some great and glorious day the plain folks of the land will reach their heart's desire at last and the White House will be adorned by a downright moron.*

—H. L. Mencken (1880-1956), *On Politics: A Carnival of Buncombe*

*The best should be preferred by the majority and instead the populace chooses the worst.*

—Seneca (c. 4 BCE-65 CE), *Moral and Political Essays*.



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(♦Footnotes to the body text of the Five Lectures are supplied and written by Keekok Lee.)

♦ Symbol indicates that Keekok Lee is the author and not Plato. The Preface and Introduction are equivalent to the remarks of the BBC announcer who introduces the speaker before calling on the Reith Lecturer to deliver the lectures. The Afterword provides some brief closing remarks to the 20/20 Reith Lectures.

\* The narrator “I” in the Preface, the Introduction and the Afterword as well as in the footnotes of the Five Lectures is Keekok Lee.

\*\*The narrator “I” in the body text of the Five Lecturers is Plato himself.





# PREFACE AND INTRODUCTION

BY KEEKOK LEE  
(RAPPORTEUR)

Last night I had a dream. I dreamt that I attended a series of lectures (not, however, at a symposium as wine was not flowing according to my recollection) in Greece, or ancient Greece to be precise. The lecturer was Plato. He gave five lectures, and these were held in the field where once upon a time stood the Academy of Plato. Today and in my dream, it is just a field with the capitals of some ruined columns lying about, strewn along its borders. In Plato's days, it was a park used for gymnastics from around the sixth century BCE. It is said that a mythical hero called Academus or Hecademus had left a garden and grove to his fellow citizens to practise gymnastics. This grove was about a mile north west from the centre of Athens. Plato, who had a house nearby, began to teach there c. 387 BCE. Unfortunately today, his famous Academy as a building and the famous inscription over its doorway ("Let no one who is not a geometer enter") have nothing more to show for their past than these few stones. In any case, that dictum is probably apocryphal as it was only mentioned in a document from the middle of the fourth century CE, written nearly seven hundred and fifty years after Plato was said to have founded the Academy. Historians are naturally sceptical about such an inscription being in existence during Plato's own days.

My dream, bizarre even by the standards of dreams, was even more surrealist, for I soon realised that Plato was delivering these lectures as the 20/20 Reith Lectures for the BBC! What astonished me most was when Plato asked me to act as scribe and rapporteur for the occasion—I was so gob-smacked that I could hardly mumble the smallest word of gracious acceptance of the honour bestowed. But I do remember that I immediately grabbed hold of a biro and a note pad and proceeded to scribble down as much as I could, verbatim. Unfortunately I know no short-hand (whether dreaming or not), and so the greater part of the lectures was taken only in note form in my usual barely legible hand-writing. Naturally, of course, upon waking, I straightaway committed my recollection of the dream to

paper, but my dream scribbblings were nowhere to be found by my bedside or in any location where I could lay my hands upon them. They had dematerialised. However, let me assure the reader that these lectures are as faithfully and as honestly reproduced as it is humanly possible to do so.

In my dream, those attending were not as numerous as one would expect when a celebrity was billed to speak. All the same, many famous philosophers since Plato were present, some of whom Plato cited to augment points he was trying to make—familiar names included J. S. Mill and Sir Karl Popper, just to mention two.

My dream was not a visual one; I cannot tell you what Plato looked like (except looking vaguely like a cross-cultural venerable stereotype of a thinker or a sage) or what he wore. The visual appearances of those in the audience were equally indistinct and faint. For example, I do not recall that Mill was garbed in a Victorian gentleman's outfit. Nor did the physical quality of their voices make any impression on me. This could be because I took my job of being "secretary" so seriously that it made me concentrate solely on the substance of what they said rather than the precise vocal expression of their thoughts. Was everyone speaking English, including Plato? They must have been, as I know no Greek, classical or modern, and yet I could follow what was being said. So the language used must have been globalised English. Obviously, it must have been so. After all, Plato was delivering the 20/20 Reith Lectures and Reith Lectures, being commissioned by the BBC, must be given in English.

The title of this series of Reith Lectures makes their content clear, requiring little further elaboration. Plato had been asked by the BBC to bring his critique of democracy up to date. Plato argued, some two and a half thousand years ago, from his metaphysical first principles that democracy, as a system of politics, is nothing but the embodiment of demagoguery, the rule of **Unreason**, which he considered to be mob rule. However, a good many centuries have transpired since Plato pronounced on the subject during his own lifetime. In ancient Greece, he had only some limited empirical evidence to support his critique. Athens alone, out of the other numerous important Greek states of that period, was a democracy; inevitably, the critical empirical evidence available when Plato was mounting his hostile critique of democracy, principally in *The Republic* but also in his other writings, was not much although, as we shall see, Plato milked it to its utmost in Lecture 2, with a bit of help from Popper. But today the empirical evidence available to Plato is embarrassingly large; with its help, he now wants to mount his critique, this time appealing to such data rather than to *a priori* metaphysical reasoning.

Plato's dates are: 427 - 347 BCE

Below is my summary of his lectures.

### **Lecture 1      Not Substance but Procedure**

In this lecture, Plato argues that the most fruitful way of understanding the concept of democracy and its logic, whose history covers the centuries from the Athenian polis to today's USA (the greatest democracy in the world) as well as India (the largest democracy in the world), is to focus on its essence as **Procedure**, not **Substance**. This minimalist account can be shown to do justice not only to the diversities and pluralities of historical forms of the notion but more importantly also **to function as an explanatory theory, adequate** to account for actual democratic outcomes, especially for the four outstanding voting outcomes in the last three years and this: the Indian general election of 2014, the UK Referendum in June 2016, the USA Presidential Election in November 2016 and the UK June 2017 general election.

