

DEMOCRACY

AN INQUIRY INTO THE FUTURE OF SCOTTISH DEMOCRACY

MAX

THE SOVEREIGNTY
OF THE PEOPLE





Electoral
 Reform
 Society

The Sovereignty of the People roundtable was organised in association with the Public Policy Network

The Public Policy Network is the knowledge exchange interface of the Academy of Government at the University of Edinburgh

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March 2013

POLITICS
IS TOO IMPORTANT
TO BE LEFT TO
POLITICIANS

THE SOVEREIGNTY
OF THE PEOPLE



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WHAT MAKES A
GOOD
DEMOCRACY?



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The 2012 Hansard Audit of Political Engagement states: 'Voters are disgruntled, disillusioned and disengaged'.¹ 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 provides a non-partisan space where those with different views can debate and discuss ideas and where political rhetoric can 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 that 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.² The People's Gathering saw over 80 delegates come together in Edinburgh to engage in radical thinking about

¹ Hansard Society (2012), Audit of Political Engagement 9, The 2012 Report: Part One www.hansardsociety.org.uk
http://www.hansardsociety.org.uk/blogs/parliament_and_government/archive/2012/04/27/audit-of-political-engagement-9-part-one.aspx

² Over 200 people applied to take part and provided their age bracket, gender, occupation and postcode. From this, staff at the University of Edinburgh's Institute of Governance ran the data to select as representative a sample as possible from the applicants. 129 were selected and two-thirds of these attended on the day.

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'.³ They now form the basis of three phases of roundtable conversations which seek to distil those ideas into a 'Vision of a Good Scottish Democracy'. A vision informed by people not politicians.

This process involves 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 presents 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?

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The Democracy Max roundtables

The roundtable sessions based around these themes are being held between October 2012 and June 2013. Academics and experts, commentators and opinion formers, campaigners and community activists, writers, representatives of Scottish civic society and other citizens (but no politicians), are invited to contribute their thoughts, expertise and opinions. There are two sessions on each theme, with participants invited to attend either or both discussions.

Each roundtable will feed 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.

The roundtable will then report to a public event at which attendees will be invited to discuss the conclusions in a deliberative and participative format. There will be interim papers after each phase, of which this is the first, and a final publication; a 'Vision of a Good Scottish Democracy', which we will use to reflect on future

ERS campaigns and to work with individuals and with civic society organisations to challenge our elected representatives to tell us what they might do to help lead us towards that vision.

THE PEOPLE:

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 the people who made this phase of the process possible.

Our Participants⁴

Paddy Bort – Governance Academic

John Curtice – Professor of Politics

Claire Duncanson – Lecturer in Gender & International Relations

Oliver Escobar – Deliberative Researcher & Practitioner

Navraj Singh Ghaleigh – Lecturer in Public Law

Rob Gowans – “Participation Fan”

Angus Hardie – Director, Scottish Community Alliance

Malcolm Harvey – PhD Student

Duncan Hothersall – “Online Agitator”

Peter Kelly – Director, Poverty Alliance

Carolyn Leckie – “Democracy Fiend”

Caron Lindsay – Activist & Blogger

Owain Llyr Ap Gareth – Campaigns & Research Officer, ERS Wales

Fiona Mackay – Feminist Academic

Nicola McEwen – Director of Public Policy, Academy of Government

Shelagh McKinlay – Ex-Parliamentary Clerk & Writer

Helen Martin – STUC Assistant Secretary

Fiona Montgomery – TU Researcher

Hugh O’Donnell – “Interested Individual”

Angus Reid – Constitutionalist

Lesley Riddoch – Director, Nordic Horizons

James Robertson – Concerned Author

Ruchir Shah – Head of Policy Department SCVO

Francis Stuart – NGO Campaigner

Willie Sullivan – Director, ERS Scotland

Stephen Tierney – Professor of Constitutional Theory

Danny Zinkus – Democracy Campaigner

Chair: Esther Robertson

⁴ This report reflects the conversation and sharing of ideas at the roundtable, it does not represent the individual opinion of any of the participants, and their participation does not indicate endorsement of any of the contents. Neither does the content necessarily represent Electoral Reform Society policy.

