

3

Politicians, the Press and 'Skin in the Game'

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ABSTRACT

In this article the author argues that the Australian government (and indeed most other democratic governments) has badly mishandled its response to the corona virus. It has significantly infringed on civil liberties; mistrusted the public to act sensibly; noticeably expanded debt and deficits, and hence Big Government, with no palatable route out of that situation; failed to follow the better Swedish model; and is in danger of being seen, not too far in the future, as having indulged in one of the worst public policy fiascos of the century.

I INTRODUCTORY CLAIMS

The essayist Nassim Taleb, who made his name with the wider public with his 2007 book *The Black Swan*¹ (a book with some very powerful insights but a miserable prose style), has long had a fascination with uncertainty and events that fall at the far ends of statistical distributions. He is also a firm believer in only being guided by those who have 'skin in the game' – this catchphrase also being the title of his most recent 2018 book.² The idea is that those who will bear the costs and benefits of any decisions they make will tend, in the face of uncertainty, to make better calls. Remember that claim, that insight, because I will come back to it later in this article.

Meantime, let me turn to the Wuhan virus, in politer, more po-

¹ Nassim Taleb, *The Black Swan* (Random House, 2007).

² Nassim Taleb, *Skin in the Game* (Penguin Random House, 2018).

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litically correct circles (so all of media and government) also known as the corona virus giving rise to 'Covid-19'. As I have made clear elsewhere,³ were it up to me I would not have abandoned the original label of 'Wuhan virus' even if that amounts to little more than an idiosyncratic protest against some of the more tangential idiocies of political correctness with their willingness to stop speaking the truth if such talk might, just might, offend others. I, overwhelmingly, am on the side of free speech⁴ and the J.S. Mill notion that blunt speaking in the back-and-forth cauldron of competing views is the least-bad and most effective method of discovering truth – feelings of offence or psychic harm be damned. But whatever you choose to call this virus, the Australian government's response to it is at the core of this law review's special issue. Indeed, it was to write on some aspect of the government's handling of this Wuhan or corona virus that the editor of this law journal invited me to contribute – a very kind invitation that I gladly accepted. What follows is my short article on that general theme.

Let me begin by laying my cards on the table. I have been a sceptic of the Australian, and most other, government's reactions to this virus virtually from day one. In fact, I started expressing my scepticism about the heavy-handed, lockdown-driven road the Morrison

³ As it happens, at the same time I was approached and asked to write an article by this law review for a special issue on the theme of the coronavirus, I was also approached by another Australian law review for a piece on the same general theme. In that other law review I wrote on how the government's response was differentially affecting the young and the old – that the costs were overwhelmingly falling on the young while the benefits of the government response went to the old. That other article should appear more or less when this issue appears and I make the same point about being a strong supporter of free speech there as I do here. See James Allan, 'The Corona Virus: Old vs Young' *Griffith Journal of Law & Human Dignity* (forthcoming).

⁴ See, for example, academic pieces of mine such as James Allan, 'Hate Speech Law and Disagreement' (2013) 29 *Constitutional Commentary* 59; James Allan, 'Free Speech is Far too Important to be Left to Unelected Judges' (2013) 4 *The Western Australian Jurist* 5; and James Allan, 'The Administration of Australian Universities: A National Scandal? Or Amiss in Funderland?' in W Coleman (ed) *Campus Meltdown: The Deepening Crisis in Australian Universities* (Connor Court, 2019) 23 together with many of my weekly columns in the *Spectator Australia*.

POLITICIANS, THE PRESS AND ‘SKIN IN THE GAME’

government was travelling on way back at the start of April in the pages of the *Spectator Australia*.⁵ Nothing I have read about the virus since then has changed my mind that in big picture terms the Swedish government got this right (as did Taiwan’s) and virtually the whole of the rest of the democratic world’s political class made a big time mess of things. What I said back then I’ll repeat now: in a decade this will be looked back on as one of the most colossal public policy fiascos of the century.

