

Imagining Politics beyond Brexit

Gone quiet, hasn't it? Last year now seems like a nightmare from which we are just awakening. The febrile atmosphere of those days when two Prime Ministers struggled to push a withdrawal agreement through Parliament seems very distant now. So henceforth life will revert to normal and everything will be plain sailing. Won't it?

Don't bet on it. Some see the Brexit process of recent years as profoundly destabilising, exposing deep faultlines throughout British politics. History may proceed at a stately pace for long periods, with nothing much changing, but occasionally it erupts into shorter periods of instability when underlying tensions are fully exposed, and apparently immutable government systems threaten to fall apart. And that, I suggest, is where we are today.

The recent upsurge of anger, resentment and hostility has challenged the liberal democratic settlement which had previously seemed so secure throughout Europe and the USA. Does this constitute a populist moment?

Populism has found its expression in many countries - Hungary, Italy, the Netherlands - and more worryingly Germany, with the rise of the AfD, and France with what used to be called le Front National, now rebadged more respectably as Le Rassemblement National - the National Rally - how very Gaullist that sounds. Not to mention the *gilets jaunes* insurgency.

But of course that couldn't happen here, could it?

Well, nothing is impossible. Cast your minds back to 2016 - the year which my daughter summed up as follows: "What a crap year that was - Leonard Cohen dies, Man United are rubbish, Brexit happens, and to cap it all we get Trump."

Now this isn't a conference about Brexit. But the Brexit process underlies its theme, as it was the Leave vote which was the first visible manifestation in Britain of the populist mood challenging political establishments throughout Europe.

Liberal democracy seeks to protect the rights and freedoms of individuals and minorities, it extols diversity and plurality and places limits on the exercise of executive power by emphasising legality, the rule of law. At its heart lie elected representative assemblies. Whereas populists see politics as a contest between corrupt and distant elites and the people. They emphasise the purity and singularity of the "will of the people" and are sceptical about the need for representative institutions to mediate that will. They question key

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liberal democratic principles and norms, such as the rule of law, freedom of the press, and minority rights if these get in the way of the popular will. They argue that liberal democratic élites have forgotten the principle of popular sovereignty. The result being that this system of government may be liberal, but has in some respects become undemocratic, whereas Populism offers a more democratic, if less liberal alternative.

Undemocratic liberalism - that's an interesting notion - why "undemocratic"? Because, they say, liberal élites have consistently failed to register the anger of significant sections of the population who feel that they and their wishes have been ignored - especially:

- those who resent the austerity induced stagnation of their living standards, whilst some top executives receive up to 130 times the national average wage; and those whose lives and communities have suffered from the disruption of deindustrialisation and globalisation and whose previously secure and meaningful jobs have been replaced by low paid service employment or zero hours contracts. *They* have not benefited from the opportunities of young geographically mobile graduates concentrated in the wealthier metropolitan and university cities
- and older, more socially conservative people, uneasy with the politically correct consensus of liberal élites, especially on issues like diversity and minority rights. Who may be concerned about the cultural dislocation and the perceived economic displacement of competition for jobs and social resources resulting from recent large scale immigration - a concern often glibly dismissed by liberals as racist
- and those who, valuing community, locality and country, remain emotionally rooted in less affluent communities. Who feel alienated from distant decision makers in London and Brussels and see the Nation State rather than supranational institutions as the basis of political community; who value patriotism rather than internationalism.

Many citizens - especially in the North - have long felt that their communities are fragile, precarious, living on the edge, ignored, lacking a sense of agency - a feeling recognised and given expression in Dominic Cummings's brilliantly pithy and effective Leave campaign slogan: "Take back control".

These issues resonate throughout British politics, and will do so for years to come, posing important questions about whether we are moving into an era

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where liberalism is becoming detached from democracy or, put another way, where liberal democracy is facing an existential crisis?

Last year long dormant tensions in our political structures and practices were exposed to the public gaze. And our political institutions no longer seemed up to their task of reconciling political differences.

The divisions which were exposed cut *across* rather than *between* parties. A hung Parliament proved inadequate to provide a solution to the Brexit impasse, one around which Remainers and Brexiteers could coalesce. Perhaps that was inevitable given the passions which the issue aroused in Parliament and throughout the country.

Of central importance was the collision between alternative forms of democracy - the direct democracy of the referendum, and the representation of parliamentary democracy.