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**REVIEWING
PROGRESS**



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:

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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

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

**THE PEOPLE'S
GATHERING
AND SOVEREIGNTY
OF THE PEOPLE**



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The People's Gathering strongly articulated a growing disconnect between people and politics (in relation to political parties, formal institutions of state and also public services). This trend is supported by Social Attitudes Surveys,⁵ the Hansard Society's Audit of Political Engagement,⁶ and Democratic Audit's report 'Power and Participation in Modern Britain',⁷ as well as countless other comment pieces, news reports and academic papers and publications.

And yet, the benefits of active participation in politics were also recognised. Participants wanted to encourage people to stand for election, and to reflect on what might discourage them from doing so, to consider why election turnout is so low, and what might be done to re-engage people with the political process, as well as examine how to make our voting system fairer.

Attendees felt party politics and the increased professionalisation of politics were turning people off politics. Combined with the failure of

our institutions to be representative or 'look like us' this makes people feel that they cannot influence political decision making.

These problems were considered by the first Democracy Max roundtable. This report is a summary of the reflections on the issues raised at the People's Gathering as expressed by the roundtable, together with suggestions for interventions and reform.

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

⁵ <http://www.scotcen.org.uk/our-research/social-and-political-attitudes>

⁶ Hansard Society (2012), Audit of Political Engagement 9, The 2012 Report: Part One www.hansardsociety.org.uk
http://www.hansardsociety.org.uk/blogs/parliament_and_government/archive/2012/04/27/audit-of-political-engagement-9-part-one.aspx

⁷ Wilks-Heeg, S., Blick, A., and Crone, S. (2012) How Democratic is the UK? The 2012 Audit, Liverpool: Democratic Audit. www.democraticaudit.com

THE SOVEREIGNTY OF **THE PEOPLE** **ROUNDTABLE**

**“IT IS THE SOVEREIGN RIGHT
OF THE SCOTTISH PEOPLE TO
DETERMINE THE FORM OF
GOVERNMENT BEST SUITED
TO THEIR NEEDS.”⁸**

SCOTTISH CLAIM OF RIGHT

⁸ The first meeting of the Scottish Constitutional Convention on 30th March 1989 adopted this declaration. It has since been re-affirmed by all parties elected to the 2011 Scottish Parliament except the Scottish Conservative party. At the meeting of the Scottish Parliament on 26th January 2012 the following motion was agreed to by division: That the Parliament acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs and declares and pledges that in all its actions and deliberations their interests shall be paramount, and asserts the right of the Scottish people to make a clear, unambiguous and decisive choice on the future of Scotland.

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Why Sovereignty of the People?

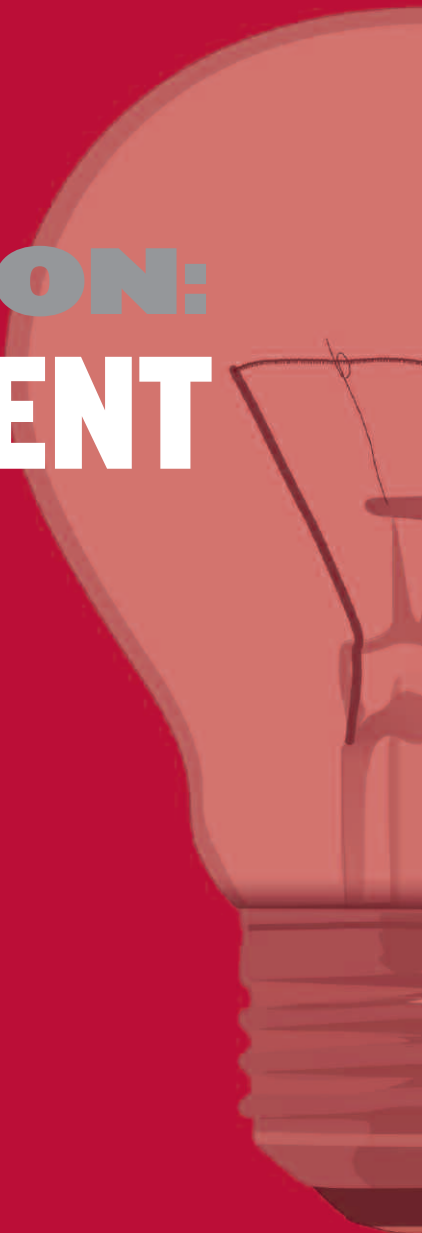
Sovereignty of the People is an inexact but interesting political idea long recognised in Scotland, particularly through the claim of right which provides that the Scottish people have the sovereign right to determine the form of government best suited to their needs. In the UK context it is often the Westminster Parliament that is held to be sovereign and this concept directly challenges that idea.

