

# DEMOCRACY

AN INQUIRY INTO THE FUTURE OF SCOTTISH DEMOCRACY

# MAX



**A VISION  
FOR A GOOD  
SCOTTISH  
DEMOCRACY**

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August 2013

**POLITICS**  
**IS TOO IMPORTANT**  
**TO BE LEFT TO**  
**POLITICIANS**



# DEMOCRACY MAX

A vision for a good Scottish democracy

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**FOREWORD BY  
JAMES  
ROBERTSON**



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A vision for a good Scottish democracy

**T**he referendum on independence in September 2014 offers a chance to imagine what kind of Scotland we want to live in. Whatever the outcome of that referendum – whether Scotland continues as a part of the United Kingdom or becomes, once again, an independent country – in many ways the result will not be a conclusion, any more than the 1997 referendum vote for devolution was a conclusion. It will be an opportunity, a beginning.

Arguably, the independence debate isn't really about independence. It's about what independence might be *for*. If we take this view, then the same applies to continuing with existing constitutional arrangements. What are *they* for? In either post-referendum scenario, further questions arise: how well does our political system work, and what can be done to make it work better? What values do we want to underpin our society, and how can we ensure that they are built into political and civic structures that include, rather than exclude, the mass of the population?

This debate is too important to be left in the sole possession of the

political parties, which is why I welcome the Electoral Reform Society Scotland's facilitation of the Democracy Max debates. Democracy Max starts from the premise that sovereignty lies with the people, and that key elements of our society, such as the education, health, social security and justice systems, should function in the best interests of the people. For that to happen, our political system must be both efficient and democratic, able to deliver results yet open and accountable. This applies at both local and national levels.

The people of Scotland, whether they vote for independence or to remain in the Union, deserve a better political system than one in which politicians and civil servants are perceived to live in a different world from that inhabited by ordinary people. The Democracy Max series shows that there are many imaginative ways that a healthier, more effective and more accountable politics can be grown, to enable Scotland to become a better country.

James Robertson  
August 2013

# INTRODUCTION



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The 2012 Hansard Audit of Political Engagement<sup>1</sup> stated: 'Voters are disgruntled, disillusioned and disengaged'. After countless scandals, crises and inquiries, is it any wonder that people think politics isn't working for them. At the Electoral Reform Society (ERS) Scotland, we believe that the Scottish independence referendum debate is an opportunity to challenge our political system to change, to confound the low expectations voters have of politics, and to deliver on the high hopes they still hold for democracy in Scotland.

Democracy Max is an independent inquiry initiated by ERS Scotland into 'What makes a good Scottish democracy'. In contrast to much of the current debate around Scotland's constitutional future being led by political parties, Democracy Max provided a non-partisan space where those with different views could debate and discuss ideas and where political rhetoric could be challenged and unpicked, with the aim of achieving the following objectives:

- ▶ To debate, in a non-partisan space, the nature of democracy

in a changing world and begin to describe what a good Scottish democracy should look like.

- ▶ To deepen our understanding and inform our position on the constitutional debate and what concerns people about our political systems, with a view to future campaigning.
- ▶ To help shape the language of the debate around the referendum to ensure the idea of what kind of democracy we want to live in is part and parcel of the debate.

## **The first conversation: The People's Gathering**

To begin the inquiry, ERS Scotland organised a deliberative discussion event which brought together as representative a sample as possible of Scottish people.<sup>2</sup> The People's Gathering saw over 80 delegates come together in Edinburgh to engage in radical thinking about Scotland's democracy. They were asked to imagine:

**It's 2030, and Scotland is admired as a shining example of democracy**



**and democratic participation. What three aspects of this future society please you most?**

In the morning they discussed their aspirations for Scotland's democratic future and in the afternoon, they thought about how we might achieve those things, or what was preventing them from happening.

**The findings from the People's Gathering**

The ideas that came out of the People's Gathering were published in the first report of the series: 'Politics is too important to be left to politicians'.<sup>3</sup> They then formed the basis of three phases of roundtable conversations which sought to distil those ideas into a 'Vision for a Good Scottish Democracy'. A vision informed by people not politicians.

The process involved difficult discussions about the feasibility of the ideas, about why some of the ideals shared have not yet been implemented, and about the forces that prevent change. It also presented a challenge to our roundtable participants to think

about how the ideas proposed by the People's Gathering might be achieved in a future Scotland, and what that future Scotland might look like.

The findings from the People's Gathering are organised into three broad themes:

- ▶ **Sovereignty of the People** – How do we return more power to the people?
- ▶ **Defending our democracy** – How do we stop vested interests having too much influence?
- ▶ **How do we write the rules** – How do we get the checks and balances our democracy needs?

**The Democracy Max roundtables**

The roundtable sessions based around these themes were held between October 2012 and June 2013. Academics and experts, commentators and opinion formers, campaigners and community activists, writers and representatives of Scottish civic society and other citizens (but no politicians), were

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invited to contribute their thoughts, expertise and opinions. There were two sessions on each theme, with participants invited to attend either or both discussions.

Each roundtable fed into the next, allowing learning to travel through the whole process and for areas of overlap between the phases to be considered, but also providing for fresh thinking and different perspectives and expertise to be applied. Inevitably the roundtable discussions were wide-ranging and did not always correspond precisely to the division of topics from the People's Gathering. We are confident nonetheless that all of the ideas from the People's Gathering have been given careful consideration. We hope our delegates from that first all-day session agree.

In order to take the ideas from the roundtable back to the public, each roundtable reported to a public event at which attendees were invited to discuss the conclusions in a deliberative and participative format. There were interim publications after each phase, which are gathered together in this final

publication; a 'Vision for a Good Scottish Democracy'. This merges the interim publications to reflect the process of Democracy Max as it progressed over time.

We have organised the findings into three chapters, reflecting the broad themes from the findings of the People's Gathering. Each chapter is prefaced by a summary of the ideas and comments from our People's Gathering delegates, and some of their aspirations for Scottish democracy in 2030.

We intend to use this publication to develop future ERS campaigns and to work with individuals and civic society organisations to challenge our elected representatives to tell us what they might do to help lead us towards this vision of a good Scottish democracy.

# **ACKNOWLEDGE- MENTS<sup>4</sup>**



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This project is motivated by the simple belief that politics is just too important to be left to politicians. We would like to take this opportunity to thank all of the people who made this process possible.

From the outset the process has been guided by the Public Policy Network at the University of Edinburgh. They advised on the deliberative democracy format of the People's Gathering and the public events after each roundtable.

The Public Policy Network was also kind enough to host the first set of roundtables.

We are also indebted to the Scottish Political Archive at the University of Stirling who hosted and supported the second set of roundtables.

Our thanks are also due to the chairs of the three roundtables, Esther Robertson, Rob Edwards and Shelagh McKinlay.

Finally, we are incredibly grateful to all the participants in the Democracy Max process. Hundreds of people have willingly and generously given

of their time and expertise; they are too numerous to list here but without them none of this work would have been possible.

Thank you all.

**DEMOCRACY  
MAX –  
A SUMMARY  
OF THE  
FINDINGS**



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## DIRECTOR'S INTRODUCTION

**T**his publication is a collection of four separate reports that capture the rich conversations, questions, ideas and suggestions that have emerged from the Electoral Reform Society's inquiry into a good Scottish democracy: Democracy Max.

The process began in July 2012 when we brought together 80 Scots from different backgrounds to participate in a day-long facilitated discussion about what people aspired to for Scotland's democracy, and what was preventing that from happening. This took place within the context of the debate on the constitutional future of Scotland, which will culminate in the referendum on Scottish Independence in September 2014. This has placed the discussions directly into mainstream conversations.

The legitimacy of representative democracy is not only receiving increased attention in Scotland. The changing nature of our society – how we communicate; how we store and exchange information; a growing feeling that our leaders are unable to protect us from economic woes; the

inability of unreformed majoritarian and representative systems of democracy to answer the demands of popular uprisings around the world – means that 'how to govern' is a highly topical question.

Our Society was formed in 1884 in order to secure a more proportional electoral system for the British Parliament. This investigation has helped us reaffirm that elections are central to democracy and the fairer and better operation of them would help in building legitimacy for representative institutions. At every stage of our inquiry participants generally took Scotland's fairer electoral system for both Parliamentary and local government elections as a given, and many of the failures of democracy that participants discussed have clear implications for the future of the First Past the Post system at Westminster. We continue to campaign for a fairer voting system across the UK and specifically for England and Wales to follow Scotland's example by adopting the Single Transferable Vote form of proportional representation for local elections. But the wide range of issues explored by Democracy Max

participants are a powerful reminder that voting reform is vital but must be accompanied by other reforms for a democratic breakthrough.

It is increasingly evident that falling turnout in elections is not an apathetic response of a disinterested public. To many it is a very rational response to their increasing distrust in and alienation from traditional politics. For the political elites declining turnout is a rare glimpse of the hopelessness many feel about the democratic process. And of course, that decline in turnout begins to delegitimise democracy itself. It has to be acknowledged that while getting more people to vote would be a good thing, it remains the case that if people feel voting is perceived as pointless, then what is the point of more of them voting?

If the real goal of democracy is to share power so it is exercised in the democratic interest, truly engaging the masses, then more fundamental changes are required. I am delighted to say the participants in our investigation have suggested a number of thought-provoking ideas.

- ▶ People being empowered to run their own towns and villages through deliberative 'mini-publics' as well as representative democracy.
- ▶ A Citizens' Assembly – a chamber of citizens, possibly selected like a jury to check and challenge the elected politicians.
- ▶ Funding Reform – parties funded in transparent ways other than through big donations from organisations or rich individuals.
- ▶ Better Media – as traditional business models struggle and 'Press Barons' are exposed, our participants suggest ways for a greater number of voices to be heard and for media to operate more explicitly in the public interest.
- ▶ Openness and transparency – a strong assumption that information should be publicly available and a case must be made as to why it is not.
- ▶ A statutory register of lobbying – that sets out who is lobbying whom and why.

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- ▶ A written set of principles for Scots to unite around – setting out who we are and by which rules we wish to be governed.
- ▶ An inbuilt system to review and advise on how the Scottish Parliament and Government fare in abiding by these principles.

These are ideas and suggestions. Many of them are not new, but they do have a renewed relevance at this time. We have weighed up the pros and cons of each in our discussions and feel they deserve consideration as interventions to improve our democracy. We suspect some of them are more vital than others and so should be acted on quickly.

Therefore, going forward we will decide priorities and commit resources to campaign for them. If you are interested in being involved please get in touch. We already have some plans for ‘what next’ and these are laid out at the end of this book.

Willie Sullivan  
Director, ERS Scotland  
August 2013



# THE SOVEREIGNTY OF THE PEOPLE

**“IT IS THE SOVEREIGN RIGHT  
OF THE SCOTTISH PEOPLE TO  
DETERMINE THE FORM OF  
GOVERNMENT BEST SUITED  
TO THEIR NEEDS.”<sup>5</sup>**

**SCOTTISH CLAIM OF RIGHT**



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## PEOPLE'S GATHERING FINDINGS

**S**overeignty of the people is a constitutional principle long recognised in Scotland which provides that the Scottish people have the sovereign right to determine the form of government best suited to their needs. This is different from the concept of the UK parliament being sovereign. Under the heading of Sovereignty of the People, we have grouped issues raised at the People's Gathering which reflect this ideal of the Scottish people in participating and engaging in politics, and being the ideal to whom the state should be accountable.

We hope that the first phase of the roundtables will discuss the accountability of the state and its representatives, the participation of the people in those processes of accountability and how to ensure the diversity of the population is represented.

The outcome aimed for would be suggestions for initiatives, interventions and processes that will improve genuine accountability and ensure more citizens are empowered to participate.

Active participation in politics was a strong recurring theme from the People's Gathering. The discussion ranged from wanting to encourage people to stand for election and thinking about what might be discouraging them from doing so, to thinking about why turnout in elections is so low and what might be done to re-engage people with the political process. Delegates also considered that knowledge of political processes and an informed society were integral to ensuring active participation.

As well as those practical aspects, it was felt that part of what is discouraging participation is the way we manage our political structures. Delegates felt party politics and the increase in professional politics were turning people off politics, and that the failure of our institutions to 'look like us' means people don't feel that they can influence politics.

## GREATER PARTICIPATION:

Delegates asked why so few people participate in politics at any level and suggested analysis and work to promote initiatives would be helpful. Delegates felt that financial barriers to standing for election should be removed. The time commitment and unique challenges of re-entering the job market after serving as a politician should also be considered. Solutions suggested included providing grants or funds to allow participation in elections. The right to “democratic leave” or workplace flexitime to include time off for community and voluntary service or a secondment structure for political representation was brought up by a number of delegates. It was also acknowledged that positive role models are needed to encourage people to stand.

### In 2030...

There is no income barrier to participating in elections

Most people stand for election or serve on a community council at some point

## IMPROVED TURNOUT:

Delegates considered compulsory voting but felt if it was introduced there would need to be a ‘none of the above’ option on the ballot paper. Indeed, even outside of whether voting should be made compulsory or not (and some delegates strongly disagreed that it should), it was considered whether a ‘none of the above’ option could serve as a means to express willingness to engage with the system but being unable to identify with any of the parties or candidates.

Other ideas discussed around turnout included online voting and registration. Changing polling day away from a Thursday was also mentioned. Lowering the voting age was discussed, with a general feeling that this would assist in young people becoming fully engaged, as well as being a welcome change.


Some delegates talked about whether more referendums would encourage greater participation, with a suggestion they be held alongside elections. The ability to call referendums by petition was also suggested as a way of reconnecting

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people to politics and voting – with one idea being that the current Scottish Parliament Public Petitions Committee could include an option to submit the issue to a referendum.

In 2030...



All our young people are fully engaged in the democratic process and feel able to influence it in a positive way

We have brought the disenfranchised back

## AN INFORMED SOCIETY:

Delegates very strongly felt that if people were to re-engage and have faith in politics again, society needed to be much better informed.

This more informed Scotland would ideally have free cradle to grave education, with more thought given to early education and an emphasis on, if not a compulsory element of, citizenship education.

Beyond the formal school system, a desire was expressed for education in the community, to inform about changes in the system, and how to access politicians and politics. Workplace democracy was also considered to have a role in informing society. The role of the arts was considered. This more day-to-day information and education were felt to require a genuine process of disseminating information to the people and facilitating feedback from them.

Delegates felt this citizenship education should have considerable breadth. It should include practicalities, like information not just about who makes the decisions, but also how the decisions are made, and should enable people to understand the system – who governs what, and to make informed decisions. It should also include education on how to access politicians and politics, perhaps including surgeries in schools, as well as learning about deliberative processes and what it means to be a responsible citizen.

Other practical aspects suggested included a greater emphasis on pragmatic economic skills and

issues, an emphasis on skills and motivation to participate in local and national democratic processes, and a consideration of what it means to make 'good choices'.

It was felt that as well as informing society and improving political engagement, this future vision of better employment and more choice in education would lead to better engagement with society and less apathy.

More holistically, it was hoped that any education system would nurture, not suppress, aspiration, and would develop people's confidence in their ability to succeed.

Importantly, delegates noted that the language used as part of any informing and educating process must be accessible.

In 2030...

Being a responsible citizen is part of the curriculum

There is a greater presence and involvement at both primary and high school level of politics and the role it plays

## ACCOUNTABLE ELECTED OFFICIALS:

Delegates felt strongly that there should be constraints on professional politics. Possible implications discussed included that politicians should serve limited terms, that remuneration should be linked to average wage levels, and that a power of recall should be introduced. It was suggested that MPs themselves need to be more engaged, with the fact of House of Commons attendance being rarely at 100% noted. It was also felt that whilst in opposition elected representatives lose power and influence in a way that means they are not given the chance to truly represent their constituents.

Delegates would like methods to address this imbalance to be considered.

In 2030...

Elected members can be held accountable for wrongdoing

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## ELECTORAL REFORM:

More proportional voting systems were seen as desirable. It was acknowledged that Scotland already has fairer systems in place at all levels short of elections to the House of Commons.

Improvements and alternatives suggested included open lists and multi-member constituencies. Primaries were considered, as was the concept of write-in candidates, and the 'John Lewis' style model where everybody is a candidate was presented as of interest.

In 2030...

We have a fair voting system where voters feel their vote counts

## FEELING CONNECTED:

Throughout the consideration of participation and engagement delegates felt that moving decision making closer to the people affected would improve representation and accountability. They suggested that distance from government made

people less likely to see the impact of their choices and thus less likely to engage.

Equally, power exercised locally was felt to be easier to understand and challenge, due to improved transparency.

In 2030...

A higher percentage of people are engaged or involved in local community or politics

## A REPRESENTATIVE PARLIAMENT:

There were strong feelings that parliament should be more representative of the Scottish people – in terms of Gender, Sexual Orientation, Ethnicity, Age and Disability.

In 2030...

The Scottish Parliament reflects the Scottish population

50:50 gender balance in all our political structures

## ENGAGED VOTERS – ONLINE AND OFF:

Delegates often mentioned that new technology could be utilised to facilitate engagement.

At a more traditional level, it was considered that politicians have the responsibility to engage the public and should make more of an effort to go to the people rather than expecting people to come to them.

In 2030...

Citizens are fully engaged in the democratic life of our country through traditional and high tech means

## MOVING BEYOND THE PARTY SYSTEM:

A persistent thread of debate was the failure of party politics, a feeling that political parties hinder rather than help the democratic process.

Delegates felt parties were indistinguishable. They were keen that party politics should come

second, with partnership politics not party politics being the norm. Some even suggested the abolition of political parties, which demonstrates the extent of their dissatisfaction with and alienation from current party politics. The short term-ism of the election process was considered, and whether this damages the ability of politicians to represent their constituents when so much time is spent on electioneering.

Also raised more than once was the idea that language is institutionalised by political parties, academia and the public sector, and that if we are to understand and hold our politicians to account this needs to be less exclusive.

In 2030...

Party politics comes second – politics is about people

# **ROUNDTABLE REPORT**





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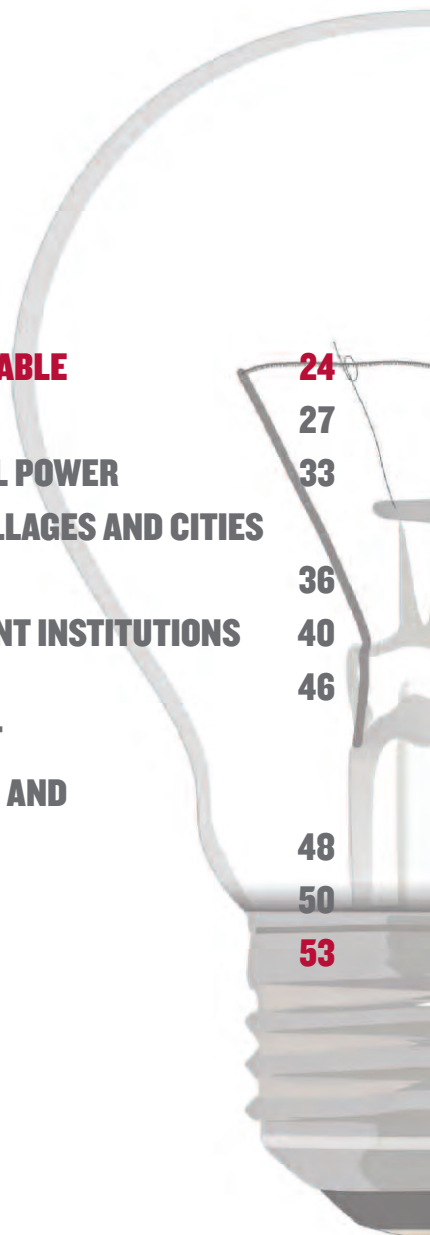
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The following is a summary of the views of the roundtable participants as they reflected on the issues raised at the People's Gathering. We also include suggestions for interventions and reform.<sup>6</sup>

We also give examples of relevant academic research, commentary and analysis. **These are in red.**

## DIRECTOR'S INTRODUCTION

This report reflects a conversation that took place between 28 people over two four-hour sessions in November 2012. The participants were invited because they had thought, written, organised, or in some way shown an interest in thinking about the future of democracy and the distribution of power in Scotland.

This conversation was itself informed by a bigger conversation: the People's Gathering, which saw 80 delegates meet in Edinburgh last July to share their vision of a good Scottish democracy. The conversation will continue within the Democracy Max programme until we publish our final report in August 2013, but we hope it is underway in other places as well: in political parties, at dinner parties, in community groups, in pubs and homes, on Twitter and Facebook, and in the media. We hope the conversation about creating a better democracy grows and spreads, so that by the time we come to the referendum in Autumn 2014 many of us know what we think a good democracy would look like, and whether we vote yes or vote no, the politicians will know as well.

