

Rebalancing Democracy

James Graham argues for more people power in the British political system.

Direct democracy represents a dilemma for reformers and supporters of the status quo alike. The story of constitutional reform in Britain, from Magna Carta to Scottish and Welsh devolution has generally been one of progress towards ever more representative democracy. But the idea that power should reside in the people themselves rather than in the legislature, executive and judiciary on their behalf is not something that has historically found currency within the UK.

However, representative democracy itself is now being challenged the world over. Even countries with proportional representation, a written constitution and decentralisation are seeing a decline in participation. There is a general trend towards popular identification with single-issue campaigns rather than political parties and a drift towards a more consumerist concept of democracy.

Some of these trends are positive – we no longer live in an age of deference. But it would be dangerous to ignore the growing sense of alienation and antipathy. Representative democracy has struggled to keep up with our globalised, information-rich society. Modern politics is more complex than ever, yet election manifestos go unread and political parties know that to be successful, they have to focus on just three or four major issues. Matters such as Trident, nuclear power and pensions were barely mentioned in the 2005 election, yet have been major issues in Parliament since. Lowest common denominator politics may be highly successful at stopping open revolt, but it satisfies no one and leads to a deeper malaise.

Some have argued that this points towards a new form of democracy, in which representative democracy and the party system will eventually be replaced by direct

decision-making. Yet it is hard to see how such a system could guarantee our liberty and security in a way that representative democracy, for all its faults, has done for hundreds of years. The push button democracy of science fiction – with policy decided via personal computers and TV remotes – would be horrifically arbitrary even if it could be made technically feasible. Some call for a return to an Athenian-style system,

with Parliament elected by lottery. Yet such a system would be even more prone to corruption and the basest forms of back scratching partisanship.

It isn't fashionable to point this out, but our existing party system is remarkably successful at regulating itself, with scandal the exception rather than the rule.

If a pendulum swing from representative to direct democracy is out of the question, then what of a synthesis between the two? In countries where direct democracy is being used effectively, this is precisely what has developed. Even Switzerland, famous for its referenda, has a party system.

Quietly – perhaps too quietly – we have been experimenting with direct democracy in the UK. Following the Scottish Parliament's successful Petitions Committee, the Government's recent White Paper on British Governance proposes establishing one in the House of Commons. At a parish level, a non-binding system of citizen-initiated ballots has been in law since 1972 and since 1997 people outside London have had the right to call for a ballot on establishing a parish council in their area. The latest Local Government Bill expands this right to London and also introduces a statutory "Community Call for Action" – a formalised system for petitioning local authorities. Since 2000, citizens have had the right

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to petition for a change of the executive model of their local authority (i.e. introducing elected mayors) and New Communities Secretary Hazel Blears has announced plans to pilot participatory budgeting at local level. Finally, the Sustainable Communities Bill, which is very nearly law and was supported by Unlock Democracy, increases the public's right not merely to be consulted but to have a direct say over how their local community should be run.

These piecemeal reforms are progress, and the potential of even a simple reform such as a proper system of petitioning is huge. Thus far however, politicians have been wary of letting go completely. If a petition is rejected by Parliament, the petitioners have no recourse to appeal. In principle they can use their influence at the ballot box, but there it is just one issue among many. While petitions may have a soft influence and can help to raise issues that would otherwise be ignored, they are entirely dependent on the support of politicians. This can be a particular problem for issues like electoral reform, which MPs have a considerable vested interest in opposing.

An initiative and referendum system would be able to deal with such issues. This does not necessarily mean adopting a full Swiss or Californian style system in

which citizen-initiated propositions have become the norm. Several countries and US states have systems in which direct democracy is integrated with the legislature. In New Zealand for example, initiatives only lead to a referendum if 10% of the voting population support them and referenda are non-binding. As such, New Zealand has had just three referenda since the system was introduced in 1993. In several US states, legislatures are given a role within the system and are permitted to make formal recommendations, including amending the wording of propositions. In some countries, referenda can only be demanded in order to ratify or revoke specific pieces of legislation.