The aim was to seek to understand the context and problems under consideration and to generate suggestions for new (or improved) initiatives, interventions and processes that will improve accountability and ensure more citizens are empowered to participate in politics, with a view to creating a better democracy.

Participants discussed:

- ▶ How people engage with the people, politicians and institutions that have the power to shape their lives
- ▶ The proximity of power and government to people
- ▶ The workings of political parties and public institutions

DISCUSSION:
ENGAGEMENT



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The roundtable 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.”

▶ 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 means 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 that they encounter as part of their daily lives, it is understandable that they will turn away from these institutions and their representatives.

“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.”

- ▶ 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.⁹ 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 chance encounter with a stranger. 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

⁹ Nancy Burns, Kay Lehman Schlozman, Sidney Verba. *The Private Roots of Public Action: gender, equality, and political participation*. Harvard University Press, 2009.

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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.”¹⁰

Pattie and Johnston¹¹ 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.”

Educational attainment is often given as a marker for engagement. Whilst this may be true, other studies¹² have shown that in fact education merely acts as a proxy for other factors such as family, socio-

¹⁰ Ibid

¹¹ Pattie, C.J. and Johnston, R.J. (2001). Losing the voters’ trust: evaluations of the political system and voting at the 1997 British General Election. *British Journal of Politics and International Relations*, 3(2), 191-222.

¹² Education does not cause Political Participation: Evidence from the 1970 British Cohort Study. Mikael Persson http://www.sociology.ox.ac.uk/documents/epop/papers/persson_epop_l2.pdf

economic status and parental involvement in politics. These factors, and the impact they have in the early socialization process, do not only affect political participation, they also determine the level of education (thus delivering the correlation noted above).

This 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 capital¹³ – 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 Ireland¹⁴ 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

¹³ Social capital does not have a clear, undisputed meaning, for substantive and ideological reasons. Here we use the term in the sense of an internal linkage, as defined by Adler and Kwon (2002) as "the linkages among individuals and groups within the collectivity and specifically, in those features that give the collectivity cohesiveness and thereby facilitate the pursuit of collective goals." Putnam's (1995) definition is also relevant: "Features of social organization such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit." The suggestion here is that where the community is more cohesive and works together, so increases an individual's sense of their own ability to affect change.

¹⁴ Active Citizenship in Ireland

<http://www.wheel.ie/sites/default/files/ActiveCitizenship%20Plans%20for%202008%20and%202009.pdf>

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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*¹⁵ 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*¹⁶ 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."¹⁷

There is also evidence that acquiring the habit of voting is an important factor in continuing engagement. Lawrence Le Duc and Joy H Pammett state: "the failure to establish the habit of voting early on tends to reduce future participation at all levels."¹⁸

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

¹⁵ Wilks-Heeg, S., Blick, A., and Crone, S. (2012) *How Democratic is the UK? The 2012 Audit*, Liverpool: Democratic Audit. www.democraticaudit.com

¹⁶ <http://pathwaysthroughparticipation.org.uk/>

¹⁷ Pathways through participation: What creates and sustains active citizenship?

<http://pathwaysthroughparticipation.org.uk/resources/finalreport/>

¹⁸ Lawrence Le Duc and Joy H Pammett – Consistency or Selectivity (presented to EPOP 2012)

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 elected in 1999 reach 37%, and this rose to 40% in 2003. However, gender balance at the Scottish Parliament has since slipped back to 34.9%. '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%).¹⁹

Research shows that under-represented groups are more likely to participate when they see members of their group succeeding. Burns, Schlozman and Verba²⁰ 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 research²¹ 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.