A third of the way through the Democracy Max programme certain themes are emerging:

We know that many people are disengaged from and disillusioned by our politics; historically low election turnout alone is enough to give us concern. Our discussions suggest that this is because politics and governmental institutions have failed to keep up with changes in our society. We have moved from an industrial age when power came through machines, to an information age when power flows with knowledge and control of that information. Yet we still try to govern our country with institutions that resemble mechanical machines rather than information networks. We remain a transactional democracy where politicians vie for votes by trying to offer voters more 'stuff', when what is required is a transformational politics because people want and need politics to change their lives.

Two interesting suggestions have emerged from the conversation so far:

The first is bringing power closer to people. Remote decision making and

abstract policy debates have little to offer most people. People live in communities and neighbourhoods, 'people-sized places', and that is where they might become involved in politics because they care about the decisions being made. The long-term centralisation of power in the UK and Scotland feels increasingly undemocratic. Compared to most other European states, the levels of local representation and local power are derisory. The myth of us having too many politicians is verging on a conspiracy. Instead should we consider councillors representing smaller local areas? Could they be public servants serving on a voluntary basis? If everyone took their turn, people would truly know their local councillors.

The second suggestion is a Citizens' Assembly – an additional decision-making chamber constituted like a large jury, where people are appointed for short terms (perhaps a year) to reflect the make-up of the Scottish public. Their legitimacy derives from the fact that together they are a 'mini-public'; they would use deliberation and evidence gathering to make decisions rather than competing for partisan


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advantage. How much power such a chamber would have and its exact make-up are for further debate although some ideas have been put forward. This could be a new way of giving power to the public that better reflects our changing society.

So while our politics might be in crisis, we do not think it is beyond treatment. In fact there is an opportunity for Scotland to lead the way in creating a new politics. In the next two phases of Democracy Max and in our final 'Vision of a Good Scottish Democracy' we hope to stimulate more conversation and as many contributions as we can. It will then be for the Electoral Reform Society and others to argue and campaign for the changes to make that vision a reality.

Willie Sullivan  
Director ERS Scotland  
Edinburgh, February 2013



**Community groups with a legitimate grievance or axe to grind get kicked from pillar to post by technocrats, bureaucrats and party political interests on the basis that they don't know the whole story. They should know the whole story.**

## DISCUSSION: ENGAGEMENT

**T**he round-table discussed the perception that we are only invited to participate in decision making when those in power choose, and even then our opinions are often dismissed, ignored or disregarded, causing people to lose faith in the processes of consultation.

The roundtable felt that explicit and implicit expressions of a lack of faith in the public from politicians assist in the public's own lack of faith in themselves to either exercise power or express an opinion.

There was a strong feeling that the experience people have of public

institutions and services is that they are not open to public involvement or inclined to listen to the public. Even when access to services or institutions is granted or facilitated it can still be difficult to be heard because of barriers such as bureaucracy and office hours. Different conceptions of language or the use of words and terminology between the individual / community and the decision maker can be additional hurdles. As a result not all voices are heard equally, people are discouraged, and often disadvantaged groups are most likely to be excluded.

**To be re-engaged, you have to have been engaged at some point in the past, and there are large groups of people who are not engaged at all and never have been. The voices that aren't heard are usually the most disadvantaged and it's not that they've chosen not to use their democratic muscle, they don't actually have any, and they have no expectation of being asked to participate, and that in itself is a challenge.**

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▶ Participation takes practice. If opportunities are limited then people do not get to exercise the skills and habits required in a truly democratic society. Without civic exercise they fail to 'grow democratic muscle'. Negative experiences or deliberate exclusion by those in power will mean already disadvantaged groups are even less likely to develop these skills and the confidence to use them.

▶ Institutions feel exclusive. When individuals are made to feel unwelcome, distrusted and inconvenient by the public institutions which they encounter as part of their daily lives, it is understandable that they will turn away from these institutions and their representatives.

▶ Consultation is discredited. Public consultation is ripe for reform with participants urging an end to 'tick box' or formulaic exercises to be replaced by more meaningful involvement and participation, possibly on a smaller number of issues but trialling different approaches.

▶ Democracy needs to be redefined. Only a radical re-think of how and where we 'do politics' can give people courage to engage with the process, imagine the future rather than only react to the present and make the establishment open up to embrace innovative ideas.

**There is substantial research into the main socio-economic and institutional reasons for low levels of participation:**

## **Participation takes practice:**

Burns et al<sup>7</sup> suggest there are three participatory factors: resources, recruitment, and orientations to politics.

Individuals will be more likely to take part in politics if they have resources that make it possible to do so: among them are the time to devote to activity; money to make contributions to campaigns and other political causes; and civic skills, those organizational and communications capacities that make it easier to get involved and that enhance an individual's effectiveness as a participant.

Political activity is often triggered by a request from a relative, a workmate, a fellow organisation or church member or even a stranger who calls during dinner. Those who have the wherewithal to take part are more likely to do so if they are asked.

Finally, several psychological orientations facilitate political activity. Individuals are more likely to participate if they are politically interested, informed, and efficacious, and if they can make connections between their concerns, especially the concerns rooted in group identities, and governmental action.

These participatory factors are influenced by various non-political institutions and socio-economic factors. With few compensatory inequalities, men – especially Anglo-White men – are advantaged with respect to the resources, recruitment attempts, and political orientations that foster activity.

“Through their participation, citizens communicate information about their preferences and needs to public officials and generate pressure on them to respond. Those who are inactive risk being ignored

when policies are made. Moreover, beyond the possible impact on policy outcomes, participants gain additional benefits from taking part: recognition as full members of the community; education about the social and political world; and information, skills, and contacts that are useful in other social pursuits. Thus we care about group differences in political participation – between men and women, or between Blacks and Whites, or between lawyers and cashiers – because they represent a potential compromise in the democratic norm of equal protection of interests.”<sup>8</sup>

Pattie and Johnston<sup>9</sup> acknowledge that often distrust in politicians can inspire engagement, with perceived shortcomings in elected officials acting as a goad to action. They also discuss education as a corollary to engagement, and a similar corollary around the individual’s conception of ‘fair shares’ – “Those who felt that working people did not get a fair share of the nation’s wealth were less likely to feel efficacious than were those who felt there were fair shares for all. They were also less likely to have faith in the current system of government.”

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Educational attainment is often given as a marker for engagement. Whilst this may be true, other studies<sup>10</sup> have shown that in fact education merely acts as a proxy for other factors such as family, socio-economic status and parental involvement in politics. These factors, and the impact they have in the early socialisation process do not only affect political participation, they also determine the level of education (thus delivering the correlation noted above).

Which means that the people who feel most deprived are also those least likely to engage in the system because they don't think it will make a difference.

## **Consultation is discredited:**

This feeling that one cannot make a difference and therefore that engaging is not impactful can sometimes be alleviated with a rise in social capital<sup>11</sup> - networks of community, voluntary and social organisations and activity. As levels of trust within a community go up, fostered by strong social capital, so do feelings of being able to change things. This supports the indications

of increased participation in communities like Shetland and Eigg, where islanders have had to work together to create their own local institutions and activity.

## **Democracy needs to be redefined: Voting**

Voting in elections is a crucial part of a healthy democracy. With voter turnout at times lower than 50% there are serious questions around representation and legitimacy. Voter participation is also a social justice issue. Learning from Ireland<sup>12</sup> suggests there is a group of 'non-voters', particularly from deprived backgrounds who believe their voices have no value, do not know how to vote or register to vote, are intimidated by politicians' language, have no confidence in politicians, and have given up voting due to the growing gap between the richest and poorest. In Scotland, there is a wide range of turnout levels depending on geographical area and related socio-economic factors. At the last local authority elections Glasgow's turnout was 32% compared to Edinburgh's 42%. Specific data based on income distribution is somewhat harder to come by.



The correlation between education or socio-economic status and participation noted above should also be of concern as this suggests levels of engagement are indicative of wider social inequality, thus implying politics is an elite activity and therefore undemocratic. A Democratic Audit report: *Power and Participation in Modern Britain*<sup>13</sup> found that: "Certain groups, among them the economically disadvantaged, face pronounced difficulties in mobilising in order to exercise power, even if other groups do not act against them." The *Pathways through Participation*<sup>14</sup> project also found that inequality of opportunity was a major factor in levels of participation. "...deeper and more entrenched issues in society are reflected in disparities in the practice of participation. Issues of power and inequality in society are critical to understanding how and why people get involved and stay involved. The uneven distribution of power, social capital and other resources means that not everyone has access to the same opportunities for participation nor do they benefit from the impacts of participation in the same way. Such persistent and structural socio-

economic inequalities are clearly challenging to address and cannot be removed without profound political and societal changes."<sup>15</sup>

There is also evidence that acquiring the habit of voting is an important factor in continuing engagement. Lawrence Le Duc & Joy H Pammett state: "the failure to establish the habit of voting early on tends to reduce future participation at all levels."<sup>16</sup>

## Representation

Equally, a failure of a cross-section of the population to stand for elected office has resulted in unrepresentative decision-making bodies. This is perhaps best documented in the case of gender imbalance. Women won the right to vote in the UK over 90 years ago; yet only one in five members of the UK Parliament are women (22.3%). Positive measures put in place by Labour prior to the first election to the Scottish Parliament saw the percentage of women in the 1999 election reach 37%, and this rose to 40% in 2003. However, gender balance at the Scottish Parliament has since slipped back to 34.9%.

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'Twinning' measures used by the Welsh Labour party have seen women's representation in the Welsh Assembly remain above 33%, with the current balance at 40% of women Assembly Members, although this is also a reduction from the previous high of 51.6% in 2005-2007.

Local government fares even worse, with the 2012 Scottish local elections returning only 24% of women councillors (an improvement on the 21.8% figure of 2007). Only one of the 32 local authorities in Scotland is led by a woman (3.1%) compared with three in 2007. Patterns of gender imbalance persist; for example, 136 of the 353 council wards are represented by teams of all-male councillors (38.5%), while just four wards are women-only (1.1%).<sup>17</sup>

Research shows that under-represented groups are more likely to participate when they see members of their group succeeding. Burns, Schlozman and Verba<sup>18</sup> found that women seeking or holding elected office in American politics have an impact upon the political participation of women at the mass

level – boosting women's political interest, knowledge of candidates and sense of political efficacy. They reason that more visible women in politics may act as role models sending signals to women citizens that politics is an arena open to them. Alternatively, the presence of women in public office might suggest to women that their interests will be reflected in the policy-making process. Electoral Commission research<sup>19</sup> has shown that in the UK in seats where a woman MP was elected to Parliament, female turnout was 4% higher than male turnout – a modest but statistically significant difference. By contrast, in seats where a male MP was elected to Parliament there was no gender gap in turnout.

## DISCUSSION: LOCAL POWER VS CENTRAL POWER

**T**hroughout the Democracy Max process so far, many delegates have argued that a large part of the democratic deficit in Scotland is at a local level.

Possibly because Scotland has two relatively high levels of government – the Scottish Parliament and local authorities (Westminster and the EU being even more remote) – people have little or no direct contact with democracy, and engagement and accountability is lacking. Whilst participants accepted that more local democracy is not a panacea, it was maintained that without accountable local government and

governance it is very difficult to improve democracy.

▶ Scotland used to have town, borough and district councils and why these were abolished was a recurring question. Initiatives such as Community Planning Partnerships, the Community Empowerment Bill and the Westminster Government's introduction of a localism agenda that includes elected mayors and Police and Crime Commissioners are inspired by various motivations but suggest an instinct towards more local democracy and

**A lot of people in Scotland have no daily contact with democracy; they have no contact in their immediate personal environment with democracy. That is not just a jigsaw piece that is missing in Scottish democracy; it is a founding stone of democracy that is missing in Scotland.**

**Towns have no self-governance structure. That means either we don't trust people or they don't trust themselves to run their own affairs.**

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decision making. Now that in Scotland power has been moved upwards, for example into unitary authorities, it was acknowledged that it will be hard to persuade those with that centralised power to give it up in order to devolve it to a lower level.

At the same time, it was perceived by roundtable participants that our public institutions continue to alienate the general public at every level. This is an age old problem, as evidenced by the desire for a changed attitude in the planning process for the Scottish Parliament. This was expressed by the Consultative Steering Group<sup>20</sup> and in the founding principles of the Parliament.

**The feeling of being over-represented is also associated with the quality of representation and people don't trust the quality of their representatives.**

Participants felt that there is a broad acceptance that we already have too many politicians and representatives when in fact we have fewer than most other European states.

Painting an alternative picture of governance and decision making will be necessary to counteract this myth of over-governance otherwise people are likely to resist alternative ways of managing and distributing governance.

▶ Local power for local people. A powerful argument for more local democracy was that people who live in the community they are making decisions about will understand and talk about the place in which they live in a different way. Local citizens have a different cultural, historical and spatial understanding of their community and thus will make decisions about priorities or opportunities for that community with a different mind-set from more remote decision makers. An additional benefit is that reconnecting with politics at a local level could help to open up participation at other levels.

One of the ways forward might be to focus on the process of consciousness raising and re-engagement and part of that has to be giving people the opportunity to experience alternatives, to see that there is another democratic model that can work and explore that in such a way that they are persuaded of the benefits.

Certainly, research undertaken by Julia Abelson<sup>21</sup> suggests that communities of different socio-economic levels have a propensity to engage in different levels of participation. Informants in Abelson's study also emphasized the role of 'community values' in shaping the style and magnitude of participatory engagement, but she admits we are in an early stage of understanding these relationships, which we intuit exist. Abelson also warns against apparent complacency towards participation in some communities and advocates active steps be taken to better enable and encourage participation.

Irwin and Stansbury<sup>22</sup> further suggest that local decision making can avoid policy failures associated with "explosively unpopular" policies. They also acknowledge that it would be "shortsighted to ignore the persistence of self-interest", juxtaposing the benefits of

respecting local opinion and avoiding controversy with the potential negative impacts of 'nimbyism'. Other academic sources point to citizen participation becoming more routine in the United States as a response to the urban protest movements of the 1960s, suggesting that policy makers do recognise the value of capturing local knowledge.

Without accountable local government and governance it will be very difficult to get to anything like democracy max.

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## **SUGGESTION: RUN OUR OWN TOWNS, VILLAGES AND CITIES – LOCAL + SMALLER = BETTER**

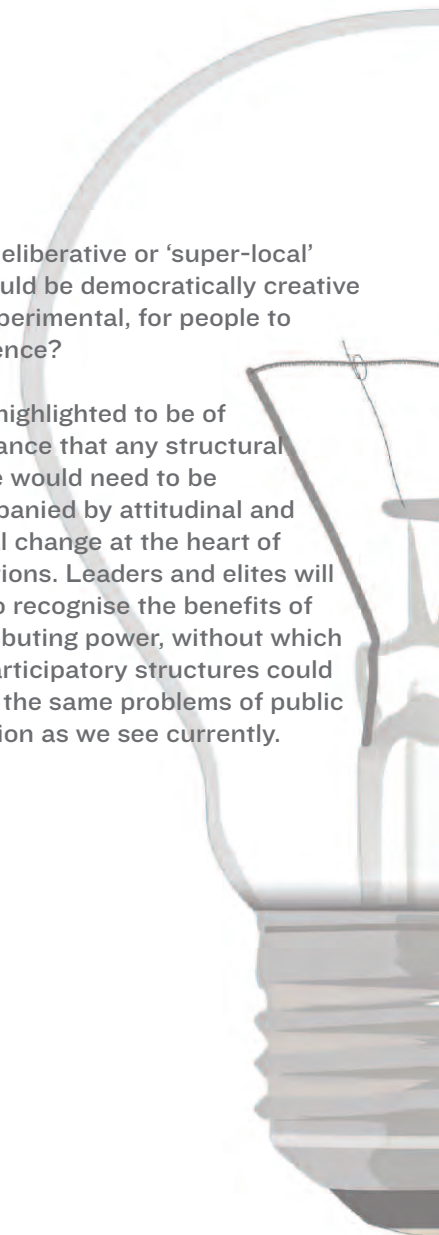
- ▶ Apathy is a myth. People are interested in local-based and community politics, but do not find their concerns addressed in ‘high level’ political discussions on often narrow terms set by current institutions. Inspiring people to be involved, providing role models and examples of success was agreed to be important, bearing in mind that if people see others who look and sound like them in positions of power they are more likely to engage and take notice.<sup>23</sup>
  - ▶ Localising power and decision making could be a big part of the solution to people’s disengagement from politics. Eigg was noted as an example where people have sought and been given real power, including over resources, with significant success. It was felt that small, defined, known, familiar communities where decisions are made by those with close ties to and an obvious interest in the immediate community are more conducive to engagement than more centralised structures and institutions.
  - ▶ Making deliberative democracy part of a more localised approach could also increase people’s faith in the system and confidence in their own ability to influence that process, leading in turn to greater inclination to engage and participate.
  - ▶ Once people could see more clearly who was making decisions about their community and how, they would be more inclined to pay attention and get involved, improving engagement and representation and increasing accountability.
  - ▶ Mini-publics emerged as a potential method of engagement that recognises the need for institutional reform if people are to see the value of being involved in running their own communities.
- Mini-publics were proposed decades ago by political scientist Robert Dahl. He wondered whether we could envision a kind of mini-populus, representative of the population and empowered to learn about and deliberate on public issues, and to contribute directly to**

decision-making. Mini-publics are designed to avoid the trappings of party politics and technocratic policy-making. The use of mini-publics has increased notably in the last decade, and the variety of democratic innovations that are emerging based on this idea is remarkable: From the now classic Citizens' Jury, to the German Planning Cell, the Danish Consensus Conference, or the Citizen Assemblies in Canada or Iceland. Mini-publics are formed by randomly selected citizens (for instance, selected by lot from the electoral roll), usually using quotas to ensure certain social characteristics, e.g. gender, age, ethnicity. Mini-publics are empowered to call in a diversity of 'witnesses' to provide evidence and arguments on a given issue: officials, citizens, community activists, politicians, representatives from the third sector and businesses, academics, etc. Finally, the mini-public deliberates on the evidence before reaching a recommendation or decision.<sup>24</sup>

Mini publics are one option for alternative democratic structures that emerged. Should local authorities be encouraged to pilot

other deliberative or 'super-local' that could be democratically creative and experimental, for people to experience?

It was highlighted to be of importance that any structural change would need to be accompanied by attitudinal and cultural change at the heart of institutions. Leaders and elites will need to recognise the benefits of redistributing power, without which new participatory structures could attract the same problems of public alienation as we see currently.



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## CASE STUDY: LOCAL DEMOCRACY ON THE ISLE OF EIGG

When the inhabitants of Eigg embarked on their buy-out campaign, the issue of community rights was given particular prominence. The islanders stressed how the community had been kept out of the decision-making process by the system of private ownership and how this exclusion hampered the economic development of the island. This aptly demonstrated the need for a new form of land ownership, one which would involve the community in decision-making and give it a stake in its own future and also safeguard the natural environment of the island.

The community buy-out of 1997 effectively put in place a charitable trust, which has aims largely determined by the islanders, and a board of directors on which there is 50% island representation. The Isle of Eigg Heritage Trust's business plan was based on the premise that the community would be actively involved in all stages of planning and indeed would direct the process. Initially there were some difficulties in getting communication going between the trust and the

community. The reasons were many-fold but how the issues should be debated was actually the question, for as a rule islanders do not like formal structures very much. They would rather discuss topics in an informal setting, often within the framework of a social occasion, rather than sit at a meeting. But this form of consensus-building was not entirely satisfactory because it did not necessarily include everyone in the community, nor did it provide a formal record.

There was also a tendency for people to forget altogether that the trust was theirs to make it what they wanted it to be. They were then tempted to project onto it authoritarian attributes, and with these the kind of unformulated suspicions previously directed at landlord figures.

As a result of all these factors, meetings were irregularly attended. Consequently the directors representing the islanders felt rather depressed by the fact that there appeared at times to be a lack of support and understanding for the work they carried out on a voluntary



basis. They felt that people were keen to criticise but not so keen to participate.

It was only when concerns about participation were finally voiced at an Eigg Residents Association (ERA) meeting convened for that purpose, that progress was achieved. A community workshop explored the style of decision-making; the relationship between the trust and the islanders; the way agendas were set; and the way ERA meetings and meetings of directors of the trust were co-ordinated.

Following this meeting a formal system was put into place to allow for a more relaxed tempo in decision-making – one which would allow time for reflection. If further discussion is needed, issues can be taken to a community workshop.

Since these changes have been introduced, there has been far more participation in debate at ERA meetings and a greater feeling of involvement on the part of the community.<sup>25</sup>



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## DISCUSSION: PARTY POLITICS AND CURRENT INSTITUTIONS

At the same time as engagement is changing, one of the mechanisms meant to provide us with representation – the political party – is widely perceived as being in decline. Political parties serve a vital purpose in representative democracies – developing policy platforms and supporting candidates, and providing cues or signals for people to vote in line with their interests and beliefs. Yet now, while there may be a plethora of reasons why people feel disconnected with politics, it is the party system which seems to be a focus for much of the blame.

