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# Beyond scrutiny? Minorities, majorities and post-modern tyranny

*by Michael Ovey*

## Summary

This paper examines how two arguments, the supremacy of the majority and the amorality of power, can put some exercises of power beyond scrutiny. It revisits the idea of 'tyranny' used by some earlier Christians and its biblical basis, and argues that an extended idea of tyranny helps analyse and appropriately resist certain contemporary claims that displace God as overlord in relation to the state, the church, the family and the individual. This ensures that such exercises of power do not escape scrutiny.

## Introduction

When you read a detective novel, there is always a sense of unease when you meet characters who are somehow beyond scrutiny. What puts them there? How do they stay there? In modern Western life two assumptions sometimes render the decisions of majorities and groups beyond scrutiny.

### *Majoritarian supremacy*

First, there is the assumption that majorities, whether in a legislature or a church governing body, intrinsically carry legitimacy. They can properly adjudicate on what schools should teach, what outrages public decency or what a denomination's 'official line' is. It is easy to feel: 'Perhaps I must accept the voice of the majority.' We shall call this 'majoritarian supremacy'.

Many Western Christians certainly see democratic institutions as biblically appropriate, putting flesh on the equality of humans alike made in God's image (Genesis 1:26ff). Further, the dispersal of power in democratic processes mitigates the temptations fallen humans face in holding power. But does that entail majoritarian supremacy, with its implication that there is no appeal from the voice of the majority?

### *Amoral equivalence*

The second assumption, very differently, argues that acts of power are essentially morally equal. Is democracy necessarily the antithesis of tyranny? Virginia Woolf famously commented that Great Britain and Hitler's Germany were little different. Often, of course, statements suggesting regimes are really the 'same' express strong disapproval as strikingly as possible. Sometimes, however, they express the more far-reaching view, that exercises of power are fundamentally equivalent in lying beyond ethical evaluation: they are in the zone of amorality. We shall call this 'amoral equivalence'.

Such attitudes predate post-modernism and Foucault's dissection of claims to truth and right as closet exercises of power.<sup>1</sup> Plato's character 'Thrasymachus' claims all regimes exercise power in their own interest.<sup>2</sup> All are like shepherds who fatten sheep for the table, a graphic expression of amoral equivalence.

Amoral equivalence is, of course, contested. Some radical feminists argue that, since Foucault's (or Thrasymachus') analysis renders all exercises of power equivalent, actions by men against women get removed from moral evaluation.

This misgiving underlines the scope of amoral equivalence. If power in the political arena is essentially amoral, then other areas involving power are apparently also amoral. As well as male violence against women, two obvious areas of concern arise for Christians, that of the church and the family. Is a pastor who 'leads strongly' really different from one who bullies a congregation? Should we distinguish between parental authority and parental authoritarianism?

Naturally, Christians recognise some degree of equivalence: all have sinned (Romans 3:23) and our exercises of power are alike imperfect actions by sinful

<sup>1</sup> See e.g. 'Truth and Power' in *Power/Knowledge*, C. Gordon (ed.), New York: Pantheon, 1980, pp.109–133.

<sup>2</sup> *Republic* Book 1.

people. Yet we do not normally regard all imperfect actions by sinful people as completely equivalent. The father who tries to love rather than exasperate his children, for all his imperfection, does not seem comparable with the father who finds a certain piquancy in his children's exasperation. If they really were amorally equivalent, injunctions about using authority after the Fall seem pointless.

Majoritarian supremacy and amoral equivalence both tend to put certain acts of authority above scrutiny, silencing criticism. This is especially pertinent for Western biblical Christians faced with being minorities in their states and sometimes in their denominations. How should one react to entrenched minority status? What legitimates continued dissent or moral disapproval on issues such as euthanasia or abortion once the majority has decided?

One tool earlier Christians used to examine questions of authority was that of tyranny. This paper briefly re-examines that earlier framework, looks back to its biblical foundations and considers how it might be usefully extended in our current situation.

## Background

We tend to hear 'tyranny' exclusively as a term of abuse rather than of clarification. It is useful, therefore, to retrace some earlier Christians' employment of the term.

'Tyrant' comes from the Greek world of the seventh century BC, and was applied to a particular kind of ruler, one dominating the state through his own abilities 'rather than by perceived conceptions of right'.<sup>3</sup> Where the kings of Hesiod and Homer were ideally lawgivers and upholders of justice as well as military leaders, tyrants' relationship with *dike* ('right') was more ambiguous. Some, playing on the need to protect citizens from oppression, had popular support. Equally, though, tyranny was associated with severity towards opponents and perceived rivals.

