

## Governing in Bad Faith: Suppressing Democracy in Pretense of “Saving Democracy”

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### ■ ARTIFICIAL INTELLIGENCE FOR EQUITY (AI4Eq)

[1] is proposed as an interdisciplinary field of study and action that aims to promote the ethical development and use of autonomous and intelligent systems for the advancement of mankind [2], especially for the United Nations’ sustainable development goals.

In this regard, AI is no different from any other technology, in which there is no inherently “good” or “bad” AI technology, but there are “good” and “bad” intentions and so the design of AI technology is never neutral—unintended consequences aside, it can be skewed toward one or the other of these directions. Therefore, there can be seen remarkably beneficial applications of AI, for example, in health, intelligent transportation, sustainable infrastructure and resource management, industry and logistics, and agriculture.

At the same time, there have been warnings over the potential misuse of AI—not necessarily of the “singularity” or “Terminator” type, but altogether more quotidian, creeping, and insidious, (e.g., [3], [4] among others) as well as ethically dubious applications (e.g., deepfake videos [5], digital dependence [6], and election manipulation [7]) and those that entrench or exacerbate economic disparity between or within nations (e.g., asymmetric distribution of added value in participatory-sensing

applications, private ownership of the means of social coordination and technological innovation, neocolonial wealth extraction by transnational corporations, and so on).

Given this, it seems pertinent to revisit Marshal McLuhan’s dictum “the medium is the message” [8], by which he meant that the significance of any technology can be determined by the magnitude of change it induces in the scale, pace, or conduct of human affairs or organizations. By any metric, the impact of AI in the last decade has been “significant,” but perhaps as significant is the impact of AI on the dictum itself. AI is somehow both reflective and introspective: just as it shapes a new society, the new societal forces reshape it; moreover, in particular, through machine learning, it is even capable of reshaping itself. Consequently, the rate of change of the medium is faster than the rate at which message can be processed: by the time we have received and understood the message, the medium has already changed. This means that we have to understand that the impact of AI is not as a quantifiable transition between discrete states in a point space, but as a trajectory, which is continuous and, therefore, has to be anticipated (rather than measured) if it is to be controlled.

In this regard, the AI4Eq program is absolutely right to stress interdisciplinarity, because understanding the societal trajectory induced by AI, and anticipating its directions and dimensions so that we might control and apply AI for achieving equity, is not a purely

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technological problem. It is a sociological, ethical, legal, cultural, generational, educational, and political one as well.

Above all, perhaps, it is a political one because equity, as a value, is not a homeostatic equilibrium to which societies tend, but the product of a deliberate policy, enacted by a conscious legislative and executive decision, in response to an expressed preference of an electorate, and enforced by an empowered judiciary. This process might entail a radical reevaluation and reshaping of established political, social, and economic systems, and it requires not just legislative action but affirmative action as well. It is not enough to abolish slavery, and yet to discourage civic participation; nor is it enough to declare universal suffrage, and yet to indulge in voter suppression.

However, and perhaps inevitably, affirmative action intended to produce a reduction of inequality between social groups, or a gain in equity for one social group, might be misrepresented by vested interests of another and so perceived as a loss—the idea that *when you are accustomed to privilege, equality can feel like oppression*.<sup>1</sup>

Regrettably, then, any attempt to promote equality or equity faces a backlash from those who feel threatened by it, whether that promotion takes the form of the suffragette movement, the civil rights movement, the Occupy protests, Black Lives Matter, or Extinction Rebellion (XR). In political regimes with an authoritarian tendency but a deep insecurity about their competence and legitimacy, the reaction to progressive ideas is to rewrite school curricula to prevent such ideas from even being discussed.