It's not impossible for these distinct forms to co-exist, but not in the unstructured use of the referendum for political ends which has taken hold in Britain. Does a 4% majority really reflect the settled view of the public on an issue of crucial national importance? Or should there be a requirement for a supermajority in cases of major constitutional change, as in most countries with a codified constitution?

Ah - there's the rub: the constitution. Well, I'm not sure that we have really got one. We've got laws of constitutional significance (which can be easily overridden), and time honoured practices and conventions - but a consolidated document, with a status superior to that of normal law, which summarises our way of government and states clearly what our rights are? No such document exists.

So talk amongst Leavers that Parliament and the courts were not acting constitutionally in refusing to accede to government wishes - which were presented as identical to those of "the people" - lacked any firm constitutional authority.

The question was does government derive its authority from the people or from a sovereign Parliament? Or is Parliamentary sovereignty just one of the great questionable fictions of the British system? What exactly should the balance be between Parliament and the executive? The answer to that is uncertain; and adding an element of direct democracy in the shape of a

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referendum further complicates the issue by diluting the sovereignty of parliament.

So what happens if government apparently exceeds its powers, such as when the PM sought to curtail Parliamentary scrutiny of government policy by attempting an extended prorogation? Should the Courts be the vehicle to restate the principles of the Rule of Law, to which all, Prime Ministers included, are subject? Or has the Supreme Court acted in a *political* rather than *legal* way in making decisions which have frustrated the government? Has this politicised the judiciary? Or should governments have more say in appointing Justices of the same stripe as themselves, as is the case in the USA?

These are questions of constitutional significance and will form the basis of the constitutional review promised by the government. They could well be supplemented by questions about the democratic basis of the House of Lords, or the undemocratic outcomes of the electoral system. To say nothing about the future of the Union - will Scotland and NI continue to accept the unbalanced nature of what is essentially an Anglocentric Union? Indeed, will they still be part of it by 2030? But you can bet that none of *these* fundamental questions will be part of that review, and whatever eventually emerges will hardly be likely to gladden the hearts of (small l) liberals anywhere.

During 2019 it seemed as though the norms of party politics had ceased to exist. Party discipline on all sides disintegrated; collective cabinet responsibility seemed but a fond memory of the time when Lord Melbourne could say to his cabinet in 1841: "It doesn't much matter what we say as long as we all say the same thing". Fissures opened between members of the same party who divided into mutually hostile subsets. Some even left their own party to form another with erstwhile opponents, before eventually disappearing. The recent election revealed the changing nature of the main parties - the Conservatives looking less a broad church than a populist English National Party, whilst Labour seems to be two distinct entities - the one that of woke metropolitan cities, the other a more sceptical party of the provincial working class. And the Lib Dems have finally achieved a status of total irrelevance.

What we were witnessing was politics in meltdown. Future historians will be in a better position than us to judge whether that was down to individuals or systemic failure, or whether it was cultural, a failure of the norms of

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democratic behaviour, or the way we operate in the political arena.
Specifically:

- A failure on both sides to recognise
 - that adversaries, alternative standpoints and disagreement are all legitimate parts of a pluralist democracy; and that your side will lose debates and votes, but that you live to fight another day
 - and a failure to exercise power with restraint and discretion - rather than trying to crush your opponents

A recent book suggests that such failures will result in “... **partisan rivals becoming enemies, political competition descending into warfare, and our institutions into weapons. The result is a system hovering constantly on the brink of crisis**”.

Well, Trump has ridden roughshod over behavioural norms. But it's the failure to observe them here which is my concern. As someone observed when, during the leaders' TV debate, one party changed its Twitter page to resemble a factchecking site: “It takes both guile and chutzpah to bring the two words ‘fact’ and ‘check’ into disrepute.” But they've managed it.

This failure of democratic norms was shown by the response which greeted the Supreme Court's decisions against the government in triggering Article 50 and later the long prorogation of Parliament, decisions which asserted the fundamental principle of parliamentary democracy, THAT THE GOVERNMENT EXERCISES ITS POWERS ONLY BY THE AUTHORITY OF PARLIAMENT. The subsequent vitriol which spewed forth over Gina Miller, the instigator of these actions, and the labels “enemies of the people” and “traitors” thrown at the Justices by the tabloid press were a portent of the tone which from then on characterised the political arena. And which has resulted in the departure from that arena of many decent, able and honourable politicians of all sides, especially women, who have tired, *inter alia*, of having the lives of their children threatened. Something we thought was foreign to our way of doing things has invaded the political arena.

