



III.6

How to Repair Democracy in Britain

A country's constitution consists of various regulations and conventions that add up to a network of rules and more or less shared understandings of basic values and correct procedures in the citizenry's joint life, governance and public policy. One view—the American theory—is that this can all be laid down in a single document. That however is impossible and this theory, therefore, leads, in America, to the peculiarity of a Supreme Court that acts like a college of high priests that guards the holy text and pronounces, in a rather Delphian manner, on what it commands in this or that practical question.

Another view—the British theory—holds a constitution to be a complex and evolving living organism that cannot be set in stone once and for all. There can be little doubt that this is a better answer to the question of what a constitution *is* than the American formalistic answer. In Britain, the constitution and its meaning is predominantly (although not exclusively) the remit of the elected parliament; in the United States predominantly (although not exclusively) of the unelected Supreme Court. The benefit of British constitutional realism is a down-to-earth, flexible, muddling-through and pragmatic style of governance.

However, the recent experience is that constitutional flexibility has come to be paid for by an erosion of democratic accountability, trust and confidence. Nearly thirty years of strong prime ministerial rule has

resulted in a centralisation of political power in the country to London and in London from Parliament to Downing Street. It is, of course, too strong to say that Britain has become an elected dictatorship but, to paraphrase Robert Dahl (as I've quoted him in essay III.1 above), we might reasonably worry that the centralisation of political power might reach levels at which the British political system dropped below the threshold of what is now broadly accepted to be democratic.

There are reasons for this concern, reasons that in contemporary political parlance often go under the name of "disenchantment." Voting participation is low and falling, in particular in local elections. Membership of political parties is in free fall. Confidence in democratic institutions is low and falling, as is documented in repeated British and comparative surveys. So low is confidence now in democracy in Britain now that in spite of local democracy having been all but killed off, there appears to be next to no demand or appetite in the population for this crucial building block in the democratic architecture to be restored.

CONSTITUTIONAL AUTHORITY

It is hardly controversial to suggest that it would be beneficial to find ways to build some more constitutional authority into the British political system for the protection of basic democratic values and principles. The question is rather how to do it. There is much of value to preserve in the pragmatic tradition. The American model is clearly not to be envied or copied. It is not only rigid but also undemocratic that constitutional power is almost fully removed from the people's elected representatives, including the power to modify the constitution in response to new needs. In Britain, it is not only practical but also democratic that this power rests predominantly with elected representatives.

Constitutional authority should work its magic in two ways. First in the citizenry. It should, and here I take my words from Aristotle in *The Politics*, educate citizens "in the spirit of their constitution" and attune them "by the force of habit and the influence of teaching to the right constitutional temper." We should want constitutional authority to guide and encourage citizens in the art of citizenship.

Second, in the system of governance. A political system is democratic, I have said in essay III.2, if its citizens hold the ultimate control over collective decisions. What makes a political system democratic is not simply that there are elections and that the elections are free and fair, but that there is a chain of command from citizens to decision-

makers to ensure that decision-makers are forced to govern in a way that reasonably reflects a fair compromise of interests and preferences in the citizenry. We should want enough constitutional authority to keep that chain of command alive, intact and strong, including in the long periods between elections, and to prevent it from falling apart.

THE QUEST FOR AUTHORITY

The need for authority in this meaning is clearly recognised in British political life. The Blair governments were activist, to say the least, in citizenship awareness and training—through propaganda and information campaigns, through a range of initiatives and regulations for improved civic order, through the teaching of citizenship in schools and so on. If anything, they were too activist for British tastes and they were criticised for nanny statism, micro-management of daily behaviour and manipulative spin.

They were also activist in constitutional reform: the incorporation of the European Convention on Human Rights into British law, ongoing changes in the House of Lords, devolution, public sector reform and many other initiatives.

These efforts, although very considerable and far from being blatant failures, seem nevertheless to be rewarded with rather modest success. In the citizenry, there is nothing to suggest that the drift towards disenchantment with politics and democracy is being turned back. In constitutional reform it could be even worse. Devolution to Scotland, Wales—and London—is often held forth as a great success story, which in some ways it perhaps is. But these reforms have also produced a constitutional mess with tensions and dissatisfactions which contain the potential to threaten the Union or to reconfigure it into a confederation.