For example, in Hungary, the proposed national fundamental curriculum, which specifies the required reading in elementary and secondary schools, has been heavily criticized for pursuing a nationalist agenda [9]. In the United Kingdom, in September 2020, the government issued “guidance” on how to plan a curriculum for teaching “relationships, sex, and health” [10]. (Or at least the headline was “Guidance: Plan your relationships, sex, and health curriculum.” In the text, there is a statement instructing teachers and head teachers to read the “statutory guidance” policy; following that hyperlink takes readers to a

page that informs them that “the new curriculum will be compulsory from September 2020.”<sup>2</sup>)

Included in this “guidance” were sections on “using external agencies” and “choosing resources” (see Figure 1). In both these sections, passages were banning the use of external agencies or external resources that were deemed to be promoting “extreme positions;” and moreover, promotion of *any* “extreme position” meant that *all* material from that external agency had to be rejected, even if the material were not extreme.<sup>3</sup> Technically, for example, this means that material from XR promoting the use of citizen assemblies [11] could not be taught given the designation of XR’s climate activism as an extreme ideology [12].

Given that “equality can feel like oppression” and disagreement with orthodoxy can be interpreted as an “extreme political stance,” then proposing “AI for equity” could be similarly misjudged, by some, as an extreme political stance. But, if such a judgment is to be made, it is worth evaluating the statutory guidance with respect to the actions of those proposing that statutory guidance. So, let us deconstruct each of the bullet points of Figure 1 in turn.

According to the U.K. government statutory guidance, examples of “extreme positions include, but are not limited to:”

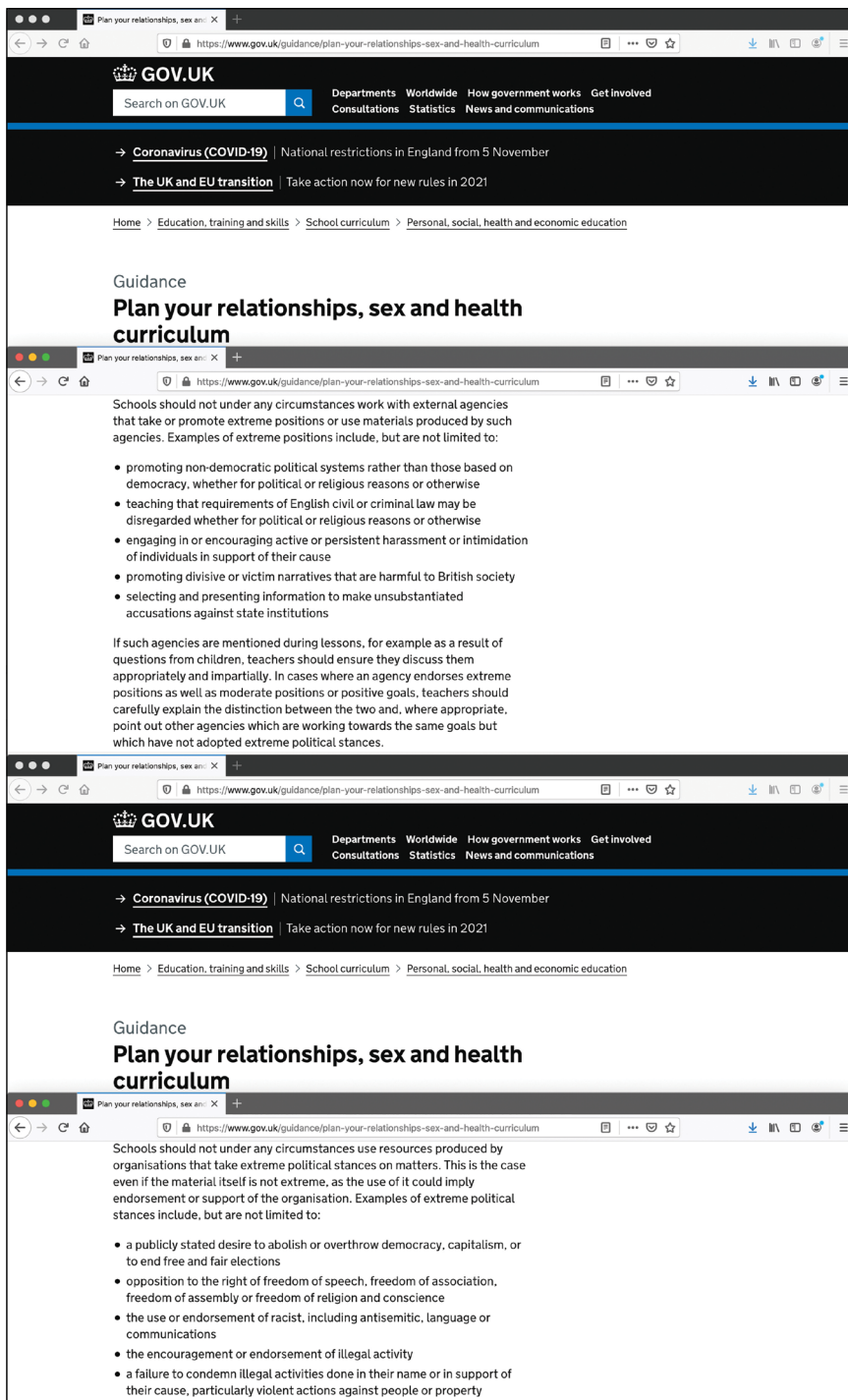
- promoting nondemocratic political systems rather than those based on democracy, whether for political or religious reasons or otherwise.