This is of real concern, because norms can be gradually chipped away, and language demonising minorities can become harsher, such as the dog whistle attacks on EU nationals accused of treating Britain as ‘their own’.

The egregious abuse of MPs on all sides who, reflecting the divisions in society, were doing their job to the best of their ability, was the lowest point to

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which politics has sunk in my lifetime. The language used by adversaries now seen as enemies - especially women - was startling in its ferocity, complaints about which the PM treated with withering contempt. The hatred on display during those months heralded a descent into political nihilism. The slathering vitriol of the demonstrator who screamed at Anna Soubry that she was a Nazi was breathtaking; to see William Rees-Mogg having to be escorted from Parliament by the police in order to protect his son from the mob - was our democracy descending into what Plato had always feared - mob rule? Is that where we had reached?

Can the coherence of the British polity be re-established? Will the “sacred union” survive, or will centrifugal forces pull it apart? Or is the UK, as the *New Statesman* suggests, “less a union of partners than an unhappy family grappling with long nurtured resentments”? Does England need its own Parliament? Should elements of direct democracy be part of our political practice, and if so, how? Are our MPs to be representatives considering policy according to their judgement of our interests, or mandated delegates parroting the views of constituency activists? Do the parties in their present form have a future or are they in a state of terminal decline as traditional political loyalties evaporate and we all become unpredictably volatile floating voters? The constitutional expert Vernon Bogdanour wonders how rights will be protected in future and whether we should now grasp the nettle of a formal codified constitution. Otherwise how, if at all, will liberal democracy withstand the siren call of nationalistic populism?

Perhaps the majority outcome of the 2019 election will answer these questions in a positive way. But I fear not. For the result only camouflages these faults, which remain intact. And will get worse, if the government starts to probe the extent of our liberal democracy by weakening the Human Rights Act, politicising the judiciary, attacking the mainstream media in the shape of the BBC, rebalancing the system even more in favour of a habitually dominant executive, and creating a requirement for photographic voter identification, which will have the inevitable effect of suppressing voting by minority and deprived groups, as is the intention where it is practised in the USA. Already during the last Parliament No 10 openly considered the possibility of “advising” the Queen to withhold Royal Assent from legislation that it disliked.

This potential attack on liberal democratic institutions is the politics of populism. Our two largest parties have polarised into mutually incompatible ideologies, and cultural identity has replaced social class as the main

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cleavage in our political arena. We are in a new political landscape, one which has yet to be properly mapped. These are issues of concern to all who espouse liberal democracy.

So: to finish, here are a few suggestions of my own:

- let's lower the voting age to 16 - contingent upon proper political education in schools.
- and abandon the Palace of Westminster and move Parliament to a modern purpose built hemispherical Assembly in Birmingham (that would justify HS2!)
- let's see whether the voting system can be made to provide both effective government and electoral justice.
- let's replace the bloated House of Lords by a Senate of 200 members drawn proportionately from all our regions and nations; members to serve just one 10 year term, and 20% of them to be replaced every two years.
- let's hold citizens' conventions as in Ireland to inform parliamentary debates about major reforms.
- let's create a formal UK federation - Brexit has shown the weakness of the existing unitary structure, so it might just save the Union.
- let's have a clear set of rules defining the conduct of referendums
- and let's seriously address issues of poverty, homelessness, inequality, ethnic integration, regional disparities and climate change to show that politicians can listen to people?
- but above all, we *all* should remember the background to recent political conflict, one of vitriol, threat and gratuitous insult fostered by the anonymity of social media.
- let's rediscover some civility in the political arena, an ability to listen to opposing views without demonising their proponents. We must remind ourselves that losing a vote or an election is not an excuse for mayhem on the streets, it's just democracy; and we live to debate and seek to persuade another day. If we don't, our democracy will go into terminal decline and we shall continue to diminish as a nation.

Michael Ignatieff draws a distinction between enemies and adversaries: ***With adversaries***, he says, ***compromise is honourable: today's adversary could be tomorrow's ally.***

Quite so: a political adversary is not an enemy - s/he is a neighbour and fellow human being with whom one disagrees - that's all. We can still support the same teams; we can still laugh at the same jokes; we can still

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be inspired by the same music. And we *should* still break bread and drink wine together.

Yes, I know. It will never happen. Just wishful thinking.

Or could it?