

"Who is afraid of William Tell? Old-fashioned reflections on democracy"

A plea for our individual freedom

by Thomas Scherr



«Who is afraid of William Tell? Old-fashioned reflections on democracy». * This is the title of Oliver Zimmer's book published in November 2020. The author teaches modern European history in Oxford. He has been living in England for twenty years, but his roots lie on the shores

of Lake Zurich. We recommend any democrat who has preserved his spirit of freedom to read his book.

«This is not a pamphlet against Brussels. It is a plea for a self-confident Swiss Republic," says the cover blurb of this book published by *Echtzeit Verlag* in Basel. One could add that it is a plea for every true democrat. With many examples, Oliver Zimmer illustrates how an elitist upper class with a truncated understanding of "liberalism" is destroying democratic barriers all over the world in order to impose its own interests, which it naturally considers to be fair and "democratic".

Is democracy old-fashioned?

The subtitle "Unzeitgemässes zur Demokratie" [Old-fashioned reflections on democracy] is quite ironic because of historian *Oliver Zimmer's* clear, unambiguous and logical – timeless, so to speak, way of nailing it down clearly. The fact that, at this moment in time, his thoughts seem "out of place" is due to the spirit of the times. Zimmer exposes this with the help of selected examples from the fields of culture, politics and historiography. In doing so, he draws on his many years of observation in Switzerland and Great Britain.

Democracy and liberalism

He manages without much effort to show that our current view of liberalism is contrary to what we understand by democracy. Using various ex-

amples, he draws a remedial line from liberalism to democracy at the end of his book with *Norberto Bobbio*: "democracy develops naturally from liberalism, motivated not by the demand for economic equality but by the desire for popular sovereignty. Once political and citizenship rights are recognised, this desire for sovereignty is quickly established. The political participation of citizens is legitimised by constitutionally guaranteed rights, and at the same time, democratic practice protects these rights from autocratic abuses of power: in the long run, only democratic participation guarantees civil rights. Where they lack, only the right to resist arbitrariness and oppression remain in order to defend liberal freedoms. The interdependence of liberalism and democracy is also illustrated by the fact that any authoritarian state is both anti-liberal and anti-democratic". (p. 163)

A misunderstood liberalism

How is it possible that what is understood today by "liberalism" can abrogate our democratic rights? It is no coincidence that Zimmer attributes this, among other things, to the contradiction between the jurisprudence of the European Court of Human Rights (ECHR) [in Strasbourg] and that of the European Court of Justice (ECJ) [in Luxembourg] which, in the name of "equal rights for all and everywhere", bulldozes out all the rights developed on the ground through democratic processes. This jurisprudence has now a profound impact on Switzerland as well, even though our country is not a member of the EU.

The EU, a democracy?

"In a political community like the EU, without a Parliament with extensive and diverse powers, there are not the elected representatives of the people who act as political legislators, but the courts of the Union. This is what is meant by «law-based community» in the EU Commission and in the EU administration: the mere formal ex-

istence of the much-lauded separation of powers, which is, in reality, the domination of the European courts over the national parliaments. It is through the instrument of the European courts that democracies legitimated by nation states get ostracised. (p. 150)

**CH-EU framework agreement:
loss of political and democratic compass**

Zimmer clearly describes the framework agreement between Switzerland and the EU that is currently being negotiated: "With this agreement, the EU is demonstrating its perfectly legitimate intention to apply its legal code in an unlimited manner, even with regard to a contractually associated third country like Switzerland. With the framework agreement, Switzerland would de facto become a member of the EU without any voting rights. It would commit itself to adopt existing and future EU legislation in a dynamic manner. If the Swiss parliament and voters were to oppose it in certain cases, the ECJ would have the final say. Anyone who de-

scribes the framework agreement as an acceptable compromise (for example, because of the arbitration tribunal mentioned in the case of a dispute) has lost his political and democratic compass. In the context of the EU legal framework, direct democracy (and to some extent also parliamentary democracy) represents a disruptive factor contrary to the system. ...] In other words, if you remove the smoke and mirrors of the arbitration court, it is an extremely unilateral state treaty, the likes of which Switzerland has never signed in its peacetime." (p. 157)

Zimmer's publication contains enough spikes to allow for a lively discussion on the current direction of Swiss foreign policy. The issues raised are of great concern to us. Thus, he also presents the positions of renowned writers, jurists, historians, business leaders and politicians on the issue raised. We hope that this book will be read by a wide audience in Switzerland and abroad.

* Zimmer, Oliver. *Wer hat Angst vor Tell? Unzeitgemässes zur Demokratie*. Echtzeit Verlag Basel, 2020