To begin with, the United Kingdom has been here before with a conservative government legislating against “promotion” of activities of which it disapproved. In the earlier case, this led to Section 28 of the 1988 Local Government Act which enacted a “Prohibition on promoting homosexuality by teaching or by publishing material.” Like all sloppily drafted and ambiguous legislation (the definition of “promoting” is not clear—is it recognizing that it exists? Recognizing equal rights?), it caused considerable controversy and increased persecution of a minority group. So, even the basic premise of the guidance is flawed and that is even before interpreting what “based on democracy” means. There

<sup>1</sup>The originator/origination of this quotation (thought) is hard to attribute precisely; see <https://quoteinvestigator.com/2016/10/24/privilege/>.

<sup>2</sup>Guidance is, in dictionary, defined as “advice or recommendation offered with regard to future prudent actions.” Statutory is, in dictionary, defined as “actions that are required by statute.” Orwell would have been impressed.

<sup>3</sup>Schools should not, under any circumstances, use resources produced by organizations that take extreme political stances on matters. This is the case even if the material itself is not extreme, as the use of it could imply endorsement or support of the organization” [10].



**Figure 1. Screenshots from U.K. government relationships, sex, and health curriculum.**

are many “flavors” of democracy, for example, basic democracy, liberal democracy, even illiberal democracy, and a confusion of democracy with majoritarian tyranny (these are two different political regimes). Moreover, democracy is not naively

construed as “one citizen, one vote” every four or five years: it involves active civic participation [13] and robust knowledge management [14].

However, the broader premise is to presuppose that the existential threat to democracy lies in the promotion

of alternative political systems, or even the discussion of alternative political systems. In fact, the genuine and more pressing threat lies in the intentional and insidious subversion of democratic norms, processes, and institutions by those that have been empowered by them and so entrusted with them. Such subversion can be found in: the transfer of decision-making authority from the legislative to the executive, such as seen in the United Kingdom's European Union (EU) (Withdrawal) bill or emergency powers granted to deal with the COVID-19 pandemic; the denial of public scrutiny and refusal to be held accountable; gerrymandering voting districts [15]; stacking courts with ideologically predisposed judges; transferring powers (e.g., from a state governor to a state senate) during the transition after a lost election; and systematically undermining the legitimacy of an entire democratic system by refusing to accept the result of an election.

In fact, this process is so well known that it has a name: the iron law of oligarchy [16], which contends that any organization or institution, no matter how "democratically" it is established, is inevitably taken over by an oligarchic clique that runs the organization for their own interest, and not the common good.<sup>4</sup> Such oligarchic tendencies are far more damaging to the social fabric, body politic, and "democratic political system" than teachers exploring the possibility that Plato, Karl Marx, and XR have some interesting—and challenging—ideas about political regimes and regime change, against which a robust and mature political system and the party could effectively counter-argue.

- Teaching that requirements of English civil or criminal law may be disregarded, whether for political or religious reasons or otherwise.

