



UK democracy Is it in crisis?

Neil McNaughton

Neil McNaughton argues that it might be better to regard the UK as having a strong democracy with flaws rather than as a flawed democracy

Edexcel: UK politics, Democracy and participation

AQA: The politics of the UK, Democracy and participation

WJEC: AS, Unit 2, Participation and non-participation in a democracy.

With uncertainty growing in the UK over the future of the union, over Britain's place in the world after Brexit, and three indecisive general election results in 2010, 2015 and 2017, questions are now being asked about the state of our democracy. On the face of it the many constitutional reforms that have been introduced since 1997 have strengthened democracy in the UK, but below the surface new tensions are arising.

The EU referendum in June 2016 revealed deep divisions in society and has led to fresh demands for Scottish independence. Furthermore, when the Supreme Court declared in the *Miller* case of 2016/17 that the government did not have the prerogative power to trigger Article 50, taking the country out of the EU, there was a storm of protest from parts of the press, claiming the judges were the 'enemy of the people'. Even the cherished independence of the judiciary seemed to be under threat.

Meanwhile the increasing importance of social media, with questions growing over so-called 'fake news' and the legitimacy of some political campaigns, may well be

undermining democracy. This article takes a critical look at UK democracy today to determine whether these fears have any validity.

The UK's political institutions

Here we examine the changing nature of the UK's constitutional arrangements, assessing the extent to which they have extended or threatened democracy.

The House of Lords

The most recent attempt to reform the second chamber failed in 2012 when a combination of opposition from within the Conservative Party and the House of Lords itself, together with a lack of political will on the part of the coalition government, defeated proposals for an elected house. The lack of reform was put into sharp focus at the beginning of 2017 when the Brexit bill was presented to Parliament. This followed a constitutional conflict over who had the power to trigger the UK's exit from the EU — the government (under its prerogative powers) or the Westminster Parliament (under the sovereignty of Parliament).

The Lords amended the bill twice — demanding that there should be a parliamentary vote on the final exit deal with the EU and guaranteeing the residency rights of EU citizens already in the country — against the wishes of the government. Ultimately the Commons overturned these amendments and the Lords conceded. This avoided a major constitutional conflict, but reintroduced the question of what is the unreformed House of Lords actually for? If it

can only delay legislation (in this case for a few days) its usefulness must be questioned. The reason it has such a limited role is that it still lacks democratic legitimacy. The uncertain status of the Lords remains a problem for democracy in the UK.

The electoral system

Although forms of proportional representation have been introduced in the devolved administrations — AMS in Scotland and Wales, STV in Northern Ireland and the regional list in London — the elephant in the electoral room remains first past the post (FPTP). The failed attempt to replace FPTP in the 2011 referendum apparently kicked the issue into the long grass for some time. A large majority rejected the alternative, an outcome that led many commentators and politicians to claim that there was no appetite to ditch FPTP. However, the flaws in that referendum (which are described below) and the result of the 2015 and 2017 general elections rekindled the question of electoral reform.

The most startling feature was the fate of UKIP in 2015. Winning nearly 3.9 million votes — 12.6% of the total — the party only gained one single seat. Conversely, the Scottish National Party won almost exactly half of the popular vote in Scotland but this was converted into victory in virtually all constituencies. The party won all but three of the 59 Scottish seats. As usual the Liberal Democrats and the Greens also suffered discrimination. Meanwhile the Conservative Party was returned to office with only 37% of the national vote (not a record low — that was achieved by the 2005 Labour government, which won a 66 seat majority on only 35% of the national vote).

In the June 2017 election some order was restored in that the two main parties dominated, winning 89.2% of the seats and 82.4% of the national vote. The small parties, including UKIP, the Greens and the SNP all fell back. Yet one question remained after 2017 — why is the UK still using an electoral system which is palpably flawed (e.g. disproportionate results, wasted votes) and whose great virtue — that of producing strong, stable governments with decisive parliamentary majorities — now no longer seems to apply. If FPTP no longer does what it is designed for, why should we retain it?