There has been a large decrease in reported membership of UK political parties over the post-war period. In 2010, only 1.0% of the electorate was a member of one of the three main political parties. Labour had approximately 194,000 members, the Conservatives 177,000 and the Liberal Democrats 65,000. However in the early 1950s, the Conservatives claimed nearly 3 million members and Labour more than 1 million. (Whilst political party membership is in decline across Europe, figures for the UK stand out with over a 35% decline in the period 1998 – 2008, a

percentage higher only in Slovakia and the Czech Republic where the decline of the Communist party is the main cause of the decrease).

Concurrently, smaller parties, and those with a clearer ideological intent such as the Green Party and the Scottish National Party, have seen a growth in membership. Membership organisations such as RSPB and the National Trust have also seen large increases, and campaigning groups like Amnesty International and 38 Degrees are able to mobilise thousands of supporters. This suggests that the public is not so much disinterested in politics, or in contributing to a cause, as they are disillusioned by mainstream party politics.

The roundtable felt there were links between falling turnout in elections, lack of trust in political parties and declining faith in the reliability and accessibility of our institutional structures. There is a sense of power having been captured by the centre and of the ‘little man’ being shut out of decision making.

Charles Pattie and Ron Johnston<sup>26</sup> found that: “The weaker a

**The days when being a member of a political party gave you a say in the decision making structures of that party are long gone.**

respondent's sense of identification with a political party, for instance the less efficacious he or she thought political action would be, the less difference he or she thought a change of government would make and the less trusting he or she was of elected politicians and parties. As a partial corollary, the greater an individual's political knowledge, the greater his or her sense of efficacy and difference and the more sanguine his or her view of the current political system."

- ▶ Party membership no longer provides adequate reward given that individual party members have little say in the development of the party. It was suggested that party membership needs to be seen as valuable again, perhaps with a more structured form of participation. It was acknowledged that with the growth in centralised mass media campaigns and a focus on 'air war' politics, ordinary members and local party units found their status demoted to 'door knockers' and 'phone bankers'. As the principle of supporting and servicing 'mass

member' democratic political parties waned, so did membership.

- ▶ Increasingly people are expressing political choices outside of political parties, through consumer mechanisms such as making ethical choices on the high street. At the same time single issue pressure groups have given people the option of expressing their individual preferences outside of parties – both of these have made party membership less relevant.
- ▶ Political parties are still a useful way for like-minded people to organise and work together. And whilst they are not thriving, they remain influential.

**Political parties are incredibly robust, what they are not is mass membership political parties. That's gone, but political parties hold almost all the levers of power and there's no sign they are going to relinquish that.**

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If political parties didn't exist, it would be necessary to invent them.

What if state party funding was determined by number of members and the role of the membership or quality of internal party democracy?

- ▶ Despite the fall in political party membership, and disillusionment with party politics, it was noted that people are increasingly interested in issue-based and community politics. This suggests they do not find their concerns met by wider political discussions.
- ▶ Concurrently voters do seem to be demonstrating dissatisfaction with two-party politics and an interest in encouraging variety in our elected officers by voting for smaller parties or independent candidates.

If the funding of political parties was more closely tied to membership... numbers, quality of decision making... you'd see a turn from seeking funds from large donors.

- ▶ A general sense emerged of institutional politics failing to catch up with 21st century reality, encompassing changes in attitudes to participation, public expectations, demographic changes, information and communication methods and the media.
- ▶ Devolution was supposed to help move politics towards a less combative, more open and principle driven system but there was a general feeling that these aspirations have not been met. It continues to be the case that elected decision makers feel remote, are perceived as elite and self-serving, and that spending time as a politician is seen as a career path rather than a service to the community.

Support for these assertions about the failure of institutional politics comes from the Power Inquiry 2006,<sup>27</sup> which found that the emerging 'new citizen' is increasingly alienated from the old structures of engagement and needs a 'new politics' with greater opportunities to influence. "The Inquiry's research and evidence shows that citizens

**Society has changed, people have changed and the raison d'être of political parties has been diluted by people becoming more interested in issue politics.**

**We need to balance the need for dynamism, for getting fresh blood in, for attracting people who wouldn't normally be attracted against having people with capacity, knowledge, sensibility, consistency and built up experience.**

feel particularly alienated from their parliamentary representatives in two related areas: – it is widely felt that MPs do not engage with or listen to their constituents enough between elections and that MPs are more accountable to their party leaderships and whips than they are to their constituents on the key issues of the day. These concerns clearly relate to the wider causes of disengagement identified by the Power Commission, most notably, the sense of a lack of influence over political decisions reported by many people, and the dissatisfaction widely felt towards the main political parties.”<sup>28</sup>

How can politics be reformed to function in the modern age? What systems could be introduced to reconnect people with institutional politics, and to allow politics to function for and with society rather than against or in parallel to it?

▶ There was concern with the professionalization of politics and the problem of elected politicians having to plan and organise to seek re-election as soon as they are successfully

elected. Limited or fixed terms were discussed as a potential part of the solution.

Aristotle's original argument in favour of rotation captured the views of both the People's Gathering and the roundtable discussion: "... rotation in office both limited the extent to which power's corrupting influence could take hold of politicians and fostered broad-based participation in governance, which in turn created a more civically competent citizenry."<sup>29</sup> John Locke also advocated rotation as militating against the corrupting potential of political power and for fostering civic competence. Scotland's David Hume however viewed rotation as a recipe for instability and administrative incompetence. These arguments for and against have changed little in the intervening years.

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As one of the few countries in the world with proscribed term limits for political office below the level of presidency, much of the analysis of this tool comes from the United States of America. In support of Aristotle and Locke, Senator Patricia Birkholz, Michigan, suggests<sup>30</sup> that term limits have allowed a more diverse group of people to be elected to higher office, and that local residents feel more connected to government as they see their family dentist or elementary teacher elected to the legislature. Chen and Niou<sup>31</sup> put forward the possibility that because the overall incumbency of the elected body is lessened, the distribution of power and influence within the body is also more evenly spread. They also point out that “both advocates and opponents of term limits... seem to share the basic principles that democratic politics should be competitive and should engender a representative link between politicians and citizen.”<sup>32</sup>

Unfortunately for proponents, analysis of the impact of term limits seems to expose quantitative proof that whatever the instinctual benefits of limiting terms of office, the actual effect can be negative.

Pablo Querubin<sup>33</sup> reports that analysis of 15 US states suggests that while term limits increase turnover, they fail to make races more competitive or to increase party turnover. This is supported by Chen and Niou’s analysis which showed that: “If the term limit referendum is passed, the challenger from the opposing party who would have lost to the incumbent if the referendum had not been passed will still be defeated by the new candidate from the incumbent’s party in the ensuing election.”<sup>34</sup> Querubin also suggests that term limits deter high-quality challengers from running prior to the expiration of an incumbent’s term, and that therefore term limits may make incumbents safer in earlier terms, ironically allowing lower quality politicians to stay in office for a longer period of time, relative to a non-limited scenario where competition would be stiffer.<sup>35</sup> John Gastil also argues that while term limits and campaign finance reforms will increase turnover, they provide no mechanism for improved deliberation and accountability.<sup>36</sup>

Senator Birkholz presents challenges that Michigan has

encountered since introducing term limits, including; frequent turnover leading to a lower level of understanding of complex issues and loss of experienced and knowledgeable long term members. She also suggests that because of the longer term limits of the Governor's office, this enhances the power held at the level of Governor. Her reflection that the power of bureaucrats increases is supported by analysis from Carol S Weissert and Karen Halperin,<sup>37</sup> who suggest that term limits result in more reliance on staff and bureaucracy and that lobbyists gain power as newly elected members seek out their specialist knowledge. Weissert and Halperin conclude that even though they have to work harder to build relationships under term limits, there are more lobbyists working harder and with greater influence in the legislative process, thus negating one of the hoped for effects of term limits of re-connecting politicians and public and bringing 'real people' to elected office. Additional evidence from Brazil finds that Brazilian mayors eligible for re-election engage in less corruption, on average, than do term limited mayors.<sup>38</sup> Ferraz and Finan found

that mayors with re-election incentives misappropriate 27 percent fewer resources than mayors without re-election incentives.

Mark P Petracca suggests that perhaps term limits alone cannot provide a solution: "Term limitation is only the first response to the problem of professionalization that increasingly permeates the entire American political system. Periodically throwing the 'rascals' out of office will do little to remedy the other pressing problems of professional politics."<sup>39</sup>

This analysis is however centred on 'professional politics' and thus has less of a bearing on the mechanisms one might put in place to convene a Citizens' Assembly as discussed later in this report.

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## DISCUSSION: SCOTLAND'S PARLIAMENT

**E**ven the youthful Scottish Parliament thus seems to be caught in a culture of 'strong man' politics, where deliberation and consideration, admitting mistakes, or having debate within a party are seen as weaknesses. This 'cultural' norm of how to do politics seems to be a barrier to evolving the consensual model envisioned for the Scottish Parliament. Looking at other European states it would appear that this is not an inevitable consequence of the political process but a learned behaviour, perhaps predominantly learned from Westminster. It was questioned whether this indicates a lack of self-awareness in that politicians and parties behave in a way they have seen others behave and a lack of creativity to try something different. How do we get creative and change the way we do politics?

▶ A feeling of under-representation and dissatisfaction with party politics emerged from the roundtable, and whilst the Scottish Parliament claims to be open and transparent, this institution, like others, seems remote, inaccessible and opaque to many Scots.

▶ Those elected to office encounter tensions between party political interests and the internal interests of Parliament itself as an institution and the needs of the people they represent. This competition of interests inhibits the practice of representative democracy. The whipping system and concepts of 'party loyalty' and 'discipline', whilst not always a bad thing, seem to be more important than the interests of the people.

▶ There are very few politicians outside the party system. Without a party machine, the culture, finance and media set-up make it difficult for independent candidates to be successful. Any dissent within political parties is labelled by the media as 'damaging splits in the party' discouraging the expression of individual thinking. The operation of internal party democracy is therefore either suppressed or hidden so as confidence in the party system is not lost.



**There are tensions within the parliament itself and within the organisations that are represented in the Parliament.**

**The route, with the best of intentions, to getting elected is through a system that constrains individual thinking.**

▶ The Scottish Parliament has been over legislating, and overworking the Committees with Executive Bills. At the outset of the Scottish Parliament there was supposed to be the possibility of Committee Bills, but the necessity of pre-legislative scrutiny has arguably inhibited the freedom of Committees to decide on their own work-plans. Power to decide daily business rests with the Business Bureau which excludes the small parties and it was suggested this can often feel like a 'rubber stamp' process. The extent of party whipping, preventing expressions of individual opinion either in debate or voting was considered regrettable.

▶ Decision making, planning and strategizing within politics tends to be adversely affected by truncated time horizons, envisioning only short-term, electoral cycle decisions and gains.

Are under-scrutiny of legislation, short termism, and lack of individual thinking a cause or a symptom of the crisis in democracy? How can scrutiny of political decisions be improved?

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## **SUGGESTION: IMPROVING ENGAGEMENT AND RELATIONSHIPS WITH POLITICIANS AND FORMAL POLITICS**

In considering the role and responsibilities of politicians and their relationship with their constituents, it was asked if it would help both prospective candidates and newly elected office holders if the job was treated more formally, with job descriptions, person specifications, induction and training. Would more formal job descriptions for MSPs offer both a framework to guide the office holder and a means for the public to understand the role and hold the office holder to account?

It was mentioned that in the past MSPs have received training on how to best use committee time but there was a fear of ridicule from the public if they allocated time and money to training. In 1998 the Scottish Office put in place a wide ranging induction training programme for MSPs. Should a training programme for MSPs be re-introduced?

The role of the MSP was carefully considered prior to the first Scottish Parliament election, with accessibility, responsiveness and a participative approach set out as key principles.<sup>40</sup> And yet, our inquiry finds an on-going perception that

politicians and those in power are not doing enough to open their doors to the public, to actively invite them in, and proactively seek them out.

If office holders are to be truly relevant, it was asked if the institution of elected member must change radically, to go beyond a remote representative role, and to become more of a facilitator and a witness. Aligned to this, are new models of participation required, such as co-operative models and mini-publics, models which provide for greater citizen participation, with the office holder as facilitator?

The practicalities of seeking elected office without a big party machine to support the candidate were considered. It was acknowledged that the introduction of proportional representation for the Scottish Parliament has encouraged plurality at Holyrood, but it was lamented that we have yet to repeat the 'rainbow parliament' of 2003-2007. As far as changing the culture, it was asserted that having the smaller parties represented did alter the character of the chamber and the Parliament. The roundtable asked if positive measures should be used to ensure

**We need to create new spaces where old politics and new politics can come together and create something new.**

a certain proportion of the Parliament is made up of independent or small party candidates. Would the addition of voices free from party control improve accountability in the Scottish Parliament?

However, the fact is that the promotion of under-represented groups is most easily achieved through the party system. In contrast, Scottish councillors who stand as independents are overwhelmingly white and middle aged or older men. An alternative focus could be towards independent-minded rather than 'Independent' politicians.

Additionally, as progress towards a more gender balanced Parliament, and a Parliament representative of minorities stalls it was suggested that consideration should be given to innovative measures such as job sharing, and work must be done to rehabilitate the idea of positive measures to promote women and minorities.

Finally, in considering the way political institutions function, or are perceived to function, the

**New members of the Scottish Parliament are not given enough support in thinking about the principles of being a parliamentarian rather than a politician.**

roundtable found it useful to return to the founding principles of the Scottish Parliament.<sup>41</sup> It was implied that over the years many of the mechanisms introduced to try and ensure the Parliament met those principles have been watered down, altered or ignored. The aspirations of the Consultative Steering Group bear a striking resemblance to those of the People's Gathering and the Sovereignty of the People roundtable. Returning to these first principles may therefore be worthwhile to reassure the public that the intentions behind the Scottish Parliament's creation remain front and centre of the 'way we do politics' in Scotland.

This would allow examination of why some of the expectations of the Scottish Parliament have been diluted, and an opportunity to consider alternatives. Suggestions included more time for office holders to deliberate issues, with the Executive perhaps only allocated 50% of committee time. Is it time for an audit of the Scottish Parliament?

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## SUGGESTION: A CITIZENS' CHAMBER

▶ Community or campaign groups may provide a more democratic forum and in this case perhaps citizen-led projects for change should be prioritised. Political parties and civil society groups need to build and shape more participative and deliberative structures.

One of the ideas that gained the most traction during the People's Gathering and the roundtable discussions was a Citizens' Chamber. The People's Gathering considered the possibility of a Citizens' Assembly type system as an additional decision making body, perhaps as a replacement for the House of Lords at Westminster, or alongside the single chamber currently in operation in the Scottish Parliament, or as something separate but

complementary to our existing institutions. The idea was loosely based on jury duty, whereby members of the public would be selected at random to serve for a term of office (1-2 years), to discuss, amend and improve legislation from the elected chamber, providing an opportunity for the public to engage actively in the political process. Individuals would be compensated for their time through a 'democracy fund' (again, in similar manner to jurors) with any employment being held open for them.

While no states currently utilise such a system within their legislatures, experiments with so-called 'citizens' juries' have been conducted in several places. "Citizens' juries consist of a small panel of non-specialists, modelled on the structure of a criminal jury. The group set out to examine an issue of public significance in detail and deliver a 'verdict'".<sup>42</sup> As Prime Minister, Gordon Brown utilised citizens' juries to ascertain the public's views on a wide range of issues.<sup>43</sup> These bodies, however, are more akin to consultative bodies rather than decision-making bodies, and as such do not quite fit the model outlined above.

**A more deliberative democracy, a more participatory democracy is the solution; It's all about making new democratic innovations like participatory budgeting, mini-publics and deliberative forums.**

Related to this concept is the idea of 'Citizens' Assemblies', which are larger in scale than Citizens' Juries. Citizens' Assemblies have been utilised in the Canadian provinces of Ontario and British Columbia, as well as in the Netherlands (to consider electoral reform) and in Iceland to write a new constitution (in the wake of the banking collapse).

British Columbia was the first to trial this method of decision-making, and initiated an independent, non-partisan assembly (with the support of the BC Legislature) to examine the electoral system. With 160 members (one man and one woman from each of the 79 electoral districts, plus two Aboriginal members), the Citizens' Assembly was representative of the BC population, randomly selected from a pool reflecting BC gender, age and geographic spread. The Assembly was active between January and November 2004, studying electoral systems, holding public hearings and compiling a report which supported a change of electoral system to Single Transferable Vote. A referendum on this was to be held in 2005, requiring approval from 60% of all voters, plus a simple

majority in 60% of the 79 electoral districts. In the event, the proposals were defeated narrowly: 57.69% voted in favour, with a majority in 77 of the 79 electoral districts.<sup>44</sup> By most accounts, despite the failure of the referendum to pass the initiative had been a success, and was the model cited in Ontario and the Netherlands prior to their initiatives.

- ▶ A Citizens' Chamber could be a dynamic way to consider specific issues; indeed, there was a risk that a more permanent chamber could become institutionalised.
- ▶ A Citizens' Chamber could be a check on state/executive power – if the chamber had a genuine veto rather than becoming peripheral.
- ▶ Concerns about how individuals would be expected to sit in the assembly, the way any secondment process might work and other practical aspects are valid and need to be addressed. One proposal was for 50/50 citizens and elected representatives. Another was for one third employed people; one

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third retired people and one third un-employed people.

As the group discussed the role of the citizen in the parliamentary process, it was noted that originally parliamentary committees were envisaged as being able to bring the public on board to participate, but legal advice indicated that the Scotland Act restricted participation to elected members so lay people are only advisers – they don't have participative power. This led on to a discussion around legitimacy. Legitimacy used to come from representative democracy – should we consider a new form of legitimacy? It was argued that selection by lot is legitimate, albeit it in a different way, no matter how it is perceived. **Certainly Robert Hazell of the Constitution Unit finds legitimacy in the Citizens' Jury process: "The danger with traditional forms of consultation is that numerous competing voices are aired, and then whatever government proposes is rubbished by one side or the other. The benefit of mechanisms such as Citizens' Juries is that the citizens with competing visions are forced to reason with**

**each other. This confronts citizens with some of the difficult choices generally left to politicians, and ensures that the outcome – even if this is that no agreement can be reached – has greater legitimacy."**<sup>45</sup>

Participants felt that suggesting a radical step such as a Citizens' Chamber would demonstrate their concern at the state of our democracy, and could challenge our parties and systems to think seriously about reform.



**There are new ways of being political that don't involve political parties. Political parties are not the only channels. We need to provide new public forums and create new public spaces.**

## CONCLUSION: A NEW POLITICS

**O**ur inquiry so far strongly suggests a mood for a new politics. More local power combined with a greater voice for the public in decision-making are strongly emerging themes. Participants are ambitious for the consideration of radical new reforms such as mini-publics, a Citizens' Chamber or a re-write of the role of elected representative, an approach that suggests they see an ailing democracy requiring surgery over sticking plasters. They also acknowledge that bringing decision making power closer to people holds many benefits, but that unless we think about new ways of how as well as where we do politics, new structures could still be open to capture by elites and fail to open up power in the intended way.

In October 2012 Peter Kellner commented that after a series of constitutional reform failures – from the AV referendum on reform of the House of Commons voting system delivering a resounding 'No', to House of Lords reform again being on the back burner and the Police and Crime Commissioner elections achieving the dubious success of being the worst election ever in

terms of turnout – constitutional reform at any level seems to be doomed to failure.<sup>46</sup> The Westminster Government continues to express an intention to 'bring power closer to the people' but initiatives to achieve this are running out of steam.

But in Scotland the situation is different, with the independence referendum bringing constitutional and political reforms into the mainstream. Alongside the referendum debate, the Scottish Government is progressing with the Community Empowerment and Renewal Bill,<sup>47</sup> and the Scottish Parliament is undertaking self-analysis with the Standards, Procedures and Public Appointments Committee Inquiry in the current session into the meeting arrangements of the parliament<sup>48</sup> and post legislative scrutiny.<sup>49</sup> These initiatives suggest an acknowledgement of the desire for change, but the necessity of large-scale reform and adopting a more participative approach to politics must also be grasped. It is clear that hardening disengagement and meeting the challenge of how old structures react to the current economic climate mean major revision must be considered.

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The Democracy Max discussions so far demonstrate an appetite to seize the opportunity of the independence referendum and the surrounding debates to examine radical democratic reforms as part of a post-referendum Scotland. Most people find it logical that any further devolution of power to the Scottish Parliament should also lead to further local devolution or at least an examination of where decision-making power currently lies, how it is exercised, where power is best located, and how accountability can be improved.