In this case, we might reasonably consider social learning or *teaching by example*. So, what are school pupils supposed to make of a government that is purposefully and knowingly allowing itself to renege on an international treaty that is negotiated within a year; or of a prime minister that unlawfully prorogues a national parliament when it votes against him, and indeed of a prime minister who refuses to resign when he is deemed to have unlawfully prorogued parliament and so must have misled the head of state to do so [18]; or of a minister who unlawfully

approves housing developments proposed by a party donor, and indeed of a minister who refuses to resign when he is deemed to have acted unlawfully; or incidents of ministerial bullying, and refusal of those ministers to resign even after judgments of the Prime Minister's Independent Advisor on ministerial standards; or of senior government advisers breaking lockdown rules during a pandemic (rules that they themselves helped to formulate), and indeed of an adviser who refuses to resign for breaking his own lockdown rules during a pandemic.

Our putative pupils may well learn for themselves that the requirements of English civil or criminal law, and indeed the rule of law itself, can be disregarded, especially if there are no apparent consequences. They might also come to the conclusion, from the blatant lack of respect and accountability, that there are powerful and propertied classes for whom the law is designed to protect but not restrain, and there are disempowered and dispossessed classes for whom the law is designed to restrain but not protect.<sup>5</sup>

- Engaging in or encouraging active or persistent harassment or intimidation of individuals in support of their cause.

Ostensibly, this might seem well-intentioned, until it is realized that this is not the way things are actually done. The reality is subtler (although even subtlety is becoming bothersome to some populist authoritarians) but altogether more pernicious. Hence, we see: the use of "dogwhistle" language constructs; the language of social division and disparagement of social, generational, or ethnic groups ("strivers versus skivers," and "workers versus shirkers"); the manufacture of imagined threats (e.g., caravans of migrants, Turkey to join the EU, and cultural Marxism); blacklists to deny employment to trades union activists; and the diversionary manufacture and provocations of culture wars based on invented and specious threats to "our culture" (erection of statues, naming of military bases, singing *Rule Britannia* at the Last Night of the Proms, "war on woke," etc.).

In addition to this indirect encouragement for the harassment or intimidation of groups, there are indirect ways to get at individuals. For example, the England and Manchester United footballer

<sup>4</sup>In fact, one reading of the theory of basic democracy [17] is precisely this, to identify the building blocks and processes of a democratic regime that enable it to resist the entropic tendency to various forms of tyranny, including oligarchy, autocracy, and majoritarian tyranny.

<sup>5</sup>This pithy observation is originally attributed to a blog comment by Frank Wilhoit. "Conservatism consists of exactly one proposition, to wit: there must be in-groups whom the law protects but does not bind, alongside out-groups whom the law binds but does not protect." <https://crookedtimber.org/2018/03/21/liberals-against-progressives/>

Marcus Rashford has successfully campaigned for free school meals out of term time during the pandemic, for children living in poverty. Indeed, he has been so successful that the U.K. government has now twice been forced into embarrassing u-turns, despite government ministers voting against it.<sup>6</sup> But recently, a whispering campaign against him has started in the right-wing press, detailing his own personal wealth and setting it in contrast to the people for whom he is advocating assistance. But, of course, there is no *explicit* engagement in active harassment, they are just reporting the facts, surely.

- Promoting divisive or victim narratives that are harmful to British society.

Perhaps, the divisive and victim narrative most harmful to British society has been the Brexit narrative. As analyzed by the Irish journalist Fintan O'Toole [19], the English<sup>7</sup> are driven by two contradictory myths: the myth of English exceptionalism, and the myth of colonization. On the one hand, there is a presumption that the English deserve preferential treatment because of their exceptionalism, and, on the other hand, that the English are being denied what is rightfully theirs by some perfidious foreigner, whether from Europe or from the Commonwealth,<sup>8</sup> all of them demanding equality (within the EU) or equity (post colonialism). This mythic narrative contributed in part to the referendum vote which narrowly decided to leave the EU, with economic forecasts suggesting that this could do more harm to the U.K. economy in the long term than the pandemic has done in the short term.<sup>9</sup>

Laughably, the mythology of grievance is being propagated by both the “pale, male, and stale” (as said above, the loss of privilege being seen as oppression) and the U.K. government itself, which in its disastrous handling of both the pandemic and its signature economic and foreign policy, that is, Brexit, is bathetically posturing while trying to find anyone else to blame for their own ineptitude, incompetence, and self-serving, hence the need to spend nearly £700,000 on public relations consultants [20]. Again, rather than being held to account,

<sup>6</sup>Members of Parliament receiving generous state salaries and enjoying subsidized food and drink voting to deny poor children food, during an economic and public health crisis .... It was not a “good look.”