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The Power Inquiry report proposed a two-stage system. In the first stage, Parliament would have to formally consider any petition that was supported by at least 2.5% of voters. If this proposal were not adopted by Parliament, a petition supported by a further 2.5% of the population would trigger a full referendum. In this way, Parliament is given a chance to adopt the proposals or come up with a compromise; only if this fails would a referendum take place.

The main objection to citizen-led decision-making is the fear of irresponsible or repressive populist policy, such as restricting rights of minorities or imposing



Zac Goldsmith

Direct democracy is basically about shortening the distance between people and power, to the extent that people can initiate or block legislation, locally, regionally or nationally. The more involved people are in democracy, the greater their sense of wellbeing – it's statistically unavoidable.

If people don't vote it's not because of apathy. You only have to look at recent demonstrations – a million people marched against the war, half a million against the fox hunting ban, millions and millions of people are members of pressure groups. I organised a referendum in Barnes over a proposed new supermarket. We polled 8000 people – everyone within a mile and a half of the site. The turnout exceeded the national

average in a General Election, and the result was a resounding 85% against. But because there's no basis in law for citizen-initiated referenda, central government can impose decisions on communities.

On the left and in the Conservative old guard there's a feeling that you can't trust the masses. I think that wildly underestimates the intelligence of the people. After prolonged, thorough discussion, prejudices tend to be ironed out. Ultimately you have to walk through the streets and ask yourself whether you trust the people around you. Then go to Westminster and ask yourself the same question. I don't think that parliamentarians have a monopoly on common sense – on the contrary.

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unsustainable tax cuts. This however, is misleading. First, it is an unfortunate fact that governments and parliaments are perfectly capable of introducing repressive legislation on their own. Most US states introduced the death penalty via their legislature, not by popular ballot.

Secondly, the same limits we would impose on legislatures and governments, such as a written constitution and an entrenched Bill of Rights, must of course apply to popular initiatives as well. This is certainly the case in Switzerland.

If, for example, a proposition is incompatible with the Human Rights Act, Parliament (or the High Court if necessary), should be allowed to stop it from progressing to a referendum. We might also consider a catch-all restriction in which referenda could be blocked by a supermajority in both Houses of Parliament (e.g. two-thirds) to ensure that the most pernicious propositions were not allowed to progress.

Thirdly, and more prosaically, referendum results are no more and no less than reflections on public opinion. Conservative populations tend to vote for conservative measures, and vice versa. Last year, referenda across the US produced votes for stem cell research and environmental taxation, against same-sex marriage and for restricting abortion. Contrarily, the Swiss voted resoundingly for same-sex marriage while the Irish voted to abolish the death penalty. Fears (and hopes!) that in every socially progressive country there is a nasty silent majority from which our sober system of representative democracy protects 'us' do not have any basis in fact.

There is however evidence that such a system leads the population to take a more informed interest in the subject matter. There have been ballots in the US for and against the death penalty, and – although the evidence is sketchy – states that have a system of initiative are slightly less likely to adopt the death penalty than those without. A survey in Denmark during their ballot on the Maastricht Treaty suggested that the average member of the public knew more about the content of the treaty than the typical non-specialist Danish MP.

Another objection is that direct democracy undermines representative democracy, peeling away its legitimacy and limiting the ability of elected governments to follow a coherent programme. Such objections will sound familiar to supporters of devolution, local government and a democratic second chamber. Indeed, remarkably similar arguments are even used by some to justify the UK's system of a strong government and weak Parliament.

In fact – just as Jack Straw has argued that a democratic House of Lords would force the Lower House to raise its game – an initiative and referendum system would encourage parliamentarians to better represent the public so as to avoid confrontations with popular mass movements. In New Zealand for example, although there have been very few proposition ballots since the legislation was introduced (their 10% threshold is unusually high), it has led to several changes in law because Parliament has pre-empted popular campaigns by introducing policy changes before enough signatures for a referendum have been collected. In short, the initiative system has had a transformative effect on the relationship between citizen and elected representative.