As we move into the next phase of Democracy Max, we take inspiration from innovative experiments and models world-wide, especially but not exclusively, participatory budgeting in Porto Alegre,<sup>50</sup> Iceland's Constitutional Council,<sup>51</sup> and closer to home the community buy out on the Isle of Eigg.<sup>52</sup>



**DEFENDING OUR  
DEMOCRACY –  
HOW DO WE  
STOP VESTED  
INTERESTS  
HAVING TOO  
MUCH  
INFLUENCE?**



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## PEOPLE'S GATHERING FINDINGS

**A**ctive and informed participation is an essential aspect of democracy – no matter how well set up systems are, or how accessible decision makers make themselves, citizens must have access to the information they need to make judgments about their lives, their government and their democracy. Without accurate information, and the knowledge to access and interpret it, citizens will be unable to play their role in a functioning healthy democracy, with the deterioration of the democracy as a consequence.

Participants discussed:

- ▶ The way institutions and organizations intervene and influence government to enhance their own sets of interests
- ▶ The decline of traditional media and the rise of new media
- ▶ Provision of information to citizens in a democracy

The aim was to seek to understand the systems and mechanisms that provide balancing power in the interests of the common good and to

generate suggestions as to how to prevent narrower sets of interests (eg the financial lobby, media proprietors) from harming the more accountable process we sought to arrive at under the 'Sovereignty of the People' theme.

The question of media ownership and useful, informative reporting was raised by a number of delegates. Money being able to buy power and the lack of transparency around lobbying were also of concern. There was a very strong sense that the only way to ensure power is not subverted is for everyone to have access to information and for them to be provided with the knowledge to assess it. This provision of knowledge included; how the system works, how you can engage with the system, information on what decisions are being made, by whom, and how. It was felt that an informed, confident society would be better equipped to hold those with power to account.

### **VESTED INTERESTS CAN'T BUY THEIR WAY INTO POLITICAL DECISIONS:**

The concept that background, upbringing or money should not buy

power in politics, the workplace, government or media was raised in plenary and supported with a loud round of applause.

The distinction between elitism and direct financial benefit was made; suggesting that delegates felt influence was not just about money but can also be about relationships.

With regard to the role of corporate power and money it was felt that there should be less money from business in party politics, with some suggestions that commercial lobbying should be banned outright. Certainly there was strong support that at least secretive corporate influences on government policies and decisions should be outlawed, and organisations who lobby registered. It was suggested that as well as being potentially corrupt, the excessive power given to these vested corporate interests remains an obstacle to meaningful participation.

The increase in private companies making money out of the public sector was noted.

With regard to elitism, there was a discomfort with the privilege of

power, perhaps most obviously manifest in the simple request that politicians should follow the rules. In thinking through how background or money should be prevented from buying power in politics, there was some discussion of alternatives to GDP as a measure of wellbeing, success and happiness. Delegates felt that using GDP as our preferred measure of success skews decision making towards corporations and the wealthy and away from people, so alternative measures are required.


This included a consideration of the role of wealth and greed: statements included “Wealth is now socially acceptable. In previous generations it was socially unacceptable to be ostentatious; now it’s socially unacceptable to be poor” and “The greed is good ethic should be replaced by a deeper sense of the public, greater good.”

There was also a minor discussion on the role of the civil service in decision making and policy development, given they are unelected and unaccountable (other than to the politicians they serve).

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In 2030...



Money has been taken out of politics, so that rich vested interests can't short circuit democracy

## AN OPEN MEDIA:

Discussion around the media essentially covered three areas: ownership and affiliation; the role of social media and the decline of the traditional press; and perhaps most interestingly, and most vigorously, that the media “should provide actual information”.

Measures to ensure a free press were mentioned by many delegates. There was strong support for a plurality of media ownership and for limiting media ownership to a defined percentage. A few delegates proposed a publicly owned but fully independent and democratically controlled media. Others spoke about strengthening public service broadcasting and some suggested that the media should not be allowed to have political affiliations. It was widely acknowledged that the importance of the press is in decline,

and consideration was given to the relationship between social media and mainstream media.

The impression that social media reports what the mainstream media will not was discussed, and some delegates concluded that social media must be embraced, with education adapted accordingly.

Beside these practical considerations, there was considerable attention paid to the content and quality of reporting. Visions for Scotland's democracy in 2030 included a more positive media, where minorities were afforded some level of protection from media abuse. A representative and diverse media, which should create a balanced view was also an ideal.

Delegates felt that the demise of local papers has limited the access of community campaigns to publicise their concerns, and the decreasing diversity of formal media outlets means column inches or screen time are in the hands of the few, rather than being a tool for the many to communicate and share their concerns.

In 2030...

Secretive corporate influences on government policies and decisions are outlawed

## TRANSPARENCY:

Freedom of information was supported, with additional ideas including everyone's tax returns being made publicly available, a centralised data store, and public benefit reporting on all businesses. Other suggestions included making private businesses accountable, requiring public reporting of experiences with local politicians and that every meeting should be recorded, with only minimal exceptions decided by courts.

There was an acknowledgement that people are now more aware of the situation rather than less trusting, but that the manipulation of statistics prevents true knowledge.

Perhaps reflecting back on the idea that there should be a plurality of media outlets, it was suggested that in order to achieve transparency,

multiple channels should be used to communicate.

Ensuring there is a plurality of sites of power and decision making was also raised, with delegates suggesting that it would be less likely that vested interests could win control of power if it was pluralized, rather than being held in a single site. This reflects areas of discussion around localism and the devolution of power.

In 2030...

The media is not relentlessly negative and partisan and instead holds all politicians and power to account

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# **ROUNDTABLE REPORT**



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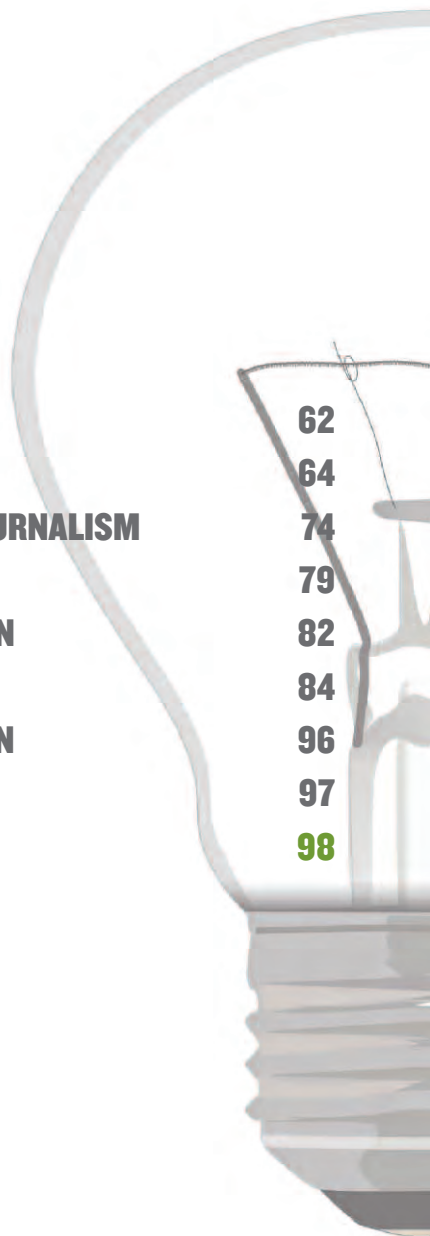
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## DIRECTOR'S INTRODUCTION

The following is a summary of the views of the roundtable participants as they reflected on the issues raised at the People's Gathering. We also include suggestions for interventions and reform.

We have provided some case studies to help contextualise the discussion. Additionally, examples of relevant academic research, commentary and analysis are **printed in green**.

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This report was written by Rob Edwards, a freelance journalist who writes as environment editor for the Sunday Herald and as a correspondent for The Guardian. The views expressed are his and his alone, though they benefit greatly from two expert roundtable discussions, a public meeting and detailed discussions with the Electoral Reform Society, who paid £1,125 for his time. More at [www.robedwards.com](http://www.robedwards.com)

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Power to decide and act. This succinctly describes liberty, but if power to decide and act resides only with a small elite, then it creates the circumstances where injustice is probable. Justice can only be guaranteed when power is shared and balanced across society – in other words, when there is an equality of power. This is a democratic idea which surely forms a crucial component of any vision of Scotland's future. Liberty, equality and democracy form the three pillars of a just society and the greatest of these is democracy because it is the mechanism by which these other ideals are held in balance.

Scotland is of course a democracy. In many ways we are a beacon of democracy to other parts of the UK. Our local councils and our parliament are more representative of how people vote than English local government or the British Parliament. But congratulating ourselves on doing well in comparison with a rather poor performer in this respect will not get us anywhere. We should aspire to be one of the best, and that is what Democracy Max is all about. We think Scotland should be one of the best democracies in the world,



and its example ought to inspire other parts of the UK towards greater democratisation.

The People's Gathering highlighted the media as a special part of any democratic system. As far back as the 18th century Edmund Burke described the press as the 'Fourth Estate', demonstrating its crucial role – even then – in the business of the state. How information is shared or presented is bound up with the issue of the power to decide and act. By its ability to mediate information, the media can tell people what is important and what isn't, what is wrong and what is right.

It would seem dangerous to let such a crucial and powerful element of our democracy become beholden to any one set of interests. It is also clear that an investigative and ethical professional journalism is important if we are to ensure other blocks of power within and without the state do not hide or obfuscate information against the public interest. And of course we need a system of regulation that ensures information is freely obtainable.

Vital questions in this area include:

- ▶ Who owns the media?
- ▶ Who pays for journalism?
- ▶ How do we regulate and control the media without abusing that control?

Another concern of the People's Gathering was the various ways that corporations and other large, well-resourced entities gain access and influence to policy makers, again causing an imbalance in the sharing of power. Power is a zero-sum game: if Amazon, PWC, Goldman Sachs, Google and News Corp have more of it, then the citizenry have less.

At the very least, people ought to be allowed to witness these channels of influence, and to see what is going on. People have the right to know what specific interests want to influence the political process, and how they are going about doing so. I agree with David Cameron, Britain's Prime Minister and Conservative Party leader, who said "sunlight is the best disinfectant".<sup>55</sup>

Willie Sullivan  
Director, ERS Scotland  
Edinburgh, July 2013

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## DISCUSSION: MEDIA IN CRISIS

The first morning the roundtable assembled was an unusual one. Because of industrial action by the National Union of Journalists, the main BBC radio news programmes – Good Morning Scotland and Today – had not been broadcast. Instead of live news and discussion, there had been a bland diet of pre-recorded repeats.

As a result, we were all a little lost and bewildered, bereft of our regular morning dose of news and comment. Naturally that says something about the character of those involved, but it also says something crucial about the role of news, journalism and the ever-changing media. To function in a democracy we need information as we need the blood that flows through our veins.

▶ The problem is that the supply of information, and the media through which it is communicated, are in extreme turbulence. Numerous new forms of digital communication, like Twitter, Reddit, Facebook, YouTube and blogs, combined with new technologies like smartphones, tablets, and laptops, are swirling around us,

chopping and changing the way in which we receive and impart information, opening up both unprecedented opportunities and threats. Conventional media like newspapers and magazines are drowning in the flood, with few expecting all of Scotland's major news organisations to survive much longer.

### Media ownership and circulation in Scotland

Scotland's daily newspaper consumption is, as is the case in the rest of the UK, declining. The strongest performers in the Scottish market are 'regional' versions of UK-wide publications, with the Scottish Sun (owned by Murdoch News Corporation) achieving the highest circulation (271,953 in April 2013). The Daily Record (owned by Media Scotland) is the only other Scottish daily to reach this level of circulation (234,313 in April 2013). The pattern is repeated on Sundays, with the Sunday Mail (owned by Media Scotland) leading the way and Murdoch News Corporation's Scottish Sun following behind. The Dundee based media group, DC Thomson, publishers of the Broons,

**There is a real issue about old media powers making the best use of new media and social media.**

**If there was a broader selection of sources of information that would help get a wider perspective on the news.**

Oor Wullie, Beano and Dandy, produce the Sunday Post, which is the third-best selling Sunday title. DC Thomson also have the best-selling Scottish only daily, with the Press and Journal (circulation to end of December 2012 was 66,679). Scotland-wide titles, The Scotsman and Scotland on Sunday, are operated by Johnston Press, a multimedia company who also produce 154 weekly newspapers across the UK (and 31 in Scotland), whilst the Herald and the Sunday Herald are owned by Newsquest. Newsquest is owned by Gannett Co., Inc. an international news company that publishes more than 200 newspapers, magazines and trade publications (although none of Scotland's local titles) as well as 85 daily newspapers in the USA, including USA TODAY.

Of 93 local weekly papers across Scotland, only a handful of titles, some with no cover charge, are seeing anything less than excessive declines in circulation. As far as ownership is concerned, overall, 31 of the 93 titles are owned by Johnston Press, the largest share of any of the only 7 groups who own

local press in Scotland. Media Scotland operate 19 titles, Clyde Forth and Media operate 18 titles and Scottish Provincial Press operate 15 titles in the Highlands and Islands. The notable exception to this multiple title ownership is the West Highland Free Press, bought out by the employees in 2009.

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## Making music

The roundtable suggested that the music industry made a useful comparison at the outset. It has changed hugely in recent years, moving from vinyl records, to cassettes, to compact discs and now to digital downloads. This has undoubtedly made it harder for some musicians to earn money, but it has also opened up important opportunities for others. Anyone can now make music and market it online, without recourse to hiring players or expensive studios. This may have harmed some major careers, but it has also helped many others. As old practices have died, so new ones have been born, and there've been winners and losers. One result is that people are flocking back to live music while vinyl albums have become a specialist, retro market.

This is demonstrated in the findings of the PRS for Music's 'Adding Up the UK' music industry report,

now in its 4th edition.

In Scotland, the live music scene is as vibrant as it's ever been.

“Despite the continued decline of the recorded music market, driven by the drop in physical sales of the once dominant CD, digital revenues continued to increase. Digital music revenues grew by 20% in 2011 to reach £379m for download-to-own and streaming combined and this will only increase. The live sector saw phenomenal revenues of £1.6bn – the highest for live music since we started the Adding Up report.”<sup>56</sup> The BPI's quarterly sales figures, released on 12 April 2013, showed that sales of vinyl rose for a third consecutive quarter, increasing by 78.1%.<sup>57</sup>

What can the experience of the music industry teach the information business? Will the demand for good sources of information mean that fact-based reporting and commentary will persist, but its medium, form and format will change? Perhaps good ways will be found of making micro-payments for online content, and flexible, adaptive new business models will thrive. Maybe some print-preoccupied dinosaurs will become extinct, but other smart, dynamic operatives will take their place. And maybe well-produced newspapers, muckraking

People don't need the old media now to set their own agendas and get themselves out there.

magazines like Private Eye and glossy niche periodicals will survive as a rump retro market. Or maybe not.

The future is online. In Scotland there is a constituency that requires particular, relevant information but when you're online you're competing with a global media.

### Online revolution: benefits and problems<sup>58</sup>

► The changes that are revolutionising information have huge potential benefits. Anyone can set up a blog, join Facebook or start tweeting, potentially giving everyone a voice. New social media are enabling groups with shared interests to form rapidly, reform and regroup in fluid formations around issues and campaigns, sometimes with great success. They can give more access to decision-makers, and enable more conversations to take place between politicians and voters. A recent example of the power of Twitter to revolutionise how we communicate, and how communities of interest can be brought together and campaign, is the Everyday Sexism project.<sup>59</sup> The project was launched by Laura Bates in 2012, with no funding or publicity, to collate women's routine experiences of

prejudice and harassment in the hope that it might provide a talking point or inspire women with stories to share. It hoped to gather 100 women's stories. Instead, it spread like wildfire, as more and more women began to add their experiences – women of all ages and backgrounds, from all over the world. In a year, over 25,000 stories had been collected. In April 2013, in response to material on Facebook which it was felt incited rape and domestic violence, the project successfully campaigned for Facebook to update their guidelines and policy on hate speech. Facebook will now take input from women's organisations on the content it displays, and will also improve training for its moderators.<sup>60</sup> The Everyday Sexism project has also been mentioned in Westminster<sup>61</sup> and at Holyrood.<sup>62</sup>

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▶ Those that try to suppress, deceive or manipulate can be detected and exposed by people working together on online media. With their smartphones and their laptops, people can more easily become citizen journalists, working with traditional journalists to expose wrongdoing or share information through non-government networks. This has seen perhaps its best representation in recent years with the dissemination of activity updates regarding demonstrations, protests and uprisings in the Arab world in late 2010 and early 2011, and in Turkey in 2013. Indeed, the protests against developing Gezi Park in Istanbul received no coverage on Turkish television, with one mainstream broadcaster showing a documentary about penguins at one of the most intense moments of clashes between police and protestors. With little reliable, non-politicised coverage available from the usual media outlets, many Turks have embraced social media sources like Twitter.<sup>63</sup> Equally, the rest of the world has accessed

Facebook,<sup>64</sup> Twitter and blogs to monitor developments.

▶ The internet offers great aids to openness, honesty, credibility, accountability and political involvement. It enables a huge plurality of viewpoints, and all kinds of information to be widely shared. It can enhance the speed and effectiveness of campaigns, and enable funds to be raised by crowd-sourcing. It offers global access to information, readers and markets. Some argue that the implications of the online revolution go further, and threaten existing structures of power and ownership. More people can become more involved in decision-making, commentary and news-gathering, greatly strengthening participatory democracy, and undermining or even dismantling the traditional information monopolies.

▶ But the internet also brings huge potential problems. It can easily overload us with information, creating confusion rather than clarity. The release of large databases on expenses, taxes or

**If a company has been creating untruths, they will be exposed by Twitter – people are doing the regulation because they want transparency.**

pollution can be bewildering and off-putting, and lead to less interest in decision-making rather than more. Websites, even those that appear reliable, can be riddled with errors, with inaccuracies often being repeated and unchallenged. Incomplete understanding can easily lead to misinterpretation and mistakes. Lies and libels can rapidly gain enormous currency, and do great damage before they are contradicted. The warning sounded in 1976 by the then Prime Minister, Jim Callaghan, has never been so true: “A lie can be halfway round the world before the truth has got its boots on.”<sup>65</sup>

▶ There is also, unfortunately, a high degree of rudeness, abuse and bullying online, particularly in comment sections or in response to controversial tweets. The internet can also be used by authoritarian regimes to control or manipulate access to information, and has state surveillance capacities undreamt of by George Orwell’s Big Brother. It can be manipulated by powerful corporations to their

advantage by advertising on the sly, or by setting up fake accounts and fake groups to try and influence public opinion by astroturfing and other means. Some argue that the internet, far from undermining traditional power structures, reinforces them, allowing multinational corporations or authoritarian governments to own, control and influence the sources and flows of information. **As this report was being finalised, the Guardian newspaper revealed the existence of the Prism network, as exposed by whistle blower Edward Snowden. “Internal NSA documents claim the top secret data-mining programme gives the US government access to a vast quantity of emails, chat logs and other data directly from the servers of nine internet companies. These include Google, Facebook, Microsoft, Yahoo, AOL and Apple. The companies mentioned have all denied knowledge of or participation in the programme.”<sup>66</sup>**

It is also important to remember that a significant proportion of people

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don't have access to the internet, and that they tend to be the more marginalised sectors of society, such as the elderly, disabled or poor. This raises the prospect of creating a two-tier democracy, in which a privileged majority has access to online information and a disadvantaged minority is deprived of it.

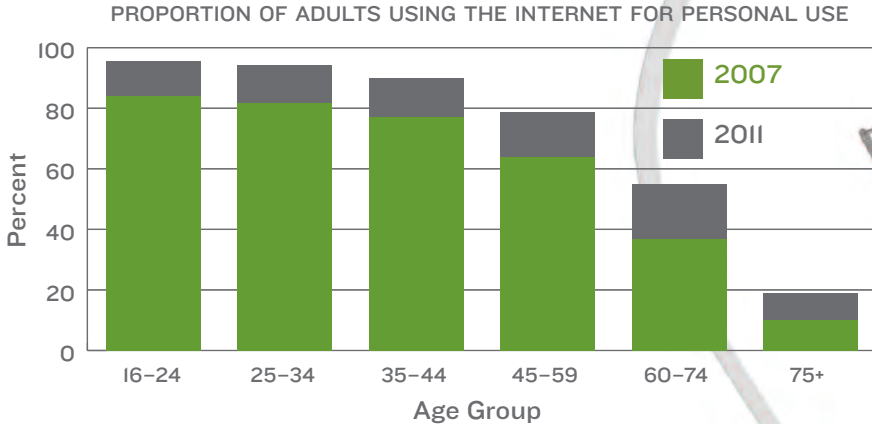
Internet access and use are becoming the norm in more and more areas of social life and digital exclusion is therefore exclusion from the normal activities of society. For some researchers, the concern is that digital divides map on to existing divides within society in processes of social inclusion and exclusion. The consistent findings of the Office for National Statistics (ONS)'s Opinion Survey has been that both internet access and use are patterned along individual and group identity in terms of socio-economic status, income, gender, level of education, age, geography and so on.<sup>67</sup> Van Dijk and Hacker<sup>68</sup> argue that internet access is becoming a 'trend amplifier', reinforcing existing inequalities. There is a perspective which argues that resistance will be overcome in

time, but Van Dijk and Hacker, and the Digital Britain report<sup>69</sup> both express concern that saturation may already have been achieved, and that this 'final third' of non-users will not be reached by existing patterns of internet provision. Essentially they argue that whilst gaps in possession of hardware might close over time, the differential access of skills and usage will not, and indeed may increase.