And the general recipe followed by Australia’s, Britain’s, Canada’s and virtually all Western governments involved some combination of the following: shut down or lockdown businesses the bureaucratic-political complex deems ‘inessential’ as well as whole swathes of civil society including churches, gyms, clubs and more; indulge in extraordinary inroads into people’s civil liberties; do not trust average citizens to make sensible decisions as regards how to deal with the virus but rather churn out regulations, one of whose effects is to turn the police into an arm of the nanny state; in this way lockdown huge chunks of the productive economy; pay – make that over-pay – all sorts of people to do nothing at all while having no plausible politically palatable route out of that situation; and in doing all that become the biggest government spenders possibly in the country’s history, saddling the next generation with untold debts and much poorer employment and life prospects.⁶

Now those unprecedented steps make up the sort of package of policies you might unleash when faced with the 14th century’s Black Death, which is estimated to have killed from a third to a half of Eu-

⁵ See, for a few instances, James Allan, ‘End of the World? Call me Sceptical’ *Spectator Australia*, 4 April 2020; James Allan, “‘We’re all in this Together?’ and other Myths of the Corona Crisis’, *Spectator Australia Flat White*, 8 April 2020 <<https://www.spectator.com.au/2020/04/were-all-in-this-together-and-other-myths-of-the-corona-crisis/>>; James Allan, ‘Corona Notes’, *Spectator Australia*, 18 April 2020; James Allan, ‘Churchill in Reverse’ *Spectator Australia*, 9 May 2020; and James Allan, ‘Fear Porn Panic’ *Spectator Australia*, 23 May 2020.

⁶ These effects on the young are more fully set out in James Allan, ‘The Corona Virus: Old vs Young’ *Griffith Journal of Law & Human Dignity* (forthcoming). See also (n 3). For the financial carnage looming, see below.

rope's population.⁷ By contrast, Professor John Ioannadis (a Professor of Medicine, of Health Research and Policy and of Biomedical Data Science, at the Stanford University School of Medicine), using data up to July 11th, 2020 and in a paper yet to be peer-reviewed, concluded of the corona virus that:

Across 32 different locations, the median infection fatality rate [meaning if you get it this is your odds of dying] was 0.27 % (corrected 0.24%).... [Concluding that] the infection fatality rate of COVID-19 can vary substantially across different locations and this may reflect differences in population age structure and case-mix of infected and deceased patients as well as multiple other factors. Estimates of infection fatality rates inferred from seroprevalence studies tend to be much lower than original speculations made in the early days of the pandemic.⁸

Likewise, in June 2020, Aynsley Kellow claimed that '[t]here are at the time of writing fifty-one studies based upon the polymerase chain reaction or seriological studies that give a mean IFR [Infection Fatality Rate] of 0.27 per cent'.⁹ Now clearly there is much uncertainty surrounding this corona virus – much that is contested about its prevalence and its lethality and more. Still, it has been plain for some time that we are not dealing with the Black Death or anything remotely in that league; in fact, the corona virus does not even come near to approaching the lethality and seriousness of the Spanish Flu. Here is how *The Wall Street Journal* sums it up:

About 80% of Americans who have died of Covid-19 are older than 65, and the median age is 80. A review by Stanford medical pro-

⁷ See Sharon N DeWitte, 'Mortality Risk and Survival in the Aftermath of the Medieval Black Death' (2014) 9(5) *PLoS One* 1.

⁸ John Ionnadis, 'The Infection fatality rate of COVID-19 inferred from Seroprevalence Data', *medRxiv*, 13 July 2020 <<https://www.medrxiv.org/content/10.1101/2020.05.13.20101253v3>>.

⁹ See Aynsley Kellow, 'COVID-19 and the Problem with Official Science' 2020 (June) *Quadrant* 14. See too at 19: 'All the evidence on the IFR of COVID-19 suggests it is about as lethal as seasonal flu, and we would do well to recall that the 1968-69 Hong Kong flu killed an estimated one million worldwide and about 100,000 in the US, but did not even lead to the cancellation of the Woodstock festival.'

fessor John Ioannidis last month found that individuals under 65 accounted for 4.8% of all Covid-19 deaths in 10 European countries and 7.8% to 23.9% in 12 US locations. For most people under the age of 65, the study found, the risk of dying from Covid-19 isn't much higher than from getting in a car accident driving to work.... Fatality rate comparisons between Covid-19 and the flu are inapt because they affect populations differently. Children under age 14 are between 6.8 and 17 times less likely to die of Covid-19 than the seasonal flu or pneumonia, assuming 150,000 coronavirus deaths this year....[T]hose over 75 make up about two-thirds of deaths while those younger than 45 make up less than 2%....[Nonetheless], the good news is that most people over age 65 who are in generally good health are unlikely to die or get severely ill from Covid-19.¹⁰