Aristotle and Plato in the classical period place tyranny in a general taxonomy of schemes of government, largely maintaining its pejorative associations. Interestingly, Xenophon in the *Hiero* could by then depict the tyrant as fundamentally unhappy, fearful of the patriotic assassin, unsure whether any truly loved him. Plato, who postulates a parallel between the city state and the human individual, suggests an individual can have a tyrannical mindset and an 'internal' tyranny.

## Christian adoption of tyranny ideas

Later, Christian theologians take up and modify some of this. During the Arian controversies of the fourth century Athanasius of Alexandria and Hilary of Poitiers castigated the emperor Constantius for his 'tyrannical' activities in oppressing upholders of the Nicene Creed. However, extended discussion of tyranny from a Christian perspective starts with John of Salisbury's *Policraticus* (1159). Our discussion centres on him, despite the wealth of material from Protestants in and after the Reformation.<sup>4</sup>

For John of Salisbury, like Plato, tyranny is not confined to the state. Tyranny can occur in state, church and family.<sup>5</sup> Each features relations of authority, which are ultimately rooted in delegations from the source of all authority, God. Accordingly, for John, not all rulers are tyrants. Authority alone does not excite John's ire, but its corruption. John does not accept the amoral equivalence argument.

The corruption of authority into tyranny follows from John's understanding that all human authority is ultimately rooted in God, and therefore has limits set by him. Tyranny becomes associated with defiance of God's laws.<sup>6</sup> Within the church, such tyranny merits non-recognition; within the family, action by the state; and, on the conventional reading of *Policraticus*, tyranny within the state legitimates the tyrant's death.

Later discussion understandably focuses on political tyrannicide, which Aquinas appears implicitly to endorse,<sup>7</sup> although the Council of Constance forbids.<sup>8</sup> Of course, this relates to the penalties tyranny deserves, not what counts as tyranny. The *Policraticus* thesis that tyranny relates to repudiation of the constraints of law is accepted. Thus the Renaissance writer Collucio Salutati writes:

We conclude, therefore, that a tyrant is either one who usurps a government, having no legal title for his rule, or one who governs *superbe* ['autocratically' seems the best translation] or rules unjustly or does not observe laws or equity; just as, on the other hand, he is a lawful prince upon whom the right to govern is conferred, who administers justice and maintains the laws.<sup>9</sup>

Salutati highlights that tyranny is not confined to the typical case of someone without title to authority seizing it. Salutati covers that case but goes further to include someone with lawful title abusing or exceeding what he has. Salutati also envisages a lawful prince being positively obliged to maintain the laws. Hence a prince's *omissions* in upholding law are also culpable, even though such a prince might look merely 'liberalising'.

However, can tyranny be rectified, either by the usurper acquiring just title subsequently, or by the prince who has not maintained the laws having his non-maintenance subsequently ratified? In answer, Salutati distinguishes between states with and without an overlord.<sup>10</sup> The state *without* an overlord can, he reasons, confer legitimate title on a usurper. The rationale is clear: the state gives what it has the right to give. Equally, then, the prince with lawful title who has not maintained his state's laws can have his failures corrected, for it is the state's right to amend its laws.

Yet the state *with* an overlord has no such title to give. Since it has an overlord, it cannot sanctify the usurper, nor legitimate one who fails to maintain the laws. This means a prince may have popular endorsement both for his 'title' and for his liberal 'maintenance' of the laws, yet still be a tyrant because he has exceeded the terms of authority delegated to him. This thinking does not, then, unqualifiedly accept the majoritarian supremacy argument.

Alexis de Tocqueville's proposal that there can be a 'tyranny of the majority' becomes relevant here.<sup>11</sup> De Tocqueville's terms of 'tyranny of the majority' sound paradoxical – democracies are sometimes thought inherently non-tyrannical. He observed, however, that 'democratic' majorities could significantly oppress minorities, indulging in characteristic tyrannical activities of suppression and expropriation. Moreover, this could all, in a democracy, be apparently 'legal', since a thoroughgoing democratic state would subordinate all avenues of redress and protection to the majority.<sup>12</sup> As de Tocqueville was writing *Democracy in America* (1835–9), native Americans were indeed suffering expropriation and ethnic cleansing by a democratic state.

British Christians, perhaps, have not always paid de Tocqueville sufficient attention. However, the Roman Catholic J.V. Schall goes beyond de Tocqueville in commenting critically on 'democratic tyranny'.<sup>13</sup> Schall argues we must now recognise a new variety of tyranny alongside such obvious versions as Hitler or Stalin. This new category carries, in the West at least, a distinctive form: 'The danger of democratic tyranny lies in precisely the inability to recognise what is good and what is evil.'<sup>14</sup> This inability Schall describes is naturally close to the view that all power is amorally equivalent.