This theory-lite account has two strands:

- A. Democracy is no more than the outcome of a procedure of returning a government via the ballot box. A government is legitimately elected provided the majority of those citizens, who are entitled to vote and who have voted, happen on that occasion to prefer Candidate/Party X to Candidate/Party Y. For short, call it the **Mere Majority Principle (MMP)**.
- B. **MMP** is underpinned by the presupposition that those who do vote are deemed to be rational—call this the **Axiom of Universal Maximal Rationality (AUMR)**. This axiom, Plato will show, is pioneered in the main by Popper only some six decades ago.

The relationship between A and B will be explored in detail in the remaining four lectures in the series.

Plato argues that focussing on **Substance** (such as that democracy promotes the Common Good/the Greatest Happiness of the Greatest Number/Peace/Non-violence/Human Rights, and so on) fails to do justice to the empirical facts on the ground, because there is an overwhelming gap between the rhetoric of democratic theory on the one hand and democratic reality on the other. This is to say that historical or extant versions of democracy, on the whole, fail to reflect the **Substance** of democracy as

instantiated, for instance, in the form called “liberal democracy” or “social democracy”. Even more worryingly, substantive accounts in terms of noble values might end up by being too “thick”, as nothing could possibly count in the real world of politics as satisfying their high-minded credentials.

## **Lecture 2           Axiom of Universal Maximal Rationality: Sacralising the Mere Majority Principle**

In a democracy, one must respect the voting outcome, regarding it as near sacred, if not sacred. For instance, in the UK, witness the mantra “Brexit is Brexit, the people have voted”, even though, under UK constitutional law, referendum results are not legally binding. Plato argues that its sacredness appears to rest ultimately on **AUMR** such that voters who constitute the **MMP** are **deemed** to be fully rational. Plato shows that this axiom does not hold in practice and has never held even in ancient Athens; he deconstructs the trial of Socrates to make this point.

Plato will demonstrate that **AUMR** also entails that as **MMP** constitutes the sovereign will of the people, that sovereign will of the people is necessarily wise. This then gives rise to the myth that democracy leads to wise government; although the people may be wrong or foolish some/most of the time, the people are necessarily right and wise nevertheless.

Furthermore, adhering to **AUMR** makes Popper (the author of **AUMR**) ignore the single most hideous event in twentieth-century history, the rise of Nazism and the Third Reich via the ballot box. Instead, Plato thinks Popper is “up the spout” turning his so-called critical fire and ire on him, Plato, whose political philosophy posed no threat to any polity. Why did Popper not analyse fascism (a real threat facing not only the West in Nazi Germany but also in Japan whose fascism menaced Asia)?

Plato also argues that adhering to **AUMR** might have seemed reasonable in the days before universal education was in place in the West. However, similar adherence today is no longer plausible. This would mean abandoning it for, at best, **ALIR (Axiom of Limited Individual Rationality)**. Hence, there may be room to re-consider J. S. Mill’s advocacy of plural voting.

## **Lecture 3           Endemic Myopia: At Best, Limited Rationality**

Plato goes on to show that the broad brush account of **ALIR** in Lecture 2 can be refined in order to render its explanatory powers more targeted and less scatter-gunned. Needless to say not every member of **MMP** is a flat-earth believer so to speak—in the days before modern astronomy was

established, medieval peoples did perceive the earth to be flat. After all, the evidence around them supported their belief; they looked around them and they saw that the ground was flat. This in itself is not a misperception, but a correct perception of reality. However, all the same, it is a limited aspect of a much larger reality which eluded them. Paradoxically, a limited true perception can become a misperception, unless one is very careful. The white working classes in the UK and the USA, in the main, do correctly perceive that they have been left behind by those in society who have benefitted from the new capitalist order based on globalisation, de-industrialisation and outsourcing. Unfortunately, on the whole, they have not been able to grasp a more complex wider reality at work out there in the world, of which their predicament, undoubtedly, is a part. **Under such circumstances, this limited correct perception then becomes a misperception.** In the UK, such Brexiteers blame the EU, they blame the new migrants from Poland for robbing them of their jobs; in the USA, they blame Mexicans for their lack of better employment prospects, not to mention for rape and other violence. In the USA, followers who chant “Make America great again” put their faith in Donald Trump, who himself is a clear beneficiary of such a capitalist order.

Achen and Bartels 2016 have produced a great deal of convincing empirical studies to support the claim of endemic myopia in generations of **MMPs** in the USA. Myopia was no less integral to Athenian democracy in Ancient Greece than it is to American democracy or UK democracy today. The Brexit Referendum and the Trump presidential triumph of 2016, as well as the UK June 2017 general election, have also produced abundant evidence to back up the claim of Achen and Bartels.

Selective amnesia, limited time and energy, limited interest, and limited rationality lead many AVs (voters who actually exercise their vote out of a much larger number of those who are eligible to vote but do not vote) to live and therefore vote in the “specious present”. Endemic myopia and acting in the specious present very often go hand in hand (although in Lecture 5 Plato will argue that in the UK general election just concluded, some AVs acting in the specious present did manage to overcome endemic myopia to a very limited extent on that occasion—this exception in fact proves the rule).

#### **Lecture 4      The Descent to Unreason: By-passing Reason for Emotion**

The accepted nostrum for curing all political/economic/social ills of the present is “more democracy”. However, if the first three lectures in the series have made a plausible case, this mantra would then amount to a

clarion call to swallow more arsenic to cure the symptoms of arsenic poisoning! Plato implies that this would be a misperception of the crassest order.