¹⁹ Text extracted from Meryl Kenny and Fiona Mackay (2012) 'Less male, pale and stale? Women and the 2012 Scottish Local Government Elections', Scottish Affairs, 80 (Summer)

²⁰ The Private Roots of Public Action – Gender, Equality and Political Participation (Harvard University Press, 2009)

²¹ Gender and political participation. Research Report, April 2004.

http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0019/16129/Final_report_-270404_12488-9470__E_N__S_W__.pdf

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DISCUSSION: LOCAL POWER VS CENTRAL POWER

“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.”

Throughout 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 European Union 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 and Renewal 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 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 development process for the Scottish Parliament. This was expressed by the Consultative Steering Group²² and in the founding principles of the Parliament.

Participants felt that there is a broad acceptance that we already have too many politicians and representatives

²² In November 1997, the Secretary of State for Scotland set up the Consultative Steering Group on the Scottish Parliament (CSG), which met for the first time in January 1998. The CSG was chaired by Henry McLeish, the Scottish Office Minister for Devolution, and comprised representatives of the main political parties in Scotland and of other civic groups and interests. The remit of the CSG was to report on the “operational needs and working methods” of the Parliament and to make proposals for its standing orders and rules of procedure. Its main report, *Shaping Scotland’s Parliament*, was published in January 1999.

http://www.scottish.parliament.uk/PublicInformationdocuments/Report_of_the_Consultative_Steering_Group.pdf


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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 about which they are making decisions 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.



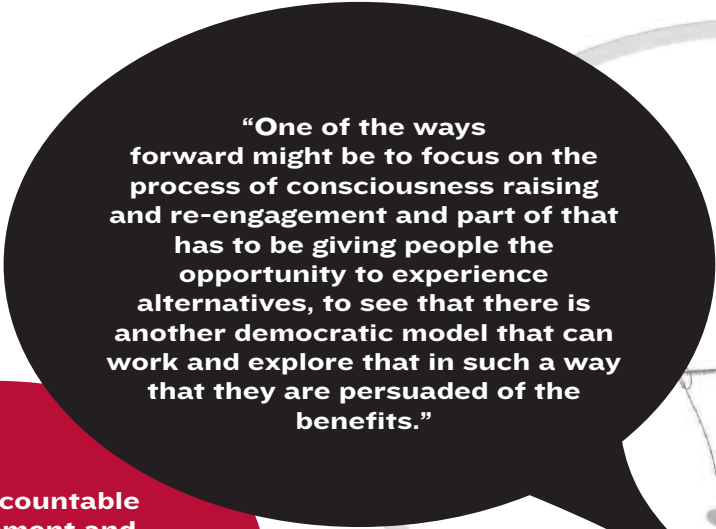
“The feeling of being over-represented is also associated with the quality of representation and people don’t trust the quality of their representatives.”

Certainly, research undertaken by Julia Abelson²³ 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 that 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 Stansbury²⁴ further suggest that local decision making

²³ Understanding the role of contextual influences on local health-care decision making: case study results from Ontario, Canada. Julia Abelson. *Social Science and Medicine* 53 (2001)

²⁴ Citizen Participation in Decision Making: Is It Worth the Effort? Renee A. Irwin and John Stansbury. *Public Administration Review*. Jan/Feb 2004; 64, 1.



“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.”



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

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.

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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.²⁵
 - ▶ 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**

²⁵ For instance:

http://www.electoralcommission.org.uk/__data/assets/electoral_commission_pdf_file/0019/16129/Final_report_270404_I2488-9470__E__N__S__W__.pdf

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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.²⁶

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?

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.

²⁶ Extracted from Oliver Escobar's response to the Scottish Government's Community Empowerment Bill consultation <http://oliversdialogue.wordpress.com/2013/02/19/the-community-empowerment-and-renewal-bill-a-critical-crossroads-for-scotlands-participatory-democracy/>

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.