What is critical is that elections that do not produce governments with a clear mandate call into question the whole democratic legitimacy of government.

Devolution

Devolution is an ongoing process. The shift in power towards the national minorities and to city regions represents an increase in democracy in two senses. First, it decentralises power and brings it closer to the people. Second, the new devolved administrations are demonstrably more democratic than Westminster. The electoral systems used are more proportional and the representative assemblies in devolved administrations can exercise more control over executive government than Westminster can. All the signs indicate, too, that more devolution may well be introduced in the near future.

The independent judiciary

The Constitutional Reform Act 2005 brought the Supreme Court into existence. It also introduced a number of measures to ensure that the senior judiciary should be fully independent. The senior judges are now appointed by an independent commission and the government was made legally responsible for ensuring independence. Meanwhile the Supreme Court judges were taken out of the House of Lords to ensure a greater separation of powers, along US lines.

Since its introduction the Supreme Court has been extremely active in preserving the rule of law, controlling excesses of power exercised by public bodies and imposing the European Convention on Human Rights. A truly independent judiciary of the kind the UK now enjoys is a cornerstone of modern constitutional and democratic government.

Human rights

The Human Rights Act 1998 was a huge step forward in the protection of citizens' rights and liberties. It was quickly followed by the Freedom of Information Act in 2000. Coupled with the reinforced independence of the judiciary after 2005 there is no doubt that UK democracy has been greatly strengthened in this area. Of course Parliament remains sovereign so rights are always in jeopardy from overmighty government, but the UK has moved one step nearer to the kind of democratic safeguards that exist in most other modern states.

Referendums

Referendums would seem to be a considerable step in the direction of greater democracy. They are pure forms of democracy and are able to settle political conflicts and issues with the direct consent of the people. However, recent experience has called into question the democratic claims of referendums. Three examples from recent times raise a number of concerns.

The 2011 AV referendum

The 2011 referendum on reform of the electoral system was flawed in a number of ways. First, the system being considered was seen as too complicated for many voters to understand. The primary rule of any referendum is that the question should be understood. Second, there was a very low turnout at 42%. Third, many voters used it as an opportunity to punish the Liberal Democrats for a broken promise on university tuition fees and therefore were not voting on the issue at all.

The 2014 Scottish independence referendum

The 2014 referendum on Scottish independence seemed clear enough. There was a high turnout and a 55–45 majority against independence. The issue was clearly understood. However, it has not resulted in

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ELECTIONS THAT DO NOT PRODUCE GOVERNMENTS WITH A CLEAR MANDATE CALL INTO QUESTION THE WHOLE DEMOCRATIC LEGITIMACY OF GOVERNMENT



Pro-Remain protesters dressed as judges outside the Supreme Court in London, 6 December 2016

the issue going away because Scotland’s circumstances are going to change after Brexit. Most Scots wish to remain in the EU but the country will be forced out along with the rest of the UK. In other words, Scottish voters were not in possession of all the facts when they went to the polls.

The 2016 EU referendum

The EU referendum of 2016 threw up several problems, not least of which was the deep divisions it revealed in British society. It is always hoped and expected that referendums can heal the conflicts in a country, but the EU vote opened up deep rifts. Scotland and London showed a marked preference for staying in the EU, but the rest of the UK wanted to leave. Older voters showed an even larger preference for leaving while the young mostly wanted to remain in the EU. Similarly, most middle-class voters wanted to remain, while most of the working class voted to leave. The divisions thrown up by this referendum will make negotiations for leaving the EU especially delicate and potentially dangerous if the minority feel they have been severely let down.

A mixed picture

So referendums have revealed a mixed picture. At first sight they enhance democracy, but the reality is that they undermine representative institutions and do not necessarily solve conflicts.