In the *Republic*, Plato advocated a view for which he had been much excoriated since the ascendancy of democracy in the previous century or so. Plato is the only political theorist who has so boldly challenged **AUMR and its entailments**. Nor is he penitent about this assault as it is more in keeping with the evidence on the ground. Alas not everyone is equally capable of rational judgement and critical reasoning to the same degree, just as not everyone is capable of being an Olympic gold medallist in sprinting or long-distance running. Complex reality, in all its dimensions, is not easy to grasp. **AUMR** should be replaced at best by **ALIR**.

Given **ALIR**, AVs open themselves to political manipulation. Spin doctors together with the media sympathetic to the world-view of their political masters use techniques and tactics, age-old as well as those at the cutting-edge of technology, to capture votes on behalf of these masters. It is the job of spin doctors, visible or coyly hidden, to sacralise their political masters on the one hand, and to demonise their masters' opponents on the other. This is because they are aware that the Political Brain tends to by-pass the prefrontal lobes and is an Emotional Brain. Today, this has even given rise to Newspeak via the new "epistemology" which collapses **Truth** into **Falsehood** and **Falsehood** into **Truth**. This epistemological dystopia appears not to have come about as Orwell had envisaged it; the epistemological *volte face* has not occurred under wicked Communism or Socialism but in the heartland of virtuous Democracy itself. Herein lies rich irony.

Plato will also argue that on the surface the outcome of the UK June 2017 general election may have torpedoed his critique set out so far. However, should one peer behind the **Appearance** to the underlying **Reality**, those results support his critique rather than undermine it.

## Lecture 5      **What is to be Done?**

In this final short lecture, Plato summarises the various sub theses about democracy which he has put forward and his critical scrutiny of them, by testing their validity against empirical evidence. He also sketches in outline some ideas for reforming the democratic system as it exists today, should one wish to recognise and acknowledge the deep flaws he has identified. These can in part be overcome by following his suggestions.

One final house-keeping comment is called for, just to remind listeners/readers that all footnotes in the Five Lectures are provided by Keekok Lee in her capacity as scribe and rapporteur. The “I” in these notes refers to Lee; the “I” in the body of the Five Lectures refers to Plato.





# LECTURE 1

## NOT SUBSTANCE BUT PROCEDURE

Thank you, ladies and gentlemen, for such a warm welcome to me to deliver the 20/20 Reith Lectures. Thank you, too, to the BBC for having asked me to bring my critique of democracy, which I began more than two thousand years ago, up to date.

Those who have ever read my book, *The Republic*, are bound to know that I am not a fan of democracy (an under-statement, a rhetorical device so beloved of English-English speakers). I also take it that the BBC is not expecting me to do a hundred and eighty degrees turn around and recant. However, all the same, let me assure the audience that I have mellowed (it took me longer than most people, as it has taken me more than two thousand years to achieve this degree of sage-hood). I am no longer the young man who wants to shock the world in the most provocative way possible. Today, I'm adopting a low-key approach to make my points about the logic of democracy as I have seen it develop since I first articulated it more than two thousand years ago on this very spot.

My original attempt, I hardly need to remind you, did not go down well with my fellow Athenians. In any case, Athenian democracy ran a very chequered course in its entire history, at times having been destroyed, at other times having been restored. It was destroyed after it lost the Peloponnesian War against Sparta in 404 BCE, when the victors imposed the rule of the Thirty Tyrants upon Athens, which admittedly only lasted thirteen months, after which these Tyrants were deposed and democracy was re-installed. Sparta itself was soon defeated; its invincible military might was ended by the forces of Thebes at the battle of Leuctra in 371 BCE which historians, today, tell me altered the balance of power in the Hellenic world, and definitively ended the "Golden Age", associated especially with fifth century BCE Periclean democracy (at least, considered so by Western Europeans since the nineteenth century). The final phase of its demise was at the hands of Philip II of Macedonia (382-336 BCE) and then of his son, Alexander the Great (356-323 BCE). The Hellenic world was no more, and the Hellenistic Period began, so I read in standard history textbooks. History marched on with the rise of the Roman

Empire, whose conquest of Europe went as far north as southern Scotland where its famous wall was constructed by Hadrian to stave off marauders from the North. Then even the mighty Roman Empire withered and withdrew from its imperial strongholds, abandoning Western Europe to enter the so-called “Dark Ages” over a long stretch (according to historians). The peoples of that period would long have forgotten even the word “democracy” never mind what its actual manifestation was in my polis, Athens. Then, to my surprise, Western Europe arose from a very long slumber and the word “democracy” itself first emerged again, in the sixteenth century, from its Middle French and Middle Latin equivalents.

I’ve also read that beginning with the Renaissance, Western Europeans had re-discovered their so-called Hellenic “roots” via the transmission of Greek texts on the part of Arabic scholars.<sup>1</sup> The resurrected glories of Ancient Greece reached their feverish height, with the lovers of anything Greek, modern or ancient, calling themselves, Hellenophiles. (These Hellenophiles had, of course, edited out of such a culture and civilisation inconvenient details, which might tarnish the newly burnished image of the ancient Greeks, as I’ll point out in a moment). An even more staggering notion also sprouted forth, called Hellenophilia<sup>2</sup>, which amounts to saying that the Greeks single-handedly invented science, that these Greeks, in particular my student Aristotle, had/have a monopoly over epistemology, the way to truth which, somehow, became the scientific method without which Newton’s achievements would not have been possible (having conveniently forgotten that Newton did more alchemy than physics,<sup>3</sup> and that Modern Science, emerging from Western Europe in the seventeenth century, dispensed with two out of Aristotle’s four causes), and that no other way of doing science other than this sanctified version could count as “proper” or “real” science. Whitehead<sup>4</sup> had said of my philosophy that all philosophy after Plato is but a footnote to Plato (or words to that effect). You can imagine how such praise tickles my personal vanity. Hellenophilia tickles my “nationalist” vanity. I am proud

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<sup>1</sup> This term is not about the scholars either being Arab in ethnicity or Islam in religion. It is meant to refer to the fact that Arabic was the language in which scholarship was conducted at the time in the same way that Latin was the language of scholarship during the European Middle Ages. The scholars included Persians and Jews amongst others.