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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.

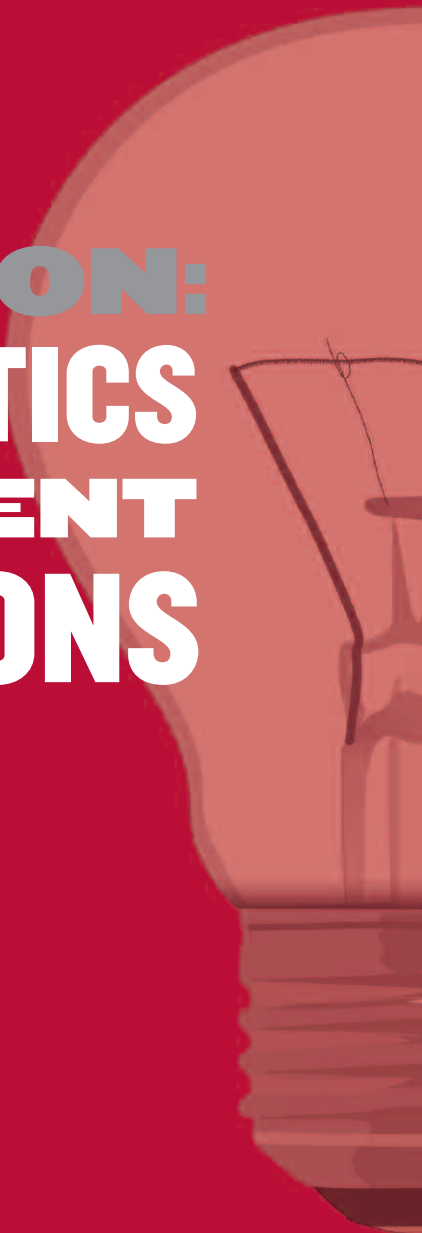
It was only when concerns about participation were finally voiced at an Eigg Residents Association (ERA) meeting convened for that purpose, that progress was achieved. A community workshop explored the style of decision-making; the relationship between the trust and the islanders; the way agendas were 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.²⁷

²⁷ For full details see Camille Dressler's case study at <http://www.caledonia.org.uk/socialland/eigg.htm>

DISCUSSION:
PARTY POLITICS
AND CURRENT
INSTITUTIONS




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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



“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.”

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 maintained numbers of paying members, 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.

“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.”

“If political parties didn’t exist, it would be necessary to invent them.”

Charles Pattie and Ron Johnston²⁸ found that: “The weaker a 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.

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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.

- ▶ 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

“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.”

“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.”

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 2006,²⁹ 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 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.”³⁰

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 professionalisation 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.”³¹ John Locke also advocated rotation as militating against the corrupting potential of political power and for fostering civic

²⁹ <http://www.jrrt.org.uk/publications/power-people-independent-inquiry-britains-democracy-full-report>

³⁰ Power Inquiry 2006, p. 249

³¹ Term Limits as a Response to Incumbency Advantage. Kong-Pin Chen, Emerson M.S. Niou. The Journal of Politics, Vol 67, No2, May 2005

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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.

As one of the few countries in the world with prescribed 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,³² Michigan, suggests 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 Niou³³ 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."³⁴

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 Querubin³⁵ 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."³⁶ Querubin also suggests that term limits deter high-quality challengers from running prior to the expiration of an incumbent's term, and that

³² In Spectrum: The Journal of State Government. Winter 2005.

³³ Term Limits as a Response to Incumbency Advantage. Kong-Pin Chen, Emerson M.S. Niou. The Journal of Politics, Vol 67, No2, May 2005

³⁴ Ibid

³⁵ Political Reform and Elite Persistence: term Limits and Political Dynasties in the Phillippines. Pablo Querubin. Harvard Academy for International and Area Studies. October 2011.

