

Yes, We Do Live in a Democracy

FRANCIS BENNION

Last week's article by Eric Crowther entitled "Do we live in a democracy?" implied that we don't. Here is my answer.

First, I invite Mr Crowther to do a quick global survey and tell us which foreign country has a better democracy than ours. He won't find one. After that he might consider some basic constitutional truths. A modern democracy needs a strong executive, an elected legislature with a revising chamber, and an independent judiciary. We have all three.

Mr Crowther's main complaint is that the present Labour Government has a large majority and drives its measures through. Lord Hailsham said much the same during the last Labour Government, when he protested at what he quaintly called elective dictatorship. But not once did we hear that derogatory phrase from Lord Hailsham after Mrs Thatcher had gained power and appointed him Lord Chancellor.

Over centuries, Britain has painfully evolved an ingenious relationship between executive and legislature. The executive is headed by a Prime Minister and Cabinet largely drawn from the House of Commons. Between elections each party assembles its manifesto for the next one. Then the victorious party is acknowledged to have a mandate for passing all legislation promised in its manifesto. The whipping system, which Mr Crowther dislikes, democratically ensures that party members vote the government line. This produces relatively clear and coherent legislation.

A party's manifesto must be assembled without the aid of the Civil Service, but as soon as the party gains power it has the daily use of that body - a strong, highly-trained, non-corrupt, politically neutral *corps d'élite*. It constantly supervises and implements administration and prepares policy proposals for ministers. Its personnel do not change when a different party succeeds to power. It designs all government legislation. In the person of Parliamentary Counsel, it drafts all primary legislation that passes, including all amendments made to bills. Other expert officials draft subordinate legislation. This again helps to produce coherent laws.

An important element in the workings of the executive is the feedback (and feedforward) from voters through MPs and other conduits such as the media. Like blood to the organs of the human body, the opinions of the electorate constantly feed the body politic, often through the Whips Office. That traffic is the essence both of democracy and public morality.

Remember that not only is every voter an ethical being, but every elected representative is an ethical being also. It is the people who appoint MPs. Jefferson said: 'I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.'

One must accept that a democracy gets the government it deserves. But what other government should it have? Carlyle said a democratic government is the exact symbol of its people, with their wisdom and unwisdom. It can be no other, or we are falsely governed by creatures better or worse than ourselves. Democratic government is the political representation of a natural equilibrium: of custom, of inertia. It is not altogether a representation of reason, for mankind is never entirely reasonable.

One of the greatest dangers of democracy is that the majority will so deploy its power as to oppress minorities. This risk is inherent in the very concept of universal suffrage, and was used by Lenin to attack it. He said: 'A democracy is a state which recognises the subjection of the minority to the majority, that is, an organisation for the systematic use of violence by one class against the other, by one part of the population against another.'

One answer has been found in the recent concept of human rights. President Franklin D. Roosevelt saw these as the content of a social contract. The practice of self-government, he said, is a covenant among free people to respect the rights and liberties of their fellows. Thomas Paine said that he who would make his own liberty secure must guard even his enemy from oppression. John Stuart Mill concurred, saying: 'If all mankind, minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.' The principle is generalised by Rawls in his theory of justice.

In an enlightened democracy, where justice and tolerance flourish, there can be few genuine instances of the oppression of a minority. Disagreement must never be mistaken for oppression; for disagreement is a distinguishing feature of free human societies. Where in a democracy the majority does seek to oppress a minority the latter are morally, if not legally, entitled to resist. However to be in conflict with the established order is not necessarily to be an agent of enlightenment. I am not oppressed because I say I am oppressed, or even because I think I am. In a democracy, a minority is not entitled to use illegal force where no force is used against it. To use illegal force in the promotion of a private opinion is immoral, and certainly undemocratic. The fact that the opinion is altruistic (for example in protection of what used to be called dumb animals) compounds the tyranny by making it plausible to the uninformed.

The illegality of so-called direct action, so common today, marks it as undemocratic - for the rule of law is the hallmark of democracy. The dagger plunged in the name of Freedom is plunged into the breast of Freedom. Ballots, said Abraham Lincoln, are the rightful and peaceful successors to bullets. Where ballots flourish, there can be no place for bullets. The Armalite does not belong with the ballot-box: they are in different worlds. Freedom under democratic law is inviolate. Unlawful force deployed to advance an opinion is to be rejected. The place to advance an opinion is the assembly.

We must however believe in the assembly. Brooks Atkinson said we require supermen to rule us, since the job is so vast and the need for wise judgment so urgent. But alas, there are no supermen. There are only politicians. We must use what we have got.

For the voter it is comfortable to sit back and regard politicians as power-hungry, publicity-seeking charlatans. We are quick to see these people as grasping and absurd. Camus said that politics, and the fate of mankind, are shaped by men without ideals and without greatness. Senator Robert Kennedy pointed to the problem of getting men of power to live *for* the public rather than *off* the public. But we have to rise above these difficulties. We need at all times to respect the calling of the politician, make sure the conditions of service are such as to attract the best men and women to follow that calling, and insist that candidates are carefully and fairly selected. On the whole that is done successfully in Britain.

Mr Crowther complains that technicalities of parliamentary procedure are used to prevent the passage of non-Government bills such as that against fox hunting. I would defend those technicalities. They serve a democratic function. A private member's bill has not emerged from the thorough democratic procedures accorded Government bills. It may be half-baked. Worse, it may be tyrannical. To let it through on the nod may be safe if not a single MP objects; otherwise not.

Finally, I would remind Mr Crowther of the coercive nature of legislation, with its criminal penalties for disobedience. Mr Crowther may dislike fox hunting. I may dislike fox hunting. But fox hunting has been lawful in our country since time immemorial. A heavy onus lies on those who now think they know best and are bent on making criminals of their fellow citizens who hunt.

1998.008 "Yes, we do live in a democracy" 162 JP 575.