DOES BETTER DEMOCRACY DEPEND ON BETTER CITIZENS?

A vibrant democracy needs citizens that invest confidence and involvement in it. The meaning of disenchantment is that this investment is lacking. The standard interpretation is that citizens are becoming disinterested and turning away from democratic values. This interpretation, however, is almost certainly wrong. Citizens today are better informed than ever. If better informed citizens are more critical of democracy, it is not because they understand it less. They also hold to democratic

values as strongly as ever. This we know from international value surveys. They are more critical of democracy in practice, but this comes from their experience with democracy at work, not from democratic values being abandoned. They are also as interested in social and political issues as ever. This we also know from international research. It is only that they are increasingly channelling their interest to other arenas than the traditional political ones. MORI surveys in Britain show that people are more interested in local than in national issues, but it is still, in a sad paradox, in local politics that they are the most disinclined to engage.

One way to think about improving and increasing citizens' involvement in politics and democracy is to encourage them more. This is the view that is behind government activism in citizenship awareness and training. This, however, has by and large been unproductive. The reason is simple: motivation is not the weak point. Citizens remain informed, interested and responsible. To pursue citizens who have made an informed judgement that politics is not worth investing energy in with motivational encouragement is likely to be counterproductive.

Another approach could be to offer citizens more and better opportunities for involvement. For example, in the follow up after the British Power Inquiry, websites are being established to encourage popular debate and involvement in constitutional issues. This is also likely to be ineffective, if not necessarily counterproductive. It does not help democracy if citizens debate on the web *instead of* voting. Non-participation in local elections is not for want of an opportunity to vote.

A third way of thinking about the problem is this (and here I follow on from my discussion of rationality in Part I): if we want citizens to be more involved they need to have better *reasons* to be involved. That is to take citizens seriously and to shift the focus to political procedures and structures, to what we want citizens to be involved in. If citizens are informed and interested and hold to democratic values, the weak point must be not with them but with what we want them to invest confidence and involvement in. If we improve the way democratic politics works, we can trust citizens to be trustful and to get involved.

We should want more citizenship involvement in politics but my recommendation here is that citizens be left alone. They are good enough. There is no regression on "values." There is no reason to pester them with motivations for involvement or to patronise them with opportunities for involvement. It is what they are asked to engage with

that is faulty. Citizens trust democratic politics less, not because they are less trusting, but because democratic politics is less able to command the trust of critically aware citizens. The road to constitutional authority in the citizenry does not go through improving citizens but through improving democracy.

DOES BETTER DEMOCRACY DEPEND ON MORE DEMOCRACY?

A criticism of British government activism in constitutional reform is that it is haphazard. There is a bit of devolution, a bit of human rights, a bit of modernisation in public services, a bit of reform in the House of Lords and so on. The constitution is sliced up into various components—Parliament, church, civil service, local government, political parties and so on—with an idea of looking for improvements in each component. An underlying assumption may be that if each component is made more democratic the end result will be a better democracy. But as so often, more is not necessarily better.

Obviously we should want our democracies to be more democratic, but the building of a good democracy is hardly a matter of just piling on democraticness. A better democracy must be a smarter democracy. Constitutional reform needs to be applied where it will be productive. What it should be productive for, I have suggested, is the quality of democracy.

I have defined democracy as a structure of power and I make that definition operational with the help of the concept of the chain of command. A good democracy is one in which decision-making answers to the citizenry through a chain of command from citizens to decision-makers. When the chain of command is weak, democracy suffers because space opens up for non-democracy to crowd in. For example, if interested citizens disengage with formal politics because they see it to be “useless,” they will instead invest their involvement in single-issue activism. Decision-making will then distort to responding more to activist minorities and less to the citizenry collectively. Or if citizens disengage with political parties, they leave a vacuum that moneyed interests can move into. The weakening of the chain of command hands disproportionate power to resourceful minorities, through their resources, activism or money.