<sup>2</sup> See Pingree 1992.

<sup>3</sup> See Keynes 1946.

<sup>4</sup> Alfred North Whitehead (1861-1947) co-authored with Bertrand Russell the three-volume *Principia Mathematica* and then went on to write about a new field of philosophy, called process philosophy.

to be such an important ancient Greek, and for ancient Greek civilisation to be looked up to in such an adoring fashion, until I realise that in the end such excruciating high praise is nothing but worthless flattery. But more of that will come.

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Ah. Back to democracy! Sorry for that long digression.

At least one preliminary remark is called for before launching in detail on the subject of this year's Reith Lectures. Over the two millennia or so, I have noticed that thinkers are prone to edit history when it suits them and see similarities between different historical contexts by blurring or simply ignoring the obvious differences between them, or by exaggerating the similarities that do obtain.

I would like to say a few words about the technique of exaggerating similarities but ignoring significant differences, when political thinkers and commentators talk about the democracy which obtained in ancient Athens and that which now obtains in modern times. Let me bore the audience by reminding them that democracy, in my day, was direct democracy, when all those eligible to take part in government gathered at the forum to debate, deliberate and decide the laws and regulations of the polis. Lest we forget, those eligible constituted a relatively small portion of the entire population as they included only the freemen, excluding women, slaves and foreigners. It is clear as daylight that such a version surely falls short of that which holds today, when exclusion is based simply on a lower age limit (voters must have reached the age of majority whether at eighteen or twenty one). The economy was based on slave labour, without which the freemen would have to work to keep themselves and their families alive and would have neither the time nor the energy to indulge in endless debate and discussion at the forum. Today's democracies are not direct democracies, not even those in the Swiss cantons. It is what's called representative democracy. Modern theorists fail to remind people that ancient Athenian democracy rested on slave labour and excluded women, as slavery and patriarchy are not politically correct values any more (except that derision of women seems to be OK in, at least, half of the population of the USA, who voted for Donald Trump last November<sup>5</sup>).

This is not the only ironic twist, as there is another. Thomas Jefferson, an American Founding Father, who was the principal author of the

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<sup>5</sup> November 2016.

Declaration of Independence and later became the third president of the USA (1801-1809), was a slave owner (owning 200 slaves). So was George Washington (owning 317 slaves), the first USA president. In total, eight presidents owned slaves while holding the highest office in the Land of Freedom and Democracy. Perhaps Jefferson and Co did remember that the glories of my ancient Athens rested on slavery, and that the way forward to replicating such glories would be through slavery, too. After those eight presidents, Americans and the rest of the civilised world (that is, the white world) promptly suffered amnesia for such an embarrassing past, as slavery soon became a dirty word. Forgetting such inconvenient facts, in one sense, is neither here nor there. Slavery itself did not officially end until 6 December 1865, when the 13<sup>th</sup> Amendment of the Constitution was ratified. In other words, it did not end on 1 January 1863, when Abraham Lincoln issued his Emancipation Proclamation. What is more disturbing is that the mentality of slavery lives on in the history of the USA, in the form of racism, even today. Black people in the USA are today allowed a voice through the ballot box, but this does not mean that many such citizens do not suffer from racist abuses of one sort or other, whether direct or indirect, or suffer from economic and social disadvantages arising from racism. I'll be returning to this point later when I look at the relationship between democracy, on the one hand, and liberalism, on the other.

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I've earlier said that I'm a reformed thinker, though not a re-canting one. By this I mean that I'll not be boring BBC listeners with my theory of the forms, shadows on the walls of the caves, the three-fold divisions of humans into three different types of metal—veritable horrors and nightmares which have haunted generations upon generations of undergraduates who ever had/have the unfortunate experience of being exposed to my heavy-handed metaphysics. So no more of that. I'm well aware from my observation of the education system today from my Elysian height that students are no longer made the same way their forebears were; nor are their goals the same.<sup>6</sup> Today, I'm told, students are given hand-outs or, to be more correct, these nuggets of information are

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<sup>6</sup> Undergraduates today in universities in England (who bear a heavy debt burden for their education) are very focused but, alas, not on developing their critical faculty and broadening their intellectual horizon, but rather on acquiring an Upper Two degree at the end of their course, a classification which they see as their open sesame to desirable jobs in the harsh competitive employment environment out there outside the ivory tower. See Coccozza 12/07/2017.

posted up electronically for them to download at their time and convenience when they write their essays. They could go to the university management to complain against any lecturer who fails to “baby feed” them in this dumbed-down fashion of teaching which high tech makes so readily available. So in keeping with this new pedagogy, I’ll not inflict the theory of the forms on my listeners who, I’ve also learnt, are only eager for what is called info-tainment! I understand and I’m happy to sing and dance to the tune which can keep the attention of my audience, especially the younger members who are, I’m told, attached to their smart phones and their small screens like a foetus to its placenta via the umbilical cord. If you can’t beat them, you must join them. So I mend my ways.

I’ll descend from the dizzying heights of obfuscating metaphysics to the solid ground of empirical facts. As I have already mentioned, when I was alive Athens was virtually the only democracy in the civilised world and that, to boot, did not last very long. Another way of making the same point is to say that I did not have much empirical data to rely on to make my case against democracy; hence, I fell back on metaphysical speculation to do the job. Today, the situation is very different. There is plenty of empirical evidence for me to back up my up-dated critique of democracy.

Indeed, there is an *embarrass de richesse*; so I’ll have to be somewhat selective. Sometimes, I’ll delve into historical material, but on the whole, I’ll be looking at data concerning three democracies in the world today:

The USA  
India  
The UK.