Or, to take just one representative US State, the State of Pennsylvania, more people over 100 years of age have died of the corona virus than under 45, more over 95 years of age than under 65, and more over 85 than under 80.¹¹ For those under 15 in Britain there is a greater chance of dying from being hit by lightning.¹²

My point is that all the extraordinary steps taken by Australia's government, and to be fair by those of almost all other democracies, were taken to combat a virus that looks not much worse than a bad flu season that kills about 0.2 percent of people who catch it.¹³ For that, the political class, on the advice of its medical experts, ordered businesses to shut; indulged in extraordinary inroads into people's civil liberties; went a good way towards annihilating the economy; and ru-

¹⁰ See The Wall Street Journal Editorial Board, 'The Covid Age Penalty', *The Wall Street Journal*, 12 June 2020.

¹¹ See Pennsylvania Department of Health Bureau of Health, 'Weekly Report for Deaths Attributed to Covid-19', Statistics and Registries, 17 May 2020.

¹² Or so says Professor David Spiegelhalter of the University of Cambridge's Winton Centre for Risk. This was widely reported including in 'School Age Children more likely to be hit by lightning than die of the coronavirus' *London Telegraph*, 9 June 2020 <<https://www.telegraph.co.uk/politics/2020/06/09/school-age-children-likely-hit-lightning-die-coronavirus-oxbridge/>>.

¹³ Full Fact, 'How does the new coronavirus compare to influenza?', 11 March 2020, <<https://fullfact.org/health/coronavirus-compare-influenza/>>.

ined the businesses and lives of many in the private sector. And they did all this – to put the point in further contrast – when it is the case that 161,000 or so people die every year in this country;¹⁴ when it is the case that between 1,500 and 3,000 Australians die every year of the flu;¹⁵ and when about 1,200 Australians die yearly in car accidents.¹⁶ Meanwhile the Wuhan/corona virus has not even made it into the top 50 causes of death in Australia.¹⁷

II SWEDEN, CIVIL LIBERTIES AND ‘NO SKIN IN THE GAME’ PRESS & POLITICIANS

In the remainder of this short article I want to consider, or speculate on, why this has happened and dole out some blame. However, I will first digress briefly to Sweden. Then remind readers of the economic costs of these governmental decisions to lockdown, as well as the civil liberties’ costs. Then I will turn to consider the press and the politicians, and the fact that many have no skin in the game. I will finish with thoughts on the voters more widely.

First, then, comes my digression to Sweden. You see Sweden did not impose a government lockdown or shut down on businesses or drive a

¹⁴ See, for example, Australian Bureau of Statistics, ‘Causes of Death, Australia, 2018’ (September 25, 2019). <<https://www.abs.gov.au/ausstats/abs@.nsf/0/47E19CA15036B04BCA2577570014668B?Opendocument>>; Australian Bureau of Statistics, ‘Causes of Death, Australia, 2017’, 26 September 2018, <<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/3303.0~2017~Main%20Features~Summary%20of%20findings~1>>.

¹⁵ See table titled ‘Leading causes of death, Australia, selected years – 2009, 2013, 2018’ at Australian Bureau of Statistics, ‘Causes of Death, Australia, 2018’, 25 September 2019, <<https://www.abs.gov.au/ausstats/abs@.nsf/0/47E19CA15036B04BCA2577570014668B?Opendocument>>

¹⁶ Australian Government, Department of Infrastructure, Transport, Regional Development and Communications, ‘Road deaths: 12 month total Australia’, June 2020, <<https://app.powerbi.com/view?r=eyJrIjoiaMTU1MjFmMWEtNWl2Yy00Mjc2LTg1NzQtZmUwOGE0MTE0MTVhIiwidCI6ImFhMjFiNjQwLWJhYzItNDU2ZC04NTA1LWYyY2MwN2Y1MTE0NCJ9>>.

