

Three fast lessons and three slow lessons for UK democracy in 2019

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*The Brexit process has exposed serious flaws to the UK's democratic institutions. In this post, based on a speech given at the launch of [The UK's Changing Democracy: The 2018 Democratic Audit](#), **Joelle Grogan** outlines six democratic lessons we should learn in 2019. The book is published by LSE Press, and can be downloaded for free [here](#).*



In the inexorable countdown to withdrawal from the EU on 29 March 2019, Brexit is at once moving all too fast, and yet too slowly. Here are six essential lessons for democracy in the UK in 2019: three fast lessons to be assimilated immediately; and three slow lessons requiring prolonged and deliberate consideration.

Three fast lessons

1. There is no time for anything other than honesty and information, not spin and ignorance

Government must openly communicate with the public and Parliament about the achievable outcomes and feasible timelines for Brexit. Acknowledging the complexity of the task can (re)build trust with the electorate, Parliament and negotiating partners. The mechanics and functioning of the EU are complicated, but so too is the UK's parliamentary democracy, which still, to the astonishment of most other liberal democracies (and even some second-year UK law students), functions without a written constitution.

However, rejection of fact on the basis of its complexity is wilful ignorance. This is an issue among the electorate, but is inexcusable in officials elected on the basis that they will gain the necessary expertise. There is nothing so complicated in law or

politics that it cannot be understood by those willing to understand it: and there is a wealth of expertise available freely to anyone and everyone, not least of which are the many great legal and political blogs (including Democratic Audit!), or even simpler explanations available on post-it notes.

Political crisis cannot excuse mismanagement and misinformation, as the ferry-less ferry firm demonstrates. Without political honesty and the dissemination of information – from all sides of the House – popular cynicism towards the political class and in the very institutions of democratic governance will only increase.

2. Democratic choice is only rational when what is offered is both clear *and* feasible

By respecting a slim majority vote in an advisory referendum, where the campaigns were subject to criticism for the lack of informed debate and uncertain positions, the government is pursuing a mandate that is unclear in its terms, meaning and consequences. Drawing on the work of the Constitutional Unit at UCL, the lesson to be learned from the 2016 referendum is that choices offered in a vote must be both clear *and* feasible.

A vote for an unclear and vague position is a vote in support of anything (and so nothing at all). Executive action taken under an unclear mandate weakens the authority of Parliament. Embracing the probability of a ‘hard Brexit’ (or ‘no-deal’ Brexit) is a political failure, as the public cannot easily estimate what may follow the March 2019 deadline. Equally, knowingly offering the unfeasible (however attractive) negates choice. Voting to have cake and eat it is meaningless if it is not (and never was) possible to deliver it.

3. The UK does not, and cannot, exist in isolation

The dynamics of globalisation are inescapable, and the notion of entrenched isolationism is a fiction of the 19th century unsuitable to the 21st. Where the rhetoric of hard Brexit has been so damaging is in the propagation of the belief that the UK is and should be autonomous. Such a view dismisses the shared cooperation in systems of civil and criminal justice and the pursuit of common goals and values, as well as the hundreds of thousands of trade and business relationships and millions of social and personal connections that stretch across the Europe Union. These will not evaporate or disappear on 30 March 2019, and acknowledging this is essential. Even in the (unlikely) event of ratification of the Withdrawal Agreement, the Brexit process will not be resolved by March 2019. The next years and decades will be characterised by an endless cycle of (re)negotiation with the EU. The bungled illusions of hard Brexit or ‘managed no-deal’, which necessarily imply on-going deals, lay bare the contradiction of wanting to be both within and without the EU.

Three slow lessons

1. Democracy is not an excuse for an autocracy, and should never imitate it

The temptation of elected government is to justify any and all action in the name of the majority. This has been the practice of ‘democratorships’ who justify their consolidation of power as the ‘will of the people’.

The language of autocracy has permeated conversations about democracy in the UK and spurred the erosion of constraints on executive power. Brexit legislation that has been rushed through Parliament is sacrificing legal certainty for speed by delegating broad and sweeping powers to government ministers – allowing them the scope to change vast areas of law with little oversight or review from Parliament. For all the notion of ‘taking back control’ to Parliament, such a design will be less democratic and risk creating an environment of uncertainty and injustice.

Robust accountability mechanisms are needed to scrutinise government decisions taken under the Brexit process, paired with a renewed, stalwart defence of the core institutions of democratic governance. This includes acknowledging the duty of the judiciary to uphold parliamentary sovereignty and the rule of law.

2. Democracy is not just an end in and of itself, but also a means to achieve better outcomes

The value of a democracy is not accomplished by holding an election or a referendum. It is in providing ‘rule by the people’ in the determination of how good outcomes may be achieved through the allocation of state resources, and the accountability of the elected to the electorate. A liberal democratic state is built on the values of the rule of law and individual rights without which individuals could not fairly be said to be able to participate in that democracy.

But within democracy lies the acknowledgment that any elected official exercises power only temporarily, and achieving the good amongst competing visions of what that means necessarily demands compromise. While such a position appears impossible in the current Parliament, which is characterised by extreme partisanship and internal party division, its rejection is equally untenable in the long term. Grinding governance to a halt and delaying legislation on pressing issues of common concern risks propagating the insidious assumption that democracies are inherently dysfunctional.

Cross-party co-operation and engagement between all levels of government are needed to tackle issues of education and wealth disparity, which impact on democratic participation and representation, as well as deeper constitutional questions of the division of power between central, devolved and local authorities and consideration of reform of the franchise and electoral boundaries.

3. Democracy can never justify injustice

Hard-line and far-right rhetoric has maligned individual rights and the rule of law as instruments to be (ab)used by the minority against the popular will of the majority. Where this becomes popular perception, core UK values are at risk. The Brexit process will already have an inevitable, and negative, impact on individual rights. UK citizens will lose all rights derived from EU citizenship, including free movement in other EU member states. Worker, consumer and equality rights are vulnerable to repeal where they become politically expedient to do so. The rights of millions of EU residents and UK citizens in the EU already face an uncertain future. Such a debasement of the meaning of citizenship and individual rights is a violation of basic tenants of democracy and cannot be justified by an election.

This post represents the views of the author and not those of Democratic Audit.

About the author

Dr Joelle Grogan is a Senior Lecturer in law at Middlesex University London. Her primary areas of research are UK and European Union law, with a current focus on the Brexit process from the perspective of the rule of law, individual rights, parliamentary sovereignty and democratic legitimacy. She is the author of the chapter on Brexit in *The UK's Changing Democracy: the 2018 Democratic Audit*.

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