Analysis for the Scottish Government presented right indicates that the use of the Internet for personal use is strongly linked to age. In 2011 over nine out of ten 16-34 year olds used the internet for personal use, compared to less than six out of ten 60-74 year olds and around two out of ten people aged 75 and older. Over the four years to 2011 all age groups have seen increases in the proportion of people using the internet for personal use. Those aged 45-74 have seen the greatest increase and the 75 and older age group has seen the smallest increase.



**There is still a section in society that isn't online and doesn't use social media. If you want to avoid disenfranchising groups you have to make sure the news is available through media that people can access.**



In 2011, less than seven out of ten adults in the most deprived areas used the internet for personal use. However, the more deprived areas of Scotland have seen the largest increases in internet usage over the last four years.

Adults with a disability, illness or health problem are less likely to use the internet for personal use. Only around half of those with a disability, illness or health problem use the internet for personal use, compared to over eight out of ten for the rest of the population. The increases seen in internet usage over the last four years are comparable across those

with and without a disability, illness or health problem.<sup>70</sup>

The report for the Equality and Human Rights Commission 'Internet Access and Use'<sup>71</sup> supports these findings. It remarks on what it terms a "particularly precipitous drop for the over 65s in both use and intensity of use of the internet", with over 72% of those who are not online being aged 65 and over. Age and educational level interact strongly so that of those who are not online, 44% have no formal qualifications (33% of these are over 75). Those with incomes of over £40,000 are more than twice as likely to be online

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compared with those earning less than £12,000. 65% of those who are not online are in the D and E socio-economic groups.

A 2010 report by Consumer Focus<sup>72</sup> sought to better understand low income consumers attitudes to broadband and internet access and why they might or might not adopt use of the internet. Many non-adopters of home internet did regularly access the internet in other forums – friends’ houses, school, college, libraries, or at work, which they saw as a way to access the internet without incurring prohibitive start-up and running costs. This limited budget, coupled with a low perception of the benefits of home internet was often the reason for a lack of enthusiasm for adopting home internet. Concerns were also expressed that being without a bank account or credit facilities would restrict their ability to adopt the internet. Additionally, the research found that private renters were much more likely to have mobile rather than fixed broadband. This suggests that addressing cost issues is only part of the requirement to increase home broadband access – consumers also have to be

persuaded of the benefits, and of their capacity to make good use of the provision.

Interestingly, ethnic minority groups tend to access and use the internet at similar rates in the under 45 age groups although differences are apparent between, for example, the relatively high levels of use for Indian, Pakistani and Black African and Black Caribbean groups in the C2, D and E categories. All groups in these socio-economic categories have higher rates of access than the UK average of lower employment status groups, indicating that the access of the White population in this socio-economic category group is below average.<sup>73</sup>

This data goes some way to supporting Van Dijk’s theory of there being four types of access; mental, material, skills, and usage. “According to Van Dijk, access problems of digital technology gradually shift from the first two kinds of access to the last two kinds. When the problems of mental and material access have been solved, wholly or partly, the problems of structurally different skills and uses become more operative. Van Dijk

does not limit the definition of digital skills to the abilities of operating computers and network connections only. Instead, he includes the abilities to search, select, process, and apply information from a superabundance of sources. In this way, he anticipates the appearance of a usage gap between parts of the population systematically using and benefiting from advanced digital technology and the more difficult applications for work and education, and other parts only using basic digital technologies for simple applications with a relatively large part being entertainment.<sup>74</sup>

This conclusion is important for the Democracy Max inquiry as we believe journalism is essential in a democracy in aiding the interpretation of information – that purely providing access to facts and figures is insufficient. We cannot rely on the internet to provide information to the public – neither in terms of accessibility nor accuracy. As Van Dijk concludes, “In an information society, information is known as a so called primary good. Everybody needs it to function in society. However, people also need cultural capital and social capital to

use information in appropriate ways – that is, the skills to select and process information and be able to use it in one’s social position and network.”<sup>75</sup>



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## SUGGESTION: FUNDING FACT-BASED JOURNALISM

In the midst of the whirling changes unsettling the information world, there is a greater need than ever for accurate, fact-based reporting and commentary. We need professional journalists to check facts, to talk to more than one source for information and to seek to understand and explain all sides of any story. We need reporters who put accusations to the accused, who challenge powerful vested interests and who have the time and expertise to investigate and expose wrongdoing. The role of those who help to make meaning out of information is vital in a democracy, and it needs to be preserved and enhanced. Recent trends suggest a move towards fact checking as a way of holding the media to account, but this may not be sufficient.<sup>76</sup> Journalism, in other words, must survive – but how?

There was an overwhelming consensus in our discussions that good journalism should be subsidised. **This is also the conclusion Robert W. McChesney draws in his book 'Digital Disconnect':**

“Advertising disguised the public-good nature of journalism for the past 125 years, but now that advertising has found superior options, the truth is plain to see. That means that any realistic notion of a credible Fourth Estate will require explicit public policies and extensive public investments, or what are also termed subsidies.”<sup>77</sup>

McChesney also cites research which demonstrates that political knowledge is higher, and the information gap between the rich and the working class and poor is much smaller in democratic nations with well-funded noncommercial broadcasting systems. Interestingly, the UK is the exception which proves the rule.<sup>78</sup>

- ▶ Communication of information, like roads, railways and the arts, is one of society's basic needs and should be supported.
- ▶ The future is not in cutting down trees to print papers that are then distributed by various polluting means around the country, but online.

This is an essential industry, like water and many other things, and someone needs to be thinking about how it's going to be sustainable.

If we think it's important for democracy why don't we publicly fund media like we do theatres?

- ▶ News and comment can be much more easily, cheaply and sustainably produced and consumed electronically.
- ▶ So far the websites of the major Scottish news organisations have been poor at adapting to the new challenges. Many still seem to see online news as an add-on to printed newspapers, when in reality it's the other way round.
- ▶ The BBC, for all its virtues as the UK's existing public-subsidised news service, is not enough on its own to meet the need for a variety of reliable Scottish news sources.

In the circumstances, there is an urgent need for alternatives that might work. The roundtable discussion threw up many ideas, some perhaps more realistic than others. **Robert McChesney** again agrees that sourcing funding is difficult, "There is probably no better evidence that journalism is a public good than the fact that none of America's financial geniuses can figure out how to make money off it."<sup>79</sup>

- ▶ Should readers fund journalists directly? A rough calculation suggests that it would only cost 36 pence a day for all Scotland's newspaper readers to pay all the country's journalists signed up to the National Union of Journalists.
- ▶ Does the future lie with hyper-local news services, some of which have successfully tapped into local advertising, in contrast to national online services that haven't fared so well? An attempt by Scottish Television (STV) to provide a local news network seems to have faltered, with coverage being cut back.
- ▶ Would existing, some might say devalued, brands, like The Scotsman, The Herald or The Sunday Herald, fare better trying to raise money, or would new brands, using new people and new principles, be more successful?

People define themselves by what newspaper they read. Traditional media has failed to capitalise on the ready-made communities that they had built up.

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## CASE STUDIES: ONLINE ONLY NEWS PROVISION

### **Shetland News<sup>80</sup> – an online local news success story**

Shetland News was initially set up in 1995 and lays claim to being the first internet-only news website in the UK. In 2003 it was re-launched under a business model of being funded entirely from local advertising. The site currently has 44 listed advertisers, from Frankie's Fish and Chips to Northlink Ferries.

The website, unique in that it is independent of any newspaper has proved highly popular – despite serving a population of just over 22,000 people it received more than two million visits during 2012, and numbers continue to grow. In January 2013, Shetland News won a Highlands and Islands Media Award for best use of digital media.


### **Caledonian Mercury<sup>81</sup> – a national web-only news provider**

Launched in 2010, the Caledonian Mercury was Scotland's first web-only daily news provider. It claimed to be read by 150,000 unique users per month. It was named "Multimedia Publisher of the Year

2010" in the Regional Press Awards and was 'Highly Commended' in the UK Newspaper Awards 'Best Digital Service' category – coming joint second with The Guardian and beating the Telegraph and WSJ.com.

Edited and largely written by former staff writers and senior editors from the Edinburgh-based Scotsman working as freelancers, the website model looked to pay contributors partly according to the "value" of their copy to readers and advertisers. Unfortunately, this model failed to raise significant revenue. A later fundraising attempt sought to encourage donations, without restricting access to free content.

Current site statistics suggest around 585 daily visitors to the site, equating to 17,550 visitors per month.<sup>82</sup> It has been described by some as being "in its death throes".



**Crowd-funding is a huge opportunity. If you look at some of the projects funded on Kickstarter the amount of money is incredible.**

**Take out corporations, take out subsidy from our taxes, and give people the opportunity to get involved.**

There are many ways of raising money, in addition to conventional business models: Corporate or philanthropic business backers were ruled out because they would inevitably compromise journalistic independence. For the same reason, care would have to be taken to avoid over-dependence on any single funder, or class of funders. Crowd-funding using established websites like Kickstarter and Crowncube were possibilities, with some successful and instructive precedents. The music industry again offers examples of varying income provision, with a project called PledgeMusic<sup>83</sup> gaining in popularity.<sup>84</sup>

There were also possible sources of funding from trusts, institutions, universities and other agencies. There were questions, though, whether these sources could provide

anything more than start-up funding, leaving unsolved the problem of where regular income would come from. The conventional newspaper funding via advertising could not be ignored, though so far generating a decent income from digital adverts has proved difficult. Of course new online news services could seek a mixed funding model, tapping into some or all of the above as appropriate.

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## CASE STUDY: RAISING MONEY FROM CROWD-FUNDING

From Kickstarter to IndieGoGo, the internet has spawned a number of ‘crowd-sourcing’ websites, where individuals or groups with initiatives which require funding can appeal to the online audience to fund their project. Typically offering funding is rewarded with ‘perks’ depending on the amount donated.

In Scotland, a site dedicated to reporting current affairs from a pro-independence standpoint recently sought to crowd-source funding to enable the author and editor to continue to run the site full-time. ‘Wings Over Scotland’ met their target of just under £30,000<sup>85</sup> and the website continues to offer its own views on news and current affairs.<sup>86</sup> Perks in this instance were limited to receiving recognition of your support on the website, or, for higher donors, receiving a framed print of some of the unique artwork.

Other successful news projects which have attracted crowd-funding include De Correspondent in the Netherlands, which raised over 1 million euros in just over a week.<sup>87</sup> The site is due to launch in September 2013. The Big

Roundtable<sup>88</sup> is an American non-fiction co-operative which raised almost \$20,000 in the course of a month and is now live and publishing.



It's not necessarily the way you're getting the information, it's about the source of the information.

## SUGGESTION: NEW MODELS

What might a new online model for news and comment in Scotland that would deserve public funding – and would work – look like? It would have to be totally transparent. Every source of funding would have to be published, along with the financial and other interests of all its backers, managers and staff, including their incomes, taxes, jobs and any political or other allegiances. All the sources of information should be published, credited and linked to, including leaked documents and material released under freedom of information law. It should be possible for readers, listeners or viewers to know everything possible about how the information is gathered, how it is interpreted and by whom. The rule should be that nothing is kept secret, unless there were overwhelming reasons to do so, like protecting sources in vulnerable positions. It would also greatly help if the news service were run on a not-for-profit, co-operative basis, so that any income would be invested back in the business, rather than into the pockets of shareholders.

An idea first developed by the economist Dean Baker and his

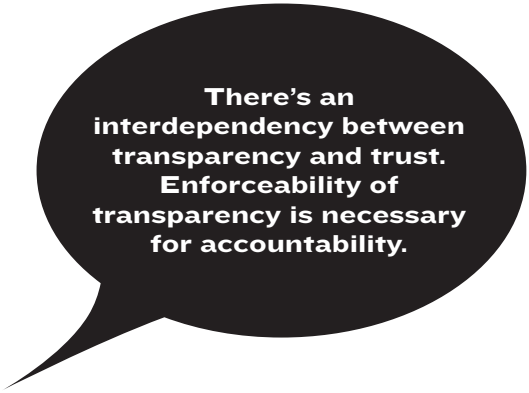
brother Randy has recently been embellished by Robert McChesney and John Nichols. They call it the citizenship news voucher. “The idea is simple: every American adult gets a \$200 voucher she can use to donate money to any nonprofit news medium of her choice. She will indicate her choice on her tax return... She can split her \$200 among several different qualifying nonprofit media. ... The funding mechanism would apply to any nonprofit medium that does exclusively media content. ... It would not be covered by copyright and would enter the public domain.”<sup>89</sup>

The most interesting new idea put forward during the roundtable discussions was that of a Scottish News Commons. Proposed by the former BBC journalist, David Eyre, it envisages creating a new peer-to-peer network bringing together existing news services, blogs, community radio stations and others with new providers and consumers to create a network of local media hubs. It aims to be transparent and co-operative. It is a proposal still under development, and in need of fleshing out, particularly on potential income streams. But it has promise,

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and could be the kind of scheme capable of winning public funding, and regaining public trust. It may be the leap of faith that we need.



**There's an interdependency between transparency and trust. Enforceability of transparency is necessary for accountability.**

## CASE STUDY: THE SCOTTISH NEWS COMMONS

The News Commons<sup>90</sup> describes itself as “a new network designed to build a foundation for sustainable, quality journalism in Scotland.” Writing for *Bella Caledonia* (another Scottish current affairs and opinion website), David Eyre both describes the project and gives an idea of the way contributors to the News Commons might collectively

create a story with the capacity to generate income.

“The Scottish News Commons would be a peer-to-peer network made up of journalists, broadcasters, advertising sales staff, photographers, designers, coders and others.”<sup>91</sup>

There’s a big moor fire near Gairloch and the reporter from the local community radio station goes out to do a piece to microphone and get reaction from people living nearby.

In Inverness, the local television station interviews the assistant chief officer of the Scottish Fire Service about how difficult it’s been to deal with all the moor fires we’ve seen in recent months.

In Glasgow, a freelance reporter specialising in environmental issues interviews a scientist who has researched the relationship between moor fires and climate change.

In Edinburgh, a freelance political reporter gets reaction from the rural affairs secretary, who backs the fire service appeal to crofters and farmers to hold off on muirburns for the moment. Four separate journalists across the country.

Four separate bits of content. Now imagine you were able to bring them together.

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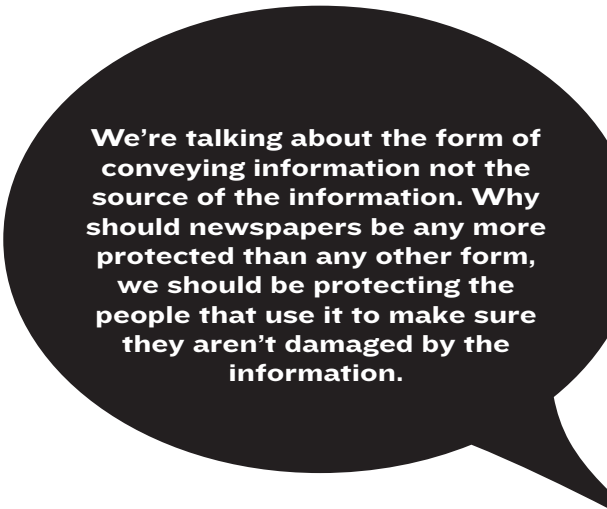
## DISCUSSION: TRUSTING IN INFORMATION

Just as people are losing trust in politicians, and becoming alienated from conventional politics, so they are losing trust in information, and in the purveyors of information.

A 2012 report from The Carnegie UK Trust, authored by DEMOS, highlighted the growing mistrust of the public in journalists: “The opinion pollsters Ipsos MORI have been tracking levels of public trust in the professions for three decades. Their research shows consistently low trust in journalists, both in absolute terms and relative to other professionals. When an average is calculated of the polls taken since the exercise began in 1983, only politicians emerge as less trusted than journalists. ... In 2011, fewer than one in five of us said we would generally trust journalists to tell the truth.”<sup>92</sup>

This may not be a bad thing, for there is much that is wrong with the way in which information is accessed, interpreted and distributed. Newspapers and TV companies, with a few well-known exceptions, are owned by corporations with clear vested

interests and political prejudices. A minority of high-profile journalists have behaved unethically, and probably illegally, by hacking phones<sup>93</sup> and deploying other dubious investigative techniques to uncover information of no real public interest. The BBC, under pressure from the right-wing press, has been shown to have made some fundamental errors in its coverage of high profile cases, like Jimmy Savile. The situation surrounding the revelations about Jimmy Savile was described by John Simpson, respected BBC journalist as “the worst crisis that I can remember in



**We're talking about the form of conveying information not the source of the information. Why should newspapers be any more protected than any other form, we should be protecting the people that use it to make sure they aren't damaged by the information.**

my nearly 50 years at the BBC”,<sup>94</sup> and the UK Government Culture Secretary Maria Miller said “very real concerns” about public trust in the BBC had been raised.<sup>95</sup> When these problems are added to the torrent of information confusion unleashed by bloggers, spammers, data-mongers, propagandists and hosts of others working online, it is no surprise that mistrust is growing. In many ways, it’s a healthy response.

**We mustn’t let some of the strength of feeling that came up through Leveson dissipate.**



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## SUGGESTION: TELLING ALL

- ▶ Part of the answer is for everyone to be more honest. As well as any new news service needing to be as open and transparent as possible, others active in public life have to start keeping fewer secrets.
- ▶ Old excuses about the practicality and costs of publishing large amounts of information have been rendered redundant by the ease of publishing online and the effectively limitless space available on the internet.

We are now used to the idea that politicians should declare their interests on a public online register, and publish their expenses and income in full online. The Scottish Parliament helped lead the way by proactively putting online the expenses of every MSP. But there is a need to go further, with suggestions at the roundtables that politicians should publish their diaries, including details of those they have met, both virtually and in person, or had discussions with as part of their

**The key is to make the channel available whether it's used or not, and make sure it's enforceable for those who encounter barriers to stop them using it.**

work. There is no reason, in principle, why virtually all the work of elected representatives, including their correspondence, their emails, their texts and their memos should not be made publicly available. This kind of information is already, at least in theory, available to anyone who requests it under freedom of information law.

**It's not perfect, but compared to Westminster, the culture at the Scottish Parliament is more open and more transparent.**

## CASE STUDY: HOW POLITICIANS' EXPENSES WERE PUT ONLINE IN SCOTLAND AND THE UK

It took the controversy of scandalous expense claims and subsequent commitments to transparency to allow us to arrive at the position we are in now where elected politicians' expenses can be accessed online by any interested party.

### Publishing expenses – the Scottish Parliament

The Scottish Parliamentary Corporate Body (SPCB) publishes information on Members' expenses on a quarterly basis. This exceeds the requirement in section 83 of the Scotland Act 1998 for the Parliament to ensure that the information regarding the sums paid in expenses is published for each financial year. This enhanced level of transparency was brought in by George Reid, the then Presiding Officer, in response to a controversy involving David McLetchie MSP claiming for taxi journeys unrelated to his parliamentary duties. The ineligible claims came to light after a journalist at the Herald, Paul Hutcheon, submitted a Freedom of Information request. Mr McLetchie redacted the destinations on the tax receipts, claiming to reveal them could

endanger his personal safety. The judgement of the Information Commissioner states:

“The Commissioner found that the SPCB had breached Part I of FOISA in failing to release the destination points of taxi journeys undertaken by Mr McLetchie. Although the information was personal data, the release of the data would not breach any of the data protection principles. Accordingly, the information was not exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 (FOISA). In addition, the Commissioner was not satisfied that the release of the information would endanger the safety of Mr McLetchie and, accordingly, held that the information was not exempt under section 39(1) of FOISA.”<sup>96</sup>

The Presiding Officer considered that the controversy over Mr McLetchie's expenses had damaged the reputation of the Parliament (as well as leading to Mr McLetchie's resignation as leader of the Scottish Conservative party), and hence sought to make the expenses allowances scheme more transparent. At the end of 2005,

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almost 700 pages of information about MSPs expenses were published, in contrast to about 12 in previous years. Subsequently, from 8 June 2006, the Scottish Parliament enabled public access to the claims made by individual MSPs under the Parliament's Expenses Scheme, through a web-based searchable database. Additional reviews of the expenses scheme took place in 2007-2008 (led by Sir Alan Langlands) and in 2009 (under Sir Neil McIntosh).