¹⁷ Ramesh Thakur, ‘Let’s learn from this pandemic to be better prepared for the really big one’, May 30, 2020, <<https://johnmenadue.com/ramesh-thakur-lets-learn-from-this-pandemic-to-be-better-prepared-for-the-really-big-one/>>.

POLITICIANS, THE PRESS AND 'SKIN IN THE GAME'

truck through civil liberties. It gave its citizens advice, trusted them – which, yes, did mean that businesses suffered from the choices some citizens voluntarily made to be cautious and stay home, though the economic suffering was nothing like what happened to similar businesses elsewhere under government-mandated lockdowns – and then tried to protect the elderly and frail (though they were far from perfect on that latter front).¹⁸ And yet so far, and including the fact authorities almost everywhere count deaths with corona as part of deaths *because* of corona, there have been all up 5,697 deaths in Sweden from the virus. (Translated to Australia's population that would be about 14,000.) In terms of deaths per million Sweden's deaths have been fewer than in Belgium, the UK, Spain and Italy, not all that much above France, and within sight of the US – all the others being keen lockdowners.¹⁹ Or put differently and less sensationally, 99.95 percent of Swedes have not died of the corona virus, so some way short of the Black Death. For those Swedes under 60 years of age, 99.998 percent have not died from it.²⁰

And Sweden matters because it goes some way to giving us a real-life counter-factual instance of what would happen if a country had opted not to impose a heavy-handed, civil liberties-curtailing lockdown. On top of that Sweden matters because the temptation for many is to treat correlation as causation – reasoning that as Australia's death toll is low, and as this country did experience lockdowns, therefore the

¹⁸ As the Swedish epidemiologist advising his government, Anders Tegnell, admits. See Mark Corcoran and Bronwen Reed, 'Anders Tegnell, the man behind Sweden's contentious coronavirus plan, has a legion of fans – and critics', *ABC News*, 30 June 2020 <<https://www.abc.net.au/news/2020-06-30/anders-tegnell-architect-of-the-swedish-model-coronavirus/12384966>>.

¹⁹ On 27 July 2020 at 1pm the numbers of deaths per million of population were: Belgium 847; the UK 674; Spain 608; Italy 581; Sweden 564; France 462; and the US 453. And total Swedish corona deaths were as stated, 5,697: <<https://www.worldometers.info/coronavirus/#countries>>.

²⁰ This plainly makes it a negligible cause of death for Swedes under 60, see Ramesh Thakur, 'The Rise and Fall of Coronavirus Modelling', 27 May 2020 <<https://johnmenadue.com/ramesh-thakur-the-rise-and-fall-of-the-coronavirus-models/>>: 'The best-known example of a country bucking the model is Sweden. Without compulsory lockdowns and with much of activity as normal, 99.998% of Swedes under 60 have survived.'

FUNDAMENTAL RIGHTS IN THE AGE OF COVID-19

latter must have caused the former.²¹ Yet as Sweden's top infectious disease expert, Anders Tegnell, early on stated, there is little to no scientific evidence that lockdowns work²² – the implication being that Australia's very low death count was a function of causes other than the lockdowns. Indeed, even the establishment British medical journal *The Lancet* is now running articles that come to the same conclusion about lockdowns not being associated with lower coronavirus death counts.²³ And even if that is incorrect, and lockdowns are a net positive on the purely 'do they end up lowering immediate deaths from the corona virus' side of the ledger,²⁴ it is still true that lockdowns have staggeringly huge economic impacts, which themselves, in turn, have big health impacts. As the American writer Heather MacDonal has noted:

²¹ All of the above explains why the press (which in large part has been an enthusiastic supporter of lockdowns) and the medical bureaucracies seem at times to be hoping for the worst for Sweden, in order to show that they were right and Sweden's bucking of the received orthodoxy was wrong.

²² In Jon Miltmore, 'Why Sweden Succeeded in "Flattening the Curve" and New York Failed' *Foundation for Economic Education* (15 July 2020). Note, too, that in the United States per capita Covid fatalities were 75% lower in non-lockdown states than in lockdown states. See 'News From the Non-Lockdown States' *The Wall Street Journal*, 23 June 2020 <<https://www.wsj.com/articles/news-from-the-non-lockdown-states-11592954700>>.