7 In *Summa Theologiae* 2a2ae.42.2 resisting the tyrant is not sedition, but a defence of justice.

8 In 1415. Session XV.

9 *De Tyranno* 1.

10 *De Tyranno* 2.

11 *Democracy in America* I.xv.

12 *Democracy in America* I.xv.

13 'A Reflection on the Classical Tractate on Tyranny: the Problem of Democratic Tyranny', *American Journal of Jurisprudence*, 41, 1996, pp.1–19.

14 Schall *op. cit.* sect. XI.

3 J.F. McGlew, *Tyranny and Political Culture in Ancient Greece*, Ithaca and London: Cornell University Press, 1993, p.52.

4 E.g. Samuel Rutherford's *Lex Rex*, 1644, and the *Vindiciae, contra Tyrannos*, 'Stephanus Junius Brutus' (a pseudonym), 1579.

5 *Policraticus* VIII.17.

6 *Policraticus* IV.1; VIII.17.

In de Tocqueville's terms, a democratic majority that denies discrimination is possible between good and evil very plausibly seems unconstrained. John of Salisbury might comment too that cultures or majorities that deny such discrimination was possible do indeed defy law, specifically God's law, and teeter, therefore, for all their democratic credentials, on the brink of tyranny.

## Tyranny within a biblical framework

### *God as ultimate overlord*

A key feature of the foregoing argument about the applicability of tyranny concepts is that our structures of authority fall into the category Salutati describes as states with overlords. Several considerations are relevant, starting with creation.

God's creative work is strongly associated with ownership. Psalm 24:1–2 gives a classic description: 'The earth is the LORD's and everything in it, the world, and all who live in it; for he founded it upon the seas and established it upon the waters.'<sup>15</sup> Psalm 24 depicts God's kingship, but starts with God's ownership of the cosmos, basing that ownership (the connective 'for' starting verse 2) on his work in creation.

Such notions of ownership are foreign, indeed, offensive to our current culture. Belonging to another hardly fits with current stresses on autonomy. Yet Psalm 24 indicates that God is entitled to legislate for every human being irrespective of that human's consent. God's right to rule does not depend on consent, either of the individual or the masses, unlike our paradigm ideas of political authority deriving from popular mandates. Shatteringly, given our cultural assumptions, God's rule might be unpopular but still legitimate, his laws disliked yet still valid.

Against this backdrop of universal ownership, a pattern of delegated authority on God's terms becomes discernible. First, and most obviously, humankind is given dominion over creation. Yet this dominion is not absolute. (Thus Genesis 9:1–6 reserves the animal's blood, indicating that its life was not given by humans to be taken by humans, but given by God.)

Secondly, dominion between humans politically is also seen as a gift by God. Nebuchadnezzar illustrates this: his pretension to have built Babylon himself (Daniel 4:30) is starkly exposed by his reduction to powerlessness and madness (Daniel 4:33), while his recovery is interpreted as God restoring his kingdom (Daniel 4:2, 34–37; compare Daniel 2:21).

Certainly this raises acute questions about Providence and theodicy when confronted with some of the regimes that have disfigured human life. Yet the biblical witness is that such regimes have no authority independent of God, and therefore remain accountable to him.

Thirdly, authority in the church is also delegated and therefore limited. Paul sees limits even to apostolic authority: he himself cannot alter the Gospel (Galatians 1:8), and he opposes the implicit compromises of his fellow Apostle Peter (Galatians 2:11). This must be stressed. Even if one granted 'apostolic' status to individuals or to synods and councils (a version of 'apostolic succession'), this still would not confer authority to alter the Apostles' canonical teaching. For they themselves had no such authority.

Similar patterns occur with the New Testament presbyterate. A presbyter must 'hold firmly to the trustworthy message as it has been taught, so that he can encourage others by sound doctrine and refute those who oppose it.' (Titus 1:9). Presbyters, then, are constrained as to their beliefs, and have duties comparable to Salutati's prince maintaining the laws: duties of teaching sound doctrine while refuting false teaching.<sup>16</sup>

Fourthly, patterns of authority include the family. Ephesians 6:1–3 sets out children's duties of obedience, while Ephesians 6:4 clarifies that paternal authority (judging from Proverbs, this duty also applies to mothers) has constraints, notably the parent's

right is not to bring a child up simply as he sees fit, but rather in the teaching of God. Obviously within this family sphere, many Christians see duties of authority and responsibility placed on husbands (Ephesians 5:22–33,<sup>17</sup> Colossians 3:18–19, Titus 2:4–5, 1 Peter 3:1–7). This, too, is a constrained authority since a husband must mirror and emulate Christ.