## **Publishing expenses – Westminster**

In 2005 the Freedom of Information Act 2000<sup>97</sup> came into force. Shortly thereafter, campaigner Heather Brooke<sup>98</sup> and others filed requests for details of MPs' expenses. The House of Commons authorities rejected their requests, this rejection was appealed to the Information Commissioner. Both the Information Commissioner and the Information Tribunal ruled that the broad details of MPs' expenses should be published. In March 2008 this decision was appealed by the Commons authorities, but in May the High Court ruled in favour of the

Information Tribunal. Subsequently mass documentation began to be prepared for release (although not actually released), and in March 2009 Sir Christopher Kelly, chair of the Committee on Standards in Public Life announced an inquiry into MPs' expenses.

In May 2009 the Telegraph newspaper began publishing details of MPs' expenses from leaked documentation. Both the Prime Minister, Gordon Brown MP and the Leader of the Opposition, David Cameron MP, issued public apologies. Speaker Martin stood down, also apologising for his attempts to block the release of the information. When Sir Christopher Kelly opened the inquiry into MPs' expenses in June 2009, he accused MPs' of exploiting the expenses system for personal gain.

Following the expenses scandal, the party leaders at Westminster agreed to establish an independent body to pay Members' salaries; to determine a scheme for Members' allowances and to pay allowances; and to regulate the allowances regime. Legislation was introduced in June 2009 and just one month later, the



Parliamentary Standards Act 2009<sup>99</sup> which created the Independent Parliamentary Standards Authority (IPSA) received Royal Assent.

The role of IPSA was described during the debate in the House of Commons as to:

“... revise and update the codes of practice for Members of this House, investigate complaints where a Member of this House is alleged to have breached the code of conduct, take forward the implementation of the recommendations of the Committee on Standards in Public Life on allowances and take responsibility for authorising claims for payment under the new allowance system. It would be able not only to disallow claims, but to require payback of claims wrongly paid out and to impose financial penalties.”<sup>100</sup>

The Committee on Standards in Public Life (CSPL) inquiry on Members’ allowances which had been launched before the expenses scandal broke, reported in November 2009. Its final report included 60 recommendations on salaries and allowances. Most recommendations were referred to

IPSA but some required legislation to implement. The 2009 Act was amended by the Constitutional Reform and Governance Act 2010 to give IPSA responsibility for determining Members’ pay.

The level of interest in MPs’ claims has reduced, from over 10,000 unique hits on the IPSA website in response to expenses data published in December 2010, to fewer than 100 following the publication of data in July 2011. A 2011 National Audit Office survey showed that 55% of the public felt the situation regarding MPs’ expenses had got better in the last year.<sup>101</sup>

IPSA policy on publication is to provide a regular two-monthly cycle details of MPs’ expense claims.<sup>102</sup> Claims processed by IPSA up to three months prior to the date of publication are included.

Despite the impact of the expenses scandal on habits of MPs the revelations did not, in and of themselves, cause any increase in public distrust of politicians. Rather, the scandal confirmed and hardened the public’s widely held scepticism about politicians.<sup>103</sup>

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## It is not just politicians who have to open up.

- ▶ Lobbyists, too, are now coming under growing pressure to register their interests, with a proposed Lobbying Transparency Bill being put forward in the Scottish Parliament.<sup>104</sup>
- ▶ Lobbyists in Brussels already have to be registered with the European Parliament before they can gain access to politicians.
- ▶ When the Scottish Parliament was founded, it was meant to have been so open and easy to access, that a register of lobbyists wouldn't be necessary.
- ▶ Experience has suggested otherwise, particularly since the onset of one-party majority government, unexpected with the electoral system in place at the Scottish Parliament, which is widely seen as having shut down constructive cross-party debate on legislative plans in committees.

As Raj Chari, John Hogan and Gary Murphy point out in their book,

'Regulating Lobbying: a global comparison': "studies have shown that, without doubt, the work carried out by interest groups (or lobby groups – we use the two terms interchangeably throughout the book) is a central and legitimate part of the democratic process within all liberal democratic systems. Although the term has often had negative connotations, throughout the democratic world the work of lobbyists is essential when policy is formulated. Lobbyists are an accepted element within society, providing the necessary input and feedback into the political system, thereby helping to develop the policy outputs which drive political and economic aspects of our daily lives."

They go on; "However, because of issues surrounding the openness of the policymaking process, some countries have sought to regulate the activities of lobbyists. ... The basic rationale behind implementing regulations is that the public should have some insight into, as well as oversight of, the mechanisms that draw lobbyists into the policy-making environment, in order to better understand how they influence policy outputs."<sup>105</sup>

The fact that it is not currently possible to find out who met who and why, and that money and favours are still being exchanged for access to politicians,<sup>106</sup> suggests that legal direction is required.

Regulation should be about helping those regulated to make the right decisions. They are more likely to do this if they are aware others are watching their actions. 'Light touch' regulation and self-regulation has failed in many areas of social, public and commercial life including the financial sector and the mass media.

If policy decisions are made because of arguments made by one set of concerns or another, or advocates of one set of interests or another, then that influence should be apparent. If any organisation or body is contacting public officials with the intention of influencing a decision, policy development or legislation, then the public should be able to find this easily and quickly.



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## CASE STUDIES

### Lobbying Transparency (Scotland) Bill

Scottish Government proposals to introduce a Lobbying Transparency Bill come on the back of Neil Findlay MSP's Members Bill on the subject.<sup>107</sup> Mr Findlay's Bill sought to provide a mechanism whereby the public, voters and those who communicate information to them, the media, can see when organisations meet with politicians with the intention of influencing policy. In proposing a very broad definition of lobbying, with exemptions set as exceptions from that definition, the Bill's consultation paper presented a starting point of the principle that exemptions should exist only if lobbying on behalf of a clear public interest through the merit of being an employee of a public body. These proposals were far ahead of draft legislation at Westminster and suggest Scotland could lead the way in developing transparent lobbying rules and regulations.

### The EU Transparency Register<sup>108</sup>

The voluntary register in use at the EU level – the EU Transparency

Register – is failing to provide true transparency in lobbying activities. A recent report<sup>109</sup> from the Alliance for Lobbying Transparency and Ethics Regulation (ALTER-EU) identifies over 100 unregistered companies (105) with a representative office in Brussels or known to have been lobbying the EU. The list includes major companies like ABN-Amro Bank, Adidas, BBVA Group, Apple Inc., Belfius (formerly Dexia), Heineken, Porsche, Rio Tinto plc, Disney, Shanks Group, SAP, Time Warner, Nissan, Northrop Grumman and many others. Of the unregistered companies listed in the previous report, only a minority – 15 of the 120+ listed – have since registered. The chemicals and biotechnology firm Monsanto re-joined the register in May 2013, after being absent from the register since Spring 2012.

The Monsanto example reveals that under the current voluntary model companies are free to register and de-register as they please. This shows that it is unrealistic to expect the voluntary model to paint an accurate picture of lobbying activities in Brussels. It also reinforces the criticism of the EU's

register by the Center for Responsive Politics, which notes that the voluntary register, while not delivering full transparency, nonetheless gives the public ‘false confidence’ that there is oversight of lobbying.<sup>110</sup>

The report also finds that absent from the EU register are numerous consultancies, lobby groups and MEP-industry forums. Law firms that lobby continue to boycott the register, with the meaningful participation of law firms actually having decreased in the last year. Additionally, ALTER-EU conclude that the financial information in the register continues to be far too unreliable, with many of those that appear to be the biggest spenders in fact being small players. At the same time, there remains a big problem with large players under-reporting on the size of their lobby expenditure. The result is that the register gives a misleading picture of who is lobbying and with what resources. Numerous entries in the register provide incomplete and outdated information, demonstrating that the register’s monitoring and enforcement remains far too unambitious.

## US Mandatory Register<sup>111</sup>

In contrast, possibly because such massive amounts of money are spent in and on American politics, the USA has adopted regulations that try to make the relationships between lobbyists and politicians transparent.

Introduced by The Lobbying Disclosure Act of 1995,<sup>112</sup> (as amended by the Honest Leadership and Open Government Act of 2007),<sup>113</sup> the US register provides the names of 12,300 lobbyists (and other very relevant information about the activities of these lobbyists, including former public offices held in the previous two years).

Critics point to a lack of enforcement of the US register, and claim that there is a trend of de-registration after recent stricter ethics rules were introduced. However, there is at least the existence of an enforcement mechanism, and some commentators have suggested the modest decline in the number of registered lobbyists is largely due to the economic crisis.<sup>114</sup>

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This certainly doesn't mean that the US lobby disclosure system is perfect; organisations such as the American Bar Association and Public Citizen's Congress Watch are advocating further improvements. It does however represent a strict and enforceable model.

If we knew more about the journalists you would feel more of an affinity with them.

Naturally, there are difficulties in deciding exactly how a register of lobbyists would work. Should it include every lobbyist, from the corporate-funded public relations professionals, through the plethora of non-governmental organisations, to local community action groups? Should there be different kinds of registration for different kinds of organisation? How does the system ensure that personal matters that should remain personal don't get exposed? The answers are not simple, but they must be found because making all kinds of lobbying as transparent as possible is essential to helping rebuild trust in the use of information in a democracy. Then, just as MPs and MSPs have to publish their income and expenses, is there any reason why major lobbyists should not?

The changes should not stop there.

Newspaper owners, TV bosses, editors and journalists are also a crucial part of the political process. Are there any good reasons why they should not publish their diaries, their meetings, their emails, their interests, their expenses and their income?

Certainly this was heavily suggested in the conclusions of the Carnegie report 'Voicing the Public Interest': "... both editors and regulators should consider how to make newspapers more open and transparent for their readers. This might include newspapers disclosing how the information contained in stories has been acquired wherever possible, without jeopardising confidential sources. This ought to include more openness about any methods of surveillance employed, as well as when people have been paid for information or for giving an interview. Many journalists do these things already, but should it become standard practice across the industry, it would be a significant step in enhancing trust and accountability."<sup>15</sup>

This may not be immediately attractive to all journalists, and what information is made available to the public should be relevant and pertinent. Recent debate between contributors suggests the concept is at least being discussed.<sup>16</sup>

► The Guardian columnist, George Monbiot, has been publishing his annual accounts since 2011,<sup>17</sup>

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inspiring a few others to follow suit in Scotland.<sup>118</sup>

- ▶ The logic could be extended to others active in public life, such as business managers, voluntary organisations, campaigners, community leaders, academics, think tank pundits, bloggers and others.
- ▶ Why shouldn't the same rules of openness and honesty that apply to politicians, apply to all those who contribute to the political process?
- ▶ More radically, why shouldn't every citizen participating in a democracy be more open about what their interests are, what they do, what they earn and what taxes they pay? Publishing everyone's tax return, for example, may seem in Scotland like an intrusion of privacy – but is it really? In Scandinavian countries, it's the norm.



## CASE STUDY: PUBLICLY AVAILABLE TAX DATA IN SCANDINAVIA<sup>119</sup>

Norway has made tax data public since 1863, and three years ago, the government put online the 'skatteliste' or tax list that contains the amounts of taxes PAID by its citizens. A local newspaper also publishes a site which contains a searchable database of taxpayers.<sup>120</sup> The annual list includes data about fishermen on the western fjords, Sami reindeer herders in the north, city folk in Oslo and even members of the committee that awarded President Barack Obama the Nobel Peace Prize. The finances of other famous Norwegians, including actress and director Liv Ullmann, former marathon champion Grete Waitz or writer Jostein Gaarder, are also unveiled.<sup>121</sup>

In Finland, the tax administration publishes the tax list online, and searches on individuals are possible for a minimal fee per search. The practice has created a number of publications and services that buy and publish the data.<sup>122</sup> News organizations publish the tax information as well, including the public broadcasting company, YLE, which lists the top income earners and taxpayers in each municipality.


The Tax Justice Network explains: "The practice comes from times when income tax was a discretionary issue to be negotiated mainly on the municipal level with local tax authorities. To avoid abuses in such a discretionary system, all tax payments were made public. Today some consider that taxes in Finland are based on a strict tax code, and the old rationale for combating arbitrary taxation is no longer legitimate. However, arbitrary practices still exist as the tax planning industry is also present in Finland in coming up with ever more industrious schemes to avoid taxes. The way to keep the integrity of a tax system is to keep it public."<sup>123</sup>

In Sweden, tax returns have been public since 1903.<sup>124</sup> Copies of the Taxation Calendar, which lists the earnings of those with middle to high incomes, are printed and made available to requesters. Copies of the 2012 Tax Calendar can be purchased online at a price of 254 Swedish kroner. There's one Tax Calendar for each county.

In both Sweden and Finland there are demands for the information to be available free of charge.

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It's not just about regulation, but about models of leadership within the country.

## DISCUSSION: FREEDOM OF INFORMATION

Underlying the arguments about the future of the media and the lack of trust in information, is freedom of information. Thanks to the Scottish Parliament, Scotland has been blessed with one of the most progressive pieces of freedom of information legislation<sup>125</sup> anywhere in the world. It is founded on strong principles of openness, robust tests for what is really in the public interest and a genuinely independent Scottish Information Commissioner.<sup>126</sup> So far ministers have resisted pressures to retrench by introducing charging or widening exemptions.

At the same time, though, there hasn't been much progress in extending the scope of the legislation to include more public bodies, as was originally intended. The way in which the legislation is used is also limited. Most people make freedom of information requests when they are angered or upset by something that has happened in their communities, rather than out of curiosity, duty or public interest. Research suggests that voluntary organisations are under-using freedom of information law,<sup>127</sup> perhaps because it's sometimes seen as confrontational. It can also be time-consuming, confusing and more

than a little daunting for anyone not professionally involved. Sometimes people seem to think that there's no point in making freedom of information requests, because agencies will just evade responding, and it won't be possible to get at the truth. The blocking manoeuvres ritually used by some public bodies, including the Scottish government, don't help. Disturbingly, there is anecdotal evidence that Scottish ministers and their special advisors – and possibly other agencies – are developing parallel forms of communication aimed at avoiding freedom of information requests. This can include failing to minute meetings, conducting more informal meetings and increasingly relying on verbal agreements, private email accounts and personal mobiles. The idea is to put much less information on the record to minimise the chances of being caught out. If this is happening, it dangerously undermines freedom of information, deprives the public of their right to know and threatens to degrade the historical record of our time.

You don't need Freedom of Information law to be open, it's as much a cultural thing. The law should be a backstop.

There needs to be regulation at a national and international level and there is a lot of evidence that it does matter to voters.

## SUGGESTION: KNOWING ALL

- ▶ Freedom of information ought to be enhanced, improved and extended.
- ▶ The legislation should be extended to cover as many bodies with public responsibilities as possible, so that all organisations who deliver people's public services, whoever they are and whatever sector they are in, including for example private contractors, do not escape scrutiny.
- ▶ There's a case for simplifying the legislation, by consolidating the 2002 Freedom of Information (Scotland) Act<sup>128</sup> with the 2004 Environmental Information (Scotland) Regulations,<sup>129</sup> a division that has caused confusion.
- ▶ There should be more support for members of the public wanting to make freedom of information requests, more training for individuals and groups and more pressure on public agencies to comply.
- ▶ In principle, all the information held by public bodies should be

seen as belonging to the public, and made publically available. Key to achieving this is ensuring that agencies keep their records in an organised, coherent and accessible way.

Completely open data is the aim, though with the caveat that there will always be the need for experts and mediators to interpret the data to avoid drowning people under information. But we could go further. Why shouldn't campaign groups, lobbyists, media organisations and all private companies be subject to freedom of information law as well? Shouldn't the law just be part of a much wider change in information practice and habit? In the end, the aim is to foster a culture of complete transparency and openness, to help transform a historically closed society into a modern, open society. That would be politically healthier, and could make a major contribution to renewing and strengthening democracy in Scotland.

# DEMOCRACY MAX

A vision for a good Scottish democracy

## ENDNOTE

It's a commonplace fact of life that if you keep something secret from someone, it's more often than not because you are uncomfortable about what you're doing. You feel guilty or slightly ashamed, so opt not to tell. Life also teaches us that this course of action, however understandably human, is almost always doomed to disaster, unleashing far more problems in its wake than if you had been honest in the first place. What is true for individuals is true for groups – from small action committees, to major campaign organisations, to public agencies, to media organisations, to governments, to multinational mega-corporations. They would all do better to be more open, more transparent and more honest, and we would all benefit as a result. Secrecy is a cancer that eats away at democracy: it should be healed.

Rob Edwards  
Edinburgh, July 2013

**HOW DO WE  
WRITE THE  
RULES - HOW DO  
WE GET THE  
CHECKS AND  
BALANCES OUR  
DEMOCRACY  
NEEDS?**



# DEMOCRACY MAX

A vision for a good Scottish democracy

## PEOPLE'S GATHERING FINDINGS

**G**iven the results of the previous strands of discussion, under this heading the final phase of roundtables sought to discuss how to effectively present these ideas and feed them into a wider process of transformation. What sort of process would you need to involve as many people as possible in gaining wider views on and in developing the ideas for a good democracy? Which institutions would be necessary to produce that good democracy and how would they relate to the people? Do we codify such in a written constitution? And, what process should we use to agree on any codification or structures?

The outcome aimed for would be an understanding of what institutions and processes that are necessary to arrive at and maintain a good Scottish democracy, what they look like, and how they relate to each other to ensure 'sovereignty of the people.'

The overwhelming feeling of the People's Gathering was that Scotland's democracy would benefit from a written constitution, although it was stressed that this must be a

living document. Equally strongly expressed was a desire for decision making to be moved as close as possible to those affected. This truly local decision making would need to be adequately funded.

Delegates also expressed an interest in introducing some form of citizen led second chamber or national people's forum to debate and scrutinise policy, possibly with the power to block legislation. A variety of models were discussed but the overall direction was towards some form of improved accountability of politicians to the people, and a sense that citizen involvement in politics in this way would improve democracy.

### **A WRITTEN CONSTITUTION:**

A significant number of delegates came to the People's Gathering believing a written constitution to be an essential aspect of a good Scottish democracy. Whilst some aspects of such a constitution's content and process of production were agreed, certain areas were more contentious, including whether any constitution should include individual civic responsibilities as

well as rights, and how powerful the constitution should be.

The overarching aim of the constitution would be to present a vision for society. It was broadly agreed by delegates that the constitution would define rights and how we are governed, would make clear who makes what decisions, would provide means of holding decision makers to account, would enshrine the separation of powers, and would have the capacity to change as society changes.

As mentioned however, not all delegates agreed that responsibilities should be included in the document. There was some discussion as to whether a complementary Bill of Rights would be appropriate or necessary, partly as a means of codifying access to information.

Delegates were determined that any constitution should be developed through a participatory process representative of all people living in Scotland. They were keen that there should be a commitment to citizen discussion on the constitution and that the process of writing should be

democratic. It was also felt that the constitution itself needs to reflect public participation, access, engagement and empowerment.

Enthusiasm for a written constitution was not unanimous. It was asked if there are ways of having a system without a written constitution, with the European Union suggested as an example (although the EU is founded on Treaties which are a similar written document). However it was acknowledged that a constitution in and of itself is not necessarily the solution or the first step, but that the values sought by supporters of a constitution would arise out of the values identified through participatory discussion.

In 2030...

Scotland has a vigorous constitution based on human rights and equality, responsible global citizenship in our world

# DEMOCRACY MAX

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## A PARLIAMENT WITH CHECKS AND BALANCES:

The overwhelming concept to arise in relation to parliamentary structures was that of a second chamber. And there was a strong desire to embrace quite radical reforms around how such a second chamber might be conceived. Most notably there was strong support for any second chamber being a community chamber. This 'National People's Forum' would be made up of randomly selected citizens who would serve a set term. Various recruitment methods were discussed, ranging from elections to jury selection type methods, to lotteries, perhaps at a constituency level.

A further suggestion was that members of the chamber should be recruited from elected town or community councils. This was countered by other delegates wishing the chamber to be non-political. Overall, the idea was that participating in the second chamber would be seen as a form of service to the community. Some delegates proposed that participants would be paid a stipend for serving, and the

idea of 'democratic leave' was also considered as a means of facilitating participation.

The strength of the second chamber was discussed, with some delegates suggesting it should have the power to do more than just scrutinise policy and legislation, perhaps having the ability to vet everything the government do, and to pass or block legislation.

Beyond the concept of a second chamber, some delegates discussed a less formal deliberative process, perhaps an open source plan for achieving an equal Scotland, with an annual open source 3 day weekend open to all. Others talked about monthly 'town hall' style debates open to all, and published. Aligned to this was the suggestion of national long term goals, owned by the people, which would outlast political terms. Overall there was a strong sense that we should be working to bring deliberative democracy techniques into the mainstream. Delegates also considered the idea of sub parliaments for interest groups as we have seen with the Carers Parliament. A Scottish civil service was also proposed.