²³ See Chaudry, Dranitsaris, Mubashir, Bartoszko and Riazi, 'A country level analysis measuring the impact of government actions, country preparedness and socio-economic factors on COVID-19 mortality and related health outcomes' *The Lancet*, 21 July 2020) <[https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370\(20\)30208-X/fulltext](https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(20)30208-X/fulltext)>. In the 'Findings' section the authors state: 'Rapid border closures, full lockdowns, and wide-spread testing were not associated with COVID-19 mortality per million people'.

²⁴ Whether that be the case or not, there are non-corona virus deaths to be considered too – namely, other sorts of deaths caused by lockdowns. In the context of Britain, see for example Laura Donnelly and Sarah Knapton, "'Lockdown has killed 21,000 people", say experts' *London Telegraph*, 29 July 2020. The research referred to in that article also claims that there could be up to 35,000 extra cancer deaths from missed screening. The general point here is about the possibility that the lockdowns themselves may cause other sorts of deaths in the medium to longer term – such as suicides from loneliness, deaths that flow from missing cancer (or other medical) screenings, later deaths from the economic carnage these things cause, and so on.

POLITICIANS, THE PRESS AND ‘SKIN IN THE GAME’

Anyone who warned that the effects of the lockdowns would be more devastating than anything the coronavirus could inflict was accused of being a heartless capitalist who only cared about profits. But to care about the economy is to care about human life, since the economy is how life is sustained. It is a source of meaning, as well as sustenance, binding humans to each other in a web of voluntary exchange. To its workers, every business is essential, and to many of its customers as well. Even judged by the narrowest possible definition of public health – lives lost – the toll from the lockdowns will exceed that of the virus, due to the cancellation of elective medical procedures, patients’ unnecessary fear of seeking treatment, and the psychological effects of unemployment.²⁵

So let me say just a few brief words as regards the economic costs of these lockdowns with their extraordinary inroads into people’s civil liberties and their concomitant economic effects – not least the politicians’ felt need, as the instigators of the economic hibernation, to over-pay all sorts of people to do next to nothing at all. And to do so with no plausible, politically palatable route out of that situation, to such an extent that the government that imposed the lockdowns, shut down much of commerce, and then paid the affected workers becomes quite likely the biggest spender in the country’s history, saddling the next generation with untold debts and much poorer employment and life prospects.²⁶ In brief, and admitting that there is huge uncertainty in any predictions, what is clear is that the economy is in for a giant

²⁵ Heather MacDonald, ‘Four Months of Unprecedented Government Malfeasance’ (2020) 49(5) *Imprimis* 7 (emphasis in original).

²⁶ See, eg, Alan Collins and Adam Cox, ‘Coronavirus: why lockdown may cost young lives over time’, *The Conversation*, 26 March 2020 <<https://theconversation.com/coronavirus-why-lockdown-may-cost-young-lives-over-time-134580>>; Jeff Borland, ‘The next employment challenge from coronavirus: how to help the young’, *The Conversation*, 15 April 2020 <<https://theconversation.com/the-next-employment-challenge-from-coronavirus-how-to-help-the-young-135676>>; Gigi Foster, ‘Correctly counting the cost shows Australia’s lockdown was a mistake’, *Financial Review*, 25 May 2020 <<https://www.afr.com/policy/economy/correctly-counting-the-cost-shows-australia-s-lockdown-was-a-mistake-20200525-p54w1o>>; See also (n 3).

hit because of the steps governments have taken – from locking down the economy to be blunt. Global growth will be down 4 or 5 percent, at least. Unemployment rates will skyrocket. Government debt and deficits will balloon out. The economic numbers will be horrific.²⁷ And the costs will fall on the young and on future generations.

If that is a rough sketch of the likely economic costs of these lockdowns, the costs in terms of civil liberties have arguably been even greater. Recently retired UK Supreme Court Justice Jonathan Sumption describes the lockdown rules being imposed in Britain as ‘the greatest interference with personal liberty in our history’.²⁸ Take a moment and allow that to sink in – a recently retired top British judge describes his and other governments’ lockdown responses as being so heavy-handed that they constitute (it bears repeating) the greatest interference with personal liberty in our history. Indeed Lord Sumption goes so far as to say the lockdown laws are so morally egregious that he admits to having broken them.²⁹ And then