<sup>7</sup>Mostly the English, not the British (English, Irish, Scottish, and Welsh).

<sup>8</sup>Commonwealth ... again, Orwell would have been impressed.

<sup>9</sup>And to *neocolonialism* as wealth is extracted by the ruling class from the United Kingdom itself, in turn leading to the joke that “the English are finding out what it is like to be ruled by the English.”

criticism has been dismissed as “endless carping”: instead of taking responsibility, the U.K. government itself is unapologetically constructing a harmful narrative of the “government of permanent victimhood” [21].

- Selecting and presenting information to make unsubstantiated accusations against state institutions.

Seems reasonable, of course, and who would not want to take statutory guidance from a government that has made or supported unsubstantiated accusations against state institutions ranging from the entire legal profession (judges are “enemies of the people,” immigration lawyers are “activists” and “do-gooders”), the independence of the civil service, the impartiality of the national broadcaster, and the objectivity of its universities (and the professors who inform expert advisory groups). Indeed, if asked what are the most admirable qualities of the U.K. state that differentiates it from others and makes it a desirable and stable country, most respondents would list its legal service, its broadcasting service, its civil service, its university system, and its National Health Service. The irony is that for some reason, its elected “conservative” government seems determined to take a wrecking ball to the first four and sell the last.

In the “choosing resources” section of the statutory guidance, examples of “extreme political stances include, but are not limited to:”

- a publicly stated desire to abolish or overthrow democracy, capitalism, or to end free and fair elections.

As discussed above, but worth repeating, the existential threat to democracy is not so much from a publicly stated desire to overthrow democracy but its subversion from within. As for free and fair elections, the United Kingdom currently has a government that: campaigned against a referendum to introduce a proportional voting system (rather than the plurality or “first past the post” voting system, which gives a majority of parliamentary representation for a minority of the vote); will not investigate or will not publish investigation reports on extra-national interference in its elections (especially the Brexit referendum); and is threatening to abolish its electoral commission and replace it with one reporting to the executive rather than the legislature. Each of which is, granted, a step

up from baselessly claiming that any election that they lose must have been rigged, but only just.

It is, however, bizarre that proposing to abolish capitalism should be considered an “extreme political stance.” As with the discussion of “democracy,” there is a definitional problem of capitalism. What sort of capitalism cannot be abolished: oligarchic capitalism, state-guided capitalism, big-firm capitalism, or entrepreneurial capitalism [22]? What about *laissez faire* capitalism (no or minimal regulation or state intervention), vulture capitalism (asset stripping), or crony capitalism (i.e., organized crime)? Or state capitalism, the term that has been used to describe the economic arrangements of China? Although that term has also been used to describe national economies that have effectively privatized profit and socialized risk, such as the United States. More importantly, where does this leave critiques, such as those of Marx [23], Piketty [24], and proposals for alternate economic systems [25], [26]? How can those works even be discussed without being labeled as attempts to “abolish” or “overthrow” capitalism (of whatever “flavor”)?

The most disturbing aspect of this statutory guidance is the entrenchment of capitalism as an economic framework that cannot be challenged. Capitalism is an idea, a way of organizing transactions or economic activity, which can work well or badly. Trying to legislate against the education of alternatives is a form of thought control, but consistent with many other attempts to diminish critical thinking at all stages of education [27].

- Opposition to the right of freedom of speech, freedom of association, freedom of assembly, or freedom of religion and conscience.

Again, fine-sounding words but actions belie them. Generally, the ongoing concern of the United Kingdom’s withdrawal from the EU is the accompanying threat to withdraw from the European Convention on Human Rights (ECHR), which a condition of membership of the EU. Then the only two European countries that would not be signatories of the ECHR would be the United Kingdom and Belarus. Like the threat to democracy, the opposition to human rights is not coming from “without,” but directly from the government defining this statutory guidance.

More specifically, the listing of XR on the Prevent Antiterrorism program, equating climate change activism with terrorism, shows how poorly drafted legislation and tendentious categorization can be used

to stifle legitimate free speech, critical thinking, and legitimate civil disobedience [28].