In 2030...

A second chamber is derived from elected town & community councillors who are paid a stipend and sit for set terms

Citizens' juries are part of the legislative process

There are citizens' committees in every constituency to strengthen accountability, with the ability to propose legislation and the right to recall

Each constituency has a lottery for a second chamber with a fixed term of service

## REAL LOCALISM:

Perhaps the most consistently expressed desire from delegates was for more local democracy. For some this was a question of decentralisation versus national unity, of devolution and the role of the Scottish Parliament. For others it was a Swiss vision of a federal Scotland with local areas holding mandatory referendums.

More generally, local involvement was described as more power at the local level, with decision making moved as close as possible to those that are affected. Smaller, more local governance was seen as an ideal, with local decision making seen as the starting point. Some delegates had precise ideas, for instance that the local decision making body should sit a level below the local council, should have a structure, a remit and a budget, and should represent no more than 10,000 people.

Others were more open to this being a process rather than a defined end point, suggesting that we should re-assess the levels of government that we have and strengthen that at the local level, as part of an ongoing programme of devolution to areas within Scotland, whether to community councils or to the most appropriate level. This appropriate distribution of power and control would, it was felt, encourage more people to be involved, and would facilitate the growth in profile and power of community councils and other grassroots organisations.

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A need to empower the grassroots was expressed, with the suggestion that local participation can come up with creative solutions. The current review of local government was mentioned as an opportunity to ensure an increase in restructuring and improve participatory democracy.

Decentralisation was discussed, with the Swiss system where everything is decentralised until it needs to be federalised held up as an example. This idea of decentralising power and financial control to communities included some reflections that we could redefine local communities in a way which delivered empowerment, giving them their own budget, and seeking to avoid communities being affected by party politics.

Despite this strong interest in local democracy and decentralisation, the benefits of co-operation were not forgotten. Best practice sharing across and between levels of government was proposed, and the possibility of shared services across council boundaries was raised. And in perhaps the biggest challenge for our current elected members, co-

operation between councillors and MSPs was also sought.

In 2030...



We have really 'local' local government

Local Governance that allows people to affect and have sway on local issues

Local decision making will be seen as the starting point, with barriers removed for those who wish to participate

# ROUNDTABLE REPORT



# DEMOCRACY MAX

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## ROUNDTABLE REPORT

**T**he People's Gathering considered what was needed to involve as many people as possible in developing ideas for a good democracy. Which institutions would be necessary to produce that good democracy? How would they relate to the people? Was a written constitution the way to build a relationship of trust between those institutions and the people?

In essence, what institutions and processes are necessary to deliver and maintain a good Scottish democracy?

The overwhelming feeling of the People's Gathering was that Scotland's democracy would benefit from a **written constitution**, although it was stressed that this must be a living document.

Equally strongly expressed was a desire for **truly local decision making**. Delegates also expressed an interest in a **citizen led second chamber**.

The overarching theme was the need for **improved accountability of politicians** to the people and **more**

**citizen involvement** in our democratic processes.

In practice, issues around local democracy, the possibility of a second chamber and more citizen-led involvement were addressed in some detail in the first phase of the roundtables. Partly due to this, phase 3 of the roundtables took forward the work of the People's Gathering by focusing less on suggestions for long-term structural change, and more on immediate questions of process. How do we move debate on these issues into the mainstream? How do we reach out to others involved in this work and influence those in power? It also considered the role of a written constitution in protecting and reinvigorating our democracy.

### **How Do We Write the Rules Roundtable**

How do we write the rules? How do we get the checks and balances our democracy needs? These are the questions considered by the participants in the third phase of the roundtable sessions. In so doing, the roundtables were considering the

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architecture of Scotland's future democracy.

To date, debate on the independence referendum has focused almost exclusively on economics and carving up powers currently delegated to Westminster. Wider questions of the *kind* of democracy we want to live in are not being addressed. Are politicians sufficiently accountable in practice? Why are voters increasingly disengaged from politics? What led to scandals around expenses claims and lobbying, in Scotland and at Westminster?

These are not esoteric issues of interest only to 'political anoraks'. They are the stuff of everyday conversation the length and breadth of the country. Addressing how this malaise has come about, and how it can be tackled, is central to creating a good Scottish democracy.

When the relationship between politics and the people is strained, democracy is always the answer, but there is a sense that the traditional model of liberal, representative democracy is under stress and needs to respond.

Increasingly, it seems that the fact of democratic elections within our existing political structures is not enough – that it needs to be underpinned by a new approach to power-sharing which is truly participative and places faith in the people it seeks to serve.

In Scotland, the question is how our political institutions and structures can be reinvigorated, and how opportunities for change presented by the referendum can be grasped.

- ▶ How do we make our political structures more participative?
- ▶ How can changes following the referendum rebuild trust?
- ▶ How can we increase confidence in our institutions? Is a written constitution one way to achieve this?
- ▶ How can our institutions support aspirations to increase citizen involvement?

In considering how we write the rules, the People's Gathering expressed a desire for greater local democracy and a citizen-led second

chamber. However, these issues were considered in some depth by the first roundtable. Our discussions therefore focused in large part on how to harness the groundswell of support for a wider debate on our democracy and move these issues into the mainstream.

Participants discussed:

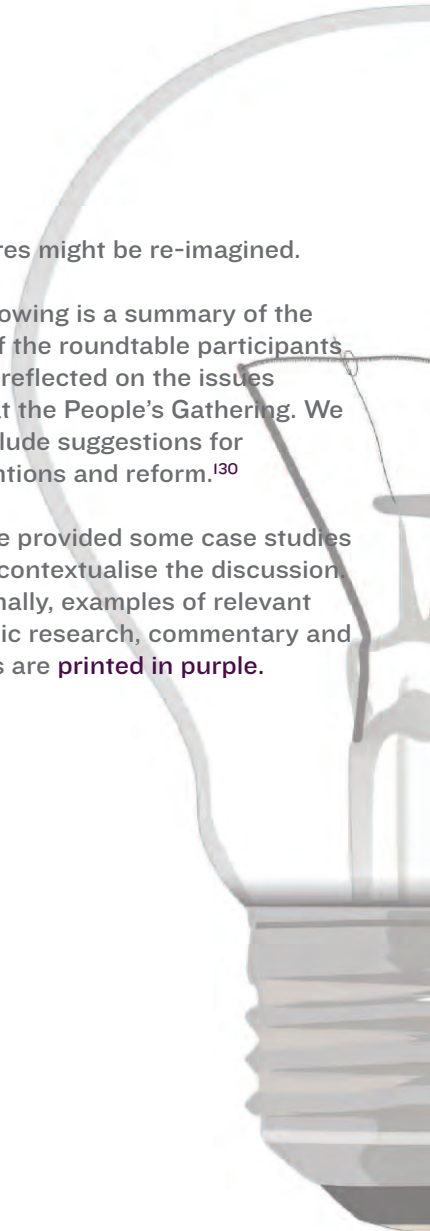
- ▶ The benefits of surveying the democratic landscape to assess whether devolution has delivered a healthier democracy, and the potential to make better use of deliberative democratic techniques
- ▶ How discussion on the vision for a future democracy can be pulled together to create a more visible and influential force
- ▶ How the potential benefits of a written constitution can be discussed, articulated and delivered in a non-partisan way

The aim was to identify how Democracy Max could continue to work with others in widening the terms of the referendum debate and considering how our political

structures might be re-imagined.

The following is a summary of the views of the roundtable participants, as they reflected on the issues raised at the People's Gathering. We also include suggestions for interventions and reform.<sup>130</sup>

We have provided some case studies to help contextualise the discussion. Additionally, examples of relevant academic research, commentary and analysis are **printed in purple**.



# DEMOCRACY MAX

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## DIRECTOR'S INTRODUCTION

This is the fourth and final report from the ERS Scotland inquiry into what makes a good Scottish democracy. The conversations have explored the need to capture some of the principles of a good democracy as written rules: A constitution of sorts, as well as mechanisms and institutions to ensure that we are governed in line with those rules. It is arguable whether specific outcomes of government can or should be defined in such a fundamental way, but it seems certain that an expression of a shared set of values, beliefs, and possibly even hopes, that a nation or a state can unite around is a good thing. We would argue that such a document should not and need not be contingent on a Yes vote in the referendum. There are certainly other examples of regions, nations or federal entities which are not organised as sovereign nation states but have such constitutions.<sup>131</sup> It should therefore be possible for Scotland to find a way to do this whether or not the people choose independence in the 2014 referendum.

The founding principles of the Scottish Parliament are not well known and have no legal standing, so carry little political weight. Yet, perhaps they could be judged to be a starting point for a codification of how we expect to be governed. From the outset the Democracy Max inquiry has suggested that the Parliament has moved away from these principles and that they are becoming forgotten, if indeed they were ever known, by some of our parliamentarians. Suggestions have been made on how to address this. Some sort of review of the Parliament's operation in respect of the founding principles would seem timely, and certainly the ERS and others are keen to see how this might be done before the referendum. It would also seem proper to have an ongoing review process built into the very system as part and parcel of the institution. The Citizens' Assembly suggested by the Sovereignty of the People roundtable could undertake such a rolling review as part of its role. An alternative arising from this last roundtable is a system for choosing tribunes; a group of ordinary citizens



elected or more probably selected as a jury, to undertake a short investigation into the operation of the Parliament against a set of principles.

The cliché that government is about difficult choices is a cliché because it is so fundamentally true. Those choices are highly coloured with issues of power, status and potential failure. We all know that we cannot assume that our leaders will always act in our interests or in line with our collective principles. A free media and elections alone are not enough to ensure the primacy of the public interest. It is healthy that people are sceptical of the powerful. To act out-with the public interest whether by design or by neglect should always be made difficult and while people are rightly sceptical about their politicians, the more trust the people have in the checks and balances that Scottish society places on power the more comfortable and successful Scotland will be.

Willie Sullivan  
Director, ERS Scotland  
August 2013

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This report was authored by Shelagh McKinlay, a freelance writer, who also chaired the roundtable sessions.

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# DEMOCRACY MAX

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## DISCUSSION: WHERE ARE WE NOW? SURVEYING THE DEMOCRATIC LANDSCAPE

The prospect of the independence referendum in 2014 naturally calls to mind the lead up to the creation of the Scottish Parliament in 1999. The Constitutional Convention<sup>132</sup> and the Consultative Steering Group<sup>133</sup> (CSG) were two leading institutions in the debate about the need for, and character of, a Scottish Parliament and new Scottish democracy prior to 1999. Their recommendations were not limited to the extent of delegated powers. They addressed fundamental principles about how democracy in Scotland should be shaped and delivered – leading, for example, to the creation of a new proportional voting system for Scotland.

The roundtable discussed the benefits of a progress review against the aspirations and principles born of this process.

The existence of the Scottish Parliament and the nature of the referendum debate have meant that no formal discussion space, similar to either the Convention or the CSG, is in place in the lead-up to the referendum. There are good reasons for this, but it is likely to have contributed to the fact that the terms of the independence debate have so far been drawn narrowly – addressing economics and the distribution of statutory powers, rather than wider questions of democratic accountability and power-sharing.

**A review could be a bit of a can-opener, to get issues out there and start discussions would inevitably lead to discussion of further points and there would probably be consensus around certain points that could be developed**

**A mechanism for getting those issues back on the agenda**

**Constitutional change has not in and of itself delivered... there's a whole other side about deliberative and participative democracy**

**It is really frustrating that the Parliament has fallen back into traditional consultation methods**

There was a strong feeling that this is a huge missed opportunity and that citizens want future politics to be different, not just in terms of where powers lie, but how those powers are exercised.

- ▶ Participants agreed that it was important to take stock of the extent to which devolution has helped to deliver a re-energised, more accessible and participative democracy.
- ▶ The ethos of such a review would be to “keep and change” – identifying strengths in the current system but also highlighting the potential for positive change and areas of democratic deficit.

It was proposed that the four principles identified by the CSG and adopted by the Parliament would be a useful way to frame such a review of the democratic landscape.

On 9th June 1999 the Scottish Parliament unanimously passed motion SIM-39: “That the Parliament records its appreciation of the work of the Consultative Steering Group on the Scottish Parliament;

acknowledges the contribution which the Group’s Reports have made to the development of the procedures of the Parliament, and agrees that its operations should embody the spirit of the CSG key principles.”

The first Presiding Officer, Sir David Steel MSP, continued to emphasise the importance of ensuring that the Parliament’s working practices should be informed at all times by the application of the principles. For example, in his Foreword to the Scottish Parliament Annual Report 2001,<sup>134</sup> he stated that:

“Our three main roles are to:

- ▶ pass laws;
- ▶ keep check on the activities of the Scottish Executive; and
- ▶ act as a forum for national debate and for expressing the opinions of Scottish people.

In carrying out these roles, we are guided by our founding principles of:

- ▶ sharing power;

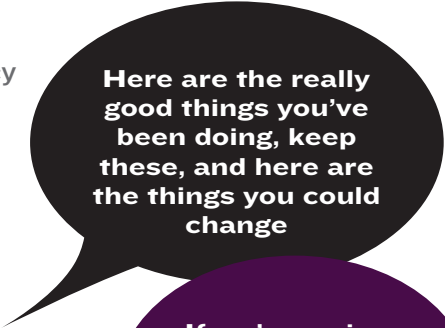
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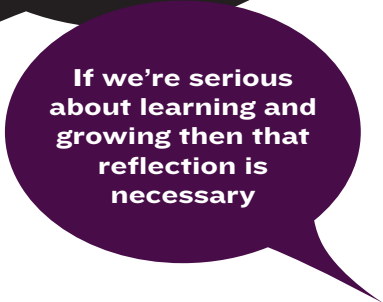
- ▶ accountability;
- ▶ openness, accessibility and involvement; and
- ▶ promoting equal opportunities.”

His successor, George Reid MSP, also took the opportunity to reference the founding principles in his first annual report in 2004.<sup>135</sup> In the 2006 report, Mr Reid stated: “We will continue to build on the progress we have made in the last year to make the Scottish Parliament not only one of the most efficient and open legislatures in the world but to truly make it your Parliament, the People’s Parliament.”<sup>136</sup> In 2007, he referenced a grassroots approach to politics, and promised to “work together to build a participative democracy fit for the 21st century.”<sup>137</sup> This promise was echoed by Alex Fergusson in his foreword to the 2008 Annual Report which described the Parliament as having “made good progress in enhancing our reputation as a modern, participative democracy.”<sup>138</sup>

The 2011 Annual Report affirms that “A key part of the Parliament’s work is in seeking to engage the people of



**Here are the really good things you’ve been doing, keep these, and here are the things you could change**



**If we’re serious about learning and growing then that reflection is necessary**

Scotland in the work of its members and in the political process more generally.”<sup>139</sup>

It is perhaps surprising then that the Democracy Max inquiry has unearthed a feeling that the Parliament has become increasingly less open and accessible and more inward-looking. The omission of any mention of the founding principles or of participatory democracy in recent Annual Reports may be an indication of the Parliament departing from those principles, albeit not necessarily intentionally.

A review could consider the extent to which the founding principles have been embedded in the work of the Parliament, and indeed, if we agree they remain valuable, in wider Scottish democracy.

Participants also felt that the role of virtuous leadership as a tangible and

**Local government is doing quite a bit of this and doing it well so there is learning out there**

essential quality, not an idealistic aspiration, should be examined and promoted. With this in mind, the values inscribed on the Parliament's mace: wisdom, justice, compassion and integrity, could also form a core part of the survey of democracy in Scotland.

Taking stock of the extent to which devolution has delivered a new approach to democracy should also include whether deliberative democratic techniques are being used to their full potential.

- ▶ Participants agreed that more widespread and creative use of deliberative processes was one of the fundamental challenges facing our democracy, and that a case had to be made for their legitimacy and effectiveness.
- ▶ Institutions are often risk averse and have genuine

concerns about how legitimate and workable deliberative techniques may be. There is a fear of failure – taking risks needs to be more acceptable. Those in positions of power should understand that there are also benefits and opportunities – in addressing difficult decisions, in understanding the needs and desires of communities and in establishing trust, which is essential to effective governance.

**Using the referendum debate as a way of rolling out these ethically facilitated deliberative techniques could be a useful way for citizens to deliberate about the issues under discussion**

**Deliberative democratic methods are a complement to – not a replacement for – traditional representative democracy**

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## CASE STUDIES – HOW HAS THE PARLIAMENT SOUGHT TO ENGAGE THE PUBLIC?

### Outreach

The most prominent of the current outreach initiatives in place at the Scottish Parliament is ‘Parliament Day’. Beginning in late 2012, there have now been three such events, in Hawick, Stornoway and Stirling.

“The Parliament Day aims to take the Parliament out of Edinburgh. It allows people to see the Parliament at work, be it ‘official’ Parliamentary business, or on a less formal level. It provides an opportunity for people to meet everyone involved with the Parliament: Members, the Presiding Officer and the staff of the Parliament.”<sup>140</sup>

In May 2013, a Regional Communities Conference took place in Stirling. The fifth such conference, it was nonetheless the first held outside Holyrood. Like the earlier conferences hosted at Holyrood, the conference was entitled “Understanding & Influencing Your Parliament”, and focused on examining practical ways to engage meaningfully with your Parliament and your MSPs. The Parliament website describes the event as “aimed at small, grassroots, community-based organisations,

voluntary sector groups, civic associations, social enterprises and individuals, from across the Forth Valley area, who are keen to learn more about their Parliament, and how they can get their issues onto the parliamentary radar.”<sup>141</sup>

Additionally, the Parliament runs a highly-regarded schools programme, with both in-house and outreach activities. It also works in conjunction with the Scottish Youth Parliament to engage young people.

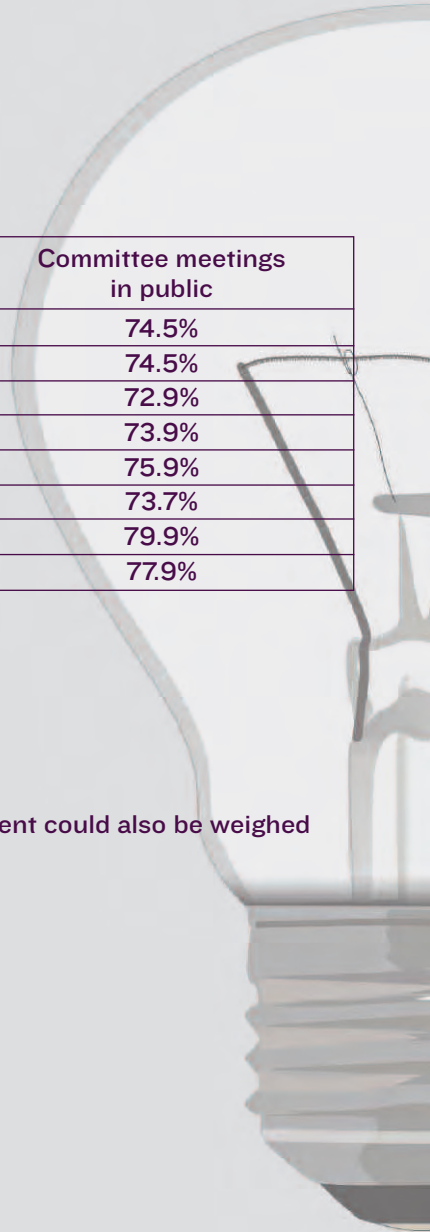
### Committee sessions – Public vs Private

During the first session of the Parliament the Civic Forum initiated an Audit of Democratic Participation. In the Audit Ben Young points out; “Although there is a presumption in favour of Parliamentary business being conducted in public, Standing Orders allow committees to meet in private at their discretion.”

Session	Committee meetings in private	Committee meetings in public
2011-2012 <sup>142</sup>	25.5%	74.5%
2010-2011 <sup>143</sup>	25.5%	74.5%
2009-2010 <sup>144</sup>	27.1%	72.9%
2008-2009 <sup>145</sup>	26.1%	73.9%
2007-2008 <sup>146</sup>	24.1%	75.9%
2006-2007 <sup>147</sup>	26.3%	73.7%
2005-2006 <sup>148</sup>	20.1%	79.9%
2004-2005 <sup>149</sup>	22.1%	77.9%

Analysis of Parliamentary Statistics shows a small increase in committee time spent in private between 2004-05 and 2011-12. This is an issue which has come up during the Democracy Max inquiry and is just one element of Parliamentary practice that a review could consider – including why there is a perception that time spent in private is rapidly increasing when the statistics do not bear this out. The value of other developments in committee business such as increasing use of roundtables, the role of advisers, and visits and meetings outside the

Parliament could also be weighed up.



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## SUGGESTION: SURVEY THE CURRENT DEMOCRATIC LANDSCAPE IN SCOTLAND

**H**ow might a review be conducted? Participants agreed it was important that the Parliament be centrally involved in any such review, but there was a strong feeling that a deliberative citizen-led exercise should be conducted in parallel.