Fifthly, all human authority must be placed within the framework of God's final plan for the cosmos, to bring all things under the headship of Christ (Ephesians 1:10). Any human exercise of authority must then be seen within Christ's overlordship. There are no free-standing areas of authority where humans somehow remain unaccountable.

Clearly, then, the biblical material countenances neither amoral equivalence, nor majoritarian supremacy. It is worth, though, pausing on the striking extension of earlier reflections on tyranny, that failures to exercise authority can be criticised as tyrannical.

### *Extended concepts of tyranny*

Abuse of power is trenchantly criticised in Israel's history – warned about in Samuel's descriptions of kingship (1 Samuel 8:10–18) and instantiated in the actions of Saul, Solomon, the Assyrians and so on. Worldwide, such abuses continue. They exceed the biblical mandates for state authority, so that on occasion particular pieces of legislation should not be obeyed (Daniel 6) and considerable Christian thought (see Thomas Aquinas<sup>18</sup>) regards armed response in such situations as not necessarily sinfully seditious but as upholding law.

Nevertheless, refusing to fulfil God-given responsibilities is also criticised. Eli's failure as priest and father to discipline his sons results in judgement (notably 1 Samuel 3:13). David's failure as king and father to discipline and judge Amnon for the rape of Tamar (2 Samuel 13), and Absalom for the murder of Amnon (2 Samuel 14) alike receive implicit criticism as David's function as law-maintaining king is first parodied by Absalom's vendetta and then nearly displaced in Absalom's rebellion. In the New Testament Revelation 2:18–29 warns the church of Thyatira against tolerating the teaching of 'Jezebel'. No doubt the failures of responsibility were popular in one sense. Yet the holders of responsibility do not have discretion to refuse to exercise their authority. Their refusal defies God's law, as firmly as the more obvious abusers of power.

Thus John of Salisbury's root contention that authority properly derives from God is well-taken biblically, as is his point that delegated authority can be abused. The gift of authority is no *carte blanche*. Unilateral alteration of the contours of God-given authority is not possible, even by popular demand. 'Tyranny' can be usefully extended beyond its more obvious applications.

## Applications of extended concepts of tyranny

John of Salisbury envisaged tyranny in three spheres: political, ecclesiastical and familial. It is worth examining these spheres in the light of extended ideas of tyranny.

Politically, a particularly acute example of the state's benevolently-meant but tyrannical activity is in education. In the UK, the state's assumptions of responsibility in areas of sex education and 'good citizenship', even if well-intentioned, risk being tyrannical both as it 'relieves' parents of responsibilities that properly lie with them and as it introduces its own agenda of good citizenship. In France, the prohibition of certain styles of dress in schools again introduces a principle by which the state can displace the parent in a child's upbringing.

Here, education can manifest a double 'tyranny': that of parents refusing responsibilities of instruction on the grounds the state will discharge them, and that of the state inculcating values of liberal secular pluralism.

17 The argument that Eph. 5:22 deals with 'mutual submission' fits the immediate context poorly, produces inconsistency with the other passages cited, produces eccentric results for Christ's relation with the church and unduly restricts the semantic range of *alloeis* in 5:21. It is accordingly rejected.

18 *Summa Theologiae* 2a2ae.42.2.

15 NIV. Compare Pss 89:11; 95:3–5 and 100:2–3.

16 Compare Eph. 4:7–16: the church belongs to Christ, and he gives gifts to preserve its life, ministry and faithfulness in the truth.

Again, the UK is currently seeing significant erosion of Christian freedoms: Christian freedom of association is potentially impacted by recent legislation making employment of specifically Christian staff more difficult. Christian freedom of speech is pressured by categorising the public statement of some Christian moral positions as hate crimes (witness the way the Chief Constable of Cheshire ‘publicly rebuked’ the Bishop of Chester over his statements that counselling was available for those facing homosexual temptation<sup>19</sup>).

These cases highlight that Christians cannot give unqualified commitments to obey majorities. If they did, that amounts to saying the majority has no ‘overlord’ and either derives its power legitimacy from something other than God or simply from itself. Such absolute commitments amount to complicity in the tyranny – to use the word in an extended sense – of majoritarian supremacy.