The first is (*soi-disant*) the greatest democracy on Earth; the second, the largest on Earth; the third (*soi-disant*), the Mother of (modern) Democracy. Furthermore, two remarkable events have taken place in two out of these three democracies last year—the election of Donald Trump in November (2016) to become the 45<sup>th</sup> President of the USA, and the return of the Brexit vote in the UK Referendum in June. These results have prompted a lot of heart-searching as well as interest in the notion of democracy itself. A good many people, throughout the world, appear to have been taken by surprise at such a turn of events. My lectures, I hope, will help people understand these phenomena a little better through an understanding of the logic of the concept as displayed, embodied and exhibited in actual political behaviour in these two countries. The third case of India is singularly interesting—unlike these two “Anglo-Saxon” democracies, India is culturally very different in all ways (although it is true that all

three endorse English as the official language or one of the official languages) and is not a First World economy, but a developing one. It strikes many people as a marvel that democracy operates in India; furthermore, no member of the First World's serious commentariat has ever raised the smallest smidgeon of doubt over India's claim to that status.

These three exemplars of democracy, today, should, indeed, prompt a whole host of related issues:

- (a) Given the vast differences between the USA and the UK on the one hand and India on the other (not to mention also the huge differences between the USA and the UK), how should democracy be defined in order to encompass them?
- (b) In other words, in spite of the vast differences, is there any commonality between the USA/UK and India to justify using such a single definition?
- (c) What, then, is the essence of democracy, in terms of which one can intelligibly hold that if the USA is a democracy, so is India?

However, apart from these more theoretical matters which have to be addressed, my main strategy, nevertheless, consists of showing that there is a great gap between the rhetoric of democracy as a concept at the highest level of theoretical abstraction and the political reality on the ground. If you care to, you can call this the Gap-Hypothesis (G-H, for short).

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Trump's electoral success has shocked and continues to shock many reflective souls in the world as well as a good many of the Western commentariat in the so-called serious media. One strand of this shock expresses itself in the following way: the USA presidential election result and the UK Referendum outcome are not "democratic". In other words, they do not count. In the former, it is claimed that Hilary Clinton got more of the popular votes than Donald Trump (48.25% to 46.15%), yet Trump won the Electoral College with 304 votes to Clinton's 227.<sup>7</sup> However, this

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<sup>7</sup> Actually, 306 electors had pledged to vote for Trump, while 232 had pledged to vote for Clinton. Electors are not required by the Constitution to vote for a particular candidate, only to pledge to vote; some states either fine or replace those who break their pledge. It is rare, but it does happen, that an elector votes for a candidate from another party.

lament is neither here nor there as according to the US Constitution, it is how the majority of the 538 electors of the 50 states and the District of Columbia vote which is critical for the office of president and vice president (for an outright win, the majority of electoral votes is 270).<sup>8</sup> The electoral turnout is said to be low compared to the last election but one which is still respectable—the figures cited seemed to range from below 60% to just around 50% of the electorate.

The UK Referendum outcome is 51.9% (17,410,742) for Leave, 48.1% (16,141,241) for Remain. The turnout was 72.2%, compared to 66.1% for the general election in 2015 in the UK when it returned a Tory government, led by David Cameron as prime minister.<sup>9</sup> The UK turnout is significantly higher than that in the USA presidential election. The majority for Leave is not large but, nevertheless, a majority even if it is a slim one. However, as the poll was a referendum, one could see why some Remainers would want to argue that it does not count, because in the UK the government is not legally obliged to act upon the outcome of referendums. Referendums, given a high turnout and a convincingly large majority, would be a reflection of what may be called popular sovereignty. The Brexit Referendum just about satisfies the first condition but not the second; therefore, it is not a serious enough expression of popular sovereignty. Parliament, according to classic Diceyan<sup>10</sup> notions of sovereignty, is sovereign in that it has legislative *carte blanche* to do anything whatever, including ignoring the results of a non-binding referendum. In constitutional matters (under which the Brexit Referendum falls), referendums are consultative only. However, having acknowledged this much, it remains correct to observe that Parliament may find it opportune to bow to political rather than legal/constitutional considerations. The irony of the Brexit Referendum is rich and heavy, as the majority of the members of the main political parties in Parliament are Remainers; hence, it would be strange to ask MPs to implement politically what they strongly reject.

To avoid such rocky shoals, Theresa May sought to by-pass Parliamentary sovereignty altogether by invoking the Royal Prerogative (executive

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<sup>8</sup> See DeSilver 2016.

<sup>9</sup> See UK Political Info 2017.

<sup>10</sup> This is a reference to the epochal work, published in 1885—*Introduction to the Study of the Law of the Constitution*—by that grand theorist of jurisprudence called A.V. Dicey. A year after its publication, Gladstone was already citing from it as an authority in the Westminster Parliament. It was endorsed half a century later by the Donoughmore Committee in its *Report of the Committee on Ministers Powers*. Today, the UK as well as the USA still relies on that “Bible” in public law.

prerogative) to implement the Brexit Referendum. This was in spite of the fact that May was simply the successful candidate emerging from an intense power struggle within the Tory Party, following the sudden resignation of David Cameron as prime minister. She had not exposed herself as leader of the party in a general election until her sudden change of mind, doing a U-turn (on 18 April 2017), calling for a snap election scheduled on 8 June 2017.

Her attempt to ignore Parliamentary sovereignty prompted a public-spirited citizen, Gina Miller, to take a case to court—the High Court found in favour of the complainant that Parliament could not be ignored. In turn, this verdict prompted the *Daily Mail* (04/11/2016) in its front page to bill these judges as “enemies of the people”. Theresa May failed instinctively and spontaneously to condemn such a brazen attack on the judiciary, whose independence, up to then, has been considered as a sacred tenet in British jurisprudence and politics. Instead, she contested the decision of the High Court, sending the case up to the Supreme Court. In January 2017, the Supreme Court judges voted 8-3 to uphold the lower court’s decision, to May’s dismay. She has since reluctantly agreed to bring the Brexit deal (when struck) before Parliament on a take it or leave it basis.