²⁷ See, for example, the IMF’s ‘World Economic Outlook Update: A Crisis Like No Other, An Uncertain Recovery’, June 2020 <<https://www.imf.org/en/Publications/WEO>. And two University of Chicago Studies at: <https://review.chicagobooth.edu/economics/2020/article/how-much-exactly-have-covid-19-lockdowns-affected-economy>> and <<https://review.chicagobooth.edu/economics/2020/article/why-us-unemployment-even-worse-official-numbers-say>>. And remember that many economists believe that the economic costs of a lockdown increase exponentially with the length of time of the lockdown. The fear of future lockdowns decreases consumption and investment as people become more cautious. And possibly the worst economic scenario is where there are threats of repeated lockdowns. Note, as well, that the impact will likely be very uneven with some sectors badly impacted (airlines, hotels) and others suffering very little (IT, govt employees). And it will hurt the poor worse than the well-off. See Harry Yorke and Russell Lynch, ‘UK facing “K-shaped” economic recovery as the gulf between the “haves” and “have nots” widens’ *London Telegraph*, 28 July 2020.

²⁸ See Edward Stringham, ‘The Lockdown Is Without Doubt the Greatest Interference with Personal Liberty in our History’ *American Institute for Economic Research*, 9 May 2020 <<https://www.aier.org/article/lord-sumption-the-lockdown-is-without-doubt-the-greatest-interference-with-personal-liberty-in-our-history/>>.

²⁹ See Thomas Connelly, ‘Lord Sumption admits breaking ‘absurd’ lockdown laws’ *Legal Cheek*, 22 July 2020 <<https://www.legalcheek.com/2020/07/lord-sumption-admits-breaking-absurd-lockdown-laws/>>.

POLITICIANS, THE PRESS AND ‘SKIN IN THE GAME’

realise that the lockdowns in the State of Victoria are every bit as harsh as in Britain, harsher in fact. And this in the State that brought us the first statutory bill of rights at the State level³⁰ and where so many law professors and lawyers and Labor State politicians profess a strong commitment to rights-respectingness. Yet, or so it seems to me, at the first sign of a health scare that comes nowhere near Spanish Flu or even 1969 Hong Kong flu levels, many abandon nearly all concern for civil liberties. Indeed, many seem to applaud the police as they enforce – on any view of the virulence of the virus – what amounts to the ridiculous over-regulation of citizens’ lives (on pain of big fines).³¹

So why has this happened? For one explanation go back to Nassim Taleb and the quote with which I began this article. You see throughout this crisis in Australia the politicians have carried on with their same pay. So have those in the public service, perhaps at worst putting

³⁰ To lay my cards on the table I am a long-time sceptic of bills of rights, including statutory versions of them. For only a small sample of my writings on this topic see James Allan, ‘Bills of Rights and Judicial Power – A Liberal’s Quandary?’ (1996) 16 *Oxford Journal of Legal Studies* 337; James Allan and Grant Huscroft, ‘Rights Internationalism Coming Home to Roost?’ (2006) 42 *San Diego Law Review* 1; James Allan, ‘Portia, Bassanio or Dick the Butcher? Constraining Judges in the Twenty-First Century’ (2006) 17 *King’s College Law Journal* 1; James Allan and Michael Kirby, ‘A Public Conversation on Constitutionalism and the Judiciary between Professor James Allan and the Honourable Michael Kirby’ (2009) 33 *Melbourne University Law Review* 1032; James Allan, ‘Why Politics Matters – A Review of Why Law Matters’ (2018) 9 *Jurisprudence* 132; James Allan, ‘Statutory Bills of Rights: You Read Words In, You Read Words Out, You Take Parliament’s Clear Intention and You Shake It All About’, in *The Legal Protection of Human Rights: Sceptical Essays* edited by Tom Campbell, K D Ewing and Adam Tomkins (Oxford University Press, 2011) 108; and James Allan, *Democracy in Decline: Steps in the Wrong Direction* (McGill-Queen’s University Press, 2014).. On the Victorian statutory bill of rights itself, giving my criticisms, see James Allan, ‘The Victorian Charter of Human Rights and Responsibilities: Exegesis and Criticisms’ (2006) 30(3) *Melbourne University Law Review* 906.