British democracy is, in my analysis, relatively solid in its foundations but poor in delivery. I ascribe that weakness to a weak chain of command. The erosion of the chain of command, again, comes from a

long period of centralisation of political power so that now, to put the matter very crudely, political decision-making is exercised predominantly in Downing Street with inadequate scrutiny from below.

The paradox that more democracy is not always necessarily better democracy can be illustrated in the case of the House of Lords. The upper house in the British Parliament is undemocratic: it is an unelected legislative chamber, something that by definition should not exist in a modern democracy. My personal view is that the upper house should be elected, but the issue presents me with a bit of a dilemma. In the British political system, the Cabinet is the principle hub of decision-making. Their decision-making should be under democratic control through a chain of command. The first link in that chain is Parliament. Parliament should scrutinise Cabinet decision-making so that the Prime Minister and his or her colleagues know that their power of decision-making is limited to what they can get agreement for in Parliament, whose members in turn answer to their voters. In formal terms, that is the British system. In fact, however, as a result of the slide towards centralised political power, Parliamentary scrutiny is now weak. The House of Commons, through its majority, acts as an extended branch of cabinet decision-making, rather than collectively as a critical overseer of cabinet business. In this vacuum, the House of Lords has stepped in and taken on some of the scrutinising role that Parliament should exercise but that the House of Commons has abdicated. The Cabinet should live in fear of Parliament but presently has more to fear in the Lords than in the Commons. This has recently been visible in particular, but not only, in matters of civil liberty.

In this constellation, undemocratic as it is, we might do the thought experiment of abolishing the House of Lords based on the argument that it is undemocratic. The result would be, under present political conditions in Britain, strangely enough, a Parliament that would be more democratic but a chain of command would be further weakened. Britain might arguably be more democratic but there would be less democratic quality in British political life.

CONSTITUTIONAL REFORM

It is now possible to make some recommendations for British constitutional reform, guided by the logic of democratic quality.

The main links in the chain of command are Parliament, the press, the political parties and local government. Those are the important

building blocks in the democratic architecture to fill the space between citizens and decision-makers. It is by building and protecting that structure that we can infuse British democracy with more quality, attune British citizens to Aristotle's correct constitutional temper and block out distortions in decision-making brought about by non-democratic minority influence.

In Parliament, constitutional reform should aim first of all to restore the supreme authority of the House of Commons. The parliamentary system is established in the British constitution, but it is still possible within parliamentarianism to introduce some separation of power between Parliament and Cabinet. This could be done by introducing more explicit and precise duties of report from Cabinet to Parliament and by extending the working role of Parliament in the preparation of budgets and laws. The conventional wisdom will have it to be primarily the House of Lords that should be reformed in the interest of democracy. My opinion, to repeat, is for a democratically elected upper house, but my analysis leads me to the view that the priority for parliamentary reform is in the House of Commons.

The British press is outstanding and is the strong link in the chain of command. I have visited it elsewhere (in an article under the title "Why the British Press is Brilliant" in *The British Journalism Review* in 2003) and it is enough here to repeat a previous conclusion. "Those of us who like to comment on public affairs usually like to ask what should be done and feel obliged to offer our earnest suggestions for action. As far as the British press is concerned it is gratifying to be able to recommend that nothing that is not already being done needs doing."

For political parties to play their role in the chain of command they need to be membership organisations that are under the control of and answerable to their members. In this respect political parties in Britain (and elsewhere) are in decline. This comes from the drift into mega-expensive politics and the then unavoidable transgression of moneyed power into the domain of democratic politics. This is fuelled by donations to parties and campaigns from moneyed persons, businesses and organisations. That should simply be put a stop to. It would improve democracy if political budgets were cut and members given power in parties.

Finally, there is a need to re-invent local democracy. Devolution is well and good but does not reach local democracy and may contribute to further weakening it. What is needed is what a study by the Smith Institute has called *double devolution*, including to proper local units.

Britain needs more and smaller local political entities—municipalities—with more decentralised responsibility and authority, and many more elected politicians to represent citizens' interests. There are possibly too many members of Parliament but certainly too few elected politicians locally. This is a big order, a matter of reinvention. As it is now, local councils in Britain are democratically bankrupt and there simply are not truly local political units to devolve democracy to.