The UK is acknowledged to be the “Mother of Democracy” or the “Mother of Parliaments”<sup>11</sup>. Yet, my observations above should make some readers pause and reflect upon the nature of democracy in the UK, if Parliamentary sovereignty could be so readily by-passed by Theresa May. The biggest irony is that the UK which claims the epithet the “Mother of Parliaments” has no written or codified constitution. Put simplistically but not flatteringly, this is to say that anything goes—whatever, the government does is constitutionally permissible/valid (if it can get away with it). In other words, *de facto* becomes *de jure*. If the prime minister, in exercising the Royal Prerogative decides that the outcome of a referendum is legally binding, it is legally binding, but should s/he decide otherwise, then it is not. What this does to the concept of the Rule of Law, so much trumpeted as one of the greatest jurisprudential notions which England has bestowed on the civilised world of freedom and democracy, is a subject best avoided in polite academic discussion and conversation! So, too, for

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<sup>11</sup> The latter phrase was first used in 1865 by John Bright, British politician and reformer, whose actual phrase was “England is the mother of parliaments”. (As a matter of fact, the oldest is the Icelandic Althing, established since 930.) Post WWII, the newly independent countries arising from the dissolution of the British Empire adopted the Westminster model of parliamentary democracy.



the moment, I'll be coy, raise it and let it drop.<sup>12</sup> But before I do so, I cannot resist citing a pearl of wisdom which dropped from the mouth of Richard Nixon (1913-1994): "When the President does it, that means that it's not illegal."<sup>13</sup> What greater authority is there in the whole wide world than the dictum of the President of the world's greatest democracy, albeit one who would have been impeached but that he resigned in the nick of time just before the law could catch up with him! Amen! I say to that.

I'll turn to a different matter, and that is to point out that the Brexit Referendum has brought to the fore three different notions of sovereignty: popular sovereignty (paradigm case being the outcome of a referendum or, in the Trump election, the number of votes cast for the two main competitors, namely Hilary Clinton and Trump), Parliamentary sovereignty, and what is called external sovereignty. The last refers to the fact that any independent sovereign state (such as France, Germany, Denmark, or whatever) may choose to give up in certain areas some of its powers to another legal entity, such as the EU or NATO, because such states perceive it in their interest to do so, by being signatories to international treaties.<sup>14</sup> Unfortunately, such niceties were/are ignored in the Brexit media, or indeed, in the media in general, except for an occasional airing or two. When Brexiteers triumphantly shout "Get back control", it makes it sound as if the EU has illegitimately seized legal/jurisprudential control of the UK. The reality is otherwise: the UK through a referendum in 1975 (popular sovereignty) endorsed the decision of Parliament (Parliamentary sovereignty) and the government of the day voluntarily to cede some power to Brussels (external sovereignty) when the UK joined the EU on 1 January 1973.

In the rest of my lectures, I'll be looking in depth at the flaws in a model of democracy which rests primarily on the notion of popular sovereignty.

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<sup>12</sup> Another big black blob on the image of the UK as the Mother of Freedom and Democracy is the disgraceful treatment of the Chagossians (in the 1960s) who were expelled from their home in Diego Garcia (and other islands) and transported more than a thousand miles away to Mauritius and the Seychelles without even compensation of any kind, while the island was handed over to the USA to become an American military base. This base has played a key role in the waging of the Gulf War, the 2003 invasion of Iraq, the U.S.-led war in Afghanistan, and the present bombing campaign against the Islamic State in Syria and Iraq. The UK and the USA propagate the fiction that the island was uninhabited (a forerunner of "fake news"). See Vine 2016.

<sup>13</sup> See Richard M. Nixon quotes 2017.

<sup>14</sup> See Douglas-Scott 2016.

Reporters Without Borders in their 2016 report on press freedom in the world listed India at 133<sup>th</sup> position, out of a total of 180 countries, with Finland at the 1<sup>st</sup> position, the UK at 38<sup>th</sup> (behind Spain at 34<sup>th</sup>), the USA at 41<sup>st</sup> (behind South Africa at 39<sup>th</sup> and Slovenia at 40<sup>th</sup>), but just ahead of Burkina Faso, which is at 42<sup>nd</sup>. Furthermore, we know that in the matter of gender equality the Nordic countries consistently score best.<sup>15</sup> The UK is ranked 20<sup>th</sup>, India 87<sup>th</sup> and the USA 45<sup>th</sup>. A report on the distribution of the global poor, by region, in 2013<sup>16</sup> shows that while Sub-Saharan Africa contained 50.7%, South Asia was home to 33.4%.<sup>17</sup> Another World Bank publication about poverty in India (in 2016) shows that one in five Indians or 270 million people are poor in absolute terms.<sup>18</sup> Statistics show that 48% of Indians do not have access to proper sanitation even in New Delhi, the capital city, as they live in slums, and so they have no choice but to defecate in the open.<sup>19</sup> Even more disturbingly, in the 2014 election which resulted in Mr Modi of the Bharatiya Janata Party (BJP) having a majority in the Indian Parliament, this new parliament has, out of its 543 members, about 34% facing criminal charges, with the number having steadily risen since 2004.<sup>20</sup>

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<sup>15</sup> See Global Gender Report 2016. Iceland is ranked first (out of 144 countries), followed by Finland, Norway and Sweden respectively.

<sup>16</sup> This pie-chart is found in the World Bank Report 2016a, Overview.

