

# Pressures of populism pose problems for parliaments

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Released just before Australia Day, the British Supreme Court's decision on Brexit reminds us of a fundamental truth: the British system of government, which was Britain's greatest gift to its former colonies, rests on the supremacy of parliament.

It is not the executive that can create or remove rights; even less is it the electorate acting directly, as in the Brexit referendum. - Rather, in the words of Lord Hoffmann that the judgment cites with approval, it is parliament which "must squarely confront what it is doing and accept the political cost".

Lord Hoffman's concern, like that of the Brexit court, was to prevent the executive's abuse of its prerogative. But if his words resonate, it is because we live at a time when the pressures of populism are as ferocious as they are unrelenting.

Nothing better illustrates those pressures than the hysteria which greeted the High Court decision that the Supreme Court has now upheld. The High Court's distinguished judges, reported the *Daily Mirror*, were "enemies of the people". Mere froth, perhaps; but froth on a global tidal wave of rhetoric pitting "the people" against real or imagined "elites" that trample on "the people's" interests and stand their way.

That the institutions of the Western democracies have done much to earn that opprobrium is beyond doubt. But their failings cannot be allowed to hide the risks that language involves. Vague at best, incoherent at worst, the rhetoric of "the people" has been used throughout history as much as a weapon of hate as of a call for unity.

When a Donald Trump predecessor, Andrew Jackson, emphasised in his farewell address the special character of the American republic, "where the government is emphatically the government of the people", he not only excluded American Indians, women and slaves from "the people", but also the merchants and financiers who conspired in the "secret conclave" of an "organised money power".

Trump was therefore going down a well-trodden path when he hailed his inauguration as marking a historic transfer of power "from Washington DC back to you, the people"—a category which plainly did not include the politicians he castigated as thieves, much less the foreigners who "ripped" the wealth of America's middle class "from their homes".

But invoking "the people" has not only been a way of mobilising a sense of victimhood. Rather, time after time, it has been - accompanied by attacks on representative democracy. Casting the people's representatives as tarnished by party, faction and - venality, its champions have appealed instead to the direct, unmediated relation between a charismatic leader and the popular will.

Carl Schmitt, the brilliant German political philosopher who was the Hitler regime's legal adviser in its early years, exemplified that claim when he attacked the parliament of the Weimar Republic as enslaved by political parties who "butcher the mighty Leviathan and cut their piece of flesh from its body". Only plebiscites, in which the people's voice would be heard undistorted, could let the Volk "express its will and find its way back to unity".

The Nazis obliged. Conducting a plebiscite every year until war broke out, Hitler could boast in 1937 that unlike Weimar's paralysed parliament, he had "acted, and then showed the world that the people followed".

Of course, Hitler did not invent the plebiscite, which was first used in the French Revolution; but, as Hannah Arendt noted, the Nazis had proven that this was the means of expressing opinions which, by stripping them from measured deliberation, "spelled death to all opinions".

In reality, the demagogues' appeals were not to the people but to the crowd. Observing the terror unleashed by the Jacobins, whose power had been overwhelmingly endorsed in the first French plebiscite of 1793, Carlyle called the mob "the crowning phenomenon of our modern time".

Shocked by those experiences, the late 19th century sociologists considered Carlyle's "disimprisoned anarchy" an animalistic survival that evolution had not yet eliminated. The crowd, they predicted, would disappear as society matured, to be replaced by that more thoughtful entity, a diversity of publics, sufficiently numerous to compete and sufficiently stable to encourage deliberation.

But Freud, who witnessed the lynch parties of the anti-Semites, proved wiser. Far from being an atavistic reversion, he wrote, it was precisely in highly ordered societies that crowds would most readily form, offering an entirely illusory redemption from the frustrations and disappointments of everyday life. Publics might well emerge; but they would all too readily collapse back into the crowd. That has happened, and with a vengeance. Today's crowd is that of the information age: of thoughts no longer than 140

characters, of politics reduced to reality TV, of anonymous swarms spawned in the internet's darkest corners. As for the plebiscites Schmitt theorised, they are evolving from their institutional form into government by electronic acclamation. And today's demagogue is not a murderous tyrant but the orchestrator of the "alternative facts" which rob the notion of truth of all meaning.

How those pressures will play out in Australia remains to be seen. What is certain is that the germ seeds are there and are well-placed to flourish. Ultimately, the only remedies are political; but in a country which seems to have lost all knowledge of its history, a better understanding of our institutions' heritage would help. Those who not do look back to their ancestry, Edmund Burke wisely observed, will not look forward to their posterity.

As for me, I will be shifting to *The Weekend Australian's* Inquirer, covering these issues every two weeks. To all those who have followed this column, my thanks: may the future confirm our hopes, not our fears. And most of all, may it bring the truth-telling which remains, as Arendt wrote, "the ground on which we stand and the sky that stretches above".