Ecclesiastically, the recent agonies of the Church of England reveal two proposals relying on majoritarian supremacy. One is that denominations should mirror the values of the surrounding culture. Another is that Christians today may reach new understandings from their own general experience despite conflicts with expressed biblical truth. Appeals are often made here to ‘seeking the mind of Christ’ and ‘being guided by the Spirit’ (appealing to John 16:13).

Both proposals employ popular consent for legitimation and, characteristically today, feature liberalising effects. Sexual ethics are perhaps most obvious, but equally important are the pressures to drop teaching perceived as obnoxious, such as the uniqueness of Christ’s saving work. The mood, then, is to depict these changes as liberal in intent and popularly warranted.

However, authority within the church derives from God and is given on his terms. The British public does not satisfy the criteria of teaching given in Titus 1:9, nor do media commentators. Clearly then, they should not have teaching authority within his church, which is what the first proposal amounts to.

Similar considerations apply to the contention that current church members can formulate what they think is the mind of Christ. This ostensibly submits to Christ’s guidance, but such ‘guidance’ seems empty since Christ is allowed no voice but theirs. This sits poorly with Paul’s understanding of his apostleship, since he does envisage external constraints on what he can teach. The appeal to John 16:13 decontextualises the verse from John’s general teaching about the Spirit, which is that he witnesses to Christ and does so consistently with the teaching of the incarnate Christ: John 14:26; 15:26. It does not justify claiming the Spirit himself contradicts what he says elsewhere in Scripture. Calvin was surely right to see such arguments as ecclesiastical tyranny, for all the consensualist, liberalising stances.<sup>20</sup>

Turning to the family, here too an extended tyranny is discernible. English educational philosophy currently tends strongly to refuse to let children be children. Thus, argues Melanie Phillips, so-called child-led educational strategies impose responsibilities on children which they cannot meet, while allowing adults to refuse responsibility.<sup>21</sup> Clearly, child-led ideology appears to maximise individual choice and freedom and

seems liberal. However, it is tyrannical in its inconsistency with biblical expectations of parental responsibility for instruction.

The analysis of John of Salisbury can profitably be extended in one further way, though. John analysed tyranny in political, ecclesiastical and familial spheres. His logic suggests a fourth sphere, that of the individual. For here too the concept of overlord applies. If we are owned by God (for he made us), then those rights of ownership that underpin discussion of delegated authority socially must also entitle him to delegate the terms on which the individual may dispose of herself. This opens up, as Plato saw so long before, the prospect of internal tyranny, again a tyranny marked by ‘liberalism’ as laws of self-control we should maintain are dispensed with. Similar understandings lurk within Bunyan’s *Holy War* where the city of Mansoul is alienated from its true overlord.

Contemporary notions of individual autonomy make this highly relevant. In the Byzantine Empire, the emperor alone was said to be *autokrator*, self-ruler. The individualism of the post-modern West implies a society of *autokratores*. For this is the spirit articulated by J.S. Mill’s *Essay on Liberty* and its claim that the individual is the sovereign of him or herself.<sup>22</sup>

Such self-tyranny is obviously attractive – one can legitimate a more liberal moral regime for oneself. Moreover the temptation to collusion and complicity, to acknowledge the legitimacy of another’s self-tyranny, are also obvious. For in acknowledging the legitimacy of their self-tyranny, one has a claim on their support for one’s own.

## Conclusion

We have examined the tyrannical implications of majoritarian supremacy and amoral equivalence in that both imply rejection of an overlord. Yet humanity’s inclination is to repudiate its divine overlord, and the moral authority of majoritarian supremacy offers powerful justifications for this. Thus Philip Pulman’s trilogy *His Dark Materials* opens up the prospect of a ‘Republic of Heaven’. It sounds grand, seemingly egalitarian, democratic and liberal, and articulates, judging by its popularity with the intelligentsia, a common hope. Such rationalisations are hard to resist in our culture, but the material we have examined enables us to see Pulman’s vision for what it is – a defence of tyranny. That defence of tyranny is marked in the trilogy by the death of the celestial overlord, a very graphic way of abolishing human accountability. But there Pulman’s work (unconsciously?) approaches reality, for humans actually did put our celestial overlord to death in our murder of God the Son. The mistake is to forget that the Son was raised, and to accept the illusion of a ‘Republic of Heaven’ rather than the reality of the Kingdom of the Son.

22 J.S. Mill, *On Liberty*, London: Penguin, 1974, pp.68–9.

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19 *The Times*, 11 November 2003.

20 *Institutes* Book 4.

21 *All Must Have Prizes*, Little, Brown, 1996.

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