³¹ It is not just the turning of the police into a branch of the nanny state, it is doing this to stop people from playing golf, fishing, going for isolated walks – all of which are less dangerous than being confined in one’s small apartment for weeks on end. See, for example, *ABC News*, ‘Coronavirus restrictions around gatherings in each state and territory, and who has been fined’, 6 April 2020. <<https://www.abc.net.au/news/2020-04-06/coronavirus-enforcement-covid-19-gathering-laws-state-territory/12124334>>.

off for a few months a foreshadowed pay rise. Ditto the journalists at the public broadcaster, the ABC. Likewise most (not all) of those in the universities and medical establishment. All this while many in the private sector lose their businesses, and those with personal guarantees on them lose their homes too. And they do so because politicians and bureaucrats got to decide what was ‘essential’ – unlike in Sweden let me repeat. On any understanding other than one couched in terms of sloganeering, or politicking, it is simply a lie to say as the Prime Minister does that ‘we are all in this together’.³² Put differently, the politicians have not had any skin in the game. They have not borne any (or not many) of the costs of their decisions. And the decisions they have made, as Taleb predicted, have been the worse for it.

The same, as I said, is largely true of the national broadcaster, the ABC. With no skin in the game it is far easier to choose the most alarming way to report facts about the virus – so ‘deaths’ not ‘deaths per million’; percentage increase or absolute numbers, whichever is worse; saying new cases going up but ignoring death rate is going down; no reporting of normal yearly flu deaths, or car deaths, or that corona has not cracked the top 50 causes of death, or that for those under 45 corona is less lethal (and I mean everywhere in the world) than getting in a car and going for a Sunday drive.³³ The science writer Tom Chivers notes that ‘the media is uniquely bad at telling us about [] risks’.³⁴ The ways in which media misreport risk include: 1) selecting and reporting on the dependent variable, rather

³² Scott Morrison, ‘Ministerial Statement’, 8 April 8 2020 <<https://www.pm.gov.au/media/ministerial-statement-australian-parliament-house-act-080420>> (repeated various times thereafter).

³³ See, for example, David C Roberts, ‘Putting the Risk of Covid-19 in Perspective’, *The New York Times*, 22 May 2020 <<https://www.nytimes.com/2020/05/22/well/live/putting-the-risk-of-covid-19-in-perspective.html>>. And in Florida, to give this more context, those over 85 years of age have faced a 1 in 300 chance of dying while those under 55 years of age have faced a 1 in 33,000 chance.

³⁴ Tom Chivers, ‘From Covid to Crime: How Media Hype Distorts Risk’ *Unherd*, 28 July 2020 <<https://unherd.com/2020/07/from-covid-to-crime-how-media-hype-distorts-risk/>>.

than the independent variable;³⁵ 2) giving numbers without context; 3) talking in percentage terms (e.g., 18% more likely to die) that ignores absolute risk (on the same example, your risk has gone up from 0.024% to 0.028%, a relative increase of 18%, true, but one not worth worrying about); 4) cherry-picking numbers; 5) suggesting there is a causal link where there is not, which is to say treating correlation as causation.

No skin in the game readers. So the politicians and public broadcaster can focus on the deaths from the corona virus (here and now) while virtually ignoring deaths caused by the lockdown itself (in the near, medium and more distant future) – say, suicides, cancer and other deaths due to missed screening, all the devastation in the Third World from the ruined World economy,³⁶ deaths from the less well-funded future health care sector that will come with a ruined economy. This sort of reporting is effectively cost-benefit analysis that looks only at one side of the ledger. To return to Heather MacDonald mentioned above, she put it in these terms:

The politicians' ignorance about the complexity of economic life was stunning, as was their hypocrisy. To a person, every elected official, every public health expert, and every media pundit who lectured Americans about the need to stay in indefinite lockdown had a secure ('essential') job. Not one of them feared his employer would go bankrupt.³⁷

Yet that is just a more detailed, more damning way of saying 'no skin in the game'.

³⁵ 'The dependent variable is the thing you're trying to measure; the independent variable is the thing you change.': Ibid. In a drug trial, say, the independent variable might be the drug dose while the dependent variable is whether the patient survives. Chivers argues that for the media 'the dependent variable is whether [something] is interesting' – four new corona deaths, say, or 183 new cases, or a grisly murder: *ibid.* But these are chosen without any eye on how likely they are to occur or to kill you.