Participation

It has been argued in recent years that the UK is suffering from a participation crisis, a problem which is so severe that democracy itself is threatened. A politically inactive population, the theory runs, is in danger of losing its democratic rights. The three main pieces of evidence for this claim were the widespread disillusionment with the main parties, falling membership of these parties and, most significantly, low turnout at elections and referendums (Tables 1 and 2). Certainly voting for the two main parties had been in long-term decline. In 1979 Labour and the Conservatives together attracted the votes of nearly 81% of

Year	Turnout (%)
1983	72.7
1987	75.3
1992	77.7
1997	71.4
2001	59.4
2005	61.3
2010	65.2
2015	66.1
2017	68.7

Table 1 Turnout at UK general elections

Table 2 Referendum turnouts in the UK

Year	Subject of referendum	Turnout (%)
1997–98	Devolution to: Scotland	60.4
	Wales	50.1
	Northern Ireland	81.0
1998	Should London have an elected mayor and assembly?	34.1
2011	Introduction of the AV electoral system	42.2
2014	Scottish independence	84.6
2016	British membership of the EU	72.2

the population, but by 2015 this had fallen to about 67%. More recently the picture has begun to change.

Party memberships are rising again. In the early 1980s nearly 2 million people were members of parties. By 2015 this had slumped to less than 400,000. However, the Labour, Liberal Democrat, Scottish National and Green parties have all reported significant increases in membership in 2015–17, especially among young people. It also seems to be that the



Table 3 UK democracy: the balance sheet

Positive elements	Indecisive elements	Negative elements
Proportional representation has been successfully introduced in devolved administrations.	Some referendums have had serious flaws.	The House of Lords remains unreformed and therefore undemocratic.
The House of Commons has become more influential and more effective in calling government to account.	Membership of political parties is growing after many years of decline.	The electoral system for general elections produces an unrepresentative parliament.
Referendums have brought more people into the political arena and turnout for two recent referendums was very high.	The UK's exit from the EU may improve democracy by removing the power of external EU institutions.	Turnout at elections is generally low by European standards and party membership remains limited.
The continuing devolution process is decentralising power.	Rights and liberties remain well protected unless the Human Rights Act is repealed.	Strong elements of elitism remain in society and politics.
Social media and the internet have provided many new platforms for political participation, encouraged pluralism and dispersed influence more widely.	The last three general elections, none of which produced decisive government majorities, may be a temporary anomaly.	The prime minister and government retain wide prerogative and therefore arbitrary powers.
The judiciary is now properly independent.		

long-term decline in voting turnout has been arrested and has begun to turn round.

We have to bear in mind that increasingly large numbers of citizens remain committed to individual causes and participate in campaigns by pressure groups and on various internet platforms. E-petitions have attracted the support of many millions, including nearly 4 million signing up for a second EU referendum in 2016. There may be much less participation in party politics, but issue-based politics seems to be thriving.

Social media and democracy

The growing importance of the internet and social media in democratic activity must be viewed as mostly positive. They have both widened political activity and brought many more people into the political process than was the case

when participation was limited to traditional pressure group and party membership and, of course, voting in elections. The spread of knowledge and influence is dispersing power more evenly throughout the population. Above all, there are encouraging signs that younger people are re-engaging with politics, as was indicated by the groundswell of support among that age group for Jeremy Corbyn and a higher voting turnout among 18–24 year olds, rising from little over 40% in 2010–15, to nearly 60% in 2017.

The picture is not all positive, though. It can be argued that participation in such platforms is much less intensive than direct action. Participation in e-petitions and write-in campaigns on such sites as 38 Degrees and Change.org may represent political activity, but it is of an extremely limited nature.

Conclusion

All this certainly does not amount to a crisis. In fact it is a balanced picture (Table 3). The fact that the UK still lacks checks and balances and still has undemocratic elements should not disguise the fact that there is widespread support for the democratic system and an absence of serious dissent. It would probably be better to describe the UK as a strong democracy with some flaws rather than a flawed democracy. Democratic purists, however, may disagree.



Jeremy Corbyn's appearance at the 2017 Glastonbury Festival was met with enthusiasm by the crowd

Exam focus



- 1 Evaluate the extent to which there is a democratic crisis in the UK. (Edexcel-style)
- 2 'The UK is a strong democracy with flaws rather than a flawed democracy.' Analyse and evaluate this statement. (AQA-style)

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