

Down with people power

[Peter Kellner](#)

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Direct democracy is back in fashion, seen as a way of restoring trust in politics. But more referendums, and even votes to sack MPs, are a bad idea—just look at what has happened in California

For 40 years I have been a devotee of public attitudes data, both as a journalist and now as president of the polling company YouGov. When the New York Times first coined the term “the second superpower” to describe world public opinion, I thought: “Yes! I help to give this superpower its voice.” But I have come to believe that giving public opinion direct political expression is a dangerous folly.

Nevertheless, following the Westminster expenses scandal and the backlash it has created, a range of populist, direct democracy measures are now being proposed, particularly by the Conservatives. At their heart lies a tool virtually unknown in Britain until the latter part of the 20th century, but which Labour has encouraged and the Conservatives now embrace with the fervour of repentant sinners: the referendum. If David Cameron becomes prime minister, we face not only a referendum on the EU, but a blizzard of local votes on council tax and other issues. Cameron, along with some on the left, is also considering open primaries to select MPs and petitions to recall (or depose) them if enough voters disapprove of their actions. Also on the agenda are a sharp reduction in the number of MPs and California-style ballot initiatives, meaning the right to table further referendums. Yet I believe almost all of these will lead to worse government.

Direct democracy is superficially attractive. Politicians think it puts them in touch with the people, and it is popular with an electorate now used to being asked its opinions, not least through popular votes on programmes like Britain’s Got Talent and Big Brother. But it hollows out the accountability and legitimacy of parliament just when these should be strengthened. Indeed, taken together these mooted reforms could lead us down a slippery slope towards the California model, where referendums and recalls have destabilised politics, seen schools and hospitals go broke, and civil liberties threatened. The time has come to reassert the case for a robust representative democracy, in which politicians listen to the concerns of voters, but do not surrender their judgement to them, or to the polls that people like me produce.

Referendums are a recent addition to British political life, beginning in their modern form in an argument about Welsh pub opening times in the mid-1960s. A handful followed in the 1970s, over Northern Ireland, Europe and devolution.

Then after the 1997 election there was an avalanche of plebiscites (see box p42), with votes in Scotland, Wales, London and Northern Ireland, along with local votes on council tax rises, elected mayors, regional assemblies and congestion charges. In less than half a century, and without explicitly deciding to do so, we have become a referendum nation.

The paradox is that this seemingly radical change in our political processes has provided a boost to



small-c conservatism. This is because referendums tend to favour the status quo. In the abstract people often tell pollsters that they support change. But faced with a decision many retreat into the safety of what they know. A referendum in 1972 might have kept Britain out of the common market; but by 1975, staying in was the status quo option. Two thirds of the more recent batch of mayoral referendums have produced a “no” majority. Bristol and Croydon plumped for the lowest council tax increase they could. The northeast was expected to want its own assembly, but in 2004 voted against even this modest leap in the dark. Like Hilaire Belloc’s Jim, we like to keep ahold of nurse, for fear of finding something worse.

There are exceptions, but they don’t challenge the overall pattern. Scotland’s 1997 referendum built on years of consensus for the cause. London’s 1998 vote corrected the glaring anomaly of a major metropolis without city-wide government. Northern Ireland approved the Good Friday agreement as a vote for peace after three decades of war. All are examples of safety triumphing over fear. This preference for safety is not just a British phenomenon. Australia seemed set to rid itself of the monarchy in 1999, but didn’t. Nato was unpopular in Spain in the early 1980s, but Spaniards voted to remain a member in 1986. It is no accident that the last western democracy to give women the vote—Switzerland in 1971—was making that decision with male-only referendums. In 2006, Stockholm only got round the conservatism of direct democracy by trialling its congestion charge, and asking residents to vote for it afterwards; 53 per cent voted “yes.”

Parliamentary democracy is much better suited to securing majorities for change in whatever ideological direction. For anyone who believes that the years ahead will present us with big challenges—on the future of pensions, the funding of healthcare, climate change, and our relationship with Europe—direct democracy is a dangerous prospect. These issues involve complex negotiations and, often, difficult trade-offs between winners and losers. They require mature debate and leadership, not crude yes-or-no campaigns.

Yet progressives who oppose direct democracy must acknowledge that our stand raises awkward questions. Historically, the causes of radical change and democratic voice were closely connected. Radicals embraced democracy; conservatives fought it. The danger for anti-referendum radicals is the appearance of being against democracy. The opportunity for conservatives is that, for the first time in our history, they can look as if they are for it.