³⁶ See (n 3) and (n 24). And see Jayanta Bhattacharya and Mikko Packalen, 'Lives vs Lives', *The Spectator*, 16 May 2020, 10.

³⁷ Heather MacDonald, 'Four Months of Unprecedented Government Malfeasance' (2020) 49(5) *Imprimis* 7.

III FINAL CONSIDERATIONS

I will finish this article by spreading the blame for this disastrous reaction to the corona virus beyond the confines of the political class and much of the media (who, in my view, certainly deserve a hefty share of it). At the end of the day, in a functioning democracy, bad decisions are the ultimate fault of the voters, of citizens. If the vast preponderance of voters allow themselves, meekly or even willingly, to have their civil liberties taken from them due to some distorted fear of death³⁸ (and opinion polls of democratic leaders who have led these lockdowns certainly appear to give those leaders good polling results in New Zealand, Australia, Canada and Britain),³⁹ then the fault, in the final analysis, is theirs – the voters’. Likewise, if voters become over-committed to a ‘health and safety’ worldview, they will deservedly suffer the consequences. What is not a function of desert, of course, is that much of these consequences will fall on the young.⁴⁰ Here is how the author Lionel Shriver puts this point:

We’ve prioritised the preservation of life in a literal, short-term sense – possibly losing more lives than we’ve saved,

³⁸ Recent polling from *Kekst CNC* has revealed that on average the British public believes a rather massive 7% of the United Kingdom population has died from corona virus. That number is actually 100 times higher than the recorded-death reality. See ‘Research Report: COVID-19 Opinion Tracker – Edition 4’, 10-15 July 2020 10-15) 6 <https://www.kekstcnc.com/media/2793/kekstcnc_research_covid-19_opinion_tracker_wave-4.pdf>.

³⁹ For example, the recent ‘1 News Colmar Brunton Poll’ (25-29 July 2020) has the NZ Prime Minister’s party up over 20 points in the polls with an election only six weeks away <<https://www.colmarbrunton.co.nz/what-we-do/1-news-poll/>>. In Australia the August 4th ‘Newspoll’ has Prime Minister Morrison’s Coalition government up 53-47 in two-party preferred terms, and the PM far ahead in terms of preferred PM. <<https://www.theaustralian.com.au/nation/newspoll>>. In Canada the ‘CBC News Canada Tracker Poll’ (updated to 30 July 2020) has Prime Minister Trudeau’s Liberal Party up 37.5% to 28.6% against the Opposition Conservatives <<https://newsinteractives.cbc.ca/elections/poll-tracker/canada/>>. And lastly, in Britain the ‘Politico Poll of Polls’ (31 July 2020) has the Prime Minister’s Conservative Party up 43% to 37% over the Opposition Labour Party (albeit with some four years left before the next needed election) <<https://www.politico.eu/europe-poll-of-polls/united-kingdom/>>.

⁴⁰ See (n 3).

POLITICIANS, THE PRESS AND ‘SKIN IN THE GAME’

once the collateral damage totals are in – while giving no priority to everything that makes life worth living, like the experience of bravery that young man leaping a gap in the wall relished last week. Worse, we’ve thrown the future of a generation under the bus. Safety is fine as far as it goes, but it’s not the driver of a vibrant culture. Safety is about stasis. If all you care about is safety, you never leave the house, lockdown or no lockdown. Obsession with safety is the very opposite of ambition.⁴¹

Life involves risk. In a democracy, the *prima facie*, default assumption ought to be that each citizen be left to decide how to act for him or herself. Governments can give advice, make suggestions, take special measures for the vulnerable and frail, but the presumption ought to be against any heavy-handed, economy-ruining state edicts. At the very least the onus ought heavily to be on those in favour of such lockdown edicts to make a convincing case that Spanish Flu-like results will otherwise eventuate. Yet the facts were never close to showing that in the case of the Wuhan virus. What we have seen is an epic over-reaction by most governments – not Sweden’s and Taiwan’s I note again – one that has largely been embraced by many citizens. That fact is certainly depressing, at least I find it so.

⁴¹ Lionel Shriver, ‘Is Living without Risk really Living at all?’, *The Spectator*, 30 May 2020 19.