<sup>17</sup> Bangladesh, Pakistan and India constitute in the main South Asia in this context.

<sup>18</sup> The World Bank Report 2016b.

<sup>19</sup> BBC News 2014. Narendra Modi, leader of the BJP in his 2014 election manifesto vowed to put an end to such a practice, promising “Toilets first, temples later”. It remains to be seen whether Mr Modi could achieve his goal by the end of his period of office.

<sup>20</sup> See BBC News 2013a and the *Huffington Post* 2014. The criminal charges ranged from murder to rape, kidnapping and fraud. In the parliament returned in the 2014 election, nine were accused of murder and 17 of attempted murder. Admittedly, these are only charges made and does not mean that those charged are guilty of such crimes. All the same, given the slow judicial process in the country, the chances of those charged coming to face the court would not be high, quite apart from the commonly acknowledged high rate of corrupt practices occurring in that society. There are two rational explanations for the high rate of criminality in the Indian Parliament: (a) criminals have the money to back their election campaigning, far in excess of the non-criminal candidates; and (b) the average Indian voter believes that criminals have a good track record for being efficient. The latter holds true not only in India but elsewhere provided similar circumstances prevail. It is said that when the Cosa Nostra (the Mafia) held sway in Sicily, citizens could not rely on the city council to empty their rubbish bins; the only way to get that done was to pay the local Mafia to do the job.

I've cited the statistics above not with the aim of tarnishing the image of India but just to make the point that the Nordic lands, India, the UK and the USA are immensely different from one another, yet all of them, without a murmur, are said to be democracies. Is this claim justified? If so, what is the basis for making it?

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The first thing to notice is that “democracy” is sometimes preceded by an adjective, such as “liberal” or “social”. This then shows that a generic category called democracy exists of which Liberal Democracy and Social Democracy are sub-varieties. What then is Social Democracy?

In a nutshell, one may say that it is a form of (democratic) government which sets out to tame, to an extent, the capitalist order and therefore the market by making a conscious effort to re-distribute wealth in society to create a more equal one by laying down the framework for what has come to be called the welfare state. It is said to be an attempt to introduce socialism into democratic societies.

This version is a noble spin, as it misses out an important dimension of political economy and political philosophy. I need to talk briefly about John Maynard Keynes (1883-1946)<sup>21</sup> who could be credited with laying the theoretical foundations, later appropriated by those who advocated the welfare state conception of democracy after WWII. Keynes' conscious goal was not to introduce Socialism (he was no socialist), but to save Capitalism. The capitalist world order, faced with the Great Depression and the beguiling model of Communism after the Bolshevik Revolution of 1917, in his opinion, was in dire danger.<sup>22</sup> He feared that, in desperation, people in the West might turn to the Soviet model. His great work, in this project of salvation, is *The General Theory of Employment Interest and Money* (1936); it succeeded in bringing about what is commonly referred to as the “Keynesian Revolution”. Simplistically put: classical economics holds that the market would tend to right itself in the face of setbacks; if there is unemployment, the market would restore full employment without any intervention from the state apparatus. Keynes challenges this tenet, claiming that governments need to intervene, for instance to get out of a depression by engaging in public works, in order to stimulate demand.<sup>23</sup>

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<sup>21</sup> See Skidelsky 1983, 1992, 2000, his authoritative three volume biography. For a popular account, see Davenport-Hines 2015.

<sup>22</sup> See Krugman 2007.

<sup>23</sup> The notion of aggregate demand (total spending in the economy) is one of the concepts that Keynes introduced into what today is called macroeconomics. Some

It is generally held that the welfare state, at least in the UK, owes intellectual debt to two thinkers, Keynes and (William) Beveridge (1879-1963).<sup>24</sup> The latter became the Director of the London School of Economics in 1919 until 1937; in 1942, he produced the Beveridge Report which outlined what came later to be called the welfare state. In it, he recommended that the government should find means of fighting the five “Giant Evils” of “Want, Disease, Ignorance, Squalor and Idleness”. He became a member of the Liberal Party in 1944. Although he was not a Labour man, it was natural for the Labour leader, Clement Attlee (after his party won the 1945 election, defeating the Tories led by Winston Churchill) to approach him to implement his 1942 Report. As a result, the National Health Service (NHS) was established in 1948, and other related measures were introduced including a system of benefits for social security. Beveridge built this upon the national insurance scheme already set up by Lloyd George in 1911, well before the beginning of WWI. Hence, the irony: the welfare state in Britain, in one sense, owed more to the Liberal Party than to the Labour Party.

I’ll next say something briefly about the notion of Liberal Democracy. I’ll need first quickly to look at Liberalism, as the adjective “liberal” is in front of the term “democracy”. John Stuart Mill’s *On Liberty* (1857) is the most systematic articulation of what today is called Classical Liberalism. Perhaps the neatest way of talking about Liberalism and liberal values is to talk about the principle behind Classical Liberalism and the notion of the Rule of Law, which is a key notion advocated by John Locke (1632-1704),<sup>25</sup> an earlier theorist than Mill, but who is often taken to be a founding, if not the founding father of Liberalism. Locke identifies five key defining areas—the Rule of Law, property rights, religious toleration, individualism, and tacit consent to being ruled.

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readers may like to look up Swartz 2009. An increase in demand comes from four sources: consumption, investment, government purchases and net exports. In a depression, consumption is the first to be hit, which in turn hits business investments. Hence, the burden falls on governments to intervene to get out of a recession. Economics today is still dominated by the debate between Keynesians and those adhering to the Austrian School of Economics who hold that government intervention only delays/worsens the recovery process, as recessions and booms are part of the “natural” order of the market. This School which includes von Hayek believes in minimising the role of the state and is anti-statist.