How can radicals reclaim the democratic high ground without surrendering the power to change society? Representative democracy exists because full direct democracy is impossible and, even if it were possible, it would be undesirable. It is impossible because there is no way the electorate as a whole can meet in permanent session to debate every decision. It is undesirable because individual and minority rights, and the administration of previous decisions, should be guaranteed by fair and settled rules, and not risk being undermined by the tyranny of the majority. The choice, then, is not between direct and representative democracy in principle. It is whether representative democracy is the right vehicle for taking every political decision, or whether some decisions should be given to the people to decide directly.

To examine this choice, let us return to first principles. Bolstering representative democracy, above all, means three things: having the right system for choosing our politicians; the duty of those politicians to act openly, intelligently and honestly; and our ability to eject politicians that we think have failed. Within that framework we leave it to their judgement to debate and decide what to do. Ever since Edmund Burke proclaimed that he was Bristol's representative at Westminster, but not its delegate, that view has dominated political theory. To me, the most important democratic right is the ability to "throw the rascals out." This is what distinguishes democracies from dictatorships: many tyrants are elected, some have used referendums to entrench their powers, but none allow their citizens to eject them from office. In short, representative democracy involves a deal: we give politicians the interim authority and freedom to tackle complex, intertwined problems, and we retain the power to keep them or throw them out at the end of the parliament. By its very nature, direct democracy interrupts this arrangement. It takes power away from elected politicians. If things go badly wrong in a fully representative democracy, we can blame our politicians. But if things go wrong after a referendum vote, who then do we blame? Direct democracy requires us to hold ourselves to account. It is like a court case in which the jury and the defendants are the same people.

To glimpse the dangers of such an arrangement, consider the case of California. For almost 100 years its constitution has allowed voters to petition for a referendum, or "initiative," to determine policy. Last year 21 votes were held, often pushed by well-funded lobbies or partisan billionaires. Much of the state's political agenda is now dictated by the sad, the mad, the bad and the rich. Among other things, Californians voted last year to ban gay marriages, but not to improve crime prevention or promote green fuels. (The marriage ban appalled civil libertarians, but has since been upheld by the state's supreme court.)

If that is what people want, why should they be denied? California's propositions 13 (in 1978) and 4 (1979) are why. Here voters limited the ability of legislators to levy taxes and decide overall spending levels—but without considering the impact on spending programmes. The result has been underfunded schools, hospitals, roads and prisons. Yet politicians are able to avoid blame: it is not they who have starved public services, but the voters themselves. And California is also a warning against the prospect of recall elections, as proposed by Liberal Democrat leader Nick Clegg.

Just such a recall created the circus in which the state's respectable, if hardly dazzling, previous governor Gray Davis was replaced by Arnold Schwarzenegger. Clegg's system would bring that circus across the Atlantic, allowing elections to eject MPs who transgress House of Commons rules if only 5 per cent of voters in a constituency sign a petition. Overall, California's example warns us of the risk of denying politicians the power to act. The dominant characteristic of a referendum nation is gridlock, as politicians can't, and the public won't, take tough decisions.

A rejection of direct forms of democracy does not imply that voters are more stupid than politicians. On the contrary every political process sometimes makes mistakes. Sound democracy enables them to be corrected. Parliaments that get things wrong can perform a U-turn. Reversing referendum results is a far more arduous process. And as Britain's experiences on devolution or regional assemblies have shown, referendum results kill issues for a decade or more.

Direct democracy, then, is a slow and sticky business. It confuses lines of accountability and is unsuited to decisions that require speed. Referendums are also crude. Most offer two options: yes or no. But none provide the chance to amend. Edinburgh and Manchester could have devised any number of congestion charge schemes; only one was put to their local electorates. This helps to explain why the status quo has such an advantage in a referendum. It is not just that people prefer the familiar to the unknown; it is also that they often want change, but not this change. Representative democracy is not immune to the same problem but parliament, for all its faults, is rather good at amending and improving legislation.

But if there is a weak case for referendums on economic or social policy issues, such as council tax levels, what about bigger issues such as war or constitutional changes? Some on the left argued for a referendum before the invasion of Iraq six years ago. This is not a serious idea. Would a vote have happened before the invasion, before sending troops, or at some other time? And even had a no vote won out and then something happened to change public attitudes, how long would parliament have been bound by the decision? For such decisions representative democracy is far superior.

The arguments on constitutional issues are more finely balanced. There is a case for saying elections lend politicians the power to decide on our behalf, but not to get rid of those powers altogether. If they want to tamper with these powers, the logic goes, they must ask permission in a referendum. In practice, things are seldom so clear. The powers held by parliament are in a constant flux, partly because of our obligations to the EU, but also our commitments on trade, climate change, global finance, and a host of other issues. Every time we sign a treaty we give up some element of independent action. Yet few argue that every treaty should be subject to a referendum. Ah, say the referendum supporters: treaties can be terminated. And so they can. But we could also pull out of the EU, Nato and the World Trade Organisation. The reason why we have never withdrawn from any of these is because we have never elected a government intent on doing so.