- The use or endorsement of racist, including anti-semitic, language, or communications.

What reasonable person would not be against this, except perhaps the Prime Minister of Great Britain, who has a “long record of controversial comments about women, gay people, and ethnic minorities” [29].

- The encouragement or endorsement of illegal activity.

With this point, the statutory guidance seems somewhat repetitious, so perhaps it is worth also repeating comments about repudiating international treaties, unlawfully proroguing parliament, and so on.

But there are two further points. First, an activity can be legalized, but that does not necessarily make doing it “right.” So, for example, there is absolutely no corruption in the United Kingdom, but there are a lot of consultancies, and a lot of that seems to be very ... “friendly.” Yet the government seems to be unwilling to reveal the extent of that “friendliness” [30].

Second, an activity can be proscribed, but that does not necessarily make doing it “not right.” A mature democracy knows when to persist with the pretence that conventional laws are like physical laws and cannot be broken (i.e., the rule of law), and when they can (or should) be broken, that is, almost every civil right movement in the last 2000 years. It takes a particular brand of ignorance, shamelessness, and insensitivity to potential consequences to undermine the rule of law abroad while stifling civil disobedience “at home.”

- A failure to condemn illegal activities done in their name or in support of their cause, particularly violent actions against people or property.

This guidance is of a type with the simplification of macroeconomics to home economics (i.e., that managing the economy of a country is equivalent to managing the economy of a household<sup>10</sup>). The implication and image here are of personal violence. However, as with economics, there is a microlevel and a macrolevel, where at the macrolevel, there is not just the “trickle down aggression” [31] of the culture wars, as mentioned above, but other forms of violence perpetrated by a ruling elite against its citizens. So, listed under this state-sponsored macro-violence

<sup>10</sup>Hint: they are not equivalent.

could, perhaps, be: covert infiltration of peaceful protest groups;<sup>11</sup> austerity [32]; hostile immigration policies; punitive welfare schemes (e.g., universal credit in the United Kingdom, “robodebt” in Australia); significant cuts to central government grants given to local authorities; human rights violations against people with disabilities; environmental violence (from fracking to transportation [33]); changes to planning laws covering land rights and development [34]; and of course, the violence of Brexit itself.<sup>12</sup>

**THERE ARE FOUR** conclusions. First, the statutory guidance of the compulsory National Curriculum issued by the U.K. government is a stream of wretched hypocrisy. Second, generally according to the terms and conditions of this guidance, teachers cannot use external agencies and resources supported and produced by the U.K. government (which, presumably, in an interesting twist of logic, includes the statutory guidance itself) because the U.K. government is an organization taking, by its own definition, “an extreme political stance on matters.” Third, it would seem rather likely that a program of research and development that proposes to use AI for equity could be construed as violating the ideological prescriptiveness of the guidance. Finally, there is a manifest insecurity and defensiveness about sneaking out prohibitions against “extreme political stances,” twice, in statutory guidance to the “relationships, sex, and health curriculum.” This is the behavior of a regime that knows it has no pretence to legitimacy, has already lost the intellectual argument, and is simply governing in bad faith. Disturbingly, its response to increasingly insistent calls for accountability and review is not to fail forward gracefully<sup>13</sup> but to increase its authoritarianism [36]. At some point, this regime will have to confront the generation whose prospects they wrecked with their mishandling of the climate crisis, Brexit, and the pandemic, and then what lies will serve them there among, their angry and defrauded young?<sup>14</sup> ■

<sup>11</sup>Especially undercover operatives initiating relationships, and even having children, with protesters. Perhaps, there is term for coercion into a sexual relationship without informed consent ....

<sup>12</sup>The state violence could potentially translate into physical violence in Northern Ireland, where the sectarian and unification conflicts of the 1970s and 1980s were resolved because of the joint membership of a supranational organization, with the “Good Friday” peace agreement being jeopardized by one party leaving that organization.

<sup>13</sup>It has been said that “all political careers end in failure.” So, perhaps do political regimes, but democratic regimes should fail forward for the same reason they should be accountable for those failures, that is, for systemic improvement. See [34] and [35].

<sup>14</sup>With respect to Rudyard Kipling, *A Dead Statesman*.

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