<sup>24</sup> For an account of the uneasy intellectual relationship between the two, see Marcuzzo 2016; see also “William Beveridge, Biography” 2016; BBC 2014.

<sup>25</sup> His writings in political philosophy include *The Second Treatise of Government* (1689), *Letter Concerning Toleration* (1689). For a quick account of his life as a philosopher and some of his leading ideas, see Uzgalis 2012.

Classical Liberalism lays down limits to freedom of action—you may do what you wish provided your action does not harm others. It distinguishes causing harm to others from merely annoying/irritating others. If a neighbour upstream were to introduce pollutants into the river, this constitutes harm to you; so he is not free to pollute as the law would enjoin action against him should s/he introduce pollutants into the water. However, if your neighbour were suddenly to take to wearing dreadlocks, this may annoy or irritate you no end, but he should be left free to do as he pleases. Mill distinguishes between the other-regarding and the self-regarding sphere of action.<sup>26</sup>

Put simplistically, the Rule of Law may be summed up by the dictum, “no retrospective legislation”.<sup>27</sup> To maximise freedom for the citizen, the law of the land must be certain, predictable and known in advance. In turn, it implies an independent judiciary whose commitment is to uphold the Rule of Law.

More concretely, over the years, so-called liberal democracies such as the UK have introduced specific legislations, constituting landmarks for Liberalism, such as the Anti-slavery reforms<sup>28</sup> (over a period of 46 years)

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<sup>26</sup> Perhaps one should point out that Plato has forgotten to mention that the boundary between the two spheres of action is not as clear-cut at times as Mill makes it out to be. For instance, does wearing the niqab at work and in public fall into the self-regarding or the other-regarding sphere of action? One can have an endless on-going discussion over this issue.

<sup>27</sup> This is best understood as an ideal as this goal is often violated. Just one recent example from the UK (England) will be cited to illustrate this point. The system of bereavement benefits is replaced by a new system for new claimants from 6 April 2017. Put simplistically, if the surviving spouse or partner with young children were to claim upon the death of spouse/partner occurring after 6 April 2017, such a family would end up with less benefits than if death had occurred before 6 April 2017. (See Childhood Bereavement Network 2017.) This, in effect, totally discards the number of years of contribution during which the deceased had paid his/her National Insurance Contributions. Everything depends on the date of death. In other words, Plato means to point out that the notion of the Rule of Law has to be taken with a great dollop (not merely a pinch) of salt in a Liberal Democracy, such as that which obtains in the UK.

<sup>28</sup> Plato did not have time to point out that the impulse behind the anti-slavery movement did not spring solely from humanitarian and compassionate sentiments, but also because the British state, as an economic social order, was growing out of slavery as an institution by the 1820s. The British taxpayers realised that they were subsidising the West Indian planters; free trade was in the air. Profits would lie elsewhere than in enforced slave labour. Locke in the seventeenth century was not against slavery *per se*, only against what he called illegitimate slavery—for

in the nineteenth century, the lifting of the Thirty Nine Articles from the matriculation and degree tests at Oxford University in 1854,<sup>29</sup> universal suffrage to include women in 1928<sup>30</sup> and the Wolfenden Report of 1957.<sup>31</sup>

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instance, the victor of a just war could enslave prisoners-of-war belonging to an army of the defeated.

<sup>29</sup> The Thirty Nine Articles were about commitment to the Anglican faith introduced into the Book of Common Prayer by an Act of Parliament in 1571 as part of the Protestant Reformation settlement in England. Clergymen in the Church of England were not allowed to preach unless they swore an oath to them. Now this may appear harmless enough but the oath was not required only of C of E clergymen, but also of any students who wished to matriculate as well as to take a degree at the University of Oxford. This had the effect of excluding Non-conformist Protestants, Catholics and Jews. Jeremy Bentham (1748-1832) found himself caught by these rules; in order to graduate he felt he had no choice but to swear allegiance to the Thirty Nine Articles. This made Bentham a lifelong warrior for secularism. See *The Thirty Nine Articles* 2001; Curthoys 2013; Schofield 2012.

<sup>30</sup> At the end of WWI, the Representation of the People Act gave women over 30 the vote. Plato has asked me to point out (in order to avoid the charge of being ungallant if he were to do it himself) that the granting of female suffrage was not entirely due to the heroic efforts of the suffragettes themselves. It is significant that this Act occurred at the end of WWI in 1918, which followed the success of the Bolshevik Revolution of 1917; and the British government was the fourteenth country in the world to bestow the female suffrage. (The first country in the world was the Corsican Republic in 1755.) Perhaps Britain felt it could not be seen to lag behind the new Russia/Soviet Union. The other driver was the realisation that women had to be appeased given their contribution to the war effort. When young men died in their thousands upon thousands on the battlefields in Europe, the labour shortage was overcome by women doing jobs which men would normally have done. So it seems fair to hold that while suffragettes did chain themselves to railings, go to jail as well as go on hunger strike, it might not entirely be due to their heroic efforts that the government of the day deigned to grant suffrage to women. After all, Switzerland, the most democratic of European countries (approximating most closely to the Athenian direct democracy of yore), did not deign to grant universal female suffrage till 1971 (but still with the exception of seven central and eastern cantons)! (See *History of Switzerland* 2004.) Plato has asked me to point out that, ironically, the nearer the model of democracy is to the Athenian one, the more backward it appears to have been in the issue of female suffrage. Readers who are keen to pursue this matter can work out for themselves why this paradox occurs.

<sup>31</sup> Its official title is *The Report of the Departmental Committee on Homosexual Offences and Prostitution*, chaired and drafted by Lord Wolfenden, considered to be a work in the spirit of *On Liberty*. This made homosexual activities between consenting adults no longer a legal offence and prostitution *per se* (as opposed to soliciting in public) no longer criminal.