In opposing Harold Wilson's referendum on the EEC in 1975, Margaret Thatcher argued for three safeguards: referendums should not be employed to undermine representative democracy; governments should not be allowed to exploit them for short-term advantage; and minorities should be protected from any risk of the tyranny of the majority. She concluded that such safeguards required a written constitution. She was right. If we can't put the referendum genie back in the bottle, we need a constitution that specifies the limited circumstances in which referendums can be held.

The current crisis is rooted in anger towards MPs, not a close analysis of the defects of our political system. It's a political version of road rage, and just as destructive. People are talking glibly about referendums, recalls and ballot initiatives, as if any form of direct democracy must be better than what we have now. We need to improve representative democracy, not neuter it.

How? Proportional representation is not the answer: it muddies the choice of government, and weakens citizens' ability to eject governments they don't like. There is a good case for keeping single member constituencies, but switching from first-past-the-post to the alternative vote, which ensures MPs have the support of the majority of those voting. There is also a case for fixed-term parliaments, removing the PM's ability to choose an election date for party advantage. But proposals to give voters the power to recall MPs in mid-term should be resisted. This could be exploited by lobby groups (who could terrorise MPs into abandoning their principles); and more importantly, MPs should be judged over a full parliament.

Where reform is desirable, however, referendums should still be avoided. If Gordon Brown wants to change the voting system, or opt for fixed terms, he should make it a manifesto pledge and act if re-elected. David Cameron has suggested reducing the number of MPs. The House of Commons is, indeed, among the world's largest legislatures. But unlike in most other systems, it also provides the pool from which government ministers are drawn. Cut numbers and you reduce that pool. It may be better to reduce the large number of ministers, or scrap the rules that say ministers must be MPs or peers and find new ways to make them accountable to parliament. But if Cameron wants to dip a toe in these waters, let him do so via his manifesto.

Not all the current proposals are bad. The idea of open primaries, for instance, would provide more choice in the way MPs are selected at a time when political party membership is vanishingly small. Larger reforms must be put to parliament, and this means strengthening parliament's ability to act. Party whips should no longer select the members of select committees, while committee chairmen should have cabinet-level salaries and more staff. This would help MPs build careers rooted in parliament, not ministerial cars and red boxes. And a much smaller directly elected House of Lords should be given greater powers to question ministers and scrutinise policies and legislation. The aim should be a new, fairer balance between executive and legislature, making representative democracy stronger, not weaker. (Many of these things are now being proposed by Brown.)

Any machine, however well-designed, works only as well as those who operate it. It is clear that MPs must be much more careful with their finances. Many need to be more candid in general. Their task is to show that representative democracy can be honest, efficient and responsive. Among other things, this means reviving the British version of separation of powers, whereby voters pick representatives and judge results at election time, and politicians have the power and responsibility between elections to tackle the complex problems that modern societies face. I say all this not because I want politicians to ignore public opinion. As a pollster, I believe it has a huge part to play in national life. A healthy democracy needs robust and continuous dialogue between politicians and voters. But we need to draw a distinction between the unanswerable case for listening to the vigorous, varied and often raucous and angry voice of the public, and the far weaker case for giving voters the power to make crude and inflexible decisions in referendums. *Vox populi* yes; *lex populi* no.

The rise and rise of the referendum

1973, Northern Ireland. Edward Heath decided to abolish Stormont, but wanted to confirm the province's status as part of the UK. Unionists voted almost unanimously to remain, while nationalists boycotted.

1975, Europe. Harold Wilson tried to prevent the Labour party disintegrating over the common market by promising a vote on EEC membership at the February 1974 election. Voters produced a two-to-one majority for staying.
1979, Devolution. Wales rejected devolution. Scotland voted for it, but less than 40 per cent of the eligible population voted in favour, disqualifying the result.

1997-99, Devolution. Scotland, Wales, and Northern Ireland all voted for new legislative bodies, while London backed its own assembly and mayor.

1999-2002, Local council tax. Bristol and Croydon (twice) vote against rising council tax, or increasing it by the lowest possible amount.

2001-08, Mayors. 37 cities, towns and boroughs voted on the introduction of elected mayors: 12 agreed, and 25 did not. Stoke voted both for a mayor in 2002, and to abolish the post six years later.

2004, Regional assemblies. The northeast was thought to be keen on more regional representation, but voted strongly against. Votes in other regions were postponed.

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