Participants were drawn to the idea of re-visiting historical citizen involvement techniques wherein a group of citizens selected by lot conducted a periodic review of the work of the legislature. It was felt that there was scope to reinvent the concept, ensuring that it followed good practice for modern deliberative democratic processes.

As mentioned above, whether any review should be undertaken by the Parliament itself, as when the Procedures Committee undertook their inquiry, or by a group made up

of members of the public using deliberative techniques, or both, is a matter for discussion. Methods and techniques of participation and citizen engagement were considered in the Sovereignty of the People roundtable report.

To have a better understanding of where we want to go, it makes sense to be clear about our starting point. In planning for Scotland's future democracy therefore, we should assess the current health of our key political structures and institutions.

This is not a revolutionary idea.

The wording of the early Annual Reports of the Scottish Parliament reflects a link with the founding principles, and this is also clear from the legacy report of the first

**The idea of parallel processes allows politicians in but without allowing them to wreck it from the inside**

**It would be interesting to see common ground between public and politicians and areas of disagreement**



**Perhaps a citizens assembly convened every 7 years to review the progress of the Scottish Parliament**

session's Procedures Committee. The 2003 report includes evidence taken by the Committee as they sought to investigate:

"Whether the key CSG principles as endorsed by the Parliament – sharing power, accountability, accessibility and equal opportunities – are being implemented in the Parliament, to what extent and with what success."

Indeed the Committee report itself notes that one of the Consultative Steering Group's recommendations was that the Parliament should regularly measure its achievements against the principles, and the report concludes that the founding principles "should be known and understood as the Parliament's principles, and that our successors on this Committee should review them on that basis."<sup>150</sup>

In the second session of the Parliament, the Procedures Committee focussed on reviewing internal procedures resulting in several changes to Standing Orders. It did not attempt to review the Parliament's principles. At the beginning of the third Parliamentary

**These sort of ideas that flourished at the beginnings of modern democracy might be worth resurrecting**

session, the Procedures Committee was merged with the Standards and Public Appointments Committee. The Standards, Procedures and Public Appointments Committee again focussed on matters relating to the internal running of the Parliament, including Members' Interests and the report of the Calman Commission and the subsequent Scotland Act 2012. This has also been the case in the current session.

Our inquiry suggests the time may be right to evaluate progress on all four principles.

**Could we not have, every year, 100 people selected by lot as Scottish Parliament committee adjuncts**

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## DISCUSSION: GIVING VOICE TO THE CASE FOR CHANGE

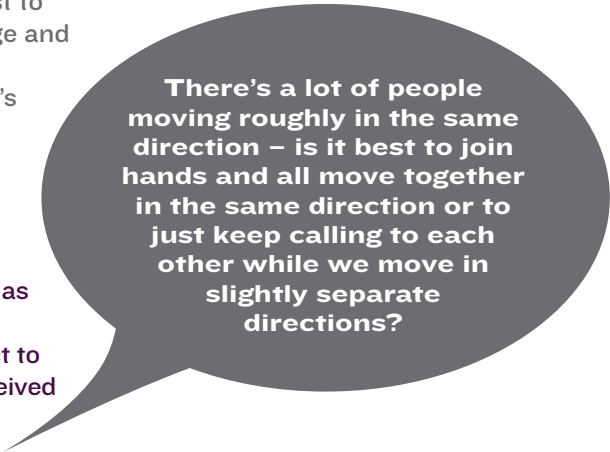
**T**o do justice to the ideas from the People's Gathering, roundtable participants recognised the need to effectively present the discussions and to feed them into a wider process of change.

If we are asking what kind of Scotland we want and how to get there, how do we capture the disparate voices? Is there a need for a collective campaign or movement to bring together different points of view and expertise?

Participants discussed how best to give voice to the case for change and to involve more, and different, people in planning for Scotland's post-referendum democracy.

Pre-devolution all formal discursive effort was focused on the Constitutional Convention. Analysis at the time was divided as to the merits of the Convention. Throughout its life, it was subject to differing interpretations and received accusations of partisanship and of the Convention being used as a Trojan horse for other reforms. It is only with the benefit of hindsight that we can judge the Convention as a success.

► Participants felt that a formal discussion space akin to the Constitutional Convention would not be workable or appropriate in the current political environment. However, there was a need to bring together those campaigning for change. This would minimise duplication of effort, maximise the impact of particular expertise and create a more visible and influential voice.



**There's a lot of people moving roughly in the same direction – is it best to join hands and all move together in the same direction or to just keep calling to each other while we move in slightly separate directions?**

- The notion of a “movement”, making progress “hand in hand” was attractive, encouraging different bodies and individuals with different expertise to complement each other and work to their strengths. Technological advances make flexible networks and the sharing of expertise much easier than it has been in the past.

**We have to have something ready to fill the vacuum the day after the referendum**

**We don't need a constitutional convention because it's not just about the constitution, it's about people's vision for the future of Scotland**

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**Institution-making has to go beyond the partisan. If you're building a state, you have to build a state for everyone**

## **SUGGESTION: WORKING TOGETHER TOWARDS SHARED DEMOCRATIC GOALS**

**T**here was strong agreement that this must involve all viewpoints and not be partisan. It also needed a clearer “focus” than currently existed. Participants supported the agreement of a shared set of ideals (e.g. trust, engagement, subsidiarity) around which a “movement” could coalesce.

The Constitutional Convention had an uneasy first few years, including the SNP excluding themselves from the process in 1989, becoming somewhat de-motivated after the 1992 General Election and arguably its focus was diverted to more grassroots organisations.

In December 1992, over 30,000 people marched in Edinburgh in support of constitutional change and presented the ‘Democracy Declaration’ on the occasion of the European Summit being held in the Scottish capital. This success reignited political party interest in reform.<sup>151</sup> It is important therefore to acknowledge the role of grassroots campaigners in persuading politicians that reform was worth pursuing. Indeed, as Alice Brown points out in ‘Designing the Scottish Parliament’,<sup>152</sup> “To a large extent the (Consultative Steering)

Group’s recommendations reflected the outcome of a broad movement for constitutional change in the 1980s and 1990s.”

Proposing specific policy solutions to democratic deficits would be more difficult than in the run-up to 1999 when there was a single, clearly identifiable political “ask”, but it should still be possible to create a meaningful consensus. (The experience of the Charter88 movement was noted as an example of a campaign which sought to change key aspects of the nation’s political character.)

**Whatever happens next September, things aren't going to be the same, whichever way it goes so we have a responsibility to find a way to bring together different views**

## CASE STUDY – CHARTER88

**C**harter88 was created by 348 mainly liberal and social democratic British intellectuals and activists. They signed a letter to the New Statesman magazine as “a general expression of dissent” following the 1987 General Election triumph of the Conservative Party. This was then followed by further adverts in The Guardian and The Independent newspapers, with over 5000 signatures and many donations before 1989. The 5000 names were published in The Observer newspaper in January 1989 and based on the tremendous response the decision to create an on-going organization was taken.

The Original Charter of Charter88 was brief and to the point.<sup>153</sup> It was explicitly concerned with institutional change, creating a list of demands on the government of the day.

The first step in such a process would be to map all the activity that is taking place at the moment in considering Scotland’s democratic future. There would then be an inclusive process to identify key principles about the character of our



**Charter88 tried to bring the British state 300 years up to date to the standards of democracy at the end of the 20th century**

democracy and key institutions. Significantly these should be relevant regardless of the outcome of the referendum. This process could be kicked off with a conference which would help clarify key campaign goals.

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## DISCUSSION: A WRITTEN CONSTITUTION<sup>154</sup>

A written constitution was one of the key issues discussed at the People's Gathering. A significant number of delegates saw a written constitution as an essential aspect of a good Scottish democracy. However, this view was not unanimous and some aspects of any constitution's content were very contentious.

As Elliot Bulmer states in 'A Model Constitution for Scotland', the current unwritten constitution of the UK "merely describes a practical reality that is shaped, and can be moulded, by the will of the incumbent authorities; each breach becomes a new norm."<sup>155</sup>

Bulmer goes on to argue "A written constitution is a necessary consequence of the principle of popular sovereignty, since it is only by establishing a superior constitutional law, enacted by the people and enforced by the courts, that Parliament and the Government can be prevented from usurping sovereignty and violating the people's rights."

As countervailing forces such as trade unions, the churches, local

government, universities and even the aristocracy have diminished, so Benjamin Constant's paradox of the weakness of strong government has been proven. In weakening the power of the institutions which were seen to guard against governmental error, excess and corruption, government has become distrusted by the people and has seen its authority in the eyes of the people eroded.

Restoring faith in government therefore may well require somehow creating, or re-creating, the influence / power to hold government to account held by these countervailing forces.

And a written constitution may go some way to achieving this. To again refer to Bulmer's analysis; "Some third generation Constitutions ... saw the introduction of ancillary mechanisms designed to control and constrain parliamentary majorities. These mechanisms recognise the fact that the Government's political responsibility to Parliament is not, in itself, a sufficient guarantee of good governance. When the Government is supported by a disciplined majority in Parliament, additional checks and balances, from outside

**As a nation we could unite around a set of values, write them down, and that could be a starting point**

*the parliamentary system*, must be developed in order to limit the abuse of power, prevent excessive patronage, ensure the non-manipulability of the law and guarantee accountability and transparency.” (Our emphasis)

Of course, a constitution needs to be enforced. Brian Risman, Publisher and Founder of The Law Journal UK and Consultant in International Law writes in his paper ‘Does a written constitution provide greater accountability and democracy?’: “A written constitution needs to be enforced. That enforcement comes through the court system with interpretations being made most frequently by the highest court in the land. That judicial enforcement power has an interesting side effect – namely, that the politicians in Parliament will frequently avoid deciding controversial issues by ‘passing the buck’ – stating that the issue is a constitutional one for the courts to decide. The courts, on the other hand, will frequently pass the ball right back to Parliament, stating that the issue is ‘political’ in nature.”

He continues with an illustration; “The Court does not rely on political

consensus, making decisions that may divide rather than unite. An example is *Roe v Wade*, which legalised abortion in the 1970s. Whatever your stance is on the abortion issue, that decision has to this day resulted in divisive demonstrations and politics. The parties involved did not compromise – they polarised. By comparison, the Canadian Supreme Court avoided making a political decision on abortion by referring the applicants to Parliament.”

Arguably in introducing a written constitution the power to make difficult political decisions is moved from elected politicians to unelected judges. Furthermore, whatever difficulties may be perceived in accessing Parliament, parliamentarians and Government, access to justice is often prohibitively expensive, time-consuming and complex.

The current Scottish Government is committed to developing a written constitution after independence, should there be a “Yes” vote in the referendum. This is different from the experience of many other states, where a draft constitution is

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appended to the Bill granting independence – for instance, the Commonwealth of Australia Constitution Act 1900.<sup>156</sup>

This ‘Act to constitute the Commonwealth of Australia’ was passed by the UK Government, and given Royal Assent by Queen Victoria. It established the right of the Commonwealth to amend the constitution set out in the Act under certain terms.

The Scottish Government has stated that they wish to seize the opportunity to put in place a modern written constitution that embodies the values of the nation, secures the rights of citizens, provides a clear distinction between the state and the government of the day and guarantees a relationship of respect and trust between the institutions of the nation and its people.<sup>157</sup>

The Scottish Government has also stated that the process of creating a written constitution “should be energising and include parties from across the political spectrum and, even more significantly, wider society. Most importantly however



**I'm in favour of a constitution if we get it right**



**It's still all a bit chicken and egg**

the process should ensure that the sovereign people of Scotland can be centrally involved in designing and determining a written constitution...”<sup>158</sup>

Issues around the development of a written constitution are very complex. Roundtable participants agreed that the question of what a constitution should address and its relationship with other important institutions were not for them to consider in this forum.

Rather they were concerned with the process for the development of a constitution and the need to ensure that discussion around the benefits of a written constitution could be held in a non-partisan way.



## **SUGGESTION: A VIGOROUS GUARANTEE OF CONSTITUTIONAL RIGHTS REGARDLESS OF THE OUTCOME OF THE REFERENDUM**

**In this political environment, is any of this possible?**

**It would be great if we could agree at least some of these things in advance of the referendum**

**We need to create a cross-party framework to make devolution work**

**A**lthough the Scottish Government have given a commitment to develop a written constitution in an inclusive and participative way, there were concerns that beginning the process after a vote for independence could mean that certain views had become entrenched. There was support for promoting a dialogue on the benefits of and process for developing a constitution prior to the referendum, to ensure that a collective approach fed through to any post-independence discussion.

The merits of a written constitution have come to be identified with the “Yes” campaign. Participants felt there was a clear need to decouple the debate around constitutional rights from the binary nature of the referendum campaign.

If there is a need to articulate better a shared vision for our society and to build trust between our institutions and the people, surely this need will exist regardless of the outcome of the referendum?

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It is important that options for delivering the democratic benefits of a written constitution in the event of a “No” vote are explored.

Could we, for example, embrace innovative ways of holding decision makers to account and securing constitutional rights, rather than relying on Parliament or the courts? The idea of checks and balances coming from outside the parliamentary system is one which had substantial support from

participants in the Democracy Max inquiry, and some of the suggestions made are akin to what Bulmer calls “a fourth generation of constitutional technology” wherein we might embrace “a rediscovery of mechanisms from ancient and medieval republics, not least the use of random lot, rotation in office, and town-square democracy.”

For as long as humankind has thought about power, democracy and citizenship, different democratic



**If you set up a process that says whatever happens we will hold some sort of constitutional convention to sit down and discuss this, we'll all get together - there are reasons for unionist parties to sign up to that as well as the nationalist parties in terms of proving that it isn't just jam tomorrow, that there is actually something that will happen, there will be a debate about a new Scotland after the referendum, whatever happens**

**We could get backing for various things from a wide range of people, and then put them in front of politicians from both sides and ask: ‘what sort of party only wants to commit to these issues if they win the referendum’?**

techniques have been utilised – some successfully, others less so. Whilst historically many were excluded from participating in these exercises, methods have altered as society has changed. We now have the opportunity to think about innovative, deliberative and inclusive techniques.

There has been a good deal of political rhetoric from all parties about their desire to deliver a new kind of politics. It was felt that a movement should capitalise on the commitment of political parties to deliver this. After all, if all parties are interested in “raising the democratic bar”, why should that be dependent on the outcome of the referendum? It should be possible to find common ground on a vision for a future society which is not dependent on the referendum result.

In summary, there was a need to make an early case for a genuinely participative process and to ensure

**A set of baseline objectives that would be agreed to whatever the outcome... then the question of a constitutional solution becomes a separate issue**

that the potential benefits of constitutional rights within or without a written constitution can be discussed in a non-partisan way, especially to identify how they might be delivered in the event of a “No” vote.

From 21st century town meetings to citizen juries and beyond, our Democracy Max inquiry has consistently found an appetite to change the way we engage citizens, to expand our notion of consultation, and to truly include people in the decision making process. Scotland could not be at a more vital point in her history at which to embrace this challenge.<sup>159</sup>

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## ENDNOTE

It is popular to believe in the apathy of the voting public when it comes to politics. It is popular to believe that the man or woman in the street has no interest in deliberative democratic techniques and the case for a written constitution. And a vox pop conducted on those two issues, described in those terms, would almost certainly bear those theories out.

But people are interested in power. They know when they are denied it. They know when decisions are taken not in their interests, but in the interests of powerful lobby groups, or political parties themselves. They know when politicians act in bad faith.

The clichés of, “They’re all as bad each other”, or “They’re all in it for themselves”, may do our parliamentarians a disservice, but those sentiments exist because of a real and deep dissatisfaction with modern politics. It cannot be wished away as ignorance, or railing against authority for its own sake. Traditional representative democracy is faced with failing confidence, and without the people’s confidence it cannot function.

That is why it is important to take the opportunity of the independence referendum to talk about a vision for Scotland’s democracy. To argue not just over whether power should lie in Westminster or Holyrood, but how Scotland can strike out and create new ways of exercising power, in partnership with its people.

This third phase of the Democracy Max roundtables has been less concerned with long-term structural change than the previous two. Instead it attempts to identify ways of reaching out and widening the scope of, and audience for, this debate. Change will not happen of its own accord. It is hoped that this inquiry will be an important early step in challenging the political system to deliver on the high hopes that voters still hold for democracy in Scotland.

Shelagh McKinlay  
Edinburgh, August 2013

## NEXT STEPS

**D**emocracy Max has given us a wealth of ideas and insights in how to improve Scottish Democracy. Whilst a wide range of individuals and organisations were involved in discovering these ideas, we know that in order to make the changes we now prescribe we must continue to test their validity and to broaden support for them. We will be choosing some of the specific suggestions and building campaigns around these but we also want to continue the conversation.

With that in mind we plan to bring all of those interested together in one place next year for a 'Scottish Convention on Modern Democracy'. We will seek discussion, amendment and possible agreement around some suggested improvements including those suggested by Democracy Max. Then, in part as a tribute to the original Chartists and the 'People's Charter of 1838', and the subsequent Charter 88 group that called for the UK's democracy to be modernised, we think it is time for a Scottish Charter of democratic reforms. It would seem appropriate that this be drafted and demanded in the year that Scotland votes on its constitutional future.



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## APPENDIX

### Outstanding questions

Whilst the Democracy Max inquiry has sought to consider possible answers to the questions raised in discussions by the People's Gathering and roundtables, inevitably some questions remain unanswered, or open for further discussion:

#### **THE SOVEREIGNTY OF THE PEOPLE**

Mini-publics are one option for alternative democratic structures that emerged. Should local authorities be encouraged to pilot mini-publics or some other deliberative discussion group that could be democratically creative and experimental, for people to experience?

What if state party funding was determined by number of members and the role of the membership, or quality of internal party democracy.

How do we get creative and change the way we do politics?

Are under-scrutiny of legislation, short termism, and lack of individual

thinking a cause or a symptom of the crisis in democracy? How can scrutiny of political decisions be improved?

How can politics be reformed to function in the modern age? What systems could be introduced to reconnect people with politics, and to allow politics to function for and with society rather than against or in parallel to it?

Should a training programme for MSPs be re-introduced?

Would more formal job descriptions for MSPs offer both a framework to guide the office holder and a means for the public to understand the role and hold the office holder to account?

Would the addition of 'independent' voices free from party control improve accountability?

Is it time for an audit of the Scottish Parliament?

Legitimacy used to come from representative democracy – should we consider a new form of legitimacy?

Do the independence referendum and the surrounding debate offer an opportunity for more radical reform as part of any post-referendum Scotland?

## DEFENDING OUR DEMOCRACY

What can the experience of the music industry teach the information business? Will the demand for good sources of information mean that fact-based reporting and commentary will persist, but its medium, form and format will change?

How can we fund fact-based journalism? Should readers fund journalists directly? Does the future lie with hyper-local news services, some of which have successfully tapped into local advertising, in contrast to national online services that haven't fared so well?

Would existing, some might say devalued, brands, like The Scotsman, The Herald or The Sunday Herald, fare better trying to raise money, or would new brands, using new people and new principles, be more successful?

What might a new online model for news and comment in Scotland that would deserve public funding – and would work – look like?

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Should a lobbying register include every lobbyist, from the corporate-funded public relations professionals, through the plethora of non-governmental organisations, to local community action groups? Should there be different kinds of registration for different kinds of organisation? How does the system ensure that personal matters that should remain personal don't get exposed?

Are there any good reasons why newspaper owners, TV bosses, editors and journalists should not publish their diaries, their meetings, their emails, their interests, their expenses and their income?

Why shouldn't the same rules of openness and honesty that apply to politicians, apply to all those who contribute to the political process?

Why shouldn't every citizen participating in a democracy be more open about what their interests are, what they do, what they earn and what taxes they pay?

## HOW DO WE WRITE THE RULES

Would there be benefit in a review of progress of the Scottish Parliament against the aspirations and principles borne of the Constitutional Convention and 1997 devolution process?

If we are asking what kind of Scotland we want and how to get there, how do we capture the disparate voices? Is there a need for a collective campaign, or movement to bring together different points of view and expertise?



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# DEMOCRACY MAX

A vision for a good Scottish democracy



# ABOUT US

**Democracy can always be made better.**

**With constitutional change high on the agenda, a referendum on independence to take place in 2014 and the technology available to really scrutinise those that seek and hold power, this is the right time for Scotland to take stock and consider its democratic future.**

**Scotland's democracy has undergone significant change since the establishment of our parliament in 1999. There have been strides such as reform of local government elections and there have been ongoing improvements in openness, accessibility and transparency, but we still suffer many of the democratic deficits that affect the rest of the UK.**

**Our intention with this inquiry is to set out a vision of the 'Good Scottish Democracy'. Democracy Max, if you will.**

- Electoral
- Reform
- Society