Michael McMahon MSP

The petitions system is seen as one of the most innovative ways in which the Parliament has engaged with the public in Scotland. An individual can bring up a petition on any subject which relates to any level of government which is devolved to Scotland. The petitioner must have attempted to resolve the issue at the appropriate local level and failed to do so. Ordinary individuals who have never engaged with politicians at any level have discovered the petitions committee as a useful way of addressing problems.

The petitions committee is not a court of appeal. But if during the process some flaw is highlighted, the committee can ask the Scottish Parliament to look into the process. If a law exists which hasn't been applied properly or regulations exist which are

inappropriate, the petitions committee can look at having those altered or amended.

One of the most striking examples of a successful petition was the campaign by an individual as part of a wider campaign on institutional child abuse. The Scottish Executive had refused to hold an enquiry into alleged abuse from thirty or forty years ago. I asked my committee to take the issue directly to the floor of the parliament, instead of taking it to another committee. We took it to a plenary session. Before the debate took place the First Minister entered the chamber and apologised to all the people who had been victims of institutional child abuse and announced he would set up an inquiry to look into it.

Michael McMahon MSP (Scottish Labour) was convenor of the Scottish Parliament's petitions committee from 2003–2007.

What's more, the international evidence suggests that direct democracy leads to greater levels of participation and satisfaction in representative democracy. As Professor Matt Qvortrup shows in our recent pamphlet, *Taking the Initiative*, US states which hold ballots on public-initiated propositions have, on average, a 5% higher election turnout than states which do not. The Centre for Policy Studies has recently published research by Caroline Morris suggesting that New Zealand's system of initiative and referendum enjoys widespread support and has contributed to an improvement in the way citizens view their elected politicians (although it should also be pointed out that New Zealand introduced proportional representation in elections during the same period).

Qvortrup talks of "supply-side politics," invoking Jean Bapiste Say's Law of economics that "supply creates its own demand." The more democracy you give people, it appears, the more interest in democracy they take.

We should be thankful that the age of deference is now over, but the cynicism that has replaced it is just as pernicious and must be clearly understood. People regularly complain that the current democratic arrangements treat citizens as children. Generally, politics is seen as something that is done to people not by people. But an initiative and referendum system would mean that it would never again be valid to use the familiar laments of "politicians don't listen" and "they're all the same". If an individual disagreed with a policy, or had an idea for a policy of their own, they would have a chance to make their voice heard. Their ability to make change would be based on the quality of their ideas and their ability to campaign, not on the benevolence of elected politicians. Such

an arrangement would represent a profound shift in personal responsibility within our society.

Would citizens rise to this challenge? A growing body of evidence suggests that they would and that they would be more content with both their own ability to influence policy and the work done by elected politicians. At the same time, it would force politicians to become more alert to popular opinion.

Ultimately, as Professor Vernon Bogdanor argues, "the arguments against the referendum are also arguments against democracy." The belief that the public cannot be trusted with such responsibility has serious ramifications for our political system when taken to its logical conclusion, which ought to give its proponents pause for thought.

Of course, an initiative and referendum system will from time to time lead to poor decisions, but we have countless examples of parliaments making poor decisions as well. Should we not at least have the certainty that such poor decisions represent our collective, democratic will?



Unlock Democracy has published *Taking the Initiative: The Case for Citizen-led Decision Making*, the latest in its New Politics series of discussion pamphlets. It includes contributions from Douglas Carswell MP, Bruno Kaufman, Saira Khan, Professor Matt Qvortrup, Diana Wallis

MEP and Derek Wyatt MP. Copies are downloadable from the Unlock Democracy website (<http://www.unlockdemocracy.org.uk/?p=1027>).