³⁶ Term Limits as a Response to Incumbency Advantage. Kong-Pin Chen, Emerson M.S. Niou. The Journal of Politics, Vol 67, No2, May 2005

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.³⁷ John Gastil also argues that while term limits and campaign finance reforms will increase turnover, they provide no mechanism for improved deliberation and accountability.³⁸

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,³⁹ 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.⁴⁰ Ferraz and Finan found that mayors with re-election incentives misappropriate 27% 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 professionalisation that increasingly permeates the entire

37 Political Reform and Elite Persistence: term Limits and Political Dynasties in the Philippines. Pablo Querubin. Harvard Academy for International and Area Studies. October 2011

38 John Gastil. By Popular Demand: Revitalising Representative Democracy Through Deliberative Elections. University of California Press. 2000

39 The Paradox of Term Limit Support, Carol S Weissert and Karen Halperin. Political Research Quarterly. Vol 60, No 3 (Sep 2007)

40 Claudio Ferraz & Frederico Finan, 2011. "Electoral Accountability and Corruption: Evidence from the Audits of Local Governments," American Economic Review, American Economic Association, vol. 101(4), pages 1274-1311, June.

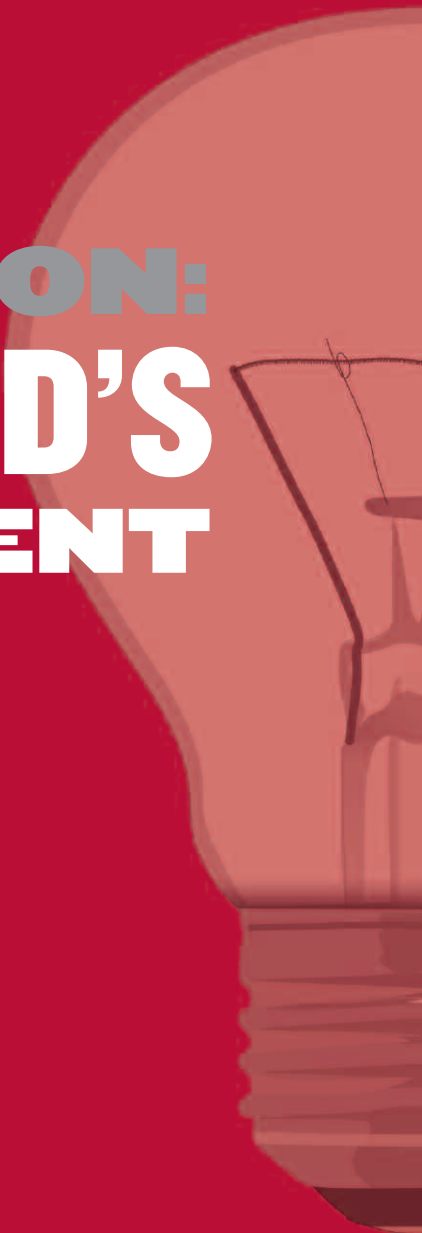
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American political system. Periodically throwing the ‘rascals’ out of office will do little to remedy the other pressing problems of professional politics.”⁴¹

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.

DISCUSSION:
SCOTLAND'S
PARLIAMENT



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The Sovereignty of the People roundtable

Even the youthful Scottish Parliament 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 inherited 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?**

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

▶ 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.

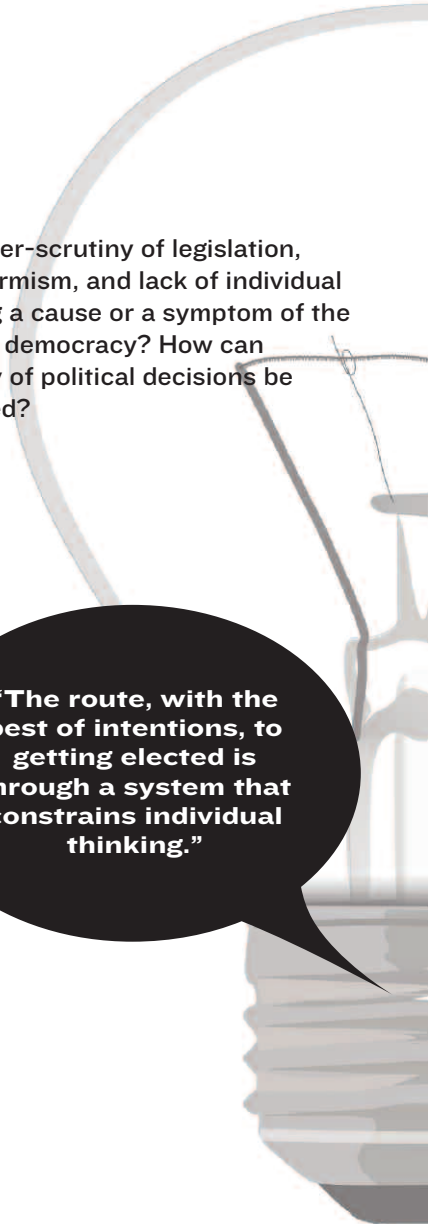
▶ There are very few politicians outside the party system. Without a party machine, the culture, finance and media set-up make it difficult for independent candidates to be successful. Any dissent within political parties is labelled by the media as ‘damaging splits in the party’, discouraging the expression of individual thinking.

The operation of internal party democracy is therefore either suppressed or hidden so that confidence in the party system is not lost.

▶ 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?



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

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SUGGESTION: IMPROVING ENGAGEMENT AND RELATIONSHIPS WITH POLITICIANS AND FORMAL POLITICS

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

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

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 or mentoring 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.⁴² 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

⁴² Shaping Scotland's Parliament: Report of the Consultative Steering Group, 1998.
http://www.scottish.parliament.uk/PublicInformationdocuments/Report_of_the_Consultative_Steering_Group.pdf

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represented did alter the character of the chamber and the Parliament. The roundtable asked if positive measures should be used to ensure 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 roundtable found it useful to return to the founding principles of the Scottish Parliament.⁴³ 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?**

SUGGESTION:
A CITIZENS'
CHAMBER



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► 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 of 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), perhaps 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'".⁴⁴ As Prime Minister, Gordon Brown utilised citizens' juries to ascertain the public's views on a wide range of issues.⁴⁵ 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.

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

⁴⁴ <http://www.peopleandparticipation.net/display/Methods/Citizens+Jury>

⁴⁵ <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-04546.pdf>

“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.”

electoral reform) and in Iceland to write a new constitution (in the wake of the banking collapse).

British Columbia (BC) 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.⁴⁶ 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 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

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The Sovereignty of the People roundtable

committees in the Scottish Parliament 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."**⁴⁷

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 can't be told to reform themselves, but they are not the only channels. We need to provide new public forums and create new public spaces."

CONCLUSION:
A NEW
POLITICS



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The Sovereignty of the People roundtable

Our 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 mere 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.⁴⁸ 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,⁴⁹ 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 parliament⁵⁰ and post legislative scrutiny.⁵¹ These initiatives suggest an acknowledgement of the desire for change, but the necessity of large-

⁴⁸ <http://yougov.co.uk/news/2012/11/12/growth-welfare-and-public-service-reform/>

⁴⁹ <http://www.scotland.gov.uk/Topics/People/engage/cer>

⁵⁰ Report published 2011: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/45516.aspx>

⁵¹ Call for evidence issued 21 November 2012:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/56878.aspx>

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.

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,⁵² Iceland's Constitutional Council,⁵³ and closer to home the community buy-out on the Isle of Eigg.⁵⁴

⁵² <http://www.guardian.co.uk/world/2012/sep/10/participatory-democracy-in-porto-alegre>

⁵³ <http://www.stjornlagarad.is/english/>

⁵⁴ <http://www.isleofeigg.net/>



DEMOCRACY MAX

The Sovereignty of the People roundtable

Certain questions raised so far in the process remain outstanding. Highlighted throughout the report, we summarise them here for convenience.

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 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?

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?

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?

Should a training programme for MSPs be re-introduced?

Would the addition of voices free from party control improve accountability in the Scottish Parliament?

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?



Words by Juliet Swann
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ABOUT US

Democracy can always be made better.

With constitutional change high on the agenda, a referendum on independence due